
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
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 Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of December 19, 2010 and January 9, 2011; were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Roll Call

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

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the June 15, 2011 Regular Meeting Minutes as presented:

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

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

October 19, 2011 Regular Meeting November 2, 2011 Workshop Meeting
November 9, 2011 Regular Meeting

Agenda No. IV

Presentations

None.

Agenda No. V

Proclamations

Put the Brakes on Fatalities Day – Mayor Bieri noted that this is part of a police department initiative and she read the proclamation into the record.

Agenda No. VI

Unfinished Business Final Passage of Ordinances

None.

Agenda No. VII

Public Comments

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

Tim Wagner, 835 Westbrook Road, West Milford and Greenwood Lake Airport manager noted that there is a discussion item on tonight's agenda pertaining to activity permits. He has thoughts and suggestions on that topic. He noted that most of these events are family events. If police costs are too expensive it will increase ticket costs and make events unaffordable. He stated that he would like the Council to sit with event organizers and listen to their concerns. He would like administrative fees waived, lower police rates, a review of standards for security, an option to hire outside police agencies, a schedule of fees for police supervisors that are comparable to neighboring communities, and a contingency plan for inclement weather. At the last meeting he spoke during public comments. That meeting started out well but the behavior later in the night was a disgrace. He stated that members of the public bashed the Mayor and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 13

Council. The Mayor & Council attack each other and defend themselves. The elected officials should focus on issues not on defenses against these attacks. He urged members of the public to speak about matters that are in the best interests of the town. Residents don't care about personal vendettas against elected officials. Political warfare, he said, has no place here. If you have MUA issues go to the MUA. He asked what would happen if all MUA commissioners resigned.

Stew Feldman, 44 Bisset Drive, West Milford stated that he is here representing the Chamber of Commerce and the EDC to discuss security costs for local events. He supports the need for security. At the beginning of the year there was a resolution 2011-006 forming the EDC. The town was seeking a committee to stimulate economic growth in West Milford. Members of the EDC want business go grow and prosper and part of that process can be achieved if we address these security costs. He supports the people who make this country secure. However, surrounding towns have lower costs than West Milford. He has worked for the same company for 18 years. In 2009 they outsourced and by the end of that year he was displaced. He started his own computer company. He lost his high salary, benefits and vacation. He is not alone. Thankfully his wife still has her job even though there has been no raise in 5 years and the cost of benefit contributions has increased. These local events must be made affordable because people have to be cost conscious. We need to find a balance between police costs and having these events. There are too many vacant business properties in town. If we cannot increase revenue, we may need fewer police and staff in the future.

Bob Nicholson, 20 Hyde Road, Stockholm stated that he is hoping to see a debate for candidates for office so that residents can understand issues other than the MUA and SROs. He is also hoping that Mr. Semrau will release the FBI-Leeda report because it was paid for with taxpayers money. Most of the information is already known. This is not police bashing; the police provide great services. However, we must look at the original ordinance and compare that to other towns. He will pass on the comparisons with other towns. He listed some of those fees charged for events in West Milford. Some towns are comparable and others are lower. He would like to see compromise. He passed out some information. The more questions he asked, the more questions he had. JC Ringer could not be here this evening but it would appear there is not consistency in fees being charged. The air-show and boat show are run by non-profit organizations. Promoters are different than small non-profit events. The Township pays police fees for ALF. If some organizations are having fees waived, there should be some level of consistency. These are all non-profit organizations. The Council needs to have information to make educated decisions. Councilman Weisbecker asked for Council consensus to have Mr. Nicholson join in the discussion of these items later.

Ada Erik, Macopin Road, West Milford commended the put the brakes on fatalities proclamation. On the agenda, item #2 is a policy for naming buildings, fields, and roads. She grew up in West Milford and went to school at end of Arnold Road now known as Highlander Drive. Arnold road was named after a WWII vet. She knows his family. The family took it hard when Arnold Road was renamed. Remember that when establishing this policy.

Doris Aaronson, 19 Bearfort Road, West Milford stated that there was discussion at the last Council meeting about refunding \$465,000 to the installer of the turf field. This release should be conditional on adherence to the terms of the contract. If the turf field does not last as long as its expected life the installer did not meet the specifications for the installation of the turf field. If the turf field does not meet its life expectancy it would be penny wise and pound foolish. She would like that addressed prior to release of funds.

Carla Horton, 132 Bearfort Road, West Milford thanked Ed Rosone for accepting her personal apology in private earlier tonight. Thousands of children die from starvation and there are over 36 million Americans who do not have sufficient nutritional food. That was even before Hurricane Irene. The tri-county clergy association is organizing a hunger walk on 10/16 in the afternoon. It will begin at Pinecliff Lake community club. She chairs the outreach committee at her church. This is domestic awareness month. Many people do not have healthy relationships. At United Methodist Church this Sunday there will be a workshop to convey to abused people how to get help. On October 13th she will provide a teen program on how to avoid abuse.

Tracy Clark, PO 856, Hewitt stated that in other discussions at the last meeting someone's house was threatened so she is using her PO box. These threats do not belong in these chambers. She said that she may exceed five-minute rule. This rule has been broken before and she expects the same courtesy. She said that residents should know the status of the community center lease known as the Hillcrest lease. After all this time, we have a signed contract that has yet to be sealed and delivered. She is volunteering to drive the contract to the BOE. Maybe there are personal or political agendas blocking this. She wants to know who has this contract. Why is it not in the BOE hands? For three years this has been going on. She said that she will call the BOE tomorrow to see if they have the lease. She was told

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 13

here 3 years ago that the two boards cannot get along. The Mayor & Council should be dealing with resident concerns. These actions are unruly. Enough is enough. Move forward with Township business. In three years she has seen nothing done. We should be the envy of any other town. We should never shut down Clinton Road. This is a main artery to access Upper Greenwood Lake. She asked Council President Smolinski to stay on the County to repair Clinton Road. Clinton Road is shut down. Apple Fest was last weekend in Warwick, ALF is this weekend. Somebody should have called the County to delay the installation of the light in Upper Greenwood Lake. It is a safety concern. We need traffic control. This is a safety issue. She asked the Mayor & Council to put political agendas aside and get along.

Joseph Elcavage, Upper Greenwood Lake, West Milford stated that he came here two weeks ago and spoke about a liquor license that the Mayor may have been involved in. The Council spoke about getting special legal counsel. He gave the attorney volumes of paperwork. He suggested that this be given to another attorney.

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

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

Agenda No. VIII

Council Comments

Mr. Semrau stated that the Hillcrest lease was signed in March this year. Council adopted the funding ordinance in May. He notified the BOE. During the summer there was an issue about assigning the escrow agent and that was amicably resolved. The Township received a letter from the BOE saying that they had to seek DOE approval. The request from the BOE is now in Trenton. The BOE has the signed lease, they recently sought DOE approval, we are now awaiting that approval. All paperwork to transmit funding is scheduled for the October 19th meeting. All Township work is done. The last correspondence from the BOE was to put the Township on notice that we must pay or we will be evicted. That will not happen because the Township has met all obligations. The BOE has to deed interest in the Wallisch property to the Township. There are environmental concerns that have to be addressed first. We asked the BOE to share in that cost. The Township has paid all operating expenses for the Hillcrest facility since this began. He commended the Mayor & Council for all their work on this matter. We are waiting now for the BOE to get state approval. This governing body has done everything we were supposed to do.

Mr. Boyle stated that County expedited repairs to Clinton Road. They are working on this. Mr. Semrau stated that the \$65,000 for the turf field is ready for release. The Township Engineer has inspected every phase of this installation. There was a final walk through with minor issues that are being addressed. We had issues with installer and manufacturer. Once final punch items are addressed funds will be released and the manufacturer will then issue the warranty. He is confident that this has been done well. The Township, BOE and residents are protected. Everything will be in order. He stated that the FBI-Leeda report was released with minor redactions based on direction from Governing Body. The redactions are to protect public safety.

Councilman Weisbecker stated that Mr. Elcavage brought forth the liquor license issue and the possible involvement of Mayor Bieri in this license. The Council received a memorandum from the attorney saying that it is a mundane thing and there is more to it as far as a civil case is concerned. He believes the ABC case was opened. He thinks it requires another attorney because Mr. Semrau works for the Mayor. She can remove Fred at will. He said he does not want to put Mr. Semrau in that position. Now there is a mountain of paper. It is only fair to residents to ensure mayor is not tainted and we have full knowledge of that. Mr. Semrau stated that he did not make any determination on this issue. He was asked to look at the ABC matter involving a restaurant. He reviewed material from the ABC and the State Attorney General's office. They have indicated that the investigation is closed and the only charges levied are charges against the licensee. There were no charges against the Mayor. He only reported those facts to the governing body. The ABC has jurisdiction over this matter. From their perspective and various officials there is nothing more than the charges issued against the establishment. There is an ongoing civil matter that is private and the Mayor is not a party to that case. He would not feel comfortable going any further. He cannot comment any further on this. That is the sum total information provided to him from ABC and the Attorney General's office. He also spoke with Mr. Elcavage also who has a copy of the civil case which does not involve the Mayor. Councilman Weisbecker asked Council for consensus to contact an outside attorney just to ensure there was no wrongdoing. The Council, he noted, did ask for an MUA investigation. He believes it is not a bad idea to investigate the Mayor. Mayor Bieri stated that there have been allegations levied against her all of which began when Mr. Elcavage filed a complaint. The investigation

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: October 5, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 4 of 13

was into a local establishment. The licensee is responsible for upholding all ABC regulations. That was concluded and no charges levied against her. The owner was issued a 33-day suspension. Much was said about those violations at the last meeting. That investigation was not about her. There was a similar investigation against Valley View Pub this year with almost same violations. There was also a more serious allegation at Valley View where the license owner knowingly employed a person convicted of illegally carrying a firearm. Councilmen Smolinski & Ramaglia left the room at 8:22 p.m.. Mayor Bieri continued saying that there was also an investigation into another establishment with similar violations. She will happily condone yet another investigation because she has repeatedly asserted that she has no interest in any liquor license. She would object to this being funded with tax dollars pre election. An investigation would just clear her name and she suggested that the Council give up the balance of their stipends to pay for that and she will give up her stipend too. It will clear her name. Councilman Weisbecker stated that someone gave a lot of facts and there are reports from ABC agents who discussed the Mayor. He asked the Council to make sure everything is fine. If this was any Council member, he said, there would be an uproar. Councilman Signorino asked if we have a quorum now and Mr. Semrau replied in the affirmative. From the audience, Ada Erik asked that this end and we get on with Township business. Councilman Weisbecker stated that there is an allegation, there is a question and he is responding to that.

Agenda No. IX

Discussion Items

Councilmembers Smolinski & Ramaglia returned to the meeting at 8:26 p.m.

1)	Amend Policy Relating to Activity Permits – Administrator Boyle stated that the Land Use Administrator has asked that this be expanded to all zones and the number of events be increased. Many liquor license establishments have requested more events than allowed. She wants to increase the number of events allowed from 6 to 14. Mr. Semrau recalled that when he first worked on this ordinance the planner and engineer cautioned against proceeding too fast. He asked if the LUA spoke with planner & engineer before sending the memo. Mr. Boyle will discuss this further with staff and bring it back to Council in November. The Council gave consensus to have the planner look at this.
2)	Policy on Naming Fields and Buildings - Administrator Boyle stated that Councilman Jurkovic requested this discussion and his own personal opinion is not to become involved in this because the policy had better be very extensive to ensure that people are not offended. Councilman Signorino asked if there are sample policies and Mr. Boyle stated that they are not codified. Mr. Semrau stated that if there are existing facilities that are named, they could be codified to protect their names because a change would require an ordinance amendment. The Council asked for examples from other towns. Council President Smolinski stated that the BOE has a policy for naming facilities after certain persons. That could provide a basis for Council direction. He believes that street names are probably the most important. Councilman Ramaglia noted that Councilman Jurkovic is not here to discuss this and he asked that we hold this until the next workshop and he asked that there be information and guidance for direction.
3)	Sustainable Jersey Request for Proposal – Animals in the Community Education – Administrator Boyle stated that the Council received an email from Renee Alessio regarding a community pilot program for Sustainable New Jersey. It has been sent to the Environmental Commission and they have not submitted a recommendation as yet. Council asked for more information and Mr. Boyle advised that the deadline for submission is November 1 st . If he gets Environmental Commission approval he will put this on the agenda for the 19 th . Council President Smolinski stated that when we established the Green Team a procedure was put in place.
4)	Ordinance – Amend Chapter §271 – Police Service Charges – Administrator Boyle stated that this ordinance has been in place since 2002. He met with event organizers, the police chief and captain. Township officials cannot waive or control provisions in the ordinance. The 25% administrative fee is high in his opinion. He and the Mayor discussed that a couple of years ago. Wayne has a good two tier system based on the type of event. He stated that he would recommend reducing costs for local vendors and events. We work hard to keep costs down. He stated that he has met with event organizers to discuss ways of curtailing costs. Once officers are assigned they must show up. With sufficient cancellation there may be a means to reduce the costs. Ultimately, he said, the Council has to make decisions. Most towns try to work with straight time or a fixed fee based on rank and hourly costs. Councilman Weisbecker stated that in 2002 this ordinance was brought forth because there was a lot of construction in town. The Council wanted local involvement. He explained specific circumstances from 2002. There was no consideration at that time for events of the current nature. Amendments can be made to make this ordinance functional. Mr. Semrau stated that the Township has to be made whole for costs. From an insurance perspective there have been officers injured on assignments and the Township carries the cost of workers comp. If the Administrator is saying that the 25% is less than the actual costs the Council could reduce that to reflect the actual costs to make the Township whole. Mr. Boyle stated that the problem is that the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Workshop
 October 5, 2011
 7:30 P.M.
 Page 5 of 13

	<p>overtime rate is a killer. That 25% administrative fee is viewed as adding insult to injury. Mr. Semrau noted that the Township has contractual obligations but for a start if the Administrator can factor the actual cost the Council can dictate that the 25% be waived and reduced. But the Township must cover all expenses and costs. Those costs could be reduced for a trial period to determine if costs are properly covered. Council President Smolinski stated if you reduce the cost you will reduce the amount paid in workers comp. He suggests sitting down with the police department. He asked where the policy is on how many officers are needed at an event. If alcohol is at the event there is a need for additional security. Mr. Semrau stated that it is within the discretion of the Chief of Police to determine what is needed to protect the public. This is an important judgment call that can only be made by the Chief. The Council cannot draft a policy because this is the Chief's responsibility. That is why he suggests beginning with the administrative fee. A municipality must cover administrative costs. But Mr. Boyle is saying that this cost may be reduced at least for starters. Mr. Boyle stated that he met with police staff who advised that the coverage is based on the number of people the event organizers expect. If alcohol is present, there is a greater need. Councilman Ramaglia stated that we will not have events if we charge these costs. People will not pay for the exorbitant entry fees. We have to make a stand and make cuts. If Wayne can do this for \$28 call them and see how they do that. If we cannot cut these costs we will have no events. Mr. Semrau said that if an officer is eligible to participate at an event and it is on overtime, that is the cost the Township is going to incur. Council President Smolinski questioned how officers are assigned. He asked why we don't assign special police officers who are paid significantly less. Councilman Weisbecker asked if it is possible for these event organizers to hire their own event security. We should amend the ordinance to permit certain events to hire outside staff with a minimal amount of police officers trained to handle traffic. Mr. Semrau requested an opportunity to meet with the Chief of Police to discuss this in detail. You want to attract the public but you have to protect them too. He asked for this to be deferred to next workshop. The 25% administrative fee can be reduced and he will try to get answers to questions and report back. Councilman Weisbecker asked if there are state regulations on this and Mr. Semrau stated that he doesn't know but believes there are state policies to ensure protections like workers comp. Councilman Ramaglia stated that no one is asking for the number of officers to be reduced. If a certain number is needed then that is the need. He just wants to know how Wayne does it. Mr. Semrau commended Councilman Ramaglia noting that is pinpointing the issue and he will research it and get back to Council. Councilman Ramaglia asked that Bob Nicholson from the EDC be included in the meeting with the Chief. Everyone wants to see events in town and we need to keep them. Councilman Rosone asked to be part of the Chief meeting and so did Councilman Ramaglia. Bob Nicholson, 20 Hyde Road, Stockholm stated that the ordinance requires time and a half. But the ordinance could be changed to be an outside event and many officers have part time jobs. Mr. Semrau advised if that were termed an outside obligation then the officer is not covered by the Township for benefits and liability. Mr. Nicholson said that Deborah Hoffman from PCIA may have suggestions that will help. Mr. Semrau noted that the Township's insurance provider has established policies. Mayor Bieri said that the bottom line is everyone wants these events and we must cover our costs. Councilman Ramaglia said that it is not a manpower issue but an effort to reduce the costs. Tim Wagner from the audience said that it is great to have this meeting but questioned what happens if nothing can be done. We won't get anywhere. Then, he said, go to option B. Allow outside security. He wants to use the Passaic County Sheriffs officers. They are more experienced in these events. We must have an option B to cut costs and provide for safety. Councilman Ramaglia agreed. The EDC has chosen obtainable goals and they are committed to working this out. Councilman Signorino volunteered to be part of that meeting too.</p>
5)	<p>Ordinance – Amend Chapter §141 – Filming and §135-15 Fees for Filming - Mr. Boyle reviewed the fees which include the \$500 per day fee and no daily rate for students and non profits. Bob Nicholson asked that the Township contact Deborah Hoffman from PCIA to discuss reducing these costs.</p>
6)	<p>Resolution – Opposing S-2887 Exempts Certain Wind Turbines from Local Review – The Council gave consensus to proceed. Council President Smolinski stated that the Environmental Commission discussed this and he would like to hear their comments.</p>
7)	<p>Resolution 2011-344 – Support Possible Sale of West Milford MUA - Mr. Boyle stated that the Council wanted Mr. Semrau's review and a determination as to the possible impact on the Township. Mr. Semrau stated that the sale would necessitate some consideration His research included review of DCA guidelines and conversations with experts in the field. It is very unusual to sell a municipal utility authority. We would have to find an interested entity, would need approval for the sale from the MUA, then the proceeds from the sale of the assets would be set aside, the MUA would be dissolved which requires DCA approval, a business plan and assurances for system users, and demonstrate to DCA what would happen to the debt of the MUA. The debt would be assumed by the municipality. Hopefully the sale would cover the debt. If not, it would be the municipality's responsibility. The actual decision to sell would rest with the MUA. From there the Township's involvement would be to assist with</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: October 5, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 6 of 13

	<p>dissolution and future plans for servicing existing customers. The only other utility he could find considering this option is Bayonne. This is a separate section of state law. Sale of assets would go out to public bid. Then there would be the transition plan which requires DCA approval and Township involvement. Councilman Weisbecker asked who puts it out that the MUA is for sale. Who runs it between offer sale, dissolution and new owner? Mr. Semrau advised that the MUA would continue to operate until DCA approval is obtained and a private owner would have to get BPU approval as well. It is ultimately the MUA's decision as to whether or not they want to sell. Councilman Weisbecker stated that at the Pennachio meeting the Senator asked about this process. Council President Smolinski stated that the DEP suggested moving forward with the sale. Our part in this is very simple. We simply offer support to the MUAs decision. He asked if the Township can have a minimum offer contained in the bid and Mr. Semrau answered in the affirmative adding that there would be a lot of inhouse review and evaluation prior to sale. Council President Smolinski stated that liabilities total about \$6 million which includes DEP penalties. Senator Pennachio is trying to reduce these. Council President Smolinski stated this is not the only option that was discussed at that meeting. The other option was to look at a centralized sewer plant. What input does the municipality have in this? Mr. Semrau said that at some point, the Township will have a significant role when the DCA wants to understand debt and transition plans. The MUA will have to look to the governing body to assist in that transition. Councilman Ramaglia stated that we will have input with DCA, DEP, and BPU and whatever private company chooses to purchase. Councilman Rosone stated that the resolution simply requests that they explore the option of a sale. Council President Smolinski stated that the end goal is to have a properly running utility. Mr. Semrau said that the MUA will want to know if the Council supports the concept and this resolution will be helpful in that way. Councilman Ramaglia asked if it makes a difference if another public entity like the WVRSA expressed interest in purchasing and Mr. Semrau said that he would have to look into that. The resolution, he said, does not commit the governing body to anything.</p>
8)	<p>Resolution – Authorize Execution of a Contract with EZ Cars – the Council gave consensus to proceed.</p>

Agenda No. X

Action Items

Mayor Bieri asked to move Agenda items X 1. thru X 8 as one.

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

Agenda No. X 1

~ Resolution No. 2011- 344 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, SUPPORTING THE POSSIBLE SALE OF THE WEST MILFORD MUA

WHEREAS, On September 7, 2011 by virtue of resolution 2011-300, the Township Council did establish a committee with broad based representation for the purpose of meeting with Federal, State and Local elected and appointed officials relevant to issues pertaining to the West Milford Township Municipal Utilities Authority; and

WHEREAS, said committee did meet with Senator Joseph Pennachio from the 26th legislative district with representatives of the NJ DEP and the WM MUA on September 15, 2011; and

WHEREAS, the meeting was productive and the Council wishes to express appreciation for the expeditious and conscientious efforts made by all in attendance; and

WHEREAS, the final determination of all involved was a recommendation that the MUA investigate the potential of selling the West Milford Municipal Utilities Authority to a private company who would assume the ownership, operation and management of the water and sewer utility.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the Governing Body does hereby support the possible sale of the West Milford Utilities Authority in accordance with any and all required laws, rules and regulations governing such transactions; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 13

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the Governor of the State of New Jersey, Senator Joseph Pennachio, and the West Milford MUA for their guidance and direction.

Adopted: October 5, 2011

Agenda No. X 2

~ Resolution No. 2011- 346 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE OF ACCOUNT NUMBER FOR RESOLUTION NO. 2010-419 AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT WITH CHILTON MEMORIAL HOSPITAL

WHEREAS, by virtue of Resolution 2010-419 adopted on December 15, 2010 the Township Council did authorize the contract for Community Health Education services to the Township's Health Department; and

WHEREAS, resolution and certification contained the incorrect account number from which these funds should be encumbered,

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from 1-01-27-335-450.

NOW, THEREFORE, BE IT RESOLVED all conditions contained in the resolution 2010-419 remain in full force and effect but encumbrance should be deducted from the account referenced above.

This Resolution shall take effect immediately.

Adopted: October 5, 2011

Agenda No. X 3

~ Resolution No. 2011- 347 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE OF ACCOUNT NUMBER FOR RESOLUTION NO. 2011-049 AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT – TOM GILMARTIN

WHEREAS, by virtue of Resolution 2011-049 adopted on January 5, 2011 the Township Council did authorize the contract for a Registered Environmental Health Specialist in the Township's Health Department; and

WHEREAS, resolution and certification contained the incorrect account number from which these funds should be encumbered,

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from 1-01-27-335-480.

NOW, THEREFORE, BE IT RESOLVED all conditions contained in the resolution 2011-049 remain in full force and effect but encumbrance should be deducted from the account referenced above.

This Resolution shall take effect immediately.

Adopted: October 5, 2011

Agenda No. X 4

~ Resolution No. 2011- 348 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE OF ACCOUNT NUMBER FOR RESOLUTION NO. 2011-050 AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT – GENE OSIAS

WHEREAS, by virtue of Resolution 2011-050 adopted on January 5, 2011 the Township Council did authorize the contract for a Registered Environmental Health Specialist in the Township's Health Department; and

WHEREAS, resolution and certification contained the incorrect account number from which these funds should be encumbered,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 13

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from 1-01-27-335-480.

NOW, THEREFORE, BE IT RESOLVED all conditions contained in the resolution 2011-050 remain in full force and effect but encumbrance should be deducted from the account referenced above.

This Resolution shall take effect immediately.

Adopted: October 5, 2011

Agenda No. X 5

~ Resolution No. 2011- 349 ~

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 CHARLES McGROARTY FOR THE PROVISION OF SERVICES IN ACCORDANCE WITH THE HIGHLANDS CONFORMANCE GRANT IN AN AMOUNT NOT TO EXCEED \$50,000

WHEREAS, by virtue of Resolution 2099-206 adopted on May 13, 2009 the Township Council did authorize the contract with Charles McGroarty to provide services in accordance with a \$50,000 grant from the Highlands Council as part of their Conformance Grant program; and

WHEREAS, the purpose of the grant was to conform to the Highlands Regional Master Plan (RMP); and

WHEREAS, at the time of the award, the Council was aware that the Highlands Council was prepared to make an additional \$50,000 available to preservation zone municipalities should the need arise for such funding to complete that phase of the grant process; and

WHEREAS, the Council did instruct that Mr. McGroarty apply for the additional available funding if necessary and continue with the related work to complete that phase of plan conformance; and

WHEREAS, Mr. McGroarty did comply with the Council's directive, did apply on behalf of the Township and obtain approval for the additional funding, and did continue with the related work; and

WHEREAS, the Highlands Council has begun the process of paying the municipality for the invoices submitted by Mr. McGroarty for this work so that the Township can compensate him in accordance with the provisions of the grant; and

WHEREAS, the Chief Financial Officer requires approval from the governing body by virtue of resolution and contract to effectuate these payments.

WHEREAS, Charles McGroarty has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he 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 Banisch Associates, Inc. from making any reportable contributions through the term of the contract; 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 bid and the contract itself must be made available for public inspection.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from G-02-41-763-765.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Mayor and Township Clerk be and are hereby authorized to execute professional services agreement with Charles McGroarty of Banisch Associates Inc. with offices located at 111 Main Street, Flemington, NJ 08822 for services rendered in accordance with the Highlands Council grant initiative for conformance with the Highlands Regional Master Plan and to authorize the disbursement of the grant fund received from the Highlands Council to Mr. McGroarty for said work.

This Resolution shall take effect immediately.

Adopted: October 5, 2011

Agenda No. X 6

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 13

~ Resolution No. 2011- 350 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE 2009 GRANT AGREEMENT UNDER THE RECOVERY ACT IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE

WHEREAS, by virtue of resolution 2009-193 the Township Council did authorize the execution of a shared services agreement to apply for funding for a project under the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$16,723.00 with the City of Passaic acting as the fiscal agent for Passaic County municipalities; and

WHEREAS, the Department of Justice conducted an audit of said grants and have requested that each participating municipality execute an amendment to said agreement to reflect the administrative fees section not in the original Shared Services Agreement; and

WHEREAS, resolution 2009-193 did reflect the administrative fees wherein the City of Passaic was approved to act as the fiscal agent for Passaic County municipalities eligible for this grant, and receive a 10% administrative fee from applying municipalities.

NOW THEREFORE, BE IT RESOLVED, by the Township of West Milford, Passaic County, State of New Jersey that:

1. The Mayor and Township Clerk be and are hereby authorized to execute an amendment to the 2009 Byrne Grant in accordance with the request from the Department of Justice for same.
2. All other existing terms and conditions in the 2009 agreement shall remain in full force and effect.

Adopted: October 5, 2011

Agenda No. X 7

~ Resolution No. 2011- 351 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-034-007 LA ROCCA, INC. FOR THE 2011-2012 LICENSE YEAR

WHEREAS, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-034-007, having no sited premise, held by La Rocca, Inc.; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).
4. Licensee has received a Special Ruling from the Office of the Attorney General for the 2011-2012 license year.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be renewed as a "Pocket" license with the following conditions:

1. Licensee must file a Place-to-Place Transfer of License to site.
2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshal and Health Department before activating.
3. Food Handlers License must be current before issuance of License Certificate.
4. Certificate of Occupancy must be issued prior to opening.
5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12-page application, within ten days before or after the opening of the business.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: October 5, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 13

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the renewal and hold the license certificate until activated per conditions referenced above.

Adopted: October 5, 2011

Agenda No. X 8

Consent Agenda

~ Resolution No. 2011- 352 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:

- a. **2011- 353** – Refund Recreation Fees

Applications:

- a. **Application** for Off Premise 50/50 Raffle License No. RL2011-33 by the PTSO West Milford High School for December 22, 2011.
- b. **Application** for Off Premise 50/50 License No. RL2012-01 by the PTSO West Milford High School for June 4, 2012.
- c. **Application** for a Petition to Extend Licensed Premises by Peter Anoll, Lakeside Inn for October 15, 2011.
- d. **Application** for a Petition to Extend Licensed Premises by Peter Anoll, Lakeside Inn for October 29, 2011.

Adopted: October 5, 2011

Agenda No. X 8 a.

~ Resolution No. 2011- 353 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES

BE IT RESOLVED that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

Preschool – Friday Funday		
Cali Thompson	\$130.00	Anica Thompson 6 Bergen Drive West Milford, NJ 07480
Thomas Keough	\$15.00	Stephanie Palmieri 45 Alvin Road West Milford, NJ 07480
Preschool		
Kyle Gloria	\$155.00	Robert Gloria 88 Paradise Road Oak Ridge, NJ 07438

Adopted: October 5, 2011

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2011- 354 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: October 5, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 11 of 13

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.	\$502,831.14
2	Reserve Account	18,896.21
3	Animal Control Trust	74.00
6	Capital.	43,384.80
7	Grants.	30,510.38
8	Refuse.	204.38
9	Refunds.	0.00
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	0.00
18	Development Escrow.	2,273.50
19	COAH	0.00
20	Special Reserve	0.00
Total		\$598,174.41
Less Refund Resolution		0.00
Actual Bill List		\$598,174.41
Other Payments Ck #47039 OR Road Assoc.		\$2,836.50
Total Expenditures		\$601,010.91

Approved: October 5, 2011

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

Agenda No. XII

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

Councilman Weisbecker stated that the Administrator's office received an email from EPA suggesting that the Lake Hopatcong was a direct line item addition from congress. This is federal grant money and \$5 million is awarded annually. He asked that Mr. Boyle have someone look at this. He stated that there is a letter indicating that WVT are deficient in their taxes. Some time back people were upset that they couldn't get Verizon in Upper Greenwood Lake. He asked Mr. Semrau to find out why Verizon cannot provide service in Upper Greenwood Lake.

Council President Smolinski thanked the Passaic County Administrator for expediting the Clinton Road project. Signage was brought up today. He was on Clinton Road this past weekend by Van Orden and many people were asking for directions because of the road closure. He asked for a sign as you enter West Milford providing detour information. Put the brakes on fatality day is perfectly timed. He had a meeting with Senator Pennachio and DOT to address "S" turns on Route 23. He has been relaying to Pennachio and DOT every time there is an issue there. He thanked Senator Pennachio for his assistance. He asked Mr. Semrau to address information in Council packets about the Newark property. He conveyed his condolences to the Siesta family noting that Marilyn lost her battle with cancer last night. Mike is a dear friend to him and many on this dais. Condolences to his family and his young children.

Councilman Ramaglia conveyed condolences to the Siesta family.

Councilman Rosone conveyed condolences too. This coming Saturday is ALF and it is supposed to be a beautiful day. The committee still needs volunteers who can come at 7 am and meet at the ALF tent. There are a record number of vendors this year with over 210 having pre-registered. He asked for an update on coffee house and Mr. Boyle stated that interior renovations are almost complete. A final walk-thru is scheduled in the next few weeks. The department is ordering machines and games and they plan to open in early November. The engineer has reported on the outside work.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

Councilman Signorino conveyed his condolences to the Siesta family.

Administrator Boyle stated that he received a letter from Washington that the COPS grant application is on hold pending funding approval. He sent that notice to federal representatives Menendez and Lautenberg to ask for support. The Township is engaging in green energy retrofits being funded primarily with grant funds with the cost to Township being about \$20,000. He stated that he will have a capital ordinance for the next Council meeting. He advised that he received a letter from American Fields with a quote to maintain the turf field and he asked for a future workshop discussion of that proposal. BOE and Township staff has been trained but we may want to look at this. WVT customers were notified of dissolution of that cable company and now WVT is asking for a resolution from the Council. Will have preconstruction meeting for Upper Greenwood Lake roads. Last week he had a meeting with the open space committee to look at older properties. PVWC will be replacing tanks at Pawnee Terrace and the new tanks will be substantially larger than those being replaced. Most major capital projects have been completed for the year and we are now beginning the 2011 road resurfacing program.

Township Attorney Semrau stated that there is about 15 days to decide if we can include Hillcrest in proposed PCIA solar project. Mr. Boyle has the asked BOE for approval but if we don't hear back we will have to pull it. He advised that the property needed for the traffic light on Warwick Turnpike was appraised at \$53,000. The property owner was originally demanding \$100,000 which was reduced to \$75,000 and now there is a further reduction to \$68,500. The cost for this acquisition was budgeted as part of the project and he recommends settling at that price. He noted that juries can be sympathetic to property owners in condemnation cases. The Council gave consensus for Mr. Semrau to prepare the necessary documents and seek Council authorization at the next meeting. He stated that he has tentatively scheduled the police department meeting for 4 pm next Tuesday. Mr. Semrau advised that over the last 30 or so days he has been working to determine insurance coverage for Banker Road. Denise Loeffel in the Clerk's office found documents to show that Selective Insurance was previously sued and ultimately Gail VanHook in Administration found the file. He is closing in on that and hoping that the entire case would be covered. He asked "yes or no" if Council wants him to look at documents received from a resident tonight. The Council replied in the affirmative.

Mr. Semrau noted that the Newark watershed litigation pertains to one of the most significant taxpayers in West Milford and the matter is currently in tax court. He has been in negotiations with the same attorney who represented them 15-20 years ago. Legislation calls for a certain way to appraise this property and he explained that with Newark Watershed cannot take income from property into account when assessing. Newark Watershed services thousands of customers and earns millions on that property but those profits cannot be factored into the assessed value. He stated that he is also looking at the Highlands Act to see if there is a mechanism for that. Council President Smolinski asked him to draft a letter to Senator Pennachio about deed restrictions on that property which if removed would allow more uses on that property. Mr Semrau advised that Scott Holzauer is the expert witness with Brian Townsend. Council President Smolinski stated that he wanted to bring attention to the request to Senator Pennachio to seek his help in having the deed restrictions removed because additional allowable uses will allow increased revenue. He said that Senator Pennachio is very supportive of West Milford. He asked if we should ask Senator Pennachio to look at amending the legislation that prohibits the consideration of profits when we are assessing the value of this particular property. Their appeal is based on the devaluation of their land due to the Highlands Act. If Newark prevails it comes out of West Milford tax dollars. The County has a tax stabilization act that restores the lost taxes. This is a seven to ten year declining reimbursement. We need to utilize Senator Pennachio and any legislator willing to stand up and fight for us. It is a matter of economic survival. We cannot let up on this battle. We have no other way to generate revenue in West Milford. He asked Council to send letter to Senator Pennachio in two weeks asking him to get involved and to change legislation to allow profit to be considered in assessment of Newark Watershed. The Council asked for a resolution rather than a letter. Mr. Semrau noted that over the past ten years there were two significant payments not received from New Jersey. They purchased development rights. They paid Newark but it devalued the property for West Milford. Another municipality abutting this property asked for a medivac helipad and the DEP said no because of the deed restrictions. Councilman Ramaglia said that it is a shame that West Milford residents pay this tab and he asked Administrator Boyle to ask the County to support this resolution. Council President Smolinski urged the Council to be unified on this issue. The appeal is based on devaluation of this land. How many times can they claim devaluation based on one act? Mr. Semrau noted that Passaic County collects a third of whatever taxes we collect so they should support this. Mayor Bieri noted that Newark sold development rights but it did not devalue their property because their revenue has increased.

Agenda No. XIII

Appointments and Resignations
None.

Agenda No. XIV

Executive Session

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: October 5, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 13

~ Resolution No. 2011- 355 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 5th day of October, 2011 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.
 - (X) b. (4) A collective bargaining agreement including negotiations.
 - Local 2275
 - () 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.
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () 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 5, 2011

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

The Council went into executive session at 9:58 p.m.
The Council reconvened in public at 10:07 p.m. with all present as before.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:08:07 p.m.

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

Approved: January 18, 2012

MAYOR BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK