
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: November 2, 2011
Time of Meeting: 7:30 P.M.
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The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

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

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Daniel Jurkovic, Mayor Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

None.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

November 9, 2011 Regular Meeting December 7, 2011 Workshop Meeting
December 21, 2011 Regular Meeting

Agenda No. IV

Presentations

Public Hearing – Person to Person transfer of 2010-2011 Plenary Retail Consumption License No. 1615-33-020-006 presently held by LaRocca Inc. to Harris, Dion B. & Minikus, Mary Ann t/a The Inn at Farm Crest LLC as a pocket license with no sited premises.

Mayor Bieri directed the Council to the Clerk’s memorandum. There were no questions from Council and there were no members of the public wishing to be heard. The public hearing was closed with unanimous consent of the Council.

Agenda No. V

Proclamations

None.

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 manager of the Greenwood Lake airport thanked the Township and departments who assisted with the recent air show. There were two beautiful days and the police presence was much improved. He is still concerned with police charges although he does not have a bill yet. At the last meeting the Council approved a meeting with officials and he hopes this will lead to approval of the use of outside security at these events. By virtue of an OPRA request he learned that police presence for the air show costs more than any other event. He opined that local organizations should not be paying a 25% administrative fee adding that this hinders youth oriented events. He stated

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that local business owners would like to see improved Township signs because existing signs are decrepit and present a bad image.

Phil Pirro, 34 Cartaret Street, West Milford stated that he is here to speak about proposed MUA resolution on agenda tonight calling it an endless attack by the Mayor. He stated that the Mayor has attended meetings with Senator Pennachio and knows the restrictions facing the MUA and yet, in his opinion, she continues putting forward ridiculous resolutions. He received an email from Mr. Dillon from the DEP and was upset with Mr. Dillon asking what the essence of the letter was. He said that he was disappointed by Mr. Dillon because Mr. Pirro had asked for the meeting to be delayed and he had asked Mr. Dillon to assure him that there would be no follow up. He asked Dillon if the letter was politically motivated and read Mr. Dillon's response. Mr. Dillon described the situation at the MUA as grave and Mr. Pirro said that Mr. Dillon is not blaming the operators or management. He distributed a copy of his communications with Mr. Dillon. He is also here tonight about the 150 page investigation report submitted by Mayor Bieri to the Prosecutor's Office. The report was posted on the Mayor's website which is where he read it. It is a conglomeration of facebook pages and accusations. He stated that he called a friend of his at the Attorney General's office who told him that there is not an investigation. It is under review. He stated that he was called down to a meeting at the Attorney General's this past summer relative to the Mayor's misconduct. He was told not to divulge the meeting details or specifics so he cannot speak any further about it except to say that, if he were Bettina Bieri, he would be more worried about the Mayor than her attacks on the MUA. These so called investigations are inappropriate. It is a ploy to get reelected. It will cost users more money than they pay already. He was on time for the last meeting with the Senator but the Mayor was fifteen minutes late which is discourteous to the Senator. She really has her own political aspirations in mind. If reelected he expects she won't attend more MUA meetings.

Ross Kushner, on behalf of the Pequannock River Coalition stated that about a month and a half ago he submitted a letter to the Mayor & Council in response to a resolution from the Council asking for their support. His letter said they could not support the resolution because of the administrative problems at the MUA and the fact that there is no asset or financial plan. They were then accused by Councilman Smolinski of being political. He quoted from a DEP letter asking for a demonstration of managerial, technical and financial ability at the MUA. Those are the same concerns his organization had. The DEP said that the MUA does not have an asset management or capital improvement plan. He continued quoting the DEP letter. These are the same concerns the Coalition has and the Council cannot continue ignoring this. People have to drink this water and there is sewage flowing in the street. The MUA will not get more money without changing management. The DEP does not blame the operators. It is the administration. He urged the Council to stop blaming and make the necessary changes.

David Richards, 27 Ringwald Lane, Hewitt stated that he has been a resident for 33 years. He is speaking as a resident and not a BOE member. He stated that the Council contacted the BOE about a shared service for a turf field and there was a subsequent committee meeting in July. The concept of a turf field was well received and it was very positive meeting. The BOE had a special meeting and voted, with the exception of one member, to proceed. Later he and his wife met the Mayor at Shop Rite and spoke about the turf field. The Mayor indicated at that time that she was not so sure it will get done and she urged him to be patient and see what happens. Her comments made no sense. The turf field, he said, was set to start in August. Then two of the Mayor's supporters started attacks. The field was delayed many times because of these attacks. He could not figure out why they would do this. The attacks, he said, stopped around 9/25 and in the first week in November construction started. As a result the school lost all home games for the band and football team. His opinion is that it was delayed because of the election. In his opinion, the Mayor caused the delay to prevent the Council getting credit at the election. That is the only explanation he can come up with. The field is now done in 2011 and a grand opening was set for April 11th. This was to be a good community event until he got a call saying the Mayor wants to be the master of ceremonies (MC) for this event. He told the Superintendent he should be the MC and he got another phone call. There is a code about who speaks last at these ceremonies and the Mayor wanted to speak last so that she could cut the ribbon. He ended up cutting the ribbon. He suggested that Mayor Bieri note on her business card that she has a masters in politics (MIP).

Matthew Conlon, 33 Orleans Lane, West Milford stated that he is member of BOE speaking as an individual resident. There was a recent letter in the Suburban Trends where Mayor Bieri commented on mailers, five of which were negative and one which was positive. She said hers was the only positive mailer. She made it seem as if her group did not engage in negative politics. He got a black mailer this past weekend with photos of various people which was paid for by "taxpayers for transparency". He could not find their registration. Their address is the same Post Office box as the Mayor's mailers. He questions the origin of the mailer. He would like Mayor Bieri to explain. He stated that he was invited to speak about functional government at a high school politics class last Friday and the Mayor was there the week before. He was told by students that Mayor Bieri took credit for the zero percent budget and for the turf field. She tried to delay the turf field as a campaign stunt. She told the kids that she is bullied at

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meetings. This, he said, is what the kids told him. His response was that he was there to speak about the BOE and relationship with students. He is concerned as a former student about the Mayor's comments because this has never been about politics before. It has always been about government. He may have to take action at the BOE to prevent stunts like this in the future. Inclusion of kids in the Mayor's investigation report was completely unnecessary and these actions are now transcending into spoken words in an academic environment. That is concerning. He hopes that it is not true.

Bob Nicholson, 20 Hyde Road, Stockholm stated there is an election next week. He is disappointed that there was no debate this year as there are more than two subjects in this town. It is hard to get voters motivated to get to the polls without a debate. It is difficult for him. Residents should have had the right to a debate.

James Foody, 2 Kushaqua Trail North, West Milford stated that he is speaking as a private citizen. He stated that BOE members are prohibited from talking politics as part of their code of ethics. He has received fliers through the mail from Joe Smolinski paid for by Friends of West Milford that says the Township got a free turf field. A second flier referred to the turf field as being virtually free. That field, he said, was paid for with open space funds that were diverted and he referenced the contract specifically portions about seeking a location for the field. The contract says that upon release of escrow the seller shall have no obligation to the buyer. If we didn't get a field we would have gotten our money back. If we install the field, we pay for it. That is why he voted no to the field as a BOE member in addition to the fact that the voters rejected it twice. They voted not to use open space funds for a turf field.

Celeste Hampton, Macopin Road, West Milford stated that she feels compelled to speak. She was a member of the open space committee and recalls that the committee recommended to the Council where open space purchases should be made. Unlike many New Jersey towns, like Bogota or Belleville or numerous other towns, West Milford has plenty of open space. We have plenty of recreational space in West Milford for hiking and biking. Other towns are limited to small playgrounds and parks. West Milford is very unique in open space issues. The most urgent need is to find sufficient parking. In West Milford the master plan has determined that open space funds should be directed to create greenways to connect open space to allow for animals to survive with limited contact with humans. Then there was an idea to use the money for parks and recreation needs. The voters rejected that idea. Not all residents wanted a turf field. Some people want schools to focus on education not sports. She was one of two members of the public that attended a BOE meeting where one member was broached about ethics. During that meeting Mr. Conlon came 15 minutes late and spent the entire meeting texting to someone who was not there. Mr. Conlon should not make political comments because it is unethical for a BOE member to do so.

Ray Guarino, Newfoundland stated that he has been a coach in town for many years. Children are called student athletes for a reason. As such they are given opportunities to participate in sports to complement their education. They should not be degraded for that.

Gene Chiosie, Hewitt stated that he is a resident and is also the Chief of Police. He sees a lot of bantering about SRO's and wants to clarify that they are not security guards. They are mentors who have specific assignments, training and goals. They provide security in the learning environment and are also there to protect. It is within the superintendent's purview to reject the offer of having SROs in the schools. He has seen articles in newspapers and he attended a meeting recently with various officials about the police charges for events. There has been a lot of misrepresentation in the papers. He reviewed the 2010 charges for the air show which was not \$10,000 per day as previously stated. The police department tries to work with each event organizer. The police department is simply charging their costs.

Doris Aaronson, 19 Bearfort Road, West Milford thanked everyone for their hard work during the recent storm and power outages. She thanked Marlene & Patti and Officer Hall for their help at Hillcrest. She stated that the mayor had nothing to do with the black flier referenced by an earlier speaker. She attended a meeting in Morristown today with Rockland Electric and she commended them for their efforts throughout the State since the storms. She thanked the Mayor for the 150 page investigative report. The MUA, particularly the Olde Milford plant is the biggest polluter of Pinecliff Lake. Samples show high phosphorous. She has asked the MUA to address this. It is costing Pinecliff residents a lot of money and they resent paying dues to hire a biology company to kill weeds and algae in their precious lake.

Nina Dodzik, 37 Duncan Lane, West Milford thanked Joe Smolinski for creative financing to get that turf field. We have plenty of open space and she asks that open space be developed intelligently. Any creative financing is needed. This will improve our town. She stated that she has been listening to everything about the MUA and asked why the Mayor did not demand that the Council take care of the issues. That would have been better than a 150-page report.

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Louis Monaco, 53B Beacon Hill Road, Bald Eagle Village, West Milford stated that he is not here to point fingers but is very concerned about MUA because he is a customer. He has been going to MUA meetings since late April and has repeatedly tried to address different situations regarding numbers. He does not get any direct response at all. Their accountability and credibility is suspect. He got a copy of Mr. Dillon's letter and he called the Division of Water Supply in Trenton. He went through their website with the DEP representative and they explained the meaning of the PWSID number which contains a lot of information from the inspections. During this process he learned details about the deficiencies and violations. It proved very interesting. He is very concerned about water quality. At the last MUA meeting Commissioner Pirro said there are no problems or issues. That is not the case. Every MUA meeting when there is discussion about any other management arrangement the commissioners threaten rate increases. They never discuss internal controls. He sees numbers that do not make sense and he never gets a direct response. The DEP letter is specific about management and they asked for qualifications. They don't get a response. Clearly Ms. Love has no experience or background and to divert attention from the commissioners threaten rate increases.

Robert Nolan, 1 Winding Way, West Milford stated that in May the MUA got a letter from the DEP Bureau of Safe Drinking Water questioning the lack of operational oversight and management neglect and saying there is an immediate health crisis. The MUA must have finally responded. The DEP letter dated October 19th says that visits to facilities show that violations still exist in water facilities. They said that of particular note is that the MUA does not have asset management or capital improvement plans. Failure to plan is planning to fail to quote Chris Garcia. What will it take to get action? He has grandchildren coming this weekend and he will not be allowing them to drink tap water. There was a 150-page report the Council had the Mayor put together. That report included that Charles Alaimo who was terminated from PVSC – Alaimo group was hired by MUA later that month. No one on Council is taking issue with that. He is worried that there is no concern for the users drinking this water.

Doug Trainor, 29B Concord Road, Bald Eagle Village, West Milford has been a resident for 25 years. It is time to replace Kelly Love. There are issues at the MUA. She has been there since 2006 and has not done what she should be doing. The MUA meetings are sometimes interesting and sometimes not. Phil Pirro seems focused on who is attending. The commissioners could have hired someone qualified to run the MUA. Kelly Love is a poor choice. The Council, he said, has another chance. Councilman Ramaglia corrected him saying that Ms. Love has only been there since 2009. Mr. Trainor continued saying that the MUA does not have accurate records. The Council, he said, is not showing leadership and he wants something done. Replace Kelly Love.

Richard Randazzo, Wooley Road, West Milford stated that he is upset that the Council cannot be balanced. Last week Mr. Smolinski accused him of forgetting who voted for the well ordinance. He stated that he did not forget.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford stated that on November 12th the police department will collect unused medicines.

Ada Erik, Macopin Road, West Milford stated that November 11th is next Friday. It is Veteran's Day. At 11 am on 11/11/11 there will be a ceremony at Veteran's Field. If you have a veteran in your family, if you hold a veteran in your heart, come support the veterans.

Andrew Gargano, 45 Apshawa Crossroad, West Milford sought to clarify something said by the BOE president blaming the Mayor for delays to the turf field project. That is contrary to the facts. He was Planning Board Chairman at the time. There were people who were trying to redirect the project because an amendment was needed to the facilities use plan at the school to be consistent with the master plan. People were trying to get it done properly. That led to the delays. At no time did the Mayor delay the vote at the Planning Board meeting. He never heard the Mayor express an opinion on the turf field.

Gary Steele, North Glenwood Road, West Milford thanked everyone for their public service. He stated that he is eager for November 9th. He is here to speak about the budget process and his hopes for next year. People want to know if those running for election will allow the press and public to attend budget meetings in 2012. Regardless of the venue, committee, subcommittee or full Council, people want to know if they and the press can attend. Most people rely on the press to relay the details. It is important that the press be allowed to attend. This is a fundamental question about open government. Open meetings allow public access. He stated that Mr. Smolinski said in the newspaper that people with legitimate questions and those with opinions will not be welcome at Council meetings. He asked if Mr. Smolinski meant that West Milford residents with opinions that oppose his are not welcome. Some people that might not be welcome under Mr. Smolinski's scenario, if the paper quoted him correctly, might include those with differing opinions about the MUA. If people do favor Mr. Smolinski's viewpoint of the turf field, they are welcome, if not they are not welcome. It comes down to one thing, he said, and he

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Councilman Jurkovic stated that the first two are relevant and Councilman Weisbecker agreed. By consensus the Council agreed to hear Messrs. Wagner and Conlon and limited their comments to two minutes.

Tim Wagner stated that there is a discussion about police charges and he has previously made it clear about what he has been billed for police charges. The problem with police charges is that it is not a flat rate; they charge overtime rates. That is killing the events. Additionally, in his opinion, the 25% administrative fee is high. He stated that the police do a terrific job but the Passaic County Sheriffs charge \$54 per hour.

Matt Conlon stated that a speaker said he was 15 minutes late for a meeting. He said that he arrived 3 minutes late not 15 for the meeting in question. The BOE president asked those in attendance to silence or turn off phones. His phone was silenced. There is no ordinance barring cell phone use at public meetings. He encourages anyone who has evidence that he violated any ethics code to please file a complaint and he will gladly answer that.

Agenda No. VIII

Council Comments

Mr. Semrau stated that there was an appraisal of the Random Woods property. The governing body met with the appraiser and then there was a contract for the purchase of that property. After time passed negotiations resulted in an agreement that the Township could construct a field on the Random Woods property. For the next 18 months attempts were made to construct a field on Random Woods. He, the Mayor and the Township Engineer went to the DEP three times to get approvals. There were three amendments to the contract extending the date. The final deal was the same price, same terms, but allowing a field on any site because ultimately Random Woods was not approved by the State. That is a field at no additional cost to the Township. The Mayor & Council fully supported that. Council President Smolinski was on phone with him a number of times during negotiations. The delay was not because of the actions of any elected official. There was a meeting in July 2010. He was encouraged by everyone on the Council to get this deal done. He recalled one day where there were a number of calls which resulted in a final delay from the Superintendent of Schools, not the Mayor. It was his presentation to this Council, negotiated by Council President Smolinski, supported by the Mayor that resulted in this good project. No extra dollars were expended, no delays caused by the actions of any elected officials. He believes that the budget process was legal and there were no dirty deals. The budget process was a work in progress by the governing body and then there were public meetings where the governing body set up two meetings in three days to conclude this process expeditiously. The actual vote takes place in public meetings. Councilman Ramaglia stated that allegations about back room deals are unacceptable and an affront to employees and the Council alike. Councilman Jurkovic stated that there are public hearings. These people are asking to prevent the Council to prepare for those public meetings. The committee meetings allow the Council to learn and speak intelligently at public meetings. The speaker uses that process to come to these meetings and attack the Council. One year the Council got it their way and got a zero increase. He urged residents not to believe the rhetoric. Council President Smolinski stated that the one thing that delayed the turf field project was a permit. Two individuals caused the delay. He thanked the Council for moving on this for the children. Residents are happy with the turf field. That field saved the entire spring recreation program at no additional cost. Mr. Semrau stated that no one he works for asked him to delay this project. He was consistently asked to move forward. The planning board scheduled a special meeting to move swiftly. Council President Smolinski stated that the BOE even has gym classes on this field which never happened on the regular grass field. It is an asset for the entire community. We should be proud when we play other teams in our town. He thanked everyone for their help. Mr. Semrau cautioned Mayor Bieri from responding about the high school AP class. Council President Smolinski stated that he got the invitation to attend the school for political science. It was a limited window and he had conflicts. He does not think it appropriate to go on Monday or Tuesday.

Council President Smolinski stated that the letter from Mr. Dillon and comments by the Pequannock River Coalition were inaccurate. He said that the Mayor did not communicate with these people. These issues were discussed at meetings with Senator Pennachio. Everyone agreed on how to proceed. There was a resulting agreement. One has to question a letter right before the election. All the issues in the letter are being addressed. The MUA issues are being addressed. He wants to move forward and find a solution. There has been discussion about cost to users going forward. The MUA should be meeting with the DEP trust. The DEP probably won't lend the MUA money to improve the facilities without proper supervision. That is all being addressed and handled.

Councilman Weisbecker thanked Harry Clark for bringing something different to public comments. He brought up issues in addition to MUA. The MUA is important but there are other issues. If the MUA is

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dissolved the Township gets \$11 million in debt. He pays for his septic and his well and he is not big on that idea. The vac truck has been out for a long time. Mr. Boyle stated that it has been out of service since March or April. Councilman Weisbecker said that is a problem. It is not just the lakes that are affected. He enumerated a number of the issues. He commended the DPW on their work during storm and he thanked Ed Steines for the OEM response. The entire town was affected. The vac truck, he said, is one of the many issues. DPW staffing must be addressed. These are issues that are being missed because of the MUA. It is shameful; it is wrong. He is disappointed that the leader of the town is allowing this to happen. All we know about is the MUA users are not happy about the MUA commissioners. He wants to know about the DPW staffing, police and recreation. He wants to know a lot of things he has not heard about in this election cycle.

Councilman Rosone congratulated Chief Chiosie on his appointment. He supports SRO's but said that we need to work with BOE and the Superintendent of Schools. If they deem it appropriate he supports it. He welcomes serving on a committee if one is formed.

Councilman Signorino asked Mr. Boyle about the vac truck. Mr. Boyle stated that we borrowed vehicles from other municipalities and are doing the best we possibly can. It is part of the capital budget. We are taking money from surplus to replace the vac truck. The ordinance was introduced at last meeting.

Councilman Jurkovic stated that Council would like to address questions that are raised by public. They often leave the room before the questions are answered. People should stay and listen. The greenway plan – the Council is aware of that and supported the concept. But when certain properties became available they were too costly. The grass field is not considered open space to the state. It is not considered impervious surface. There is an existing grass surface at CYO. The Town asked if we can put a turf field on that and the DEP said no. This emanates from the Highlands legislation. So the Highlands act does affect us. People keep making comments about *Friends of West Milford*. It is a bunch of guys who got together and do fundraisers such as beefsteaks and comedy nights; people buy tickets because they support them. Carmen Scangarello is the chairman of that PAC and as such he has to dispense the money. That is not his money. He is not giving anyone any money. He simply dispenses the money raised locally from supporters. It is what it is. The PAC is registered with ELEC, all filings are done properly unlike the transparency union that is not even registered. That means that PAC is illegal. It is ironic that they lack transparency by failing to register. He stated that there was a resolution done for the planning board before the board ever met and he questioned how that happened. He stated that he filed a number of OPRA requests and was denied access to over 2,000 emails between the Mayor and police department. He asked for help from those interested in transparency. He asked for a copy of the 1999 report from a newspaper article regarding pollution in Pinecliff Lake stating that he would like to see that. He stated that the objects to the Mayor's repeated assertions that the Council asked her for the 150-page MUA report. This all transpired after she sent a letter to Governor Christie saying there was a problem. He stated that he asked Mr. Semrau to take everything she had and anyone else had at that time to the prosecutor. He doesn't care that she did it or not. The whole approach is vile, she has gone after people's reputation and character. There is a guy called Charlie Alaimo who is being slandered. It is irresponsible. She wouldn't make it through the first day of law school. It speaks to her character. People will decide next week at the polling booth. He thanked Council President Smolinski for keeping a level head and bringing forth the resolution seeking funding for the MUA. He has no problem with any of the conditions for the \$14 million funding. The vile attacks are reducing property values. The MUA issues have to be addressed. There is a right way and a wrong way of going about it.

Councilman Ramaglia asked Administrator Boyle if administration has sat with BOE. Mr. Boyle stated that he got an email from them saying that they will get back to us after they have internal discussions. Councilman Ramaglia questioned that reply saying that it is not correct. He wants to know why it has not been done. If the BOE does not want SROs we need to sit with them and talk about it. He said that Mr. Boyle was supposed to go with the Chief to the BOE and the meeting never happened. These Township issues need to be addressed.

Councilman Weisbecker stated that there is a commissioner from the WVRSA here this evening namely Harry Clark. He wanted to know if he can have a committee tour of the WVRSA facilities to see if it is an option for the MUA. He asked Harry Clark to arrange a tour for him, Council President Smolinski and Mayor Bieri. From the audience, Mr. Clark said that he would be happy to show everyone how a properly operated facility works. Mr. Boyle stated that he will arrange the tour.

Mayor Bieri stated that the vac truck is a real Township issue. She sent an email on the day she found out the vac truck was not working. She read it. It was sent to Administrator Kevin Boyle. That email also addressed DPW's need for proper tools. The budget should have provided for repairs and contingencies. Mr. Boyle did respond the next day. He said under normal conditions we would have had funds to repair this equipment but the budget leaves no wiggle room. The DPW staffing levels have not been ignored. If

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Council appropriates funds to staff the DPW and the police department she can proceed accordingly. She has correspondence from Chief Chiosie dating back to last November asking for staffing considerations. She has been told she is being political for bringing up SROs although Council now says it a Township issue. Immediately after the BOE came to a Council meeting, she sent an email to the BOE Superintendent Petrilli. She quoted from the email asking for a meeting. Seventeen days later she got a response saying they can't meet. She then read in the paper that the Chair said he was never asked. She reviewed her second email to Mr. Petrilli and the BOE President asking again for a meeting. In between there was an email from Mr. Boyle indicating that the BOE said they will get back to him about a meeting. A month later she got a letter addressed to her and the Council from the BOE attorney. She read from the letter. It accuses the Township of not engaging in meaningful dialogue. She responded five days later by email and she read her response. She takes exception to allegations that she has not attempted to meet with the BOE. She has been trying since last September.

Mayor Bieri stated that she does not control the people who support whether she knows them or not. To insinuate that because someone who supports her she agrees with everything that they say or do is ridiculous. The same applies to the Council. She did receive an invitation from Greg Matlotz to attend a political science class to discuss the topic of how this governing body interacts with state government. It was opened up to questions. She answered those questions. Mr. Matlotz has agreed that she said nothing political. She thanked Mr. Semrau for reiterating that everyone on the dais was on board with the turf field. She worked with the Council on that. She attended committee meetings and went to the DEP to advocate for the field. She also went to appeal for funding. She did her job to follow through on the directive of the Council and make it as affordable as possible for this community. That leaves the MUA.

The MUA, the Mayor said, is not a political issue. It is a real issue affecting 20% of our residents. A less than adequate MUA has existed for years. It became more prominent in May because a state agency said there is an immediate public health concern. It was not a normal complaint. This was a state agency advising this governing body that there was an immediate public health concern. This has not improved. Since May she has attended any MUA meeting that does not conflict with her existing obligations. She will continue to attend and she will continue to advocate until such a time there is no under-chlorinated water and other violations. One speaker said to tell Council "it is your fellas and take care of it." She has pleaded with the Council repeatedly and it has fallen on deaf ears. There have been meetings that have gotten everyone in one room. At the last meeting, most options were deemed not feasible. One suggestion was to sell the MUA. The commissioner said it is not feasible. She suggested a professional management company. She was told it would be too costly. At the last meeting they said they would apply for \$14 million in loans through the state to be added to the existing \$11 million debt. The MUA commissioner said their plan is managing by crisis. That same commissioner has repeatedly said they are operating well and delivering clean water. There was talk about hiring a director with technical expertise but they propose keeping the current administrator in place. The DEP said there will be no funding until there is an experienced director in place. When another letter comes in saying that conditions continue to exist, she responds to it. You need to look for another alternative. It should be looked into.

She stated that she has received a letter from the SCI saying they have reviewed her request for an investigation and are sending her investigation to the State Comptroller. She also sent information regarding the municipal prosecutor and the ticket to a vicinage judge who referred it to the prosecutor's office. She never drew any conclusions. Allegations came from numerous sources and she does not have the ability to draw conclusions. She brought forth the information.

Council President Smolinski stated that he doesn't know what meeting the Mayor was at. He said the Mayor just mislead the people. Everyone at the meeting agreed with a plan to proceed. He said she talked about SRO's and the sequence of emails. She left out the last email which he does not have. Mr. Petrilli sent an email asking for the Mayor and Chief Chiosie to send their plan. That is the latest email that she didn't take action on. The 2011 budget has been adopted and they cannot find money in the budget to hire additional police officers. He suggested that the Chief bring it up in 2012. He asked if the Mayor identified the numerous sources of information in her report. He asked her if she identified them to these agencies. He asked who helped her write this report. Who helped her construct this report? Councilman Jurkovic asked Mayor Bieri if she is receiving legal advise or if she proceeded without legal counsel. Mr. Semrau noted that, in accordance with the Council's directives, he consulted with the Mayor. There were a number of items where sources could not be disclosed and those were removed from the report. Council President Smolinski stated that the Mayor talked about transparency. It is ironic that her letter to the editor came in about clean campaigns. Tonight an anonymous mailer is uncovered. This town is sick of anonymous letters and emails. Mayor Bieri stated that with regard to the SRO's she has listed all her correspondence. She has been carrying her documents since September. She comes to meetings prepared. Council can berate her for being prepared but she prides herself on being prepared. Councilman Ramaglia stated that there should be staffing discussions all year, not just at budget meetings.

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Agenda No. IX

Discussion Items

- | | |
|----|--|
| 1) | Warwick Valley Telephone (WVT) – Administrator Boyle stated that WVT is asking for a letter from the Council to the BPU saying that the Township has no objection to their decision to cease cable services. He reviewed the history whereby WVT will not renew cable franchise. He stated that WVT has met conditions outlined by the Council and are asking for Council’s letter to the BPU stating that we have no objections. Councilman Weisbecker asked if Verizon is allowed to provide service in the UGL area. Mr. Boyle said he will check and report back. |
| 2) | Paperless Agenda and Back-up Documentation – Mr. Boyle stated that the Network Administrator has been focused on the new telephone system and this matter is next on his list of priorities. In the meantime, Mr. Boyle is arranging a meeting with Jefferson to allow Council to preview their paperless system. He will report back in early December. |
| 3) | Ordinance 2011-016 – Amending Chapter 110 of the Uniform Construction Codes, Section 110-7 for Residents of Lake Communities and Ordinance 2011-017 – Amending Chapter 300, Sewers, Article 1, Individual Subsurface Sewage Disposal Systems for Properties located in Lake Communities Administrator Boyle asked for Council directive on how to proceed. He advised that the lakes committee has discussed this and they propose changes whereby lake associations would be notified about applications. Mr. Semrau stated that they are working on specific language |
| 4) | Ordinance Amending Chapter 271 – Police Service Charges – Mr. Boyle stated that there has been a lot of discussion about this. Staff understands the angst and the administrative problems. The PBA attended the meeting with the Administrator, Chief and EDC and all agreed we could find middle ground. Since then the PBA has had discussion among their membership. The fee structure is a contract based process. There are many options being discussed. The PBA has not reached a final agreement. Mr. Boyle stated that he is working with insurance people to determine what the administrative fee should be to cover worker’s compensation costs and is hoping to have a direction going forward in 2012. He stated that the will have another committee meeting down the road and hopes to address this in mid 2012 before these events are scheduled. Councilman Jurkovic stated that he appreciates everything being done. There is an aspect being overlooked. He wants to know if private security can be used to complement police presence. We don’t have to entirely rely on our police department for security for these events. The Chief’s advice and input is needed on finding a balance there. He would like lower costs without compromising security. From the audience Chief Chiosie said it is an issue of how to coordinate such services. Councilman Weisbecker stated that he is concerned with local grass roots events. They cannot afford the police costs. The UGL parade disappeared because of police costs. This needs to be addressed. There is no profit on a parade. Mr. Boyle stated that he understands all the issues as does the Chief and the PBA. It is all being worked on. The security is the responsibility of the police department ultimately. Councilman Weisbecker stated that we cannot ask a small community to pay the costs for a small parade or community event. Mr. Boyle stated that he will try to work something out to make everyone happy. Mr. Semrau noted that this is a policy decision that may require budgeting. |
| 5) | Ordinance Amending Chapter 141 Filming and 135-15 Fees for Filming – The Council gave consensus to proceed with the proposed amendments to this ordinance. |
| 6) | Ordinance Amending Chapter 414-6 and 500-36.1 – Temporary Outdoor Commercial Sales Event and Seasonal Farmer Market – the Council instructed that the Planning Board review proposed amendments recommended by the Land Use Administrator and make their subsequent recommendations to Council. Mr. Boyle stated that he will notify the Planning Board. |
| 7) | Ordinance - Amending & Supplementing Chapters 67, 195, 263, and 274, Various Licenses of the Township Code – the Council instructed that licensing proceed this year in accordance with past practices. They asked that discussion of these proposed amendments be deferred to the future. Council President Smolinski stated that he wishes to have discussion of legislation pertaining to the Director of Public Safety and the Chief of Police. He stated that labor counsel’s opinion was open ended. He feels that the Township is best served with Chief of Police being the Director of Public Safety. A 1964 ordinance abolishes the title yet the salary ordinance has a director of public safety. In his opinion, all township legislation is saying that director of public safety is chief of police. Divisions need to have a department head to report to. The Council in 1964 did not want to make the chief subservient to anyone and the FBI Leeda report supports that. He stated that he could ask for Council consent for a declaratory judgment because the Mayor took it upon herself to override the local ordinance. He quoted from our ordinances. He does not believe that the code needs to be amended. He has the 1964 ordinance. The intent of the 1964 legislation did not intend to make the chief subservient to anyone. 15-49 “i” never says the word abolished. Mr. Councilman Jurkovic noted that the Mayor made the appointment of Chief Chiosie without requesting advice and consent. That is why we need a declaratory judgment. He stated that we need court clarification as to whether or not it is two separate positions. If so we have to decide who fills the other role. That would divert us to a civilian safety director. The chief should not be answering to a civilian. This change in practice was thrust upon us without consultation. Council President Smolinski stated that the Mayors of the past have recognized the code as written. Councilman Jurkovic said that we need to get clarification before end of year. It is disrespectful that this was thrust upon us as it was. The Council was disrespected. This involves a budget. There is no salary for a police chief. Adding |

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Table with 2 columns: Item Number and Description. Items include: 8) Resolution - Supporting S-3062... 9) Contract - Professional Services for Princeton Hydro... 10) Contract - Professional Services for Princeton Hydro... 11) Contracts - Award of 2011-2012 Snowplow Services...

Agenda No. X

Action Items

Agenda No. X 1

~ Ordinance No. 2011- 016 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 110, CONSTRUCTION CODES, UNIFORM, SECTION 110-7, ADDITIONAL REQUIREMENTS FOR RESIDENTS OF LAKE COMMUNITIES, OF THE REVISED GENERAL ORDINANCES AS AMENDED

TABLED TO NOVEMBER 9, 2011 REGULAR COUNCIL MEETING

Motion to table Ordinance 2011-016 and the public hearing to November 9, 2011 Regular Council Meeting.

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

Agenda No. X 2

~ Resolution No. 2011- 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300, SEWERS, ARTICLE I, INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, OF THE REVISED GENERAL ORDINANCES TO ADD ADDITIONAL REQUIREMENTS FOR PROPERTIES LOCATED IN LAKE COMMUNITIES AS AMENDED

TABLED TO NOVEMBER 9, 2011 REGULAR COUNCIL MEETING

Motion to table Ordinance 2011-017 and the public hearing to November 9, 2011 Regular Council Meeting.

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

Agenda No. X 3

~ Resolution No. 2011- 383 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING PURCHASE OF 2 COVERT VIDEO SYSTEMS USING THE BUFFER ZONE PROTECTION PLAN GRANT (BZPP)

TABLED TO NOVEMBER 9, 2011 REGULAR COUNCIL MEETING

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

Agenda No. X 4

~ Resolution No. 2011- 384 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 30, 2011 for Snow Plowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works and the Township Attorney; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, noting Special Rates for trucks and equipment to be used if an when needed per rates bid; and

WHEREAS, the Township Attorney has rendered an opinion

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account numbers 1-01-26-294-364, T-15-56-850-294 and 2-01-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for snow plowing services pursuant to the Engineer's recommendation and in accordance with the following outline:

Table with 2 columns: CONTRACTOR and TRUCKS. Lists 16 contractors and their corresponding truck counts, ending with a total of 66 trucks.

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Municipal Clerk.

Adopted: November 2, 2011

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.

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Voted Nay: None.
 Motion carried.

Agenda No. X 5

~ Resolution No. 2011- 385 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE CANCELLATION OF RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable in the amount of \$100.16 and an appropriation in the amount of \$100.16 from the NJ Health Officers Association for the Emergency Notification System Mini Grant and

WHEREAS, this receivable is no longer collectible as revenue and the remaining appropriation will not be expended

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriation be cancelled to current fund balance.

Adopted: November 2, 2011

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

Agenda No. X 6

~ Resolution No. 2011- 388 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SEEKING ANY LEGAL MEANS TO HAVE A RECEIVER APPOINTED TO MANAGE THE OPERATIONS OF THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY (WMMUA) NO ACTION TAKEN

Mayor Bieri made a motion to place this resolution on the floor for discussion. The Council did not put forth a second and the motion died on the floor.

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2011- 386 ~

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. | \$187,634.70 |
| 2 | Reserve Account | 242.50 |
| 3 | Animal Control Trust | 308.00 |
| 6 | Capital. | 440,465.51 |
| 7 | Grants. | 2,062.80 |
| 8 | Refuse. | 323,966.25 |
| 9 | Refunds. | 0.00 |
| 12 | General Ledger. | 4,946,234.10 |
| 16 | Heritage Trust. | 0.00 |
| 14 | Open Space Trust | 2,801.00 |
| 17 | Trust | 800.00 |
| 18 | Development Escrow. | 0.00 |

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

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 1:39:26 a.m. on November 3, 2011.

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

Approved: March 7, 2012

MAYOR BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK