
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 3, 2011
Time of Meeting: 7:30 P.M.
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The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bieri.

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 Workshop meeting was advertised in the Herald News in its issue of December 19, 2010 and January 9, 2011; were provided to the Suburban Trends, the Record, Star Ledger, 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.

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Luciano Signorino, Daniel Jurkovic, Mayor Bieri.
Absent: Edward Rosone
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Mayor Bieri moved to adopt the following Meeting Minute as presented:

May 4, 2011 Workshop Meeting

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

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

August 17, 2011 Regular Meeting September 7, 2011 Workshop Meeting
September 21, 2011 Regular Meeting

Mayor adjusted the agenda to read the proclamation first and asked that it be mailed out to the appropriate group.

Agenda No. V

Proclamations

Women's Equality Day – Mayor Bieri read the proclamation aloud and advised that it will be mailed out by the Clerk's office.

Agenda No. IV

Presentations

Mayor then asked to move the Passaic County Improvement Authority (PCIA) – Solar Energy presentation to later in the agenda. The representatives from PCIA agreed to wait.

Police Department Structure - Acting Chief Chiosie and Captain Storbeck approached the podium. Chief Chiosie introduced Captain Storbeck advising that he is here to assist with answering questions. Chief Chiosie stated there has been a lot of talk about the FBI-Leeda report and he directed Council to two excerpts from that report. Page 38, he said refers to Administrator Kunze's 2005 report about trends and needs and he quoted the comments. He stated that the police would like 48 officers but they understand the economies of the Township whereby 46 is more cost effective. Within that staffing level he is proposing certain restructuring whereby he is asking for a second sergeant position and a reduction in the higher ranks. When he took over a year ago there was no supervision in certain areas due to retirements. To stay within the confines of the office he transferred the support services sergeant to the patrol division. There is a need for a sergeant in support services. Chief Chiosie provided an overview of support services in the police department advising that there are a lot of

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supervisory components associated with support services. If the department of personnel conducted a desk audit they would mandate a sergeant to supervise this division. He commended the sergeant who was transferred to supervise the detective bureau. Since the 1990's, 48 officers has been the standard staffing level in the police department. While they will not say they need less, they understand the economics and need 46 to provide for the safety of the residents and officers. Supervision is a key component. Staff is working within the confines of the ordinance which must be amended to allow the appointment of a sergeant in support services. The public wants and deserves a full service police department. Councilman Jurkovic asked Chief Chiosie to explain levels of service. Chiosie gave an example of when an officer was called out to a domestic violence call. At the same time a lady called because she had a fear about a mosquito that may have had the West Nile virus. Councilman Jurkovic stated that there are various services that are provided such as traffic control for church services. He asked what kind of services place a strain on police services. Chiosie stated that it depends on the calls coming in. There are calls that involve personal fears to armed robberies. Councilman Jurkovic interrupted advising that he is not looking for specific examples but wants a general description of general services. Chiosie stated that the police department engages in community policing in the schools, they deal with the kids, they mentor the kids, they interact with them, they provide safety to the kids in the schools, they deal with the elderly, finger printing, tours for school children, providing policing at events such as ALF. There is one officer who is a liaison to PAL. The community would like to see more officers assigned like that. Councilman Jurkovic stated that if you don't have enough manpower, the support services become affected. Chiosie stated that the police department is supposed to provide all the services. Councilman Jurkovic asked if it would be more important to have another officer on the street or this sergeant. Chiosie stated that supervision is a necessary component to provide for efficiency within every division in the department. Currently there are 43 police officers and one in training. He commended the seven new police officers hired in the past year. There were 12 supervisors in the department as of June last year. In the past year, two of those supervisory positions have disappeared, nine supervising officers have changed their duty. They have had to learn new positions and he commended them for their diligence. Council President Smolinski asked if Chiosie is proposing taking an officer off the street to fill this sergeant's positions and he accused the Chief of overlooking certain elements in the FBI-Leeda report. He directed him to page 23. Smolinski stated that Chiosie mentioned need and sacrifice. Passaic County had a significant layoff of late and that has been an advantage to West Milford because we hire those laid off officers. He stated that there is a level of confidence for West Milford police officers whereby being understaffed provides job security. He stated that the police department is at a comfortable level as far as job security. Council President Smolinski stated that he and the Council are agreeable with applying for the COPS grant. He asked if that grant funding has been pulled. Chief Chiosie replied that it is his understanding that it is likely this funding will be cut. Council President Smolinski referred to page 23 of the FBI-Leeda report where there are references to the tactical team engaging in a lot of hours for training. FBI Leeda recommends doing away with those services because they are provided by the County. Many of the laid off officers from Passaic county once worked in the division that provides these services. He asked why we would not take advantage of a shared service agreement for these services. The dive team is not rescue, it is recovery. He asked how often West Milford uses those resources. Chief Chiosie noted that West Milford is located a significant distance from Paterson; it takes time for the resources to get here from Paterson. He noted that response time is critical even if it is a recovery situation. He cautioned against having to tell the mother sitting at the waters edge with hopes for her child's survival that we are waiting. He recalled that we once had a marine patrol but the Council engaged the County for these services. As a result, we are a lake community without marine services. The County recently threatened closing the jail. Do we want to take a chance? He approves of shared services but only to complement our expertise and training. Many calls require instantaneous response. Council President Smolinski stated that residents in West Milford request a number of services but ultimately they are most concerned with property taxes. This is a big concern that is prominent in the minds of the governing body. There are a lot of foreclosures in West Milford. This is a big concern. We need a shared sacrifice and we ask that of all departments. The Council is not being outlandish. They supported the manpower last year under the former chief. They still do. He noted that the police department is the first responder for all emergencies. The Council is concerned because patrol is the foundation of the police department. He has a hard time paying people money for administrative services. The police department is very top heavy. The Council does not dispute that. Councilman Jurkovic stated that Chief makes a compelling case but this is more a budget discussion and the budget is set for this year. They are funded at 95% of the recommended level. Not many departments have that. The Council said they will work toward that. The budget cannot be changed now. If there is money in the existing budget, good. If not, the police department must stall the discussion until next year. Chief Chiosie stated that he asked for the staffing during the budget process and he was denied. Council at that time instructed that the conversation take place before the budget process and he is simply trying to comply. Councilman Jurkovic stated that the Council budgeted for 48 officers last year but the actual number went down to 39 because of Mayor Bieri. The Council has increased the staffing since that level and is working toward the recommendations in FBI-Leeda. However, the money is not available now. We need the grant money. Chief Chiosie stated that the monies allocated do not cover the needs. The payouts from last year were over \$800,000 for retirements. The officers hired to replace those retirees costs \$300,000 less. Councilman Jurkovic stated that the Council has received pressure to have a zero tax increase. Cutting the police department helped create the ability to achieve that goal. Chief

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Chiosie acknowledged the Council's concerns and advised that nonetheless the police department still needs a sergeant and police officers.

Mayor Bieri noted that assignments within the police department is within the purview of the police chief. Neither the Mayor nor the Council can interfere in these assignments. Tonight's discussion is to request an ordinance change. She would like to explain why that is needed. Over the years, at least since 1990, West Milford has had 48 officers. The former Chief was requesting promotions and additional personnel and she was unwilling to make any staffing changes on a permanent basis until she was confident of the need. There must be a balance. She tried to research alone and there was a wealth of information. It is almost impossible for a lay person to figure out the operations of a police department. She tried to get a free study through the Department of Community Services and in the meantime the Council engaged FBI-Leeda at a cost of \$12,000. She recalled statements made by Council in 2010 whereby members of the Council supported then Chief Costello's request for 48. We got to an all time low of 38 officers. She did not condone that level but awaited the results of the study. The FBI-Leeda report recognized the 48 officers but said that the department can operate at 46. The FBI Leeda report did say the department was top heavy and she reviewed that structure. She reviewed the recommended reduction in rank structure in the FBI Leeda report. She reviewed the cost savings if those changes were made. The structure of the police department is set in the municipal ordinance and the Chief needs the Council's assistance to approve the restructuring as recommended by FBI-Leeda. Chief Chiosie is limited by ordinance to five sergeants. If the change is not made, the only way the department can be structured is to abide by the ordinance. Chief Chiosie has agreed with 46 officers and will restore SROs to the schools without increasing manpower. Councilman Jurkovic asked if the request is to amend the ordinance and stay at 44 for this year or is it to amend and increase staffing to 46. Mayor Bieri replied that those are two separate issues. Councilman Jurkovic asked Chief Chiosie to advise how he will allocate the 44 officers for the rest of this year. Council President Smolinski stated that the funding of the police department is what it is. We did not lose two lieutenants, they just got promoted. In the end it comes down to loss of patrolmen. Cops are being taken off the street. Mayor Bieri stated that if you are funding 46 instead of 48 officers and eliminating ranking officers, you are not losing patrolmen. Councilman Ramaglia asked about hiring from the academy. Administrator Boyle advised that the last retirement funded two officers with experience thus allowing those officers to be on patrol almost immediately. Councilman Jurkovic asked why the administrative lieutenant cannot handle both his position and the proposed sergeants position. Chief Chiosie reviewed the responsibilities associated with both positions. Their responsibilities have increased many fold and they simply do not have more time.

Council President Smolinski stated that restructuring would require review of labor contracts to avoid conflicts. Chief Chiosie advised that there are scheduling issues and the PBA is supportive of the proposed changes. Council President Smolinski asked if Chiosie sees contractual conflicts with his proposed rescheduling and Chief Chiosie replied that he does not. The FBI-Leeda report was not very in-depth; they noted that the Township has fixed posts. He reviewed many of the inaccuracies contained in the report. He stated that the Council should not consider this report a bible; it contains suggestions, not mandates. 100% of the officers interviewed reported illicit drugs as the biggest problem facing West Milford. Council President Smolinski noted that the FBI Leeda report addresses the confinements of the collective bargaining agreements saying that the labor contracts are restrictive. He questioned how we can engage in permanent restructuring when we don't have a permanent chief.

Mayor Bieri advised that the FBI Leeda report also says that we should restore the SRO program in our schools. We have existing bargaining agreements and those agreements don't affect an ordinance change. Mr. Semrau advised that the Council can support the Chief's recommendation subject to review of labor counsel. The Council agreed that they would like Mr. Giblin's comments first. Administrator Boyle stated that negotiations will begin in September and Officer Nevin is already performing those functions. If there was a desk audit, we would be compelled to give him the title. We are not taking an officer off the road because there is someone doing this work now but he is working out of title. Councilman Weisbecker thanked the police department. He asked if Chief Chiosie can operate within the budgetary confines established by the Council. Chief Chiosie replied that he does not believe so. He asserted that this department needs 46 officers immediately. He stated that it is two separate issues, amend the ordinance for the proposed restructuring and increasing manpower to 46 officers. Councilman Weisbecker asked how much money would be needed for the extra officers. Chief Chiosie advised that in total it would cost about \$135,000. Councilman Jurkovic stated that this is a \$4 million commitment over the life of an officer. Mayor Bieri asked if Council has consensus to move forward with the proposed ordinance amendment pending review by labor counsel. Councilman Jurkovic stated that he wants attorney review first. Mayor Bieri asked if they will commit to funding 46 officers next year and the Council answered in the negative. Councilman Jurkovic stated that next year's budget is for next year. Every department, he said, is underfunded and, he said, arrests are down this year. Chief Chiosie stated that is not so. He reviewed the drug arrest statistics. Council President Smolinski referred to the quarterly report submitted by the Chief that said that arrests are down 59% from last year. Motor vehicle summonses are down by 54%. He said that drug arrests are mostly made by motor vehicle stops. Chief Chiosie stated that if you have less manpower, you will have fewer arrests. Council President Smolinski commended the chief adding that he wants to see the numbers increase. He wants to see drugs stopped

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in this town. He does not see that. We all have to sacrifice. Every department has to do more with less. Council President Smolinski stated that the Council is asking Chief Chiosie to work with the Council and he accused Mayor Bieri of providing distorted numbers. Restructuring will have to await a legal opinion. Mr. Semrau stated that the governing body has the right to confer with labor counsel. The proposed ordinance restructuring relates to vacant spots and it just amends the organizational table. It does not require a layoff plan and from that standpoint, the Council has the discretion to move forward.

Mayor Bieri reiterated that the Council wishes to have labor counsel review proposed amendments and they will consider funding in 2012. She stated that she will happily provide them with comments made in the past about their willingness to fund and increase staffing in the police department. Councilman Jurkovic stated that after operating with 38 officers he has learned that it is possible to reduce the staffing in the police department. Council President Smolinski stated that the Council is consistent with cutting in departments. They don't show favoritism. DPW has been cut as has health, etc. Those department heads do not come before Council in an argumentative manner. Councilman Jurkovic agreed stating that the Council delivered a zero percent budget without layoffs. The Council has to achieve balance with staffing and economics. Nobody that works for this town got everything they wanted. Councilman Weisbecker stated that the Council believes that there should be 48 officers but it will take time to achieve that goal. We will need grants and funding mechanisms. There were zero layoffs, we have hired police officers, and yet DPW is down 18 men. Everyone is trying to make things work and make it affordable. We don't need to increase any appropriations. That can be addressed in the 2012 budget process. By this time next year we may have more officers. The Council can only appropriate the funding, they have no control over who is hired, and how staff is assigned. That is within the purview of the mayor and department heads. The Council can deal with the ordinance. They cannot allocate SROs or any other assignments. That is up to the police chief, the BOE and the school superintendent. The Council can only get involved when it comes to funding. They don't get involved in day to day operations of the municipality.

Agenda No. VI

Unfinished Business Final Passage of Ordinances

None.

Agenda No. VII

Public Comments

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

David Richards, 27 Ringwood Lane, Hewitt said that the Chief was incorrect in saying that it takes a year to get an officer on the street. You can hire a guy who is paying his own way through the academy.

Councilman Weisbecker asked that the BOE members that are here be allowed floor time. He stated that in addition to Mr. Richards we do have BOE members present and he wants to extend them that courtesy. Asked that they BOE members and Superintendent be afforded the courtesy to speak. The Council gave consensus. Mr. Semrau asked if they are speaking as BOE members or as residents. Mr. Richards replied that he is speaking as a resident but he is also the BOE chairman.

Mr. Richards stated that on July 29th there was a letter to the editor written by the Mayor. He questioned where she got information about behind closed door meetings about SRO's. He has never had such a meeting. He got a call from the superintendent of schools asking to allow three councilmen to take a tour of the high school. The Chief had a meeting with the superintendent wherein the superintendent informed the Chief that the best thing was for the Mayor to contact the BOE president directly. The Mayor said that the BOE doesn't want SROs but he contends that the BOE was never asked. The BOE budget process is over. He asked the Mayor if she has ever been to the high school. They have three retired police officers to whom they pay \$93,000. These retired officers work hand in hand with the staff and children in the schools. He stated that drugs don't start in school and spread to town. It works in the reverse. Most drug arrests do not involve residents. They are people traveling on Route 23 and it is misleading to say otherwise. If you want SROs in the school, the process should be handled like the turf field. Establish committees, talk, and then go to a vote. Instead, he said, the Mayor writes a letter to the editor insulting the BOE about secret meetings. He stated he contacted the Mayor regarding the turf field and it took her five days to get back to him. He lamented that she never returns his calls. He stated that he talked to Councilmen Smolinski and Signorino because they answer their phones. The Mayor never calls him back. He gave Mayor Bieri his card and urged her to call him. He suggested that she also contact the BOE superintendent who, he said, is more qualified than the Mayor to determine if the school wants SRO's.

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Wayne Gottlieb, 20 South Ridge Road, West Milford stated that in his six years on the board of education he has had instances where the Council met with the BOE about various joint ventures. He reviewed past protocol for such endeavors adding that this is the way the BOE operates. There is no need for special inducements or enticements. The Mayor, he said, thinks she needs special enticements. He is happy to hear what the Mayor has to say about SRO's. The Mayor last week sent an email to school parents that contained a paragraph about opposition to SROs. Any inference that there is opposition to SROs from the board is untrue. He does not like the tone of that or the implication. He does not like that the Mayor and police chief forces policy on the superintendent or the BOE. The Mayor wrote a letter to the editor where she identified the Council person as Mr. Smolinski. The Mayor, he said, gets more insidious because she levels charges against BOE members that are felony ethical violations against BOE members. Her letter identifies at least three ethical charges and, he said, she has gone over the line. He stated that he is giving the Mayor three choices with regard to what she has done because he will not stand for the inferences. Number one, she can say she didn't realize it was that serious. She can say it is hearsay and apologize. Number two, she can say she has substance and she can prove that. If you're going to do that, he said to the Mayor, file a complaint with the school ethics board. If it is proven true the individuals in question can be thrown off the board. If she files that complaint please list him as lead respondent because he is not afraid of this. It will end up before an OAL judge. Number three, she can chose to stonewall and not pursue her claims which, he said, leaves her with zero credibility.

Matt Conlon, 33 Orleans Lane, West Milford stated that he is a BOE trustee speaking as concerned resident tonight. He is concerned with regard to the Mayor's letter and his comments, he said, are not politically motivated. To insinuate that there were closed door meetings with Council members and to state that she is familiar with BOE antics that resemble political allies on Council is reprehensible. The Council is republican and he is concerned that the children of West Milford are being exploited for political gain. He never received a phone call from anyone. He doesn't know where the allegations originated. She insinuated that the BOE is not providing for the security of students. The BOE currently employs three retired police officers who are providing similar services as SROs. They are there to provide a safe environment for the kids, they can help secure the building. The security staff is there to fulfill the same responsibilities as the SROs. They investigate disciplinary issues in the school. They have a protocol to follow to provide for the safety of students as well as staff. It is a top priority. As a result of these employees, he has a greater knowledge of day-to-day operations at schools. West Milford staff do an exceptional job at keeping West Milford schools safe. He appreciates the value of security in an educational environment. His anger is derived from finding out about SROs in the West Milford Messenger. Why was the Board not included in discourse? He would like to participate in such dialogue. As a fellow elected official he is deserving of this courtesy. He does not believe there is a heroin problem in West Milford schools and he encouraged the Mayor & Council to attend next BOE meeting to discuss SROs.

Superintendent of Schools, Mr. Petrillo stated that in recent months he has read in various papers that he was in agreement about SROs in the high school. He has never had a discussion with the Mayor or Council until recently when three Councilmen visited the high school. After that walkthrough the Council asked his opinion about SROs and he reviewed the security in place. There are 100 sets of eyes all day long watching the children. There is also security in the high school parking lot. He is speaking as a former assistant principal in a large school environment where he ran the security. He has experience and knowledge. He listed the law enforcement agencies with whom he has worked. At end of the high school tour he was asked how he would enhance security. He recommended cameras and he reviewed all the reasons for such technology. He has worked in many school districts and West Milford is about the best school district he has worked in. He appreciates that. There is a memo of agreement between the police department and the BOE to work together. He commended the police department and Chief Chiosie noting that every interaction has been wonderful. He wishes to see the Mayor & Council reach out to the BOE to begin discussion about SROs and more importantly to have cameras in the schools. It can be done inexpensively if both bodies work together.

Doris Aaronson, 19 Bearfort Road, West Milford stated that, based on her interactions with teenagers at Pinecliff, she supports the Mayor & Chief's request for SROs in our schools. She gave examples to support that position. Having SRO's provides a preventative means to address problems. She stated that she has experience as a result of her tenure at New York University as a professor. At the July 20th Council meeting Councilman Weisbecker asked for information about water tests in Belcher's Creek. She distributed the test results. She reviewed the reports. She stated that Council President Smolinski suggests selling the MUA but she doubts anyone will want it. Councilman Jurkovic suggests finding out how other utilities work. However, she supports the Mayor's suggestions about immediately restructuring the administration.

Louis Monaco, 53B Beacon Hill Road, Bald Eagle Village, West Milford stated that the Council has a lot of tough decisions and he is not here to point fingers. He is a concerned, very irate, MUA customer. He has

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been attending MUA meetings and he spoke at last Council meeting. The MUA has not been very responsive to him. He has submitted OPRA requests and OPRA requires a response within seven days. However, they don't comply. He has experienced worsening conditions and he has had no water for a day or two at a time during the past two weeks. Something must be done immediately. At the last Council meeting a Councilman responded to MUA concerns by reading dated newspaper articles. His highlights were that MUA had issues back then. He identified former commissioners. He reviewed the changes made to staff and commissioners and professionals. Since 2009 with the new commissioners on board, the MUA has had more problems and DEP violations. Their fines have increased. They have hired an administrator with no experience, no office management experience, and, he feels she lacks people skills. They are a public utility. They should respect the public. They continue to default on providing services. They have increased rates in past two years by 25%. At last MUA meeting they talked about another rate increase. In the midst of surmounting problems they want another rate increase. They have no plans for capital improvements. This is a major project that requires goals and aspirations. He was a project manager. This requires checkpoints, milestones, and constant review. They have no controls in place. From a customer standpoint he wants water quality, he does not want to see sewerage flowing in the streets. He wants internal controls, reasonable rates, and avoidance of violations and fines. We need a short-term plan to get rid of the commissioners and the administrator. Put people in there who know what they are doing. We also need a long-term plan for the MUA.

Karen Romer, 113 Hewitt Road, Upper Greenwood Lake, West Milford stated that she is the West Milford Parent's Association President and is speaking tonight as a resident. She stated that she feels there is confusion between the BOE, the Mayor and the school administration about SROs. She stated that we must recognize that SROs were removed by the Mayor years ago for economic reasons. The BOE then hired three retired police officers to assume these roles. The salaries are less than \$85,000 total and these staff help the kids. The kids trust them and talk to them. They are not intimidating. They are trained to handle difficult situations. They provide extra eyes and ears for children's safety. The BOE has safety plans in place. In reading the Mayor's letter to the editor she unfairly accused educators with unethical acts. In speaking with BOE members they were never contacted about SROs. Before a decision is made, it should be discussed with the Council and the BOE. There may be better options. There should be open and honest dialogue. Every group should be represented. Security is necessary. We cannot put a dollar amount on safety. We don't want this issue to turn into another debacle. In the past West Milford has had turmoil in the school district, so we must engage respectfully.

Bob Nicholson, 20 Hyde Road, Stockholm noted that recently Norway had a horrific tragedy which emphasized that security is necessary. We have neighbors who cannot deal with other neighbors. We need officers on the streets. Assignment of higher ranks is an internal issue and he would like to see more patrols. If people are inside doing administrative work, we are not being covered. A zero budget is great, but at what cost? He supports adding to the police department and agrees that forty eight officers is not unreasonable. He asks how the Administrator and Health Officer could assume the additional responsibilities if they take over the MUA. He lamented that we are not enforcing existing laws.

Ron Dondorf, 45 Lake Park Terrace, Hewitt moved here in 1983. He gave up many water activities because he continuously gets ear infections in Greenwood Lake. He vacations on the St. Lawrence River in Aruba, and is in the water all the time there but does not get ear infections. He recommends changes for the MUA to protect the health of all residents. The impact extends beyond MUA users and affects those who any of our lakes.

Dan Trout, 26 Heritage Drive, West Milford lives in phase one of the Village on Ridge development. He commended Messrs. Semrau and Boyle for their quick response after the last meeting. He was put in contact with Kevin Boswell who was courteous and informative. Mr. Boswell told him that water testing was done eight years ago and the next testing will be done after adoption of this Township ordinance. He wants the Council to advocate for him and his neighbors. He talked about billing and MUA increases noting that there will be needed capital expenditures. Mr. Boswell said that his water authority will discount that. He reviewed how the funding will work. He continuously said that there would be discounts with the private entity. When Mr. Boswell was asked to allow residents to see a contract, Mr. Boswell said that that comes after the DEP approval. They talked about ownership of this private entity and Mr. Boswell indicated that they don't want to own this for the long-haul. Mr. Boswell suggested that the MUA will ultimately be the buyer and that means that he and his neighbors will eventually be served by MUA. He wants to know if there can be a provision placed in the ordinance that would prohibit the MUA from buying this water utility. Mr. Boswell disclosed that he is not only the engineer but is also an investor in the development which means that the residents are getting information from someone with a vested interest in this development. Yesterday he sent a letter with his questions and three hours later the Township Administrator forwarded him answers from Boswell. They seem good but some of the answers are not in accordance with the phone conversation they had previously. He is disappointed that the answers did not come from his advocates, the Council, but from the developer. The Township did not

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verify this document. The due diligence and work on behalf of the Township has not been done. There was not sufficient time to do it. He has to go back to his neighbors and will return with more questions. In the last paragraph in his letter, he stated that he inquired about sewerage removal and the MUA's ability to take on additional users. There has been no response to that. The Council does not have answers to current MUA problems so he asked how we can consider adding 50 more users to this agency. He stated that he called Richard Paul at the DEP today who told him that the DEP is aware of issues at the West Milford MUA. When asked about potentially adding 50 more users, Mr. Paul expressed disbelief. He said there are so many issues to be addressed now with the current user base, he cannot imagine adding 50 more.

Roberta Sevasko lives in Bald Eagle Village and showed a photograph of water that flowed into her house this past weekend.

Phil Pirro, MUA Commissioner stated that he wants to address resolution 2011-265. One suggestion contained in the resolution is to eliminate the Administrator's position and assign the operations to Mr. Boyle. It also suggests cutting seminars. He stated that MUA commissioners go to seminars to get information to address their unique situation. He is worried about Mr. Boyle because running the MUA is a full time job. He would be on call day and night. There are constant alarm calls. The Administrator does not run a plant, she does not have to have knowledge about running a plant, she is just an administrator. It is a full time job. The current administrator got a raise because she works all hours day and night. He is concerned for Mr. Boyle. One solution to save \$70,000 is to unduly burden Kevin Boyle. The problem is infrastructure. The commissioners cannot burden users with fixing these plants. No one has looked at solutions; people were not doing their jobs; and the current board is trying. They are trying to find solutions and funding sources. Selling is a good idea but no one will buy a failing infrastructure. If people think board members are incompetent, they should know he volunteers for this position. He is trying to help. He is opposed to the resolution because it is an unfair to burden Kevin Boyle.

Doug Trainer, Concord Road, West Milford is also concerned about Mr. Boyle. Bald Eagle Village has had a breakdown of infrastructure. There are more frequent breakdowns. Because of ineffective administration at the MUA, residents have had to purchase water filters and bottled water. It is expensive. MUA Commissioner Sal Schimmenti previously employed Kelly Love who is now the Director of MUA. She is getting \$66,000 for a billing function according to the commissioners. If what they say is true, this can be done by a computer. To do her job, the MUA could hire part time person. The problem is that she doesn't have experience. Mr. Monaco has made many statements and comments that he agrees with. It has been said that it will cost \$20 million to replace the infrastructure. Where did that number come from? The problems are due to neglect and the repairs will be costly. It should not have come to this point. Hiring an unqualified person is the problem. He questioned why the board is chaired by a man who was fired by the PVSC and added that this is not acceptable. We should have an overseer whether it is Mr. Boyle or someone else. Who would want to buy this utility? A system that was working should have been maintained.

Barry McKinnon, Hewitt asked about storm drains and bridges in Upper Greenwood Lake stating that the DPW fixed a drain and put a berm in. The drain that was supposed to be fixed is now filled with dirt. The drain was hit by a car years ago. There is a drain at the end of his street that is caving in. He stated that he does not think that retired police chief Paul Costello is entitled to the money he is asking for. He is entitled to what he is allowed. He is not allowed to get a blank check to go to his pension.

Gary Steele, North Glenwood Road, West Milford is in favor of SROs and letting the chief run his department. The difference between having a unformed officer and a retired officer in the schools is significant. It makes a difference. Look at the statistics. Many of the BOE members ran in favor of SROs and he hopes they will support the restoration of this program. At the last meeting, he said, there was a motion to table the MUA resolution. It is inappropriate to do that. Every time you hear the word table, you need to have a pressing matter. It is not intended to stall debate. There was no debate at the last meeting. He favors taking action about the MUA. If you don't favor this resolution, tweak it. This is one possible solution. There is dissatisfaction with the MUA and there is consensus that there is poor oversight there. There is lack of basic maintenance. The Council appoints commissioners to serve on the MUA board. The Council can un-appoint them too. Failure to do so implies satisfaction with them. The Council has more control over setting policy and the Town is unhappy with MUA's performance. Take baby steps. If you don't like the Mayor's resolution amend it. Doing nothing supports the status quo. If you don't adopt the resolution you are saying that you support the status quo.

Laura Vogt, 36 Heritage Drive, Village on Ridge, West Milford stated that she wants to ensure that she is not pushed aside. In the email written by Mr. Trout he mentioned her and another house that has sewer & water pump issues. She confirmed this to be true. Mr. Boswell said he was not aware of the problems. She said that Mr. Lefkowitz definitely is. Mr. Boswell says that they will address all problems and yet she

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cannot get an answer as to who is responsible for the sewer pump on her property. The MUA is not responsive and neither is Mr. Lefkowitz. She stated that she endorses everything said by Mr. Trout.

Ross Kushner, Pequannock River Coalition stated that he cannot believe the MUA issues have gone on this long. The plants will fail and people will not have potable drinking water. The Pequannock River Coalition supports the idea of installing a Township official to handle daily operations at the MUA. This will ensure that management is accountable to the Council and be prepared to divert a disaster. The MUA board is also frustrated and clearly they don't want a Township employee to serve as their administrator. This reaction implies that the Council should do just that.

Bill Bassett 53 Reidy Place, Hewitt worked for an MUA contractor for many years. He is a licensed operator and has known local companies for many years. The MUA plants are ancient and with 31 years experience he is appalled at the manner in which these facilities are being operated. Log books at the plants indicate what should be done but no action is being taken by the administration to ensure that there is follow up. These are basic operations and it is appalling that the logs are being ignored. There are people in charge that have no idea what is going on in the plants because they have no experience. The plants are maintained in a deplorable fashion. This is not about infrastructure but it is about maintenance. That is not about operations, it is maintenance that is being ignored. If any utility is to operate properly there must be maintenance. He heard a lot of comments at last meeting. There are many contractors who will bid on operations and maintenance. It is about the groundwork and actually doing the job. When the DEP inspected, Ms. Love did not even go out to meet with them. How is that possible? That lax attitude is not acceptable. Why wouldn't the administrator want to know why they are being fined and what the problems are? The end result is that the MUA users will suffer. It is mind-boggling. It is disturbing that they want to do an I&I test at Bald Eagle to determine why flows are high. Frequently, there is sewerage gushing out of manholes. The smoke test will only show illegal connections but it won't show cracked pipes or leaks. This is not being handled properly and there are better solutions available.

Eric Sarchad, 27H Concord Road, Bald Eagle Village, West Milford stated that he has been an MUA ratepayer for 23 years. He has been observing this situation and regrets it has taken this long to come to a head. However, it is predictable. You simply cannot run facilities of this kind without proper professional oversight. Water and waste treatment facilities are a specialty of civil engineering. The Council should ensure that this responsibility and oversight is given to a professional engineer. It should not be handled by a person without the necessary qualifications to manage such a facility. Everyone is doing his or her best but none of the people in charge is properly qualified. A qualified person will deliver bad news about what must be done. It is a message that must be heard because the situation is only going to get worse. Ratepayers should not be held solely liable for these problems. Ultimately the Council is responsible. They set up the MUA for the benefit of West Milford as a whole and yet a small part of the population will be stuck with the cost. The first thing is to hire a properly qualified person to deal with the situation and he urged the Council to do so.

Chris Garcia 200 Lakeshore Drive, Hewitt stated that the MUA situation must be addressed. These communities are being held hostage by the Council's inaction. There is an immediate health concern. There is a lack of leadership. We hear nothing but excuses and irrational explanations. This is not solving the problem. It is about leadership. Council President Smolinski said he supports shared services when talking about police services. The MUA administrator should not be paid \$66,000 for the job she is doing. This is about politics. The man who controls the campaigns this year is the chairman of the MUA and was fired by the Governor from the PVSC. Second is Schimmenti. Both have been hired by the Passaic County Clerk who is the only prevailing candidate from GOP Strong. This should not be about protecting political buddies and the Council has power to change that. You cannot put politics above public health. There is no easy solution but saying that the solution is to sell the MUA will not address the immediate concerns. That is a very complex process. Stop passing the buck. Pass this resolution and get leadership in at the MUA.

Kevin Boswell, Boswell Engineering stated that the proposed ordinance for Village on Ridge is simply a means to allow the developer to pursue permitting for this proposed subdivision. If he gets DEP approvals he must come back before the Council and meet numerous conditions. He listed those conditions as outlined in the ordinance and the permitting process. This is no different than asking a developer to bond for a roadway that has not yet been approved. He needs a standing to make application to the DEP. He cannot guess what the DEP will demand or propose. They are following up with the concerns of the owners. They are the solution to the water pressure problems being experienced by current owners. He stated that the developer will treat the property owners fairly. They will be responsibility for lift stations while pursuing permits. Those lift stations will become unnecessary when the process is complete. Mr. Lefkowitz currently has permits to operate the sewerage system. He has paid all MUA fees for the entire subdivision. They simply need the ordinance to approach the DEP to

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construct the water system. The process demands that they come back to the Township before proceeding. This development is the solution to all the concerns raised by Mr. Trout. The ordinance simply allows the developer to approach the DEP for permitting. Future phases will require the developer to come back before the Council and to engage in further discussions with existing property owners. First they need an opportunity to go to the DEP.

Carla Horton, 132 Bearfort Road, West Milford stated that everyone just wants the MUA users to get clean water and proper sewerage treatment. That being said, she takes exception to a prior comment whereby someone wants all taxpayers to fund the cost. No one wants to see increased costs or assessments. Assessments spread costs to those who benefit from the improvement. Current MUA users will incur those costs. When developers come in they don't look at what our aquifer can handle. This is why we need managerial expertise. She asked the Council to do what needs to be done.

Paul Costello, 33 Newland Drive, West Milford stated that he is glad to see that the FBI-Leeda has been released to the public. In his opinion, it should be posted on the website. Many things in this report were brushed over. He stated that he wholeheartedly supports restructuring to authorize an additional sergeant. The FBI-Leeda report supports the sergeants position but it is premised on certain things. He quoted from the report. In the chief's proposal tonight he hears recommendations contrary to the FBI Leeda report. He has knowledge because he was involved with the study. He previously requested an additional sergeant to supervise personnel on the street. The FBI-Leeda report concurred with the recommendations he made as chief of the department. He supports additional supervision on the street to supplement existing supervision. However, the FBI-Leeda recommendation about staffing and scheduling is dovetailed into collective bargaining negotiations with the union. The study outlines restrictions placed on the chief because the PBA contract is extremely restrictive. It needs to be revamped for the benefit of town. He thinks it is important to get concessions from labor units before restructuring the department. Thought must be given to the restructuring and he urged the Council to read the FBI-Leeda document as a whole without picking and choosing. He clarified that the Mayor did not remove the SRO's from the school. He removed them during his tenure as chief when staffing levels dipped and it was an administrative decision. The contract was another factor in eliminating SROs. Without concessions from the PBA he simply could not deploy manpower.

James Warden, 199 Highcrest Drive, West Milford stated that as a former Councilman he supports the SROs. It is all about the kids. If anyone believes that we don't have a drug problem in this entire region, that is simply not so. He knows of many young people who have been in rehabilitation. We cannot deny there is a drug problem because to do so is a disservice. He understood Chief Chiosie's presentation and believes that the least we can do for our children is to install SROs in the school. He recalls that about a month ago Messrs. Jurkovic & Smolinski stated they were against SROs and Smolinski said at that meeting that he met with the school board. He finds it offensive that someone would accuse the chief of police of phoning in false information about drug problems. Chief Chiosie has done wonders for morale in the police department and he is focused on addressing drug problems. He thanked Councilman Jurkovic for reading articles that highlighted what he and Councilman Nolan did to shed light on MUA problems. He and then-Councilman Gervens worked very hard on Greenwood Lake issues. He thought about what has changed since he was on Council and he has concluded that nothing has changed except things have gotten worse. This past weekend he flew over Greenwood Lake and Belchers Creek and took photos. These photos show that the waterways in West Milford are now brown and festering weeds, effluents and sulfur. How can we let this happen? It happens by inaction. The Council has the power to do something about this and that is the least the governing body should do.

Richard Fiorello, Macopin Road, West Milford and a member of the police department stated that West Milford is a civil service town and as such cannot hire alternate route academy people if they are not on a civil service certified list. There are seven elected people on the dais tonight with three support people. The police department is no different and he reviewed prior levels of staffing in the police department focusing on support staff. Currently, there are three support officers to support a staff of forty one. All are officers. They respond as necessary but in today's society there is more administrative work that must be done. All the functions previously done by three are now being done by one and that one person does not have the rank. There is a job to be done and he urged the Council to allow the appointment of a sergeant so that the work can be the focus.

The Council gave consensus to hear Mr. Wayne Gottlieb again.

Wayne Gottlieb, 20 South Ridge Road, West Milford stated that he was not aware of what Councilmembers Jurkovic or Smolinski said at the meeting. That, he said, is irrelevant. The Mayor suggested that all board members engaged in unethical behavior. It was also suggested that factions of the BOE are part of the political machine in West Milford. Each of those charges is contrary to the board's code of ethics and could result in removal. He suggested that if one makes that broad charge,

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such charge is innuendo and he will not stand for that. It is despicable. There is room for opinions in this town and any proposal will be considered by the BOE if it is submitted in the proper format. They will discuss and deal with it.

The Council gave consensus to hear Mr. Sarchad again.

Mr. Sarchad who spoke earlier stated that he agrees that everyone should be responsible for messes. When he bought his home in Bald Eagle Village in 1998 he assumed that the sewer and water were the property of the association. He was misled. If they were the association's property he would agree that it is their problem. That is not the case, these facilities are the property of the autonomous MUA. Bald Eagle Village can only have indirect representation through the Council. This is taxation without representation. That is the problem he has with the current setup. Users are stuck with mismanagement and the Council won't address the problems.

Andrew Gargano, 45 Apshawa Crossroad, West Milford someone said that for two days residents in Bald Eagle Village were without water and yet there was no reaction from the dais. Something must be done. A lady showed a photo of a bathtub with brown water. No reaction. That is serious. This is 3rd time the Council room is packed with residents who are speaking about MUA issues. In past the Township had SROs in our schools although in the 1990's the Council rejected applying for a grant. We need SROs especially to address new bullying laws. At the last Council meeting there was discussion about appointments and bipartisanship and yet this Council ignored Mrs. Lichtenberg when she requested appointment. Mrs. Lichtenberg does a lot for this town and has volunteered for many, many years. Mayor Bieri was ignored by the Council when she asked about appointments. James Warden submitted a resume to be considered for appointment to the Greenwood Lake commission. He said that he hopes council will make appointments tonight. One board does not have a quorum to meet and the Council's refusal to make appointments has made that board obsolete. He stated that he hopes the Council ends MUA discussion tonight by taking necessary action.

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

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

Agenda No. VIII

Mayor Bieri asked Council to hold MUA and Village on Ridge comments until the discussion items because both these matters are scheduled for discussion.

Council Comments

Mayor Bieri thanked Mr. Costello for clarifying about SRO removal from the schools. She recalled that it was a tough and necessary decision based on the situation at the time. She stated that she answers all calls and emails and she stated that with regard to the letter sent to *The Messenger*, the goal is not something she will apologize for. She is charged with representing her constituents and she will seek to hear from them. She stated that certain elements from her letter to the editor were based on statements made by Council President Smolinski at the July 6th meeting. She quoted from the comments he made. Council President Smolinski referenced a public meeting but there was no such public meeting. He said he had information about the opinion of the BOE despite the fact that he is supposed to recuse from school matters.

Council President Smolinski interrupted asking the Township Attorney to correct the Mayor. Mr. Semrau stated that Council President Smolinski was recused from Hillcrest because his wife works for the school. Council President Smolinski stated that he was fully allowed to participate in the turf field matter. He stated that he wants Mr. Semrau to take a stand and say, "Mayor you are wrong." The children are a big part of his concern and in his opinion, the Mayor's letter is not leadership. Leaders unite, they do not divide. He apologized to everyone about tonight's agenda stating that to have so many large issues is inconsiderate. Mayor Bieri noted that the Council tabled the MUA matter to this meeting despite the number of times this matter could have been brought to conclusion.

Mayor Bieri stated that she did draw conclusions based on statements made by Council President Smolinski that there was opposition to SRO's in the school. She does believe in reaching out to the BOE to restore the SRO program and she fully intends to do so when she has the ability to follow through on that offer. If the funding were approved, the next step would be to go to the school system. It is logical to

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get funding in place first. The FBI-Leeda report recommends forty-six officers in the police department and Chief Chiosie says he can work with 46 and assign SROs from that number. She stated that she will not go to school officials until she has the restructuring and funding in place so that she can provide the services being offered. At that time, she would approach the BOE. She has the right to support SROs and to provide for public safety while being fiscally prudent. She gave an overview of the savings realized in the police department and she stated that she supports the Chief's request for this extra sergeant now in the entirety of the entire restructuring. Her convictions have remained constant. She has always said that she would support the study and she has. The Council has changed their collective opinion. She will continue to advocate and will continue to reach out to the public for opinions. She believes the SRO's will complement current drug enforcement initiatives. A comment was made that drugs start in the town and then filter to schools. Regardless of the origins the current reality is that they are in the schools. Someone said that these are not West Milford residents but a one-week police blotter in July shows that 6 of 7 arrests were West Milford residents. She will continue this focus on this issue. She will continue to hear from constituents. Despite comments made by the Superintendent of Schools, in her opinion, no camera can replace the interactions of individuals. Councilman Weisbecker said that Mayor made a concerning statement in her letter. The Mayor, he stated, said there was a behind closed doors meeting. She insinuated that someone did something illegal. No body ever said anything about meeting behind closed doors. He stated that this Council cannot direct police department assignments. He is glad that the Mayor likes SROs and he suggested that she get in touch with the BOE and discuss SROs and then we can put together committees. He said to the Mayor, before you send out fear mongering letters, lets discuss the issue at a workshop. If the BOE doesn't think SROs are necessary, that is their call. The Council will only appropriate funds so that departments can operate.

Councilman Ramaglia stated that if it weren't an election year we would not be here at 11:30 p.m. for public comments. He addressed certain members of the public taking exception to comments made with regard to criminal activity stating that the public continuously throws mud. He stated that he has done more in his eight months on Council than the Mayor Bieri has done in three and a half years.

Mr. Semrau in the past questions were raised about individual participation. He cannot definitively say if there were conflicts because he does not know the extent of the discussions with the Board of Education that were being referenced.

Agenda No. IX

Discussion Items

Mayor asked to move the discussion of the MUA to this point to allow for residents to participate. Councilman Weisbecker objected asking that the representatives from PCIA be heard first. He stated that they have waited all evening and have no part in all the other issues. Mayor Bieri stated that there are many residents who have attended numerous meetings to discuss the MUA and those residents are her priority. Councilman Weisbecker asked the attorney to intervene noting that this is a Council meeting. Mr. Semrau asked for the Council's collective opinion and the consensus was to afford the PCIA the right to reschedule to a future date. The representatives from PCIA agreed to stay until Township matters have been heard and advised that they would rather make their presentation this evening.

Discussion item #13.

Councilman Weisbecker, addressing certain members in the audience, stated that you guys are making a great argument to bring in the EPA and the federal government to take control of the MUA and install sewers at Pinecliff and throughout town. He thinks that congressman Garrett and both Senators should be contacted. The Council has no control over this. He recalled that Mr. Semrau previously distributed information that indicated that the MUA was established in 1964 to prohibit Council involvement in the MUA. The only thing the Council can do is pass a resolution. We cannot put Kevin Boyle in as the administrator. We cannot do any of these things. The Council cannot do anything as far as the MUA is concerned. They can only appoint commissioners. It is time to call the EPA and he is going to do that tomorrow morning. He will call Garrett, Menendez & Lautenberg. He wants to go to the federal government. We have a serious issue. The water polluting Greenwood Lake flows into Wanaque and into the drinking reservoirs. He is all for EPA getting involved. Everyone is shouting that the system is antiquated. The user costs will go through the roof. He is not a user. He has a well and septic. He is tired of this discussion. It is time to get the EPA in here to end these discussions because there is no other way out. The WVRSA doesn't want this MUA. The users will be responsible for \$20 million. He doesn't attend MUA meetings. He went to one and he listed the attendees. There were two people there who put in bids to operate plants. These discussions are killing the MUA. This is unbelievable. The only way out of this box is to call in the EPA. The sewerage flowing in Bale Eagle Village is unacceptable. We are dealing with antiquated systems. We can all sit here and attack the Council. Commissioners must serve their terms. Users will get hurt by getting fees increased. It is time for everyone here and every MUA user to contact federal officials and demand their involvement. Get them so involved so that the entire town will

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have sewers. The EPA will make that happen. He is going to call tomorrow morning. As far as he concerned he is going to the EPA to represent all the people.

Councilman Jurkovic stated that the Council is the appointing authority and the DEP has jurisdiction over the MUA. So residents concerns should be filed with the DEP. He stated that the DEP is not being proactive, they simply engage in pointing fingers. He said that he spoke with Mr. Semrau a few years ago about the DEP abusing their position to exert their opinion. Now the Township is using our authority to influence another agencies about hiring practices. He stated that we are trying to influence the BOE to take SROs and we are trying to take over the MUA. He has serious ethical concerns with having our Administrator assume MUA functions. Mr. Semrau stated that the Governing Body adopts resolutions to lobby or influence all manner of agencies or government bodies. It is perfectly acceptable for the Council to lobby. Councilman Jurkovic asked Mayor Bieri if she sought legal counsel from Mr. Semrau about this resolution. He quoted from a newspaper article by Terry McGann from 2007. He stated that statutorily there are two requirements to dissolve the MUA. Mr. Semrau agreed that there are regulations pertaining to dissolution of an authority but he added, this resolution does not propose to dissolve the MUA. It calls for a shared services agreement. That would mean that the Township employee would work for the MUA under a shared services just like the CFO does for Ogdensburg. He would remove the language in item #1 of the resolution because that would be an MUA decision.

Council President Smolinski stated that he has done his own research and has put together his own resolution which removes politics from this situation. He addresses the history in the resolution, the problems, the violations, watershed community issues and he invites the entire Governing Body to seek resolve of this issue. He read portions of the resolution stating that he is not out to attack anybody. Resolutions send a message that is supported by the governing body. The MUA commissioners and the administrator have received the message sent. The Township cannot interfere. He asked that the Council move on his resolution. The \$20 million comes from the MUA and that is an insurmountable burden to overcome even if it is spread throughout many years. Prior recommendations that the Township taking over the MUA were rejected by both the auditor and the attorney. The Highlands Council and Coalition have never stepped up to financially help West Milford. Prior Administrators at the MUA were secretaries before assuming that role. The direction to pursue is to seek additional funding. The commissioners are volunteers, members of this community, who have a love for this Township just like appointees to the Planning Board appointed by the Mayor. He urges everyone to ignore the political rhetoric and hostilities. The message got out and the issues are real. The Highlands Act addresses catastrophic issues like this. We need the right team to bring that forward. He made copies for the Council of his resolution. He stated that things should not be placed on the dais at the last minute as he is doing now but these circumstances warrant his actions. Councilman Weisbecker read Council President Smolinski's resolution into the record.

Councilman Jurkovic stated that he likes Council President Smolinski's resolution and would like a definition of "committee of the whole." He would like to have the entire governing body and interested parties go to the legislators rather than ask them to come to us.

Councilman Weisbecker moved the resolution, seconded by Councilman Jurkovic.

Discussion ensued about the content of the resolution and some proposed amendments.

Councilman Weisbecker amended his motion to adopt the resolution as amended, seconded by Councilman Jurkovic.

Mayor Bieri noted that it was said that the Council cannot remove the commissioners. To clarify, she said, they can be removed by the Council. There was a comment made about her proposed resolution not being ethical. She stated that the Council adopts resolutions all the time to convey opinions on various matters to a host of agencies including the DEP, various State agencies, COAH, the Highlands Council on issues as diverse as watershed aid, Route 23 S turns, and proposed legislation. That is the goal of the resolution she proposes. It would convey a message, an opinion, to the MUA. It is not a directive because the Council cannot direct an autonomous agency. The interlocal agreement suggested is not a takeover, it is a proposed contract. Council President Smolinski brought forth tonight, without any advance notice, a resolution to address long term issues which is wonderful. This indicates that she has succeeded in getting action. What is missing, is a means to address the immediate concerns. She did not raise this for politics. This came about because of a DEP letter received in May. The issues raised in that letter do not pertain to infrastructure, they are strictly related to maintenance. With proper management the immediate concerns would be addressed. Full disclosure is priority #1. If bringing public awareness to the issue effectuates change, then she has achieved her goal. Hopefully it will be sufficiently addressed. She appreciates the Council moving forward with this resolution but asks that the immediate concerns also be addressed. The DEP brought those concerns to the table and the Council must also seek solutions to the immediate issues.

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Council President Smolinski stated that to move on the Mayor's resolution is just to send it to the MUA. We can move forward in a positive way. The approach taken by the Mayor, he said, was not positive. It created a hostile environment. That is not leadership. You don't force someone's hand. The Mayor's resolution created a barrier. Councilman Ramaglia stated that the real issue is the DEP's ineffectiveness. They are not directly communicating with the MUA users. Council President Smolinski stated that recently Bald Eagle Village residents were left without water. He reached out to the MUA asking them to use reverse 911 to communicate with their customers. Communication is vital. This was emphasized to the MUA. The response was that they are working on the system right now.

~ Resolution No. 2011- 272 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING ASSISTANCE FOR THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY TO ADDRESS THE PUBLIC HEALTH CONCERN IDENTIFIED BY THE NJDEP IN CONNECTION WITH THE MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the State of New Jersey Department of Environmental protection has made notification to the Township of West Milford and the West Milford Municipalities Utilities Authority (MUA) relative to deficiencies in the MUA system; and

WHEREAS, The MUA is an antiquated system that requires significant financial investment to improve the operation of the authority for the good of its users; and

WHEREAS, on June 1, 2011, the West Milford Commissioners of the MUA along with their contracted professionals, appeared before the Township Council to offer a comprehensive report on the MUA's history, current accomplishments and future direction and goals; and

WHEREAS, during said meeting those officials affiliated with the MUA conveyed to the Council the technical problems that plague the MUA, the expense associated with addressing those problems and its difficulty to currently fund and update the Township's numerous facilities; and

WHEREAS, the Commissioners of the MUA expressed to the Governing Body that borrowing the funds necessary to address the MUA's longstanding problems would put an undue financial burden on the MUA users; and

WHEREAS, the West Milford Township Council recognizes that millions of people in New Jersey depend on clean drinking water that emanates from the streams and reservoirs in West Milford; and

WHEREAS, the MUA's malfunctioning facilities may jeopardize the surrounding water bodies and streams that are the source and origin of New Jersey's water supply; and

WHEREAS, The Council of West Milford would respectfully request a united Governing Body to invite a delegation of State Legislators, the West Milford MUA committee and officials from the NJDEP to meet for the purpose in obtaining funding from state and federal agencies to address the MUA's infrastructure problems; and

WHEREAS, the West Milford Council would also request the assistance of State Legislators and the NJDEP in pursuing options for the sustainability of the West Milford MUA; and

WHEREAS, The West Milford Council would encourage and request the support of: The Greenwood Lake Bi-State Commission, The Pequannock River Coalition, The Highlands Coalition, and The Highland's Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford in its goal to define a solution of MUA facilities and to take a direction that has merit and benefit for all West Milford residents, both MUA users and non-users, with an end result that protects the drinking waters of New Jersey residents; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the West Milford Municipal Utilities Authority, the Greenwood Lake Bi-State Commission, the Pequannock River Coalition, the Highlands Coalition, the Highland's Council, US Congressman Scott Garrett; US Senator Robert Menendez; US Senator Frank Lautenberg; NJ Senator Joseph Pennacchio; NJ Assemblymen Alex DeCroce and Jay Webber.

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Adopted: August 3, 2011

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

Agenda No. X

Action Items

Agenda No. X 1

~ Resolution No. 2011- 265 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY URGING THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY TO ADDRESS THE IMMEDIATE PUBLIC HEALTH CONCERNS IDENTIFIED BY THE NJDEP IN CONNECTION WITH THE MUNICIPAL UTILITIES AUTHORITY

Moved: Weisbecker Seconded: Jurkovic
Voted Aye: None.
Voted Nay: Weisbecker, Smolinski, Ramaglia, Signorino, Jurkovic.
Motion defeated.

Agenda No. IV

Presentations

Passaic County Improvement Authority – Solar Energy – Nicole Fox of the PCIA thanked the Governing Body for the opportunity to speak here tonight. She stated that this proposed energy model was successfully implemented in Morris, Somerset and Union counties. They have been following the other counties successes. Ryan stated that the program works at no cost to the municipality. There are no upfront or long term costs. PCIA reaches out to local units to determine interest and then they aggregate the project into one large RFP to develop a power purchase agreement. The developer would develop, construct, operate maintain and finance a solar project. The developer would provide a price for the resulting energy. All involved local units would get the same price. The projects involve public financing to realize lower prices for the energy. It is structured to secure financing. The financing is provided through the PCIA. Similar projects have achieved significant energy savings in other counties. The energy market fluctuates and he will provide information about what can be achieved.

Dan Swayze from Birdsall Group introduced himself advising that Birdsall serves as the engineering arm of this team. His firm will select sites that are chosen locally for consideration. They look at various factors including the age of the roof to accommodate certain kilowatts. The developer is required to produce a certain amount of energy. The risk to the Township is that if there is a need to replace the roof, the time when energy is not generated must be restored to the developer. Of the six facilities proposed in West Milford, only two are conducive to the project. The Johner building can accommodate 35 kilowatts of projected solar production which would include an all roof mount which is not typical. The second location would be the Hillcrest community center. The age of that roof was a concern but they believe panels could be installed in the parking lot in a pole mounted parking canopy. That would allow for the roof to be angled toward the sun. Ryan stated that using a parking lot solar system would mean there is no penetration on the roof system. With a parking canopy there would be no loss of parking spaces. The developer generally does not remove snow or ice. Discussion ensued about potential energy savings and the amount of solar power that could potentially be generated at such facilities. There was also discussion as to potential costs and cost savings. The developer will remove the solar panels at the end of the contract period or the Township could opt to extend the agreement or purchase the solar panels if the law at the time allows. If a property is sold the Township would have to purchase the solar panels. The estimated cost for the Hillcrest property is \$700,000. As long as the Township is in the facility there would be no cost. If you close a facility there is a mechanism to move the solar project.

Councilman Ramaglia asked what the uncertainties were in North Haledon. Ryan advised that the Mayor in North Haledon wanted to know the guaranteed results but no one can give any guarantees. These projects have had great success in the past and every effort will be made to continue to succeed. There should not be much reflection from the panels. The carport will be 10 feet or higher and the developer is responsible for maintenance and damage repair. There will be a competitive contracting process where there will be a balancing test of proposals. Mr. Semrau asked if the building has to be occupied. Ryan advised that it must generate an electric bill. Mayor Bieri indicated that Hillcrest is leased from the BOE. Ryan stated that he will attend the next meeting for questions but would ask that the Council consider adopting the resolution that night too. Councilman Ramaglia asked if we can get power. Mr. Swayze

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stated that there may be some usage allowed but those issues will have to be negotiated with the developer. He reviewed the construction process and the stages wherein the Township will be included in the process. Ryan advised that PCIA is a partner with the municipality on the agreement. Councilman Jurkovic asked if the Wallisch property was considered. Ryan stated that it was but it was negated because it is not occupied. Ryan PCIA wants to get the RFP out by September with proposals received and a selection made by the end of the year. The developer will have one year to construct all the facilities throughout the Council.

Discussion Item #4, Village on Ridge

Jack Lefkowitz, developer and Kevin Boswell, engineer for the Village on Ridge project addressed the Council. Mr. Boswell stated that he received an email from residents which was forwarded to him by Kevin Boyle. It had ten questions. He advised that the well testing was done twice about eight years ago. Two wells do not meet set back requirements so the developer will build walls and test those wells. That is already a condition on the approving resolution and, as part of testing process, will be done before it comes back to Council. They will have to drill a replacement well and test that. He advised that the homes will be tying into Camelot plant for sewerage disposal. Mr. Boswell addressed the issue of the ejector stations to move sewerage to manholes. As a consequence of problems with phase I and phase II when the project was stopped, those 2 connections went to different manholes than originally intended. The laterals are in place to provide for the originally intended locations. That will result in the removal of those pumps. Mr. Boswell explained that the developer will have to come back to bond the project in accordance with the planning board resolution and this ordinance. They cannot determine that bonding amount until the DEP gives approval. The DEP will determine the size of the tank to prevent stagnant water. The developer could go to the DEP requesting individual wells for each of these lots because they can generate excess capacity from existing wells. Phase I residents also benefit from that. The main reason is a public safety perspective. The proposed water system will provide a safety interconnection with Ridge Road for emergencies. Rather than say it is more expedient to drill 49 separate wells, the water mains are already in, and wells are drilled. This is the right way to go about this. Mr. Boswell explained the process that requires Council approval for the developer to petition the DEP to proceed and then they will come back for bonding, a contract, and hookup options for existing homeowners. He reviewed the history of approvals, denials and roadblocks encountered with this proposed development. They have to seek an extension from the planning board because their deadline for Council approval is tomorrow. All they are asking for is Council approval to go to DEP. There are 3 options. Connect to MUA (provided history of how that has not worked), individual wells which they don't believe is the right way to go, or proceed through the process being requested tonight. Mayor Bieri asked if the homes would be going to MUA for sewer services. Mr. Boswell answered in the affirmative advising that allocation has already been purchased. He advised that the Council is not being asked to approve the system. The Council would simply be stating that they don't object to the DEP application. Mr. Semrau thanked Mr. Boswell for trying to address questions. He proposes incorporating the answers to these questions into this ordinance. He stated that he would also like to have those ten residents who live in phase I endorse this before Council takes action. Doing so now will be better for all involved parties. He also recommends having the Township Engineer look at this, address resident questions and ensure that the WMP is fully considered. Mr. Boswell stated that he sees no problem with that. He thinks that the phase I residents don't understand what is being asked for here tonight. The residents are asking him to enter into a contract at this stage which is not possible because system parameters are not in place until after DEP approval is obtained. He stated that he will come back to speak with residents at that time. Councilman Jurkovic stated that he wants to ensure that the residents in phase I have confidence in the answers. Having the Township Engineer look at that may provide that security.

Agenda No. IX

Discussion Items

1)	Endorsement of Letter to Governor Christie regarding Flood Control of Passaic River Basin – Council gave consensus to proceed.
2)	Petition for Plan Conformance, Amended Plan Conformance Grant #09-033-011-1615 (\$149,500 Grant) – Mr. Boyle advised that he will need contracts for the Planner to proceed with this grant.
3)	Ordinance – Amending Chapter 110 (Permit Notification – Lakes Committee) and Amending Chapter 300 (Sewer) – Mr. Boyle stated that these proposed amendments came from the Lakes Committee and he will seek to introduce at the next meeting.
4)	Ordinance – Providing Consent to Jack Levkovitz to Construct a Private Water System at Village on Ridge -
5)	Contract: Professional Services Agreement with Mike Berry \$3,000 – the Council gave consensus to proceed.
6)	Contract: Professional Services Agreement with Birdsall for Second Phase of Banker Road in an Amount not to exceed \$52,000 – Mr. Boyle stated that he would like to defer this discussion for another month to research potential insurance coverage for this work.

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7)	Resolution Authorizing the Execution of our Encroachment Agreement with the County of Passaic – the Council gave consensus to proceed.
8)	Resolution Requesting Extensions of the CDBG Grant Awards for 2008 and 2009 to October 30, 2012 – the Council gave consensus to proceed.
9)	Resolution Authorizing Payment to Cleary, Giacobbe, Alfieri and Jacobs LLC in an amount not to exceed \$7,399.48 – Mr. Boyle advised that action is scheduled for later this evening.
10)	Resolution Supporting A-4126, Amending the Statutory Deadline for Municipal Revenue of Defeated School Budgets – Mr. Boyle asked to defer discussion to the next workshop meeting.
11)	Resolution: Bids for Road Resurfacing/Crack Sealing/Guide Rail Program - the Council gave consensus to proceed.
12)	Resolution: Change in Title, Text or Amount of Appropriations - Mr. Boyle advised that action is scheduled for later this evening.
13)	Resolution 2011-265 – Urging the West Milford Utilities Authority to Address the Immediate Public Health Concerns Identified by the NJDEP in Connection with the Municipal Utilities Authority

Agenda No. X

Action Items

Mayor asked to move Resolutions 2011-266, 2011-267 and 2011-268 as one.

Moved: Weisbecker Seconded: Jurkovic
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Signorino, Jurkovic.
 Voted Nay: Smolinski, Ramaglia, Signorino, Jurkovic voted nay on 2011-268 only.
 Motion carried.

Agenda No. X 2

~ Resolution No. 2011- 266 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING EXTENSIONS OF THE CDBG GRANT AWARDS FOR 2008 AND 2009

WHEREAS, the Township of West Milford has participated in the Passaic County CDBG program since its inception; and

WHEREAS, in doing so applied for funding of a low and moderate income area project known as the “Marshall Hill Sidewalk Project”; and

WHEREAS, the Township was awarded funding of \$183,581 in 2008 and \$100,000 in 2009 from the CDBG program for this project; and

WHEREAS, due to delays at HUD and additional engineering requested by the County of Passaic, this project’s timeline has been amended requiring an extension of time; and

WHEREAS, based upon design changes required by the County of Passaic and the need to now secure additional easements along the sidewalk route, completion of this project has been pushed into 2012; and

WHEREAS, the change of construction schedule will necessitate an extension of our existing agreements and funding to October 30, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the County of Passaic accept this resolution to extend our CDBG grant awards for 2008 and 2009 to October 30, 2012 in order to complete the “Marshall Hill Sidewalk Project.”

Adopted: August 3, 2011

Agenda No. X 3

~ Resolution No. 2011- 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

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NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-85, the Township of West Milford hereby requests the Director of the Division of Local Government Services to make the following correction in the 2011 budget:

From:
 General Appropriation
 (A) Operations – Excluded from CAPS
 Public and Private Programs Offset by Revenue
 Matching Funds for Grants \$4,000.00

To:
 General Appropriations
 (A) Operations – Excluded from CAPS
 Public and Private Programs Offset by Revenue
 Individual with Disabilities Recreation Opportunities
 Act – Local Share \$4,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Township of West Milford for the reasons set forth:

The change is being requested because the Township was awarded the 2011 ROID grant after the Township's 2011 budget was adopted therefore, appropriations need to be moved from the grants matching funds to the local share for the ROID grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted: August 3, 2011

Agenda No. X 4

~ Resolution No. 2011- 268 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF \$7,399.48 TO CLEARY, GIACOBBE, ALFIERI and JACOBS LLC

DEFEATED

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2011- 269 ~

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.	\$897,034.56
2	Reserve Account	994.40
3	Animal Control Trust	77.00
6	Capital.	309,126.80
7	Grants.	28,574.58
8	Refuse.	163,955.01
9	Refunds.	0.00
12	General Ledger.	4,946,259.10
16	Heritage Trust.	2,265.00
14	Open Space Trust	250.00
17	Trust	2,029.50

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18	Development Escrow.	0.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$6,350,565.95
Less Refund Resolution		0.00
Actual Bill List		\$6,350,565.95
Other Payments		
Total Expenditures		\$6,350,565.95

Approved: August 3, 2011

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Signorino, Jurkovic.
 Voted Nay: None.
 Abstain: Jurkovic abstained on Mr. Glatt's invoice only.
 Motion carried.

Agenda No. XII

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

Councilman Signorino acknowledged the passing of Mr. VanHooker who he described as a pillar of town history. He conveyed condolences to the family noting that Mr. VanHooker will be missed.

Councilman Jurkovic stated that Johner's septic was inspected and appears to be in good condition. It may need some minor repairs. He asked Mr. Boyle to confirm that the people working on the revaluation have had background checks. Councilman Jurkovic noted that this summer there were three big events in town, a boat show, an air show & Thunder in the Highlands. At each event sponsors approached him about the policy pertaining security at these events. Securing police officers is a considerable expense that may not be necessary as these events do not appear high risk. Mr. Semrau advised that he will provide a memorandum addressing the process adding that he believes that the event permit gets circulated and the police department makes a determination on the type of police presence necessary. That is to maintain public safety. Mr. Boyle stated that it is not \$10,000 per day as previously stated. The air show was \$5,000 per day based on the number of people the event planners anticipated. The Township bills based on the hourly rate for police officers. He stated that he is looking at options to change the billing practices. We have an extraordinary administrative fee of 25%. Councilman Jurkovic stated that he would like to pull that ordinance for discussion. He would like to discuss when police presence is necessary and when private security can be used. The events will disappear if we cannot find a way to make it more affordable. Mr. Semrau urged caution noting that if an officer gets hurt or injured, the Township must still pay worker compensation, medical coverage, etc. He will bring information from the JIF about these matters. Mr. Boyle stated that Township officials try hard to work with these people to minimize costs. The boat show had extra concerns because alcohol was allowed. Mayor Bieri stated that the intent is to cover our costs while providing for safety. Councilman Weisbecker stated that many local events were killed by high rates charged by the police department.

Councilman Weisbecker echoed the sentiments of Councilman Signorino on the passing of Mr. VanHooker. He noted that Mr. VanHooker was very involved in the museum. He asked for discussion at a future workshop meeting to name the museum after Mr. Van Hooker. He asked where we stand with Hillcrest. Mr. Semrau advised that he has communicated with the BOE attorney. Administrator Boyle stated that he and the Director of CS&R have reviewed expenses. One year the Township spent over the cap outlined in the agreement so the Township is entitled to a credit. The lease and payment can be sent out but the title will not be transferred until phase II is completed. Mr. Semrau noted that the Council just adopted the funding ordinance in May and the Township is now just finalizing the numbers. Mr. Boyle advised that he expects the payment will be on the next bill list.

Administrator Boyle advised that the Heritage Commission is asking for resolution for Fox Architectural to do work at museum. There was a meeting last Thursday about the new library and it was agreed that the Township needs to submit a TWA application with the DEP. Also, there was discussion to seek consent to have the Township Engineer examine the concept of constructing a new municipal building. Councilman Jurkovic advised that the FAC met with the library board and learned about the redevelopment designation. The question arose about coordinating efforts. This is prudent for the town to research the potential for a new municipal building and the first step would be to obtain a cost analysis from the engineer, then have a discussion and make an informed decision. The Council gave consensus.

Mr. Semrau noted that questions were raised about the January 5th executive session discussion relative to Costello v. West Milford as well as comments made at the July 6th meeting. He stated that he is not at

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liberty to discuss these matters any further. The minutes were approved and when the matter has been concluded the minutes are subject to release.

Agenda No. XIII

Appointments and Resignations

Mayor Bieri asked to move both resolutions as one.

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

Agenda No. XIII 1

~ Resolution No. 2011- 270 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RECOGNIZING VACANCIES ON THE HERITAGE COMMITTEE (ADVISORY) AND THE HISTORIC PRESERVATION COMMISSION

BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that they do hereby posthumously recognize the service and contributions made by James Van Hooker to the Township of West Milford by virtue of his service on the Heritage Committee (Advisory) and Historic Preservation Commission; and

BE IT FURTHER RESOLVED, that the Mayor and Township Council hereby make it known that vacancies exist on both the Heritage Committee (Advisory) and the Historic Preservation Commission for the unexpired terms of James Van Hooker, said terms to expire on December 31, 2011.

Adopted: August 3, 2011

Agenda No. XIII 2

~ Resolution No. 2011- 271 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Table with 3 columns: Name, Position, Date Tendered. Row 1: Mariann Boettcher, Senior Citizens Committee (Advisory) Term expiring December 31, 2011, June 22, 2011.

Adopted: August 3, 2011

Agenda No. XIV

Executive Session

None.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 2:20:39 a.m. on August 4, 2011.

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

Approved: December 7, 2011

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MAYOR BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK