
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: October 4, 2017
Time of Meeting: 6:30 pm
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The Workshop Meeting of the Governing Body 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 December 25, 2016, January 1, 2017; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Tim Wagner, Pete McGuinness
Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: None
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

September 6, 2017 Workshop Meeting
September 6, 2017 Executive Session

Moved: McGuinness Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Abstained:

Agenda No. IV

Meetings

Mayor Bieri noted the future meeting schedule:

October 11, 2017 Board of Education
October 18, 2017 Regular Meeting
November 8, 2017 Workshop / Regular Meeting
December 6, 2017 Workshop Meeting

Agenda No. V

Proclamations

Domestic Violence Awareness Month – Mayor Bieri read the proclamation and invited Ms. Mary Laumbach to the podium to accept the proclamation. Ms. Laumbach spoke about what she experienced when she was a victim of domestic violence. She is currently involved at the Highland Family Success Center and runs a trauma support group. Ms. Laumbach thanked the Governing Body for recognizing domestic violence.

Agenda No. VI

Executive Session

~ Resolution No. 2017 – 310 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 4th day of October, 2017 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body 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):

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- () 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.
 - Attorney-Client Privilege – Zoning
 - Attorney-Client Privilege – Council on Mandates
 - Litigation – Distribution License
 - () 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: October 4, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

The Governing Body went into executive session at 6:41 p.m.
The Governing Body returned to the public meeting at 7:49 p.m. with all present as before.

Agenda No. VII

Presentations

EDC Awards – Mayor Bieri welcomed Ms. JoAnn Blom to the podium. Ms. Blom spoke about why the EDC selected Harvest Moon and WM Strength and Conditioning for the awards. She noted that the owners of Harvest Moon could not attend the meeting. She welcomed the owners of WM Strength and Conditioning to the podium to speak about their business and thanked them for coming to West Milford.

Mr. & Mrs. Haggerty, owners of WM Strength and Conditioning thanked the Governing Body for recognizing them and they spoke about the services they provide. Mr. Haggerty noted that the hours of operation are listed on the website and they vary due to class schedule. Mrs. Haggerty said they have classes for all age groups and CrossFit can be modified and scaled to fit athletic capabilities and individual needs. She said that they are really proud to be the only strength and conditioning facility in West Milford and she thanked the Township for welcoming the business. Mayor Bieri thanked and congratulated Mr. & Mrs. Haggerty. Councilman Hensley read a thank you letter from the owners of Harvest Moon.

Agenda No. VIII

Discussion Items

1.	Discussion: Herbicide Spraying on Passaic County Roads: Administrator Battaglia noted that the responses from all the groups were in the Council's packets. She said if the Governing Body was amenable she would like to forward the information to the Passaic County officials. The Council gave consensus.
2.	Discussion: Coordinating Cohesive Plan for Social Resources: Administrator Battaglia asked the Governing Body for consensus to continue to have the meetings with all the outside support groups. The support groups assist people in finding resources to help them with substance abuse, domestic violence, etc. She said the Highlander Family Success Center helps guide people to find the resources that they need. She explained that as a Township they want to identify the resources that everybody has, find a way to pool the resources and then reach out to the community with one voice and consistent messages. Mayor Bieri said that the Township wants to expand upon the group, continue with the meetings, research billboards and flyers and give the same cohesive message. The Council gave consensus.

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3.	Discussion: CDBG Grant for Elevator at Westbrook Park: Administrator Battaglia explained that the proposed costs for the elevator were higher than expected. She said that The Facilities Committee requested that the Governing Body approach the County to see if the funds from the CDBG grant could be repurposed. She mentioned that the Facilities Committee recommended utilizing the funds for an ADA accessible restroom in the old library to meet the needs of the community. Councilman Signorino mentioned that the funds from the Teen Center are being transferred to the old library. He explained that there will be expenses incurred so the Governing Body is trying to find the money so they don't have to appropriate additional funds. The Council gave consensus.
4.	Discussion: Liaison to Friends of Wallisch: Councilman Signorino explained that he was not part of the conversation at the last meeting because he was at the Highlands Council meeting so he doesn't know what transpired. He explained that there can't be a municipal liaison to a private group. He made a suggestion about forming a committee between the Board of Education and the Council; not the Friends of Wallisch. Mayor Bieri noted that the Friends of Wallisch property is jointly owned by the Board of Education and the Township, so they have to put forth plans and get approval from both entities. Councilman Signorino suggested inviting the Friends of Wallisch for a discussion on forming the committee. Mayor Bieri recommended inviting the Friends of Wallisch to a Governing Body meeting for a presentation. The Council gave consensus.

Agenda No. IX

Public Comments

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

Mr. Semrau said that he has been advised that an attorney who represents a number of establishments in the Township has been hired to file a lawsuit against the Township to challenge the legality of Ordinance 2017-008; the Township authorizing a distribution license. He explained that it is considered potential pending litigation, so he advised the Governing Body not to comment on the matter until he is in receipt of the complaint.

Steve Castronova, 26 Arnold Rd, West Milford – Explained what a distribution license is and spoke about the different types of licenses that West Milford has. He feels that the Township needs another supermarket not another liquor license. He mentioned that the Township is not against competition but the numbers don't work. The taxes in the empty A&P store are very high and that's probably why nobody can rent the store. He said a distribution license would hurt the longtime West Milford residents and business owners. He mentioned that he has lived in West Milford for 56 years and the liquor store businesses employ a lot of people.

James Aiello, 20 Dehart Ave, Hewitt – Spoke about the population in West Milford, the standards required by law, the difference between the types of liquor licenses and why a distribution license would not benefit the Township. He feels that the Township doesn't need a liquor license, the Ordinance is unfair to all the liquor businesses and that's why they are challenging the Ordinance.

Matt Mehta, 9 Marshall Rd, West Milford – Said he is the owner of Uncorked Wine and Spirits and has been in business for 20 years operating on a C license with too many restrictions. He said a distribution license would jeopardize the liquor store owners' livelihood. He asked the Governing Body to reconsider their decision.

Si Huang, 1926 Union Valley Rd, Hewitt – Mentioned that a distribution license would create unfair competition and it would close his business. He mentioned that he has two families to support.

Ken Carroll, 94 Long Pond Rd, Hewitt – Explained why he was there to defend the small liquor store business owners. He said the Governing Body should consider the small businesses when issuing those types of licenses.

Pat Foley, 20 Pinecliff Lake Drive, West Milford – Mentioned that he has been working in the liquor stores in town for 35 years. He spoke about how they are all hard workers; they have added a lot to the Township financially and to jeopardize their livelihoods and families is unfair. He asked the Governing Body to reconsider because the liquor store businesses have supported the Township in so many ways.

Paul Haggerty, 376 Ridge Rd, West Milford – Said the liquor store businesses employ many people and a big distributor would terminate all those businesses creating a lifestyle change. He feels that this is a deliberate act and it doesn't feel right because it's causing these people to become victims.

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Alyson Intveld, 9 Deborah Lane, West Milford – Mentioned that she supports the small businesses. She said that she moved to the Township to enjoy the rural and small business aspects of the Township; not to live in a city-like atmosphere with a big box store. She asked the Governing Body to reconsider their decision and support the small businesses.

Richard Fenners, 717 Otterhole Rd, West Milford – Said that the distribution license would be devastating and destroy the local businesses. He asked the Governing Body to reconsider.

Bob Nicholson, 20 Hyde Rd, Stockholm – Said West Milford is a small town; a big box store belongs on a highway and the town already has enough liquor stores. He said they could figure other ways to fill the store without looking for the quick buck.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting.

Moved: Erik Seconded: Hensley
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Agenda No. X

Council Comments

Mr. Semrau – Noted that the Ordinance and the right to move forward with the sale of the license have been approved. Currently there is no destination that has been determined for the distribution license.

Mayor Bieri asked to move Resolutions 2017-311 through 2017-314.

Agenda No. XI

Action Items

Agenda No. XI 1

~ Resolution 2017 - 311~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PURCHASE OF ONE (1) USED (PRE-OWNED) 2005 INTERNATIONAL 4300 WITH BRINE EQUIPMENT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 15, 2017 for the purchase of one (1) used (pre-owned) 2005 International 4300 with brine equipment as per the bid specifications; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township’s Director of Public Works, Supervising Mechanic, and the Township Attorney; and

WHEREAS, the bid received from Winter Services, in the amount of \$69,000.00 does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus Winter Services Inc. is deemed to be the lowest, responsive, responsible bidder in accordance with N.J.S.A. 40A:11-2(27)

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number 01-201-44-900-012.

WHEREAS, it is the recommendation of the Township’s Director of Public Works and the Supervising Mechanic to award the purchase to Winter Services, Inc. in the amount of \$69,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Township Council hereby authorizes the Department of Public Works to expedite a purchase order to Winter Services, Inc., 33 Daret Drive, Ringwood, NJ 07456 for one (1) pre-owned 2005 International 4300 with brine equipment in an amount not to exceed \$69,000.00 in accordance with its bid for same.
2. The Township’s Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: October 4, 2017

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Agenda No. XI 2

~ Resolution 2017 - 312 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO BRIAN MURPHY ARCHITECT LLC FOR ARCHITECTURAL SERVICES FOR THE FORMER LIBRARY AND PORTIONS OF THE MUNICIPAL BUILDING

WHEREAS, the Township is in need of professional architectural services for the renovation of municipal offices at the Town Hall and former library; and

WHEREAS, the Township wishes to retain the services of Brian Murphy Architectural LLC for architectural services for the renovations and repurposing the vacated former library and portions of the existing Town Hall as per the proposal dated July 30, 2017; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bidding and the contract itself must be made available for public inspection; and

WHEREAS, Brian Murphy Architect LLC has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Brian Murphy Architect LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified availability of funds for these services, said funds to be encumbered from the 04-215-55-890-000 account; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Brian Murphy Architect LLC, 35 Charcoal Road, Newfoundland, NJ 07435 for professional architectural services in an amount not to exceed \$21,900.00 as per proposal dated July 30, 2017.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$21,900.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: October 4, 2017

Agenda No. XI 3

~ Resolution 2017 - 313 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Planning Department the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount of Refund
John Buonanno 85 Cherry Ridge Road Hewitt, NJ 07421	0230-0575 16-288-56-701-050	\$750.00	\$474.37

Adopted: October 4, 2017

Agenda No. XI 4

~ Resolution 2017 - 314 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF TAX SALE PREMIUM TO LIEN HOLDER

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WHEREAS, there appears on the tax records as shown below and the Collector of Taxes recommends the refund of such payment.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

REASON: 1. Refund Premium to Lien Holder

Block & Lot	Name and Address	Amount
02106-001	US BANK CUST FOR TOWER DBW 50 SOUTH 16 TH ST. SUITE 1950 TOW PHILADELPHIA, PA 19102	\$9,100.00
TOTAL		\$9,100.00

Adopted: October 4, 2017

 Moved: Erik Seconded: McGuinness
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: None
 Abstained:

 Agenda No. XII

Approval of Expenditures

~ Resolution No. 2017 – 315 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$477,858.32
3	Reserve Account	0.00
2	Grants	180.00
6	Refunds	9,574.37
1	General Ledger	1,672.35
26	Refuse	140,405.35
4	Capital	3,247.15
19	Animal Control	10,521.32
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	7,538.78
19	COAH	0.00
16	Development Escrow	722.50
19	Tax Sale Trust	0.00
21	Assessment Trust	19,013.23
	Special Reserve	1,273.51
Total		\$672,006.88
	Less Refund Resolution	-9,574.37
	Actual Bills List	\$662,432.51
	Other Payments	
	Payroll	526,387.16
	Total Expenditures	\$1,188,819.67

Adopted: October 4, 2017

 Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: None
 Abstained:

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Agenda No. XIII

Reports of Administrator, Mayor and Council Members

Councilman McGuinness – Said he’s looking forward to the Autumn Lights Festival (ALF) and the Beautification and Recycling Committee will have two booths set up at ALF. He thanked the Governing Body for approving the replacement of the gym floor.

Councilman Signorino – Spoke about ALF and said it’s a great day for the family. He encouraged people to visit the museum and he noted that the teachers are welcome to coordinate a class field trip for the students.

Councilwoman Lichtenberg – Mentioned various events and their dates and times, and noted that the helicopters will patrol and inspect the Jersey Central Power and Light power lines at the end of town near the Newfoundland and Oak Ridge areas.

Councilwoman Erik – Noted that she attended a summit on the programs that Passaic County offers, and they will be at ALF providing the free services that they offer to the community. She requested that the letter from the PBA be added to an executive session. The Governing Body gave consensus.

Councilman Hensley – Thanked the businesses that participated in the EDC Awards and he congratulated them. He thanked Councilman Signorino for representing the Township and the Governing Body at the Highlands Council. He asked the Governing Body to consider Air B&B’s in the future in West Milford; he had a request from a resident and it was something that the Township had worked on years ago. Administrator Battaglia noted that if a resident wishes to take advantage of an empty bedroom they should have all the proper approvals, and she will add this topic for discussion on a future meeting agenda.

Discussion:

Councilman Signorino said that when he was at the Highlands Council meeting he invited the Council to visit West Milford. He commended the Governing Body for making themselves available to attend the Highlands Council meetings. Administrator Battaglia asked the Governing Body if they would like specific discussion items on the agenda if the Highlands Council was to visit West Milford. Councilman Signorino said if the Highlands Council is not willing to listen to the Governing Body’s concerns he wants it on record. Councilwoman Erik noted that if the Highlands Council came to West Milford the residents would have something to say. Administrator Battaglia said she asked Ms. Nordstrom to discuss the economic impact of the Highlands Act and proposed changes to the MPRR and Ms. Nordstrom felt that it was not a discussion she could have with the Governing Body because it’s outside of her jurisdiction. Councilman Signorino said those topics and the potential impacts for the future should be the focus of the meeting. Councilwoman Erik said that their rule of only six meetings in thirty days needs to be addressed. Administrator Battaglia said that she would approach Ms. Nordstrom again with the requests from the Governing Body.

Councilman Wagner – Read a letter from the Recreation Advisory Committee regarding the new gym floor stating they support the Governing Body’s proposal to use Open Space Trust Funds for a new hardwood traditional floor. Councilman Wagner asked Administrator Battaglia for the status on the estimates for the cost efficiency audits that he would like performed in all the departments. Administrator Battaglia said she would follow up with Councilman Wagner regarding his request.

Administrator Battaglia – Noted that she attended a meeting with the DPW Director and Chief of Police. The purpose of the meeting was to make certain that they engage in adequate extensive communications during the winter months when dealing with inclement weather, and communicating effectively with the Police Department about the brine use. She explained at the meeting the Lieutenant suggested getting the word out to the residents about the change in managing the snow removal operations and brine. Councilwoman Erik mentioned that last winter there was a successful brine experiment on Canistear Road, and the feedback from residents was positive. Administrator Battaglia thanked Suez for doing a countless job answering the questions from the residents at the last meeting. She noted the upcoming meeting dates with Suez. Councilman Signorino recommended a scroll announcing the Suez meetings on WM77TV, and Mr. Nicholson confirmed that there already is a scroll. Administrator Battaglia reminded the Governing Body about the joint meeting with the Board of Education on October 11th at 7pm.

Agenda No. XIV

Appointments and Resignations

Councilman Wagner made a motion to nominate Karen Phelan and it was seconded by Councilman Signorino.

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Moved: Wagner Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Abstained:

Councilman Signorino thanked Mayor Bieri and the Council for their decision and approval to repurpose funds for the new gym floor.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:16 p.m.

Moved: McGuinness Seconded: Lichtenberg
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Approved: November 8, 2017

Respectfully submitted:

Sherry Zbrzeski, Clerk Typist

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK