
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: September 10, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 13

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, from the office of Township Attorney Frederick Semrau, Dominic DiYanni.

Agenda No. II

Reading of or Approval of Unapproved Minutes

None.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

September 24, 2008 Regular Meeting	October 1, 2008 Workshop Meeting
October 8, 2008 Regular Meeting	October 22, 2008 Workshop Meeting

Agenda No. IV

Proclamations

None.

Agenda No. V

Presentations

Chuck McGroarty – Lake / Commercial and Fence Ordinance - Mr. McGroarty explained that there are no substantial changes to permitted uses in Lake Commercial Zones. He said that he has added wording to allow additional flexibility to broaden permitted uses. With regards to the Fence Ordinance he has clarified that a fence is a structure in accordance with lane use law. A fence requires a zoning permit. There are standards that apply and the cross references are incorporated herein. The language in Ordinance 500-68 is new to address sight distances. Mayor Bieri stated that a service station is a prohibited use and asked if that is also a gas station. Mr. McGroarty replied, yes. Mayor Bieri clarified no drive throughs such as banks or fast food are being included, but allowing this in conditional uses. Mr. McGroarty explained that by allowing this under conditional uses, allows one to address specifics on an individual application. She asked if goose fences and landscape walls are considered fence structures and Mr. McGroarty replied that they are not. He said that he did not change the existing fence heights and reviewed what the heights are. Mayor Bieri relayed that the public has questioned colors and caps and Mr. McGroarty said that it is difficult to regulate color. He said that he would like to address that in a streamlined zoning application. Councilman Smolinski asked if there is a Design Review Board on the Planning Board, stating that applications that are out of norm should be sent to that sub committee. Mr. McGroarty said that this would be difficult unless there is a provision in the Ordinance. Councilman Smolinski asked if an identical fence were being replaced, would the resident have to apply for a permit. Mr. McGroarty said that he would have to look at the application. There may be issues. He said that it should be reviewed to determine if a permit is required. Councilwoman Lichtenberg asked what happens to a current business in the Lake Commercial Zone that does not conform. Mr. McGroarty replied that they are grandfathered. He said that a business can get a letter within the first year of adoption of the Ordinance which explains that this is a pre-existing non-conforming use. That would eliminate the future need for a property owner to prove this. Councilman Smolinski asked about zoning boundaries. Mr. McGroarty said that he would look into this. Mayor Bieri clarified that a zone boundary change would not impact this Ordinance. Councilman Nolan said that the Council should address inconsistencies like this when drafting the master plan. Consensus was to proceed with the Ordinance.

Agenda No. VI

Public Comments

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

Blance DeSimone, 24 East Park Drive – spoke regarding sedimentation basins on East Park Drive. She went to the Township Engineering Department on Friday, September 5th to review plans from 26 years ago. There are no sedimentation basins there. She was always told that the basins were cleaned. The Maintenance Department is on the same page as she is. The lake cannot survive this silt discharge.

Jim Novack, Largemont Drive – advised that he attended an ADA meeting the day prior. He said that the United States is not ADA friendly. He cannot get into Town Hall through the back door. At the ADA meeting, Shop Rite was discussed. They are not ADA compliant. Other stores are also not ADA compliant. Abusers of the law are not held accountable. Police do not respond to calls from businesses. There must be more enforcement.

Rob Jirouschek, 10 Land of Oaks Drive – said that he was attending on behalf of the First Aid Squad. He is trying to get a replacement ambulance for the First Aid Squad. He has attempted to negotiate and one vendor has made concessions on price. However the Squad is still short in appropriations. He expressed that it is urgent to effectuate this purchase. The First Aid Squad has already exceeded the appropriation for repairs to ambulances. He said that the Squad works in good faith on behalf of the Township and residents with fiscally responsible. Rechassis is no longer an option. Vendors held price in check despite 2 increases.

Peter Bremy, Macopin Road – said that he was pleased to read in the Messenger newspaper of Mayor Bieri meeting with Governor Jon Corzine and discussing a water surcharge tax. He said that going straight forward was the best approach. He expressed hope that the Council and Mayor band together to further tax relief. People now pay for bottled water and a surcharge is not unrealistic.

Doris Aaronson, 19 Bearfort Road – encouraged Council to adopt a higher budget. She said to put politics aside and to consider the impact on the taxes next year. It would be kinder to the residents to consider a two year package and putting more money into the budget this year in an effort to reduce the increase for next year. She said that Shop Rite has come before the Planning Board and asked the Council to ask for contributions to the Township through a Developer Agreement. Shop Rite has a monopoly in West Milford. One idea she expressed is that the Township needs signal lights. She was shocked that the new pharmacy would require new COAH obligations. The building is a replacement of what was there and employ approximately the same number of people. The Township should appeal to COAH. There should not be COAH obligations related to Shop Rite. She asked that the Council vote in favor of the Greenwood Lake Commission fees.

James Warden, 199 Highcrest Drive – said that representatives to the Greenwood Lake BiState Commission are in attendance at this meeting to beg for support for Greenwood Lake. He hopes that discussion does not result in more inaction. Greenwood Lake is in West Milford. The Commission is trying to restore Greenwood Lake and is getting no cooperation from the Council. He hopes that the governing body adopts a Resolution to support them. The budget has been ongoing since January. The original goal was to keep the residents tax increase under \$100. The economic conditions changed and have impacted the budget. A \$95 increase would have a negative impact on next years budget. It was introduced by members of the Council and was defeated by the same Council. Now they will vote for a \$96 increase with no consideration of next years increase. He mentioned that Councilman Smolinski directed comments at him last week. His father was a POW who fought to allow people to have freedom of speech. He said that he didn't understand what his father had endured until he became an adult. He said that this freedom of speech entitles people to have differences of opinion and should not be berated.

Andrew Gargano, 45 Apshawa Crossroad – advised of the website Municipaltv.tv posts the Township Council meetings online. He gave full credit to James Warden saying that he provides transparency. He echoed Mr. Warden's sentiments regarding tounge lashings at last week's meeting to those who spoke, and said that it wasn't warranted. He asked the Council to support the Greenwood Lake Commissions request for boat fees. He said that the Township Planner is in attendance and asked that the Council speak with him about COAH.

Steve Feigel, 622 Otterhole Road – with regards to the Greenwood Lake Commission imposing a fee to boaters said that he represents bass anglers and opposes the surcharge to boats using Greenwood Lake. His concern is that marina owners don't have to pay their part and want boaters to pay the full tab. He is concerned that people who participate in tournaments will cease to participate. There is conservation funding available. He suggested constructing a ramp at Browns Point into the lake and charging people who would use it.

Daniel Jurkovic, Seymour Drive – said that he has been asking for support from the Council, requesting that West Milford be exempt from COAH obligations. He is interested in hearing what Mr. McGroarty will be saying about this. He referenced a newsletter to Zoning Board members that included the costs of

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COAH and outlined the numbers. West Milford will need 290 COAH units and he is concerned about the cost.

Eric Hastings, 1541 Greenwood Lake Tpke., Paul Zarillo, Rocky Point Road, Hewitt - Mr. Hastings stated that he represents the Greenwood Lake BiState Commission. He explained that a portion of the plan for boat fees is a \$7.50 per day launching fee. The lake is filling in and dying and needs attention. Marinas have contributed much money, time and effort. He listed the marinas who have contributed over the years. Mr. Zarillo said that marina owners pay high taxes and should not take on additional burden. He feels that the people using the lake should participate more. People do not attend Greenwood Lake BiState Commission meetings. Mr. Hastings said that they are doing everything that they can to have the dock fees removed from the legislation. He said that New York State will mirror our legislation with that removed. This is not adversarial and needs the input of anglers and the Council and they need the support.

There being no more comments from the public Mayor Bieri 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

Township Clerk, Battaglia – responded to Ms. DeSimone by saying that Jerry Storms had conveyed that the basins are catch and not sediment. The sediment basins are best installed when they draw down the lake. She responded to Mr. Novack’s concern regarding ADA and said that the ADA Committee is working on addressing concerns regarding abuse of Handicapped parking stickers.

Mayor Bieri – asked the Council to limit their comments in response to the Public Comments and to be respectful.

Councilman Smolinski – retracted the word “liar” and replaced it with “untrue”. A Councilman wrote a letter about a dishonest budget. The Council has worked very hard on this budget. The Council has addressed all budget issues. It is campaign season and some of the talk is political rhetoric. He never intends to be disrespectful.

Councilman Scangarello - said that the Engineering and Department of Public Works will follow through with the problems on East Park Drive. It is election time and the Council should stick to facts. He said that the Council should stick to municipal business.

Councilman Nolan – stated that when Mr. Warden and Mr. Gargano speak, they are accused of lying and when Mr. Jurkovic and Councilman Smolinski speak it is assumed to be true.

Councilman Weisbecker – invited Ms. DeSimone to attend the Lakes Committee meetings. Council has always supported the BiState Commission. On a whole, they do good things for West Milford. He has a 25’ boat on that lake. When he goes to other lakes he pays a docking fee. Anything that improves our lake is a good thing. He recalled witnessing stump removal in the past. Something must be done now for this lake.

Councilman Schimmenti – said that he feels the Council is forcing recreational boaters out of town. The Council doesn’t address the Township’s recreational needs.

Councilwoman Lichtenberg – stated that there are often differences of opinions. She tries to vote with her conscience. She was upset with the term “dishonest” being used in the newspaper article about the budget.

Mayor Bieri – said that ShopRite is coming before the Planning Board. Public Comments are welcomed. The Greenwood Lake Bi-State Commission meets on Wednesdays. With regards to COAH she said that Governor Corzine said that environmental conservation and water preservation trumps COAH obligations. She said that signing the Highlands Master Plan is not so detrimental to West Milford. It is okay to disagree with members of the public. The public should not be accused of lying or politicizing. The accused public are residents who voice opinions and they are entitled to such. This is campaigning on this date. The news article that referenced a dishonest budget, for anyone who read beyond the title, it referred to the fact that a number of one time, quick fixes were used rather than addressing the budget items. Nothing illegal was done.

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Agenda No. VIII

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1
 ~ Resolution No. 2008- 320 ~

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 amendments to the 2008 municipal budget as introduced were approved by the Township Council on August 20, 2008, and

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

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 budget of 2008 be made:

RECORDED VOTE	AYES:	NAYS:	ABSTAIN:
Weisbecker	Weisbecker		
Smolinski	Smolinski		NONE
Schimmenti	Schimmenti		
Lichtenberg	Lichtenberg		
Nolan		Nolan	
Scangarello	Scangarello		

ANTICIPATED REVENUES:		FROM	TO
1	Surplus Anticipated Total Surplus Anticipated	\$ 3,204,000.00 \$ 3,204,000.00	3,495,000.00 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 Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues	0.00 269,053.00	5,000.00 274,053.00
5	Subtotal General Revenues (Items 1, 2, 3 and 4)	11,463,078.00	11,759,078.00
6	Amount to be Raised by Taxes for Support of Municipal Budget: a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes Total Amount to be Raised by Taxes for Support of Municipal Budget	17,907,139.00 17,907,139.00	17,616,139.00 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 Total Public and Private Programs Offset by Revenues Total Operations Excluded from “CAPS” Detail: Other Expenses (H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS” (O) Total General Appropriations – Excluded from “CAPS” (L) Subtotal General Appropriations (Items (H-1) and (O)	0.00 352,300.00 3,079,738.00 3,065,522.00 5,668,863.00 5,668,863.00 27,382,297.00	5,000.00 357,300.00 3,084,738.00 3,070,522.00 5,673,863.00 5,673,863.00 27,387,297.00
9	Total General Appropriations	<u>29,370,217.00</u>	<u>29,375,217.00</u>

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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, by the Governing Body on the 3rd day of September 2008.

Adopted: September 10, 2008

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

Discussion: no discussion.

Agenda No. VIII 2
 ~ Resolution No. 2008- 321 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING THE ADOPTION OF THE 2008 MUNICIPAL BUDGET AS AMENDED

**SECTION 2 - UPON ADOPTION FOR YEAR 2008
 (Only to be included in the Budget as Finally Adopted)**

Be It Resolved by the Governing Body of West Milford, County of Passaic, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 17,616,139.00 (item 2 below) for municipal purposes and
- (b) \$ (item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A-9-2) to be raised by taxation and,
- (c) \$ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A-9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 150,952.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE			Abstained
(insert last name)			
	AYES	Nays	NONE
	Weisbecker		
	Smolinski	Nolan	
	Schimmenti		Absent
	Lichtenberg		
	Scangarello		

SUMMARY OF REVENUES		NONE
1. General Revenues		
Surplus Anticipated	08-100	\$ 3,495,000.00
Miscellaneous Revenues Anticipated	13-099	\$ 7,414,078.00
Receipts from Delinquent Taxes	15-499	\$ 850,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-195	\$ 17,616,139.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:		
Item 6, Sheet 11	07-195	\$
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)	07-191	\$
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)	07-191	\$
Total Revenues	13-299	\$ 29,375,217.00

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		
Within "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a&b) Operations Including Contingent	34-201	\$ 21,713,434.00
(c) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$
(g) Cash Deficit	46-885	\$
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 3,084,738.00
(c) Capital Improvements	44-999	\$ 248,573.00
(d) Municipal Debt Service	45-999	\$ 2,299,000.00
(e) Deferred Charges - Municipal	46-999	\$ 41,552.00
(f) Judgements	37-480	\$
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40-48-17.1 & 17.3)	29-405	\$
(g) Cash Deficit	46-885	\$
(k) For Local District School Purposes	29-410	\$
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)	50-899	\$ 1,987,920.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A-4-13)	07-195	\$
Total Appropriations	34-499	\$ 29,375,217.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 3rd day of September, 2008. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2008 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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Councilman Nolan said that we are nine months into the year and the jobless rate is at an all time high. Mortgages are foreclosing at a high rate. In today's newspaper, State Local Finance Board voted today to take control of fiscal affairs of Hoboken. If West Milford does not adopt the budget soon, West Milford will not be far behind. The article that he had written that was mentioned earlier was about the budget not people. This budget would be laughable if it were not such a serious issue. He repeated that meetings never addressed staffing, salary levels and benefits. The Council is afraid to make tough decisions. He reviewed some one time items in this budget, reducing the Township's surplus. Without all of these one time gimmicks, the increase to the tax payers would have been \$175. Next year is already looking at \$175 increase. The Council President is hoping for increased state aid and that employees retire.

Councilman Smolinski said that this budget is using less surplus this year than in past years. During the budget process the Council worked together on the budget. Councilman Nolan never requested studies or data from the administration regarding Town Hall staffing. This issue was saved for political purposes. He wishes that the administration had provided this information. The Council will look at many issues next year. He urges addressing the labor contract before it terminates. The Council did work together on this budget.

Councilman Nolan said that he never met in a back room on this budget.

Councilman Smolinski - was referring to labor contracts.

Councilman Scangarello - said that he read an excerpt from Councilman Nolan's newspaper article. He finds this very offensive. Many employees don't know any Council members. Many have been employed for a long time. Only 3-4 people have been added over many years. If the Township doesn't pass the budget tonight, it will cost the Township additional money.

Township Finance Director Magnotti - said that he will be presenting a Resolution to extend the tax date. He will request 10-20 days deferment. Investment revenues will be lost. Passaic County cannot strike the rate until the budget is adopted.

Councilman Scangarello - said that over the past few years the Township has not replaced many vacant positions. This policy will be continued. There will be issues raised in contract negotiations.

Mayor Bieri - said that this budget includes many one time offsets. About \$18 million is related to staffing and related costs. The Council did not address staffing until after the Budget was introduced. The Council has not planned for the future. She read from the newspaper article that Councilman Nolan had written. The Council has failed to address future issues. Looking at staffing levels will save the Township money. She and Councilman Nolan asked Council repeatedly to look at staffing levels. The Council did not ask for information. She said that she would be opposed to this budget if she was required to vote on it.

Agenda No. VIII 3

~ Resolution No. 2008- 324 ~ (AMENDED)

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING LEGISLATION THAT WILL GRANT AUTHORITY TO THE GREENWOOD LAKE COMMISSION TO ESTABLISH A FEE FOR BOATS OR VESSELS UTILIZING GREENWOOD LAKE

WHEREAS, the Greenwood Lake Commission is a bi-state commission that was formed in 2001 for the express purpose of improving the water quality of Greenwood Lake which is located in West Milford Township; and

WHEREAS, the Commission is to serve as a bi-state cooperative effort to help insure the natural, scenic and recreational resources of Greenwood Lake and its watershed are protected; and

WHEREAS, as part the ability to achieve such goals and preserve the lake for the enjoyment and recreation of present and future generations, it is necessary to sustain funding to achieve such objectives by collecting fees from boats or vessels utilizing the lake; and

WHEREAS, the State of New York Legislature and State of New Jersey in working in conjunction with the bi-state commission, must establish identical legislation in order to assess such fees; and

WHEREAS, the State of New York has previously adopted legislation that includes the ability to assess an annual fee for dock, wharf or mooring fees and a boat or vessel fee; and

WHEREAS, the proposed legislation under A-2649 also provides for the Bi-State Commission to have the authority to assess a boat or vessel fee as well as a fee for wharf, docking or mooring; and

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WHEREAS, the Greenwood Lake Bi-State Commission has advised the Township of West Milford that they will seek an amendment or new legislation that would eliminate granting the Bi-State Commission the authority to assess a docking fee for boats or vessels along Greenwood Lake; and

WHEREAS, the Mayor and Township Council of the Township of West Milford would support a boat or vessel fee but also do not endorse or support dock, wharf or mooring fees as proposed in A-2649; and

WHEREAS, the Bi-State Commission has sought that the Township of West Milford support legislation that would provide for a boat or vessel fee to be issued by the Greenwood Lake Commission but oppose any type of dock, wharf or mooring fees to be included in such legislation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and Council hereby request that the State Legislature provide for the ability of the Greenwood Lake Commission to assess a boat or vessel fee for those boats or vessels that utilize Greenwood Lake.

BE IT FURTHER RESOLVED, that the Mayor and Township Council do not endorse any legislation that would provide the right for the Greenwood Lake Commission to assess dock, wharf or mooring fees.

BE IT FURTHER RESOLVED, that a copy of this Resolution endorsing such legislation shall be forwarded to the Greenwood Lake Commission for distribution to Representatives and Legislatures of the Township of West Milford and the State of New Jersey.

Adopted: September 10, 2008

Amend motion to change user fee to boat and vessel fees and include fee schedule.

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

Motion to move resolution

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

Discussion: Council Smolinski asked if the term "user fee" can be replaced with boat fee. He said that the Council does not support Bill 2649 as written. He also asked that the fee schedule follow the first draft. Mr. Zarillo spoke about various fees. Councilman Smolinski supports a \$30-35 fee per boat. The boat fees were reviewed clarifying boat size to fee ratio and a daily use fee. Councilman Schimmenti said that he voted no because he feels it will reduce recreation in the township. Councilwoman Lichtenberg voted no with reason that funding could be found elsewhere. Councilman Scangarello voted no saying that he had asked questions of Mr. DeFeo regarding addressing the public and he hasn't heard anything negative but has heard that residents are against it. Residents have not been properly notified. Mayor Bieri gave reasons for her vote. She reiterated that the Council supports recreation and tourism. They are committed to funding the Commission. There is support to stop the deterioration of the lake. The people utilizing the lake should be the ones to pay for maintenance. She expressed that the proposed fees are minimal to the advantages of those fees. Half of the fees would be from New York and most of the work that needs to be done is in New Jersey. She addressed polling the residents and compared that to the budget being passed without the residents being polled. The impact of the fee is much less than the impact of increased taxes. She voted yes to the fee.

Agenda No. IX

Approval of Expenditures

Agenda No. IX 2

~ Resolution No. 2008- 334 ~

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.

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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	\$409,511.41
2	Reserve Account	
3	Animal Control Trust	56.00
6	Capital	459,242.00
7	Grants	7,889.28
8	Refuse	123,537.54
9	Refunds	59,300.07
12	General Ledger	
16	Heritage Trust	
14	Open Space Trust	
17	Trust	24,271.60
18	Development Escrow	2,040.00
19	LOSAP	
20	Special Reserve	
Total		\$1,085,847.90
Less Refund Resolution		(59,300.07)
Actual Bill List		\$1,026,547.83
Other Payments		1,504.00
Less Refund Resolution		(1,504.00)
Total Expenditures		\$1,026,547.83

Adopted: September 10, 2008

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

Agenda No. X

Discussion Items

The Township Council discussed the following items:

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| 1) | <p>Ambulance Rebid, Bid & Negotiations – Interim Township Administrator Battaglia reiterated what Mr. Jiroschek had said earlier regarding the recent bids for purchasing a new ambulance and the Councils consent to renegotiate. Under the Public Contracts Law, the township is required to purchase the equipment for the amount appropriated. She explained that the 2007 appropriation is originally \$140,000. They looked through other capital funds and came up with an additional \$12,500. Prices are accelerating at an exceedingly quick rate. The 1st Aid Squad has requested and it is in tonights budget to purchase an amulance in 2008. She is requesting to take a portion of that 2008 money and apply it to the 2007 appropriation and purchase an ambulance. The 1st Aid Squad can then come back to Council in 2009 and request an increase. She is seeking consent to rebid as soon as possible. The last bid came in at \$163,700. The vendor conveyed that they have experienced two increases since the bid has come in. Mayor Bieri clarified that the longer the Council waits, the more expensive the purchase will be. Councilman Nolan asked why, due to current economic conditions, would the price continue increasing. Ms. Battaglia deferred to Rob Jiroschek who spoke on behalf of the Township First Aid Squad and said that they had requested \$40,000 from 2008 appropriation to the 2007 amount for this ambulance. He addressed specifics in specifications and explained why only two bids were received. The specifications may change to allow either/or on cabinets. He said that distance to service centers is an issue. Warranties are also issues. He discussed specifics about specifications and bidders. Mayor Bieri asked with regards</p> |
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	to the bid specifications if there was any other concessions that could be made outside of warranty and safety. Mr. Jurashek said that there were really no bells and whistles that could be eliminated. Mayor Bieri asked regarding an extended warranty for the paint and Mr. Jiroschek and that he felt that it was well worth the additional cost. Councilman Nolan asked if the Township has purchased from either of the two suppliers who had bid and Mr. Jiroschek said that they have not but neighboring communities have and they are satisfied. Ms. Battaglia said that Mr. Jiroschek reads the warranties and picks out the deficiencies. Councilman Nolan asked regarding the financial stability of the vendors. Mr. Jiroschek said that the manufacturers have been in business for over 20 years and the squad looks towards the vendor for providing service. Consensus was to proceed with taking \$40,000 from the 2008 appropriation.
2)	Request from Beautification and Recycling Committee for new signs – Interim Township Administrator explained the Committees request for new signs for the entrances to town hall. She explained that Mr. Storms, Township Public Works Director said that he believes the the signs in-house would cost \$100 per sign and outsourcing would be approximately \$125 per sign. Requirements are for 24 signs. Council consensus was to proceed with in-house.
3)	Fire Apparatus Fleet Evaluation – Interim Township Administrator Battaglia explained that Council had directed to hire a vendor to perform a fleet evaluation. She deferred to Councilman Scangarello for further discussion. He, in turn deferred to Mr. Ed Steines, 642 Ridge Road, who said that the report commends the Council for past practices. The Township has 18 or more pieces of equipment. With the current economic climate he personally believes it would be wise to forestall purchases for a couple of years. He explained that the report suggests purchasing a new piece of apparatus in 2010 and it also recommends replacement of two tank trucks in 2011. Councilman Scangarello commended the mechanics for the maintenance on the vehicles. Mayor Bieri said that there was no mention in the report of rotation due to mileage and usage. The Council should look at that. Councilman Smolinski said that the report says that the apparatus can last approximately 25 years. Mayor Bieri asked how the Council should address rotation. Councilman Smolinski expressed disagreement with Mayor Bieri by saying that pride makes for good maintenance. Mayor Bieri said that it is Township equipment. Councilman Nolan said that he would like to have Mr. Steines and Mr. McGuinness speak to the Council about the report and rotation in December or January. Councilman Scangarello said that the report recommends forming a committee for any future purchases and equipment evaluation. The Committee should be comprised of the Fire Commissioner, a Deputy Commissioner, a Mechanic, a Council liaison. Mr. Steines said that he would need to get the Mechanic who works on the equipment pump certified.
4)	Cablevision Franchise – Mayor Bieri explained that the franchise agreement will expire in 2010. Interim Township Administrator Battaglia said that Township Attorney Semrau has submitted a memo regarding this and she is asking how the Council would like a committee to be formed and comprised of whom. Councilman Weisbecker explained about a recent experience with the community of Upper Greenwood Lake. Ms. Battaglia said that if Council was amenable she could advertise in the newspaper. She is seeking guidance with regards to the size of the committee and composition. Councilman Nolan said that he has issues with regards to the current contract. Consensus was for 5 citizen members and a Council liaison to form the committee. Councilman Weisbecker asked that the entire township be represented. Consensus was to proceed with forming a committee.
5)	Property Sale – Mayor Bieri asked about a 9 acre parcel. Interim Township Administrator Battaglia said that there is such a parcel on the list. She explained that they divide the list and conduct a number of sales. Consensus was to proceed.
6)	Surplus Vehicle & Equipment Auction – Sparta Township Interim Administrator Battaglia explained that this is an annual sale that has been successful. Mr. Storms, Township Public Works Director will be compiling a list and Sparta directs what needs to be done and in what time frame. It has been a lucrative auction for West Milford. Each year more municipalities participate.
7)	Gordon Lakes Dam – Mr. McFadden, Township Engineer has been working diligently on this project. Bids were opened on Friday, September 5 and they were all over the estimated amount. She will be approaching Council very soon with the needs that have come about such as a Bond and Assessment Ordinance to cover the difference in amounts. The contract must be awarded within 60 days. With a Bond Ordinance, the public is allowed to come to a hearing and voice their concerns. Consensus was to proceed.
8)	NJLM – Endorse Legislation – Mayor said that the NJLM is willing to look at Township Resolutions which they may or may not endorse. She asked if Mr. McGroarty would draft a Resolution expressing West Milford's issues. Councilman Smolinski said that

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	he could address the Governors Executive Order. Mr. MrGroarty explained that the Township can offset new construction with demolition for COAH. The Shop Rite addition will generate the need for two new units. He is in the process of analyzing specifics and will present an argument to COAH. West Milford may have the COAH deadline extended because the Township is completely in the preservation area. He is working as if it will not affect the COAH obligation.
9)	Ordinance – Amending and Supplementing Chapter 332, Streets and Sidewalks, with the addition of Article VI, Removal of Snow and Ice from Dedicated by not Accepted Streets – Interim Township Administrator explained that this will address those streets that the Township that the Township does not own but are compelled to perform maintenance on. This draft is after the concerns of the Township Engineer have been addressed. Mayor Bieri clarified that concerns have been addressed with Township Attorney Semrau. Ms. Battaglia explained the process of escrow accounts for developers. Mayor Bieri asked what would happen if a developer doesn't enter into a contract. She realizes that the Township can be reimbursed through the outlined funding. Ms. Battaglia explained that this is a first step entered into. Township Attorney Semrau said that in other communities it has been very successful. Consensus was to proceed.
10)	Ordinance – Defined Contribution Retirement Program (DCRP) – Ms. Battaglia explained that the State has a requirement for the DCRP. It was imposed in an effort to address elected officials possibly drawing a high pension. They would be required to draw from the DCRP. Consensus was to proceed.
11)	Ordinance – Mandatory Development Fees – consensus was to proceed.
12)	Resolution – Supporting Assembly Bill 2046 – Interim Township Administrator Battaglia deferred to Councilwoman Lichtenberg who explained that this bill rededicates funds from casino revenues to senior transportation. The Senior Citizens Advisory Committee favors this and asks for Council support. Consensus was given.
13)	Contract – Road Resurfacing, Phase II – awarded through Morris County Cooperative. Councilman Smolinski asked for verification as to where on the Township website residents can find the list of roads that are scheduled for resurfacing. Mayor Bieri commented that the road she resides on has been on the list as being rated in March of 2006 for resurfacing. It is not on the list because of her position in the Township.
14)	Contract – Westbrook Tennis Courts – Interim Township Administrator explained that this has been bid for the second time, the package was broken down into various alternatives. This has been very effective and the low base bid came in at \$396,520. Civil Dynamics has reviewed the company with the lowest bid and have recommended them to Keith Knudsen, Director of Community Services. Mr. Knudsen has recommended certain alternatives to compliment that bid which brings the amount to \$452,020. Councilman Nolan commented that \$250,000 of the funds have been acquired from Passaic County. Oversight of the project would be provided by the Township Engineering Department. Ms. Battaglia explained that the fencing will be re-used, only replacing those parts of the fencing that absolutely need replacing. Councilman Smolinski asked with regards to the expiration date from Passaic County and Ms. Battaglia said that they are working together for the extension of the deadline. Consensus was to proceed.
15)	Contract – Mason Dump Trucks – Interim Township Administrator explained that Mr. Storms, Public Works Director is seeking to reject this bid and re-bid with new specifications. Consensus was given.

Agenda No. XI

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

Councilman Schimmenti - no report

Councilman Nolan – apologized to Councilman Scangarello for interrupting him earlier in the meeting.

Councilwoman Lichtenberg – reminded everyone that the September 11 Memorial will be held the following day. CASA will be sending a memo regarding SRO's. She reminded everyone about the upcoming Autumn Lights Festival. She will be bringing another bill before Council for their endorsement. She is in the Town Hall every Thursday from 10am-12pm.

Councilman Scangarello – reported that the new generator at Hillcrest has been covered with recycled sheet metal. He expressed that this will save the Township about \$8,000 by protecting it and thanked the Department of Public works for fabricating the covering. He said that the fundraiser for the Petrowski Family, held the week prior was very successful and he thanked the communtiy. He said that there will be a picnic on Sunday, September 14 at 12:30 at Bubbling Springs to honor Veterans and their families. He invited all to attend.

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Councilman Weisbecker – said that he would like a line item added to the budget to monitor the Highlands Bill. He would like quarterly reports about the costs incurred in enacting the Master Plan.

Councilman Smolinski – no report

Mayor Bieri – reported that the Governor has signed the Highlands Regional Master Plan on September 5th. She feels that the Township message has had progress. The Governor has said that water protection issues take precedence over COAH. More people are in favor of a water user fee. She feels that they are making headway. She asked that discussion items be added to the list of items to be discussed and not at the next workshop meeting.

Antoinette Battaglia, Interim Administrator and Township Clerk – requested a motion to to release two topics from Executive Session discussion. These items are discussion of the Health Officer position from 6/11/08 and the Planner from 5/20/08. The issues have been resolved and she has received OPRA requests for a number of Executive Session minutes that she will respond to.

Motion to release Executive Session discussion of Health Officer (6-1-08) and Planner (5/20/08)

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

Dominic DiYanni from the office of the Township Attorney Fred Semrau, Esq. – relayed that on September 11 Township Attorney Semrau will be meeting regarding the West Milford Lake property.

Agenda No. XIII

Executive Session

~ Resolution No. 2008- 335 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 10th day of September 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.
() b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
() b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
(X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
[] Land Use Administrator
() 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: September 10, 2008

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

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Motion carried.

Reconvened from Executive Session to Workshop meeting at 11:01 p.m.

Agenda No. XII

Appointments and Resignations

~ Resolution No. 2008- 336 ~

MAYOR'S APPOINTMENT OF DOROTHY FOX AS LAND USE ADMINISTRATOR IN ACCORDANCE WITH ORDINANCE 2008-031

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of Dorothy Fox to the position of Land Use Administrator in accordance with the provisions of Ordinance 2008-031 which was adopted by the Governing Body on July 9, 2008 at a starting salary of \$62,500.

Adopted: September 10, 2008

Motion to appointment of Dorothy Fox as Land Use Administrator

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

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:03 p.m.

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

Approved: November 5, 2008

Respectfully Submitted:

Judy Manning, Part Time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK