
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 20, 2008
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 Bettina 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 January 6, 2008; copies 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.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.
Absent: None.
Also Present: Interim Township Administrator and Township Clerk Antoinette Battaglia, and the Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the May 20, 2008 Special Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 20, 2008 Executive Session Minutes as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 28, 2008 Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 28, 2008 Executive Session Minutes as presented.

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

Councilman Weisbecker moved to adopt the minutes of the June 11, 2008 Executive Session Minutes as presented.

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

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

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Bieri asked Ms. Phillipone to provide the information requested to the Administration Office for distribution to the Council. She explained that the commission is asking for Council support and for a Resolution for the next meeting. Councilman Smolinski expressed that he would like the information first. Ms. Phillipone assured that she would have the information to the Township by the end of the week. Councilman Weisbecker asked Township Attorney Semrau to draft a Resolution for the September 3 meeting. Council consensus was to have this on the agenda for September 3. Ms. Phillipone said that she is expecting to receive \$30,000 from the Passaic County Open Space Funds. Mr. Paul Zarillo, 26 Rocky Point Road, Hewitt expressed that this won't be effective until 2010. He feels that there is support from the community for this.

Agenda No. VI

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

Public Comments

Clint Smith, 34 Rocky Point Road – said that he feels that the fee has hidden aspects. He hopes that this will cause the legislature to provide greater support and assistance.

Doris Aaronson, 19 Bearfort Road – expressed that as a non-resident of Greenwood Lake, she supports a user fee. If the southern part of Greenwood Lake and Belchers Creek were dredged it would help all of West Milford. As a member of Pinecliff lake, she pays dues to use the lake. She feels that a \$35.00 user fee for Greenwood Lake is a very good deal. She says that it will improve the lake, improve property values, increase taxes and increase revenue for West Milford. At a previous meeting she asked for a Resolution opposing the transfer of certain Township Departments to the County. She thanked the Council for adopting a Resolution. She asked the Council and residents to write to the Chairman Ronald Rice of the Senate Committee expressing opposition. She said to also ask the Freeholders to adopt a Resolution in opposition to this. Freeholder Duffy opposes the Resolution but was not amenable to bringing up a matching Resolution in opposition in Paterson.

Elma Decker, Lincoln Square Village – expressed that on behalf of the seniors at Lincoln Hill Village she would like sidewalks from Lincoln Hill Village to Shop Rite.

Carol Adamo, Lincoln Hill Village – stated that she also supports sidewalks from Lincoln Hill Village to Shop Rite. Many residents of Lincoln Hill Village have motorized scooters and walkers and would like a sidewalk. She recently witnessed a mother with a baby carriage walking on the road.

Mayor Bieri – responded that the Township has applied for grant monies for this.

Doris Osterhoudt, Richmond Road – asked the Council to give more consideration to the needs of Seniors. Transportation is important. There is a Transportation Committee where information should be relatively available. She is concerned about vacancies within the Township. She said that this prevents the ability to provide services. She said that the Township needs full time professionals, not part-time. No one person can effectively wear two hats. The Township needs a Senior Center. Seniors need help. She wants a response from every Council member and Mayor this evening regarding transportation, Hillcrest, the Transportation Committee, Senior Advisory Committee. She is concerned about comments at a Council meeting from a Council member who had expressed that it wouldn't be in fairness to the entire Township to only install sidewalks in a low income area.

Carla Horton, 132 Bearfort Road – spoke regarding Ms. Osterhoudt's comments and perhaps a mutual efforts to get the sidewalk. She expressed that there has been no reduced services due to people leaving West Milford employ. She would like to know how much the Township has saved. People can leave their employ whenever they want.

Township Attorney Semrau – addressed past practices regarding point of order. She stated that just because a persons name was mentioned did not automatically give cause for that person to take the floor. Council consensus was to hear Doris Osterhoudt.

Doris Osterhoudt, Richmond Road – said that she resents hearing how much the past speaker has paid in taxes. The residents of Bald Eagle Commons pay much more. This doesn't negate the need for the Township to hire professionals.

Jim Novack, Larchmont Drive – spoke regarding the Beautification and Recycling Committee meeting. At the end of the last meeting they had discussed the 9-11 monument. It was agreed that he would purchase and plant flowers. He did so the next day. He has asked another member of the committee to plant the flowers for him. An ex-committee member assaulted the member who was planting the flowers. Police were called. The other person should have a restraining order filed against her. She destroyed Township property.

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Daniel Jurkovic, Seymour Drive – began by saying that the average farmland preservation property being purchased in the Highlands is \$14,000 per acre. The Newark Watershed property is valued at much less. The Planning Board may want to consider rezoning the Newark Watershed property to farmland. The budget now calls for a \$121 per household property tax increase. He reviewed the financial woes of the county and the Township. He said that the Council should consider the taxpayer and should not raise taxes more than necessary. The Council could consider a moratorium for one year on Open Space tax, while still supporting Open Space through the Highlands and the County Open Space fund. A state water surcharge has been applied for which would go towards the purchase of Open Space.

Andrew Gargano, Apschawa Crossroad – spoke regarding the Greenwood Lake user fee that Assemblyman DeCroce and Senator Pennachio were in opposition to it. The Council should seek their support. It is ridiculous to put a moratorium on Open Space purchases and the Township should not rezone watershed. He asked if the Council would like to have him attend Executive Session to speak about Living Alliance Church. He wants to allow people to speak for as long as they need without a five minute rule.

Martin O’Shea, 10 Lakeshore Road East, Stockholm – asked if the buzzer is still under the dais.

James Warden, 199 Highcrest Drive – referred to all of the campaigning going on and called it “Silly Season”. He spoke about a Council member who spoke about rezoning watershed. He said that this member no longer speaks about it because he has been advised so by his Attorney. The Attorney has given legal opinion that is not good for West Milford. He is glad to see that Mr. Jurkovic supports not raising taxes even though he has never been to a budget meeting. The Bi-state Commission has asked for support. Some of the Council members cannot support this because state representatives do not support this. Like Sustainable West Milford, the Bi-State Commission does good work. They need a user fee. The lake is dying. He asked that the Council support them.

Daniel Jurkovic, Seymour Drive, point of order with Council consensus said that he endorses rezoning of Newark Watershed. He has asked for minutes of the meetings of Executive Session. He was denied because it was discussed in Executive Session. He would like to know how Mr. Warden would know what has taken place in an Executive Session.

James Warden, 199 Highcrest Drive, point of order with Council consensus said that re-zoning is a bad idea.

Ada Erik, Macopin Road – stated that school will be in session soon. She expressed concern that trees are overgrowing the roadways. County and municipal roads are all the same. If negligence is proven, the Township will be liable. There being no more comments from the public Councilman Weisbecker moved to close the public portion of the meeting.

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

Agenda No. VII

Council Comments

Councilman Smolinski – said that he would like to send a copy of the Township Resolution opposing the County taking over municipal services and to seek a response. The Transportation program in West Milford is a very complex program. There are positive things coming. He said if any one had any questions that they can contact him. He supports the Newark Watershed tax relief. It is still in Executive Session. He expressed that the moratorium suggestion may be a viable option to provide tax relief. Mr. Jurkovic is respectful when he speaks. He said that firing Township employees is not the answer to West Milford’s woes. Since 2001, Town Hall staff has been cut. There are many potential retirees next year. He wants a list of who is retiring, and those who are talking about retiring.

Councilman Schimmenti – stated that the Council is elected to make decisions. Council does not get enough Township business done. He welcomes public input.

Councilman Nolan – said that he has applied for the Community Development Block grant for sidewalks from Lincoln Hill Village to Shop Rite. The Township would have to contribute. The Community Development Block Grant is for low to moderate income areas and this a perfect match. All the Council supported the Grant application. He asked Township Attorney Semrau to address the Council’s position

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on Newark Watershed. The Open Space Fund was twice approved by voters. The Council cannot use that to solve fiscal problems.

Councilwoman Lichtenberg – expressed in regards to Mr. Gargano that she seemed to feel that he was personally upset because he had to work and was not as accessible to the public as she. She explained that she also works and that when she campaigned, she promised that she would be available to the public on Thursdays from 10-12 at Town Hall. She has done this and added that the public can call her outside of these hours. She said that she supported the Community Block Grant Program and the Sidewalk Grant Program. She asked Mayor Bieri to abide by the no comment rule.

Councilman Scangarello – began by asking that trees that overhang roadways and obscure vision be addressed with the County and the Township Department of Public Works. He said that he is concerned with school opening soon and the major roads having vision problems. With regards to the second comment period, he said the people should be allowed to come before the Council with ideas. He expressed that the budget meeting began in January. There has been ample opportunity for discussion. He commended Township Finance Director, Magnotti for his work. He expressed that the budget woes are not just this year. A lot of work has gone into this years budget.

Councilman Weisbecker – commended Mr. Jurkovic for presenting new ideas to the Council. The Council and the Board of Education have been working on Hillcrest for years. The next meeting is on August 26th. He hopes that the meeting will be effective. He assured senior citizens that they have never been ignored and said that we all care about seniors. Everyone will work out a solution. He said that transportation will be worked out as well. He said that he had worked on Open Space and outlined the achievements. He stated that he has requested that the County cut back trees and has asked residents to report where trees are overgrown. He continues to address areas in the Township that are overgrown with Engineering and Administration. He asked Interim Administrator Battaglia if she had been in touch with the County regarding the trees and she replied that she has and they have come into the Township and cleaned up some of the trees. He asked that anyone who notices a dangerous tree to advise either the Clerks Office or the Administrators Office in Town Hall. Regarding services possibly being moved to the County level he said that if Township services went to the County, a user fee would be charged to the Township from the County. He asked that a Resolution be send to the County, again, requesting a response. He asked that the Resolution that had been sent previously be re-sent. He thanked Mr. Warden for the invitation to fly in his plane, but he declined the invitation.

Mayor Bieri – began by saying that the Transportation and Senior Advisory Committee are important and Councilman Smolinski serves well as the Council Liaison. Seniors and all residents are important. She said that she will ask Township Attorney Semrau to speak about the Newark Watershed. She opposes a moratorium on using Open Space Funds as suggested by Mr. Jurkovic saying that it would be a one time hit without addressing the issues that cause the Township budget to be as high as it is. She commented that several darts had been thrown tonight. Responding to Councilwoman Lichtenberg, she said that she chose to answer the seniors because they generally leave the meeting early. Regarding employees of the Township she said that people will leave the Township when they wish. The Township has hired professional replacements and money has been saved. Nothing has fallen by the wayside. In her estimation, things are running very smooth, if not smoother. She believes that the bipartisan efforts of the Council and committees have been fruitful. Hillcrest is still running well. The lease is expiration date is looming and there is another meeting set up between the Council and the Board of Education. The Township also has alternate plans if an agreement cannot be made with the Board of Education. She said that the municipal meetings are aired in their entirety on municipaltv.tv. She said that she takes great offense to the insinuation that there is a “leak” on the Council. The Newark re-zoning was discussed during the Council Executive Session. Township Attorney Semrau then prepared a statement which was read at a public Council meeting and published in the newspaper. The accusations are incorrect with regards to the integrity of the Council members.

Township Attorney Semrau – explained that the Council will discuss the Living Alliance Church litigation in Executive Session. A Notice of Tort Claim was filed. He will decline the Planning Board Chairman’s offer to attend the Executive Session. He said that this applicant may be back before the Planning Board. He said that if the Council desires, he would look at the ability to hold Open Space Tax. He said that the Newark Watershed is difficult to explain. There are 16,000 acres of land and there are questions regarding the revenue. Under the protection of Attorney-Client privacy and potential litigation he believes it appropriate to have this discussion in Executive Session. There is not discussion about political ramifications in these discussions. The intent is to protect the Township. He was made aware of the 9-11 monument issue and will speak with the municipal prosecutor so that he can keep the Mayor and Council apprised.

Township Clerk, Battaglia – conveyed that she had received a letter from Tim Sharp of NJ Transit and it suggested that she submit a letter to NJ Transit and request Senior transportation. They wish to effectuate the Townships desire for better and more reliable service. She apologized to Mr. Novack regarding plants and said that she will be following through with them as soon as possible.

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Councilman Smolinski – asked that negative attention not be brought the the 9-11 Monument issue.

Township Attorney Semrau – clarified that the statement he had made regarding Newark Watershed that Mayor Bieri had mentioned conveyed that there would be no action on this matter by the Council. The Council would continue to explore other ways to assess the value of the land.

Mayor Bieri – clarified that the Council had agreed to release information that was appropriate without jeopardizing the sensitivity of the subject. It may be some time before the information can be released. The Council felt that it was necessary to release as much information as they were able to.

Agenda No. VIII

2008 Municipal Budget Public Hearing

The Township Council took action on the following items:

Agenda No. VIII 1

~ Ordinance No. 2008- 038 ~
CALENDAR YEAR 2008

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

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

WHEREAS, the Governing Body of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Governing Body hereby determines that a one percent increase in the budget for said year, amounting to \$212,760.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of West Milford, County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2008 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$744,666.52 and that the CY 2008 municipal budget for the Township of West Milford be approved and adopted in accordance with the ordinance; and

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

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

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

Introduced: July 23, 2008

Mayor Bieri advised this ordinance was introduced on July 23, 2008 and the notice of public hearing was published in the Herald News on July 27, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this ordinance only.

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Andrew Gargano, Apshawa Crossroad – asked for an explanation of this Ordinance.

Township Auditor William Schroeder – replied that this applied to operating expenses. These can be increased over the year prior from 2.5% to 3.5% and, if not used, can be banked for two years.

There being no further comments further from the public, Councilman Weisbecker made a motion to close the public portion, seconded by Councilman Scangarello. Mayor Bieri moved to close the public portion by roll call vote.

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

Mayor Bieri moved to motion the ordinance with a roll call vote.

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

Discussion: Councilman Weisbecker asked what happens with this if the budget is defeated. Mr. Schroeder said that there would be no effect. Mayor Bieri expressed that it is very confusing but the Ordinance acts in the best interest of the Township. If the potential is put this into the budget this year, it would be beneficial for next year. If it is not planned for this year, there could be additional troubles next year and beyond. Councilman Nolan said that he has voted for this in the past but will vote no this year. Councilman Scangarello said that he will vote no also. Councilman Weisbecker asked for further clarification from Councilman Nolan. Councilman Nolan expressed that his concerns are because of ongoing structural deficits and that the Township cannot afford the current salaries and benefits. This years budget is using surplus and MRNA. He called them one-time gimmicks. He said that having a hard cap would force the Council to make hard decisions. Mr. Schroeder explained that there are items that are outside the cap and said that the Council can refer to page 20 of the budget for a list of the items outside the cap. This Ordinance is strictly for items inside the cap.

Agenda No. VIII 2

**~ Ordinance No. 2008- 039 ~
CALENDAR YEAR 2008**

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY TO ALLOW SELF EXAMINATION OF THE 2008 MUNICIPAL AND SOLID WASTE BUDGETS IN ACCORDANCE WITH N.J.S.A. 40A:7-8b

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.S.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5, the Township of West Milford has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2008 budget year, so

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that in accordance with N.J.A.C. 5:30-7.6a&b and based upon the Chief Financial Officer's certification the Governing Body has found the budget has met the following requirements.

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and non-disbursements items.
 - f. Any inclusions of amounts required for school purposes.

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2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriations are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance be forwarded to the Director of the Division of Local Government Services upon adoption.

Introduced: July 23, 2008

Mayor Bieri advised the ordinance was introduced on July 23, 2008 and the notice of public hearing was published in the Herald News on July 27, 2008. The Mayor Bieri opened the meeting to the public to speak on this ordinance only.

Andrew Gargano, Apshawa Cross Road – asked Township Finance Director Magnotti for an explanation. Mr. Magnotti replied that this allows the Township to file without State examination.

There being no further comments further from the public, Councilman Weisbecker made a motion to close the public portion, seconded by Councilman Scangarello. Mayor Bieri moved to close the public portion by roll call vote.

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

Mayor Bieri moved to motion the ordinance with a roll call vote.

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

Agenda No. VIII 3

~ Resolution No. 2008- 309 ~
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
READING OF THE MUNICIPAL BUDGET BY TITLE**

WHEREAS, pursuant to the Local Budget Law N.J.S.A. 40A:4-1 et seq., all provisions for the introduction and public hearing of the 2008 Municipal Budget for the Township of West Milford have been met.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the 2008 Municipal Budget shall be read by title at this public hearing for same.

Adopted: August 20, 2008

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

Agenda No. VIII 4

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**~ Resolution No. 2008- 310 ~
 RESOLUTION DEFEATED**

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2008 MUNICIPAL BUDGET AND THE 2008 SOLID WASTE BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2008;

BE IT FURTHER RESOLVED, that said Budget was published in the Herald News in the issue of July 27, 2008;

BE IT FURTHER RESOLVED, that the Governing Body of the Township of West Milford does hereby approve the following as the Budget for the year 2008;

REVENUE AND APPROPRIATION SUMMARIES

<u>Summary of Revenues</u>	<u>Anticipated</u>	
	<u>2008</u>	<u>2007</u>
1. Surplus	3,204,000.00	2,050,000.00
2. Total Miscellaneous Revenues	7,409,078.00	10,256,285.00
3. Receipts from Delinquent Taxes	850,000.00	770,000.00
4. a) Local Tax for Municipal Purposes	17,907,139.00	16,511,224.00
b) Addition to Local District School Tax		
Total Amount to be Raised by Taxes for Support of Municipal Budget	17,907,139.00	16,511,224.00
TOTAL GENERAL REVENUES	29,370,217.00	29,587,509.00

<u>Summary of Appropriations</u>	<u>2008 Budget</u>	<u>Final 2007 Budget</u>
1. Operating Expenses: Salaries & Wages	12,765,416.00	12,509,416.00
Other Expenses	11,268,355.00	12,001,216.00
2. Deferred Charges & Other Appropriations	800,953.00	764,003.00
3. Capital Improvements	248,573.00	506,874.00
4. Debt Service (Include for School Purposes)	2,299,000.00	2,036,000.00
Reserve for Uncollected Taxes	1,987,920.00	1,770,000.00
TOTAL GENERAL APPROPRIATIONS	29,370,217.00	29,587,509.00
Total Number of Employees	241	242

2008 SOLID WASTE COLLECTION DISTRICT BUDGET

<u>Summary of Revenues</u>	<u>Anticipated</u>	
	<u>2008</u>	<u>2007</u>
1. Surplus	152,000.00	
2. Tax Levy	2,418,950.00	2,468,291.00
3. Reserve for Recycling	200,000.00	230,709.00
TOTAL SOLID WASTE DISTRICT REVENUES	2,770,950.00	2,699,000.00

<u>Summary of Appropriations</u>	<u>2008 Budget</u>	<u>Final 2007 Budget</u>
1. Operating Expenses: Salaries & Wages	205,000.00	211,000.00
Other Expenses	127,950.00	146,000.00
2. Contracted Services	1,388,000.00	1,292,000.00
3. Disposal Fees	1,050,000.00	1,050,000.00
4. Deferred Charges & Other Appropriations		
5. Surplus (General Budget)		
TOTAL GENERAL APPROPRIATIONS	2,770,950.00	2,699,000.00
Total Number of Employees	5	6

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Balance of Outstanding Debt

	<u>General</u>	<u>Water Utility</u>
Interest	848,092.00	
Principal	1,788,483.00	
Outstanding Balance	22,715,946.00	

Introduced: July 23, 2008

Mayor Bieri opened the meeting to the public to provide for the public to comment and provide input on the 2008 Municipal Budget as introduced on July 23, 2008 by virtue of Resolution No. 2008-280. Mayor Bieri opened the meeting to all public comments at this time to pertain to the 2008 Municipal Budget only.

Andrew Gargano, Apschawa Crossroad – began by saying the the Open Space Ordinance is optional. Taxpayers try hard to afford to live in West Milford. Nothing has been accomplished by the Council to cut this budget. \$900,000 is paid for employee health benefits. The Township continues to fund employees health benefits after retirement. The tax assessor works part time in other towns. The Council should notify employees during the budget process of cuts that may be coming. He suggested to downsize and privatize. He then asked the Council to vote this budget down.

Doris Aaronson, 19 Bearfort Road – said that she would rather pay more this year than have a huge increase in future years. She said that she understands an inspector in the Health Department is scheduled to retire soon. If it is deemed that the position does not need to be filled, there would be additional savings. In her opinion, a moratorium on Open Space Funds will backfire.

Martin O’Shea, 10 Lakeshore Road East, Stockholm – suggested that the Council wait a few more months before adopting the budget. There was a recent forced retirement of a police captain. The Police Department has been perceived as being too big with too many high ranking personnel. Interim promotions were inprudent.

Jim Novack, Mt Laurel – said that the Council should discuss the budget item by item. The Township has too many vehicles and too many SUV’s. The Township needs to cut the buget.

James Warden, 199 Highcrest Drive – began by saying that the day has come. The Council has a tough decision to make tonight. He has attended all but one budget meeting. A lot of time was spent discussing suggestions, but the Council did not deal with the crux of the problem. The Council should police themselves. He suggested to legislate that a budget must be in place by March.

Township Attorney Semrau – explained that the majority of a full Council is needed to pass the budget.

Councilwoman Lichtenberg - asked Mr Schroeder for an explanation.

Township Auditor Schroeder – said that he was worried about next years budget and the 4% tax levy cap calculation. There is potential to be \$600,000 above levy next year based upon assumptions.

Councilman Smolinski – asked if there were 7 employee retirements in 2009, would there be a large cost savings. He said that State aid, fuel costs, bank rates and deferred school tax all have influences on the budget.

Councilman Nolan – expressed that the Council has never looked at staffing levels. He clarified that he was speaking from a budgetary standpoint and in no way was assessing any individual position. He said that the Township has a full time Payroll Clerk and that the Township also has ADP. The Tax Assessors Department has a full time Assessor and two full time Deputy Assessors. He feels that the Township will save money in the Building and Planning Departments. The Engineering Department is paying \$70,000 for an Administrative Assistant. The Health Department has a full time Health Officer and three full time Sanitary Inspectors. He asked why the Township needs a separate Parks and Maintenance Departments. We did not look at the employee benefits including retiree benefits. The budget is using about \$600,000 more in surplus this year and part of that is MRNA. That is a one shot gimmick. Employees do not contribute to insurance. Cutting the road budget is short-sighted. Garbage contracts are to be renewed in 2009. The Township could not have a 0% increase. The Council should be looking to cut taxes. If the Council votes this budget down, they will need to look at staffing levels and lifetime retiree medical benefits.

Councilman Smolinski – agrees that the Council should not raise taxes more than necessary. He commented that they had worked well during the budget process. They did make cuts. He reviewed

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what the cuts are. He said that these reductions are without loss of services. Everyone worked hard on this budget. Overall staffing levels have been cut since 2001. The Council can address health benefits and retirement during contract negotiations. Employees understand the reality. He finished by saying that he was not for this budget but that everyone has worked hard.

Councilman Nolan – said that the Council should stop worrying about things that are out of their control like State and County mandates and handle what they can control. He said that employee contract negotiations should begin now and commented that the last employee contract negotiations lasted nearly two years. This can set the Township up for financial disaster.

Councilman Smolinski - replied that contract negotiations can begin now. Between the County and Municipal Open Space, there is 3.5% point.

There being no further comments further from the public, Councilman Weisbecker made a motion to close the public portion, seconded by Councilman Scangarello. Mayor Bieri moved to close the public portion by roll call vote.

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

Motion by Councilman Weisbecker and seconded by Councilman Smolinski to amend the budget.

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

Agenda No. VIII 5
 ~ Resolution No. 2008- 315 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE AMENDMENTS TO THE 2008 BUDGET AS INTRODUCED

WHEREAS the local municipal budget for the year 2008 was approved on the 23rd day of July, 2008, and

WHEREAS the public hearing on said budget has been held as advertised, and,

WHEREAS it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Milford, County of Passaic, State of New Jersey, that the following amendments to the approved budget of 2008 be made:

RECORDED VOTE	AYES:	NAYS:	ABSTAIN:
Weisbecker	Yes		None
Smolinski	Yes		
Schimmenti	Yes		
Lichtenberg	Yes		
Nolan		No	
Scangarello	Yes		

ANTICIPATED REVENUES:		FROM	TO
1	Surplus Anticipated	\$ 3,204,000.00	3,495,000.00
	Total Surplus Anticipated	\$ 3,204,000.00	3,495,000.00
3	Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset With Appropriations:		
	Over The Limit Under Arrest Grant	0.00	5,000.00
	Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues	269,053.00	274,053.00
5	Subtotal General Revenues (Items 1, 2, 3 and 4)	11,463,078.00	11,759,078.00

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ANTICIPATED REVENUES:		FROM	TO
6	Amount to be Raised by Taxes for Support of Municipal Budget:		
	a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	17,907,139.00	17,616,139.00
	Total Amount to be Raised by Taxes for Support of Municipal Budget	17,907,139.00	17,616,139.00
7	Total General Revenues	<u>29,370,217.00</u>	<u>29,375,217.00</u>
8	General Appropriations		
	(A) Operations – Excluded from “CAPS”		
	Public and Private Programs Offset by Revenues Over The Limit Under Arrest Grant	0.00	5,000.00
	Total Public and Private Programs Offset by Revenues	352,300.00	357,300.00
	Total Operations Excluded from “CAPS”	3,079,738.00	3,084,738.00
	Detail:		
	Other Expenses	3,065,522.00	3,070,522.00
	(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	5,668,863.00	5,673,863.00
	(O) Total General Appropriations – Excluded from “CAPS”	5,668,863.00	5,673,863.00
	(L) Subtotal General Appropriations (Items (H-1) and (O))	27,382,297.00	27,387,297.00
9	Total General Appropriations	<u>29,370,217.00</u>	<u>29,375,217.00</u>

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in The Herald News, in the issue of August 24, 2008, and that said publication contain notices of public hearing on said amendment to be held at the Municipal Building on September 3, 2008, at 7:30 p.m.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the local municipal budget so amended.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the budget, adopted by the Governing Body on the 20th day of August, 2008.

Adopted: August 20, 2008

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

Township Auditor Schroeder - said that he has prepared an amendment. It could be introduced tonight and advertised for 8/24/08 and advertised for adoption on 9/3/08. He explained the implications with regards to tax bills not going out and revenue not coming in. Without revenues coming in, tax anticipation notes may have to be applied for.

Township Finance Director Magnotti - advised of other impacts to added assessments and taxes if the budget is delayed.

Mayor Bieri – asked the Council what the wishes were and clarified the losses to the Township. She said that if they wish to proceed in this manner they need to vote yes for this Ordinance.

Township Attorney Semrau - clarified that the public reading for this Ordinance would be on September 3rd.

Mayor Bieri – said that she would like to move forward to Executive Session and limit discussion on Action Items.

Interim Township Administrator Battaglia – stated that some of the Action Items are time sensitive and need to be discussed.

Mayor Bieri - said that the Council will discuss items 3, 9 and 10 of the Action Items.

Agenda No. IX

Action Items

Mayor Bieri asked for Council consent to move resolutions 311 through 312 as one group. Councilman Weisbecker made a motion seconded by Councilman Scangarello to move these two resolutions as one.

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Agenda No. IX 1.
~ Resolution No. 2008- 311 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A GRANT APPLICATION TO THE PASSAIC COUNTY CULTURAL & HERITAGE COUNCIL ENTITLED "THE PASSAIC COUNTY HISTORY REGRANT PROGRAM", ON BEHALF OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the West Milford Heritage Committee has submitted a written recommendation that the Council authorize the submittal and acceptance of a grant to the Passaic County Cultural & Heritage Council entitled "The Passaic County History Re-Grant Program"; and

WHEREAS, grant funds received would be used to conduct a series of video-taped meetings wherein life-long residents of West Milford would be asked to speak on their experiences of growing up in the Township and how things have changed over the years; and

WHEREAS, in accordance with the provisions of the grant application, the Township of West Milford would be required to provide matching funds in an amount of \$.50 for every dollar awarded.

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

1. The Heritage Committee be and is hereby authorized to submit a FY 2009 grant application to the Passaic County Cultural & Heritage Council entitled "The Passaic County History Re-Grant Program" on behalf of the Township of West Milford in an amount not to exceed \$500.00.
2. That the Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford accepting such grant funds.
3. That the Township of West Milford hereby authorizes the amount of \$250.00 to be obligated as the local share required under the provisions of the grant application.

Adopted: August 20, 2008

Agenda No. IX 2.
~ Resolution No. 2008- 312 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF TITLE FOR A 1963 MACK FIRE TRUCK

WHEREAS, the Township of West Milford accepted title to a 1963 Mack Fire Engine from the Borough of Ho-Ho-Kus on August 6, 2003 on behalf of the Greenwood Forest Volunteer Fire Company; and

WHEREAS, the Township agreed to retain title to the vehicle for the first five years of ownership to ensure that the conditions in the agreement were met; and

WHEREAS, the conditions of the agreement would have allocated a percentage of proceeds to the Borough of Ho-Ho-Kus if the vehicle had been sold during this five year period; and

WHEREAS, the Township of West Milford has fulfilled its obligation with regard to this vehicle and the Greenwood Forest Company has requested that the title be transferred to them.

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

1. The Township Clerk be and is hereby authorized to execute a transfer of title with the State of New Jersey Motor Vehicle Commission for a 1963 Mack Fire Engine, VIN # C95F1 211 from the Township of West Milford to the Greenwood Forest Volunteer Fire Company.
2. The Greenwood Forest Fire Company shall assume all responsibility for the aforementioned vehicle including but not limited to adequately insuring the vehicle.
3. These actions shall take place as soon as practicable after adoption of this resolution.

Adopted: August 20, 2008

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

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	Road. She advised that the Township has agreed with the Contractor to extend pricing. The Township Engineering Department has been working on designing the road. In order to effectuate this, a number of items need to be on the agenda for the September 3, 2008 meeting. They are: a) change order to Owl Contracting contract; b) an Ordinance to accept that portion of Magnolia Road and extend it to the entire road; c) Amend the Bond Counsel cost; d) to introduce a Bond Ordinance; e) introduce an Assessment Ordinance that will be delayed for final adoption until the work is completed. Consensus was to proceed.
4)	Resolution – Supporting Assembly Bill 2888
5)	Resolution – Supporting Assembly Bill 2046
6)	Request from Beautification & Recycling Committee for new signs
7)	Weedharvesting Agreement
8)	Gordon Lakes Dam – Temporary Construction Easement
9)	Contract – Road Materials – Phase II – Recommendation of Award – Interim Township Administrator Battaglia advised that the Township Engineer has a contract for Road Materials. Due to the amount of drainage work that the department has done, they are in need of additional materials. Consensus was to proceed.
10)	Contract – Metal Recycling – Recommendation of Award – Interim Township Administrator stated that the Township Engineer has made a recommendation to award a contract for the marketing of metal recycles. Consensus was to proceed.

Agenda No. XII

Reports of Administrator, Mayor and Council Members

Councilman Weisbecker – said that the Lakes Committee is working on a Septic Ordinance and it is set for discussion at an October Workshop meeting.

Councilman Smolinski – no report

Councilman Schimmenti – no report

Councilman Nolan – no report

Councilwoman Lichtenberg – no report

Councilman Scangarello - said that the City of Newark put boulders in place to prevent dumping at the New City site. They did not clean up what was there and said that they should be contacted to do so.

Antoinette Battaglia, Interim Administrator and Township Clerk – reported that there is a Township resident who has overpaid her taxes and is experiencing financial difficulty. She is seeking consensus to hand check a refund and put the refund as a discussion item on the next agenda. Consensus was given. She then reported that the Fire Commissioner has advised her that the Apsawa Fire Department has been requested to lead the parade at the Fireman’s Convention in Wildwood in honor of the Township’s fallen fire fighter. She advised that on August 27 there will be an Autumn Lights Festival meeting to discuss the upcoming festival. On September 8 there will be a Passaic County Open Space meeting at 6:30pm where discussion will take place on Random Woods and Bubbling Springs. She said that on August 21 at 6:30pm there will be a meeting regarding Passaic County farm preservation. Lastly she advised that two new copy machines are required in Town Hall. The tax departments machine has ceased working and the clerk’s office machine is failing rapidly. She said that quotes have been received and when the costs are broken down, it is in the Townships best interest to purchase rather than lease the machines. Councilman Nolan asked if there should be Township representation at the Passaic County Open Space meeting. Ms. Battaglia replied that the Director of Community Services has been asked to do a presentation, however this is reliant upon securing plans from the Township Engineer who may not have them due to the timing of the award of the contract. Regarding the Random Woods project, Township GIS Specialist Rob Sparkes will be making a presentation.

Township Attorney Fred Semrau, Esq. – asked Interim Administrator Battaglia for the amount of the taxpayer refund she had requested consensus for and she replied, \$1504. He then advised that Paterson has sued West Milford as well as 9 or 10 other municipalities. He has sent a memo to the Mayor and Council and will be discussing it during Executive Session. He updated the Mayor and Council that there had been a site inspection for the Random Woods property with members of the County Open Space Committee. It was a positive meeting. On 9/10, Township Planning Consultant McGoarty will be present at the Council meeting to discuss the Lake Commercial Zone. He will be in attendance after 9pm. Regarding Mt. Laurel he updated the Mayor and Council by saying that there are a few items that are left to be discussed between the Township Engineer and the contractor and he has told them to go back over the punch list and resolve these issues. The contractor is aware that the

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Township will be making a deduction from his final payment. Another update will be provided by Mr. Semrau at the next Council meeting.

Mayor Bieri – asked if Council was amenable, because of the late hour, they would hold off on appointments this evening. Consensus was to postpone appointments.

Agenda No. XIII
Executive Session
~ Resolution 2008 - 314 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 20th day of August 2008, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Setting of Bank Rates/Investment of Funds – Lakeland Bank
 - Hillcrest School Lease
 - 352 Warwick Turnpike Block 2801, Lot 1
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Land Use Administrator Search
 - Stelmach v. Township of West Milford Docket # PAS-L-4794-05
 - O’Shea v. Township of West Milford Docket # PAS-L-1843-08
 - Living Word Alliance Church
 - City of Paterson v. West Milford
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: August 20, 2008

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

Councilman Nolan asked why they were going into Executive Session regarding Stelmach litigation. Township Attorney Semrau answered that the settlement is not signed yet and he wants to discuss the terms of the settlement.

Agenda No. XIV

Appointments and Resignations
Library Board – Citizen 2 Member
Planning Board – Alternate 2 Member

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12.25 a.m.

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

Approved: October 8, 2008

Respectfully Submitted:

Judy Manning, Part Time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK