
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: December 4, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 1 of 11

The Workshop Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of December 30, 2012 and January 6, 2013; copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Vivienne Erk, Edward Rosone,
Luciano Signorino, CarlLa Horton, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Nancy Gage, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau.

Agenda No. II

Mayor Bieri conveyed condolences to Councilwoman Erik for her recent losses and members of the Council echoed those condolences.

Reading of or Approval of Unapproved Minutes

None.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule: December 18, 2013 Regular Meeting

Agenda No. IV

Executive Session

~ Resolution No. 2013- 347 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 4th day of December, 2013 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Potential Litigation – Triple T Construction

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- Contract Negotiations – Interim Administrator
 - Attorney-Client Privilege – Fire Companies
 - Contract Negotiations – DPW Superintendent
- () 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: December 4, 2013

Moved: Erik Seconded: Rosone
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

The Council went into executive session at 6:36 p.m.
The Governing Body reconvened in public at 8:06 p.m. with all present as before.

Agenda No. V

Presentations

Frank Covelli – Professional Insurance Associates Inc. – Township Risk Manager – Annual Report – Mr. Covelli addressed the Council and directed them to the report in their packets. He went through the report and each component thereof reporting on the improved risk standard the township has achieved as a member of the Morris JIF. Council President Signorino thanked Mr. Covelli for his continued service and the Council echoed those sentiments.

Agenda No. VI

Proclamations

None.

Agenda No. VII

Public Comments

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

Marilyn Lichtenberg 37 Hudson Drive, West Milford noted that the township administrator is leaving and she wished Ms. Gage the best. She conveyed condolences to Councilwoman Erik on her losses this week. As secretary to Senior Advisory Committee, she advised that the committee would like to have Councilwoman Horton reappointed as Council liaison in 2014.

Michael Gerst, Hillview Court, West Milford wished Ms. Gage luck and conveyed condolences to Councilwoman Erik. He previously questioned the change order to the bridge. It was a large amount and it may be better to get a consultant in the future. The tree lighting was awesome and lights in Veteran's Park are great. The Township has a great website but municipal jobs are not posted on the Township website. As a prior meeting, he said, there was discussion about ticketing on bike lanes and Council said residents could park on the green path.

Doris Aaronson, 19 Bearfort Road, West Milford thanked Ms. Gage for her work. She said she would like to see more speed limit signs posted in town and enforced. She wrote a grant proposal for trails and the Passaic River coalition did not hear about its disposition so they contacted the DEP. DEP said personnel have been removed from the Green Acres division to handle Super Storm Sandy-related issues so the response to grant applications has been delayed. She said she saw in the newspaper an article about a spill from gasoline pumps and she asked Administrator Gage to check with Kathy Coyman about groundwater contaminated municipal sites. The committee's job was to monitor private sites. The council disbanded the committee when they started to look at public sites. This is the last day of Hanukkah she said and she relayed some experiences from her trip to Israel.

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

Moved: Erik Seconded: Erk
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

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Agenda No. VIII

Council Comments

None.

Agenda No. IX

Discussion Items

- 1) Discussion – Pre-School – Mayor Bieri advised that this item has been removed from the agenda.
- 2) Discussion – Parking on Random Woods – Ms. Gage advised Council that she provided, in their packets, reports from Engineering and Police with recommendations for enforcement. She asked if Council concurs with the recommendations. Council President Signorino said he has problems with this asking if residents have been contacted in this regard. He said that residents in that area depend on the public property for adequate parking in that area. Ms. Gage advised that the proposal from departments is to install signs, and educate residents first before engaging in enforcement. Repeated violations, she said, will result in enforcement. There will be notifications first. Councilman Hensley said residents are parking there because there is a need and, in his opinion, there is no harm or crime as a result. Council President Signorino said the need for no parking signs occurred because the Township applied for a bikeway grant, after which the Township learned that it comes with a no parking requirement. We should have known about this provision first and notified residents. There is no harm in residents parking on the Random Wood property. Residents need this parking. Councilwoman Horton said this is a problem that we did not know about when we should have. However, the Township is obliged to abide by the law. She does not support imposing hardships. We need to comply with the rules but we must find the best way to do so. Council President Signorino said he has never seen a person riding a bike on this route. He does see people park on the grass along this road. It is a situation of no harm no foul. Councilman Hensley agreed and added that he has never seen the bike lane obstructed. He has seen residents beautifying the general area but they are not obstructing the bike lane. Council President Signorino said at the last meeting it was said that ticketing would be at the discretion of the officers. Now that has changed. Ms. Gage noted that she understood that there was concern. If council does not want to proceed with these suggestions then we will close the subject. Councilwoman Erik said she is liaison to the building standards board and complaints about this have come before the board all year. The people complaining took this further and now has involved DOT. There is a bike path there. The signs would prohibit parking on the bike path, not on the Random Woods property. Council President Signorino said he previously served as liaison to the buildings standards board and this has been an ongoing issue. People have jobs to do and that includes finding violations. This has always been a non-issue to him but the enforcement officials disagree. Residents have been beautifying the area. They are not vandalizing the area. It is a non-issue. Councilman Rosone asked Mr. Semrau for an opinion. Mr. Semrau said that the no parking provision was a condition of accepting the funds for the bike path. It has been legislated. Now the issue is tempering the enforcement. Councilman Rosone said he is fine leaving things as they are. Someone is trying to use these rules as a tool to force personal opinions. Mayor Bieri said if they are off the bike lane, they are on Township property. She asked if that is an issue. Mr. Semrau said that leaves greater discretion to the Council. Councilwoman Erik will bring it back to building standards board.
- 3) Discussion / Ordinance – Cable TV Committee – Mr. Semrau advised that Council members Signorino & Erik had asked his office to draft a MOU as a stepping stone between the BOE & the Township to get funding & equipment and proceed with cablevision issues. He was also asked to start the process to allow for the formation of a commission to handle the process. This is an initial draft and not a final ordinance. The backdrop now is that as of January 1st cablevision will not tape any more meetings. There are three issues. Number 1. what will happen January 1st? Number 2. what does the Council think of the draft MOU? Number 3. what is consensus long-term about commission and the management of the public access channel? There are a host of issues to be dealt with and a lot of time has already been invested by Council members Erik & Signorino as well as BOE members. Council President Signorino said the idea is that Cablevision will lend us equipment to record on January 1st. Someone will turn the camera on and off and drive the tape to Parsippany that night or Oakland early the next morning. We also have a commitment from a member of the public to tape with different equipment, load it into a computer and then transmit to Cablevision. He said Council must approve what anyone would do. Councilman Rosone asked if Mr. Padilla at the school has been involved. Dave Richards, BOE member from the audience, said the students get paid to provide these services. He doubts it would be possible to seek a student volunteer. He said that the problem with volunteers is that you cannot guarantee that the person shows up unless you pay them. He will ask the superintendent to seek volunteers. He said that there are also other issues. The students do not get extra credit for this. He disagreed with Council that the students will gain invaluable experience. The experience, he said, is operating the station. He recalled the visits made to Cranford and the visit Cranford officials made to West Milford. The key is the product being produced. Councilman Rosone said students in Mr. Padilla's class are juniors & seniors and Council

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President Signorino said this would just be an interim solution. The students get \$10 per hour. Mayor Bieri said it is likely we can find a volunteer to perform this task. Mr. Semrau noted that the MOU says we would give the funding to BOE. Councilwoman Erik said we cannot do that because the money would have to go into the general fund. To be dedicated to the intended function the money would have to go to the commission. In the meantime, she said, Cablevision will loan us equipment and we can have volunteers tape the meetings. Council President Signorino said it is important that the Council vet the volunteers. Councilwoman Erik said we must form a commission first. The Council gave consensus to hear Wayne Gottlieb, 20 So. Ridgefield Road who asked Mr. Semrau if he received the BOE comments about the MOU and ordinance. Mr. Semrau said he did but he first needs direction from Council. Mr. Gottlieb commented upon the manner in which such commissions are generally formed and he said executive directors often get paid. He described how Cranford operates with Vios & Comcast. The gross total Cranford receives is about \$300,000 per year as compared to the much lesser amount West Milford receives. Councilwoman Erik said Cranford produces a product that residents love. Mr. Gottlieb agreed saying the sell graduation videos, they have a truck and they broadcast live. The Cranford person said that this would work in Hillcrest but not in other school facilities. The BOE has reached out to vendors and have asked for an RFP. They are hoping for those numbers before the end of the year. The school district is moving forward. They see this as a great opportunity. It would be a 24/7 TV station and they are attempting to provide a package to the Council with an option for direction. It will be assessed by the vendors and the Cranford official who has done this for 30 years. Mr. Semrau asked about financing and Mr. Gottlieb replied that it will come back to both the BOE & the Township. They have approached Cablevision to accelerate payments so that there will be the funding available for the initial outlay. Mr. Richards said they have broached with the BOE the idea of a cost sharing initiative. The operation costs of TV 35 out of Cranford is about \$20,000 plus the salary to the executive director. Cranford has sponsorship spots to generate revenue. Mayor Bieri said it appears that the direction is for Mr. Semrau to establish guidelines for the subcommittee to work with. Mr. Semrau will work with subcommittee.

Agenda No. X

Action Items

Agenda No. X 1

~ Resolution No. 2013- 346 ~

NO ACTION

Agenda No. X 2

~ Resolution No. 2013- 348 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING THE SCHEDULE FOR GOVERNING BODY WORKSHOP AND REGULAR MEETINGS FOR THE 2014 CALENDAR YEAR

BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby adopt the following schedule of Reorganization, Workshop and Regular Meetings of the Governing Body of the Township for the 2014 calendar year:

| | | | |
|-------------------|------------------------------------|--------------------|------------------|
| January 04, 2014 | Reorganization Meeting | June 25, 2014 | Regular Meeting |
| | Workshop Meeting | July 16, 2014 | Workshop Meeting |
| January 22, 2014 | Regular Meeting | | Regular Meeting |
| February 5, 2014 | Workshop Meeting | August 20, 2014 | Workshop Meeting |
| February 19, 2014 | Regular Meeting | | Regular Meeting |
| March 05, 2014 | Workshop Meeting | September 03, 2014 | Workshop Meeting |
| March 19, 2014 | Regular Meeting | September 17, 2014 | Regular Meeting |
| April 02, 2014 | Workshop Meeting | October 01, 2014 | Workshop Meeting |
| April 23, 2014 | Regular Meeting Volunteer Night | October 22, 2014 | Regular Meeting |
| May 7, 2014 | Workshop Meeting | November 12, 2014 | Workshop Meeting |
| May 21, 2014 | Regular Meeting | | Regular Meeting |
| June 04, 2014 | Workshop Meeting | December 03, 2014 | Workshop Meeting |
| | | December 17, 2014 | Regular Meeting |

BE IT FURTHER RESOLVED that the Reorganization Meeting of the Governing Body of the Township of West Milford as outlined herein shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 1:00 p.m. and the workshop meeting shall follow immediately thereafter.

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BE IT FURTHER RESOLVED that all other Meetings of the Governing Body of the Township of West Milford as outlined herein shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 and all such meetings shall begin at 6:30 p.m.

BE IT FURTHER RESOLVED that official action may be taken at all meetings outlined herein.

BE IT FURTHER RESOLVED that this resolution shall constitute the Annual Notice for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: December 4, 2013

Councilman Rosone made a motion, seconded by Councilwoman Erik to place this resolution on the table for discussion.

Discussion ensued as to conflicts with certain dates and some changes were proposed.

Motion to amend meeting schedule and adopt resolution.

Moved: Rosone Seconded: Erik
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

The Council gave consensus to hear from member of the public.

John Perry, Crossroads, Newfoundland asked if there will be discussion about the closing of a fire house in town. Mayor Bieri said there is no such discussion scheduled tonight.

Agenda No. X 3

~ Resolution No. 2013- 349 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE ORDER TO THE PROFESSIONAL SERVICES CONTRACT FOR FERRIERO ENGINEERING, INC.

WHEREAS, by virtue of Resolution 2013-029 adopted on January 2, 2013 the Township Council did authorize the engagement of engineering services to be provided by Ferriero Engineering, Inc.; and

WHEREAS, resolution 2013-029 and the related contract did authorize services in an amount not to exceed \$30,000.00; and

WHEREAS, the Township Administrator has advised that the Township's needs related to this contract caused the provider to exceed the authorized contractual amount by \$6,000.00; and

WHEREAS, the funds to be encumbered for this increase will be taken from 01-201-20-100-450 and are the unused funds from the professional GIS services contract also to Ferriero Engineering.

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

1. The Administrator be and is hereby authorized and directed to execute a change order for the contract with Ferriero Engineering, Inc. in an amount not to exceed \$6,000.00 representing an increase to the original contract amount not to exceed \$30,000.00
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: December 4, 2013

Moved: Rosone Seconded: Erk
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

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Agenda No. XI 4

~ Resolution No. 2013- 350 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE AN AMENDMENT TO THE LEASE BETWEEN THE WEST MILFORD BOARD OF EDUCATION AND THE TOWNSHIP OF WEST MILFORD FOR THE HILLCREST SCHOOL

WHEREAS, the Township of West Milford and the West Milford Board of Education entered into a Lease Agreement for the premises known as the Hillcrest School; and

WHEREAS, the Township of West Milford and the West Milford Board of Education anticipated that the Township of West Milford would also acquire the property known as the Wallisch Tract for the sum of \$500,000; and

WHEREAS, the Township is no longer interested in purchasing the Wallisch Tract; and

WHEREAS, the Township and the Board of Education agree to apply the \$500,000 paid into the Wallisch Property escrow fund against outstanding rent owed to the Board of Education for the Lease of the Hillcrest School.

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

1. The West Milford Board of Education is hereby authorized to apply the previously paid funding of \$500,000 to the escrow for the Wallisch Tract against all rent owed to the West Milford Board of Education for the Township's Lease of the Hillcrest School.
2. Fifteen month's rent shall be retained in escrow by the West Milford Board of Education.
3. The Township's \$25,000 expenditure for the purchase of a new generator at the Hillcrest School shall remain as an item to resolved at a later date between the parties.
4. All remaining funds shall be returned to the Township of West Milford.

BE IT FURTHER RESOLVED, that the Township Administrator is authorized to take any necessary action to effectuate this understanding between the Township of West Milford and the West Milford Board of Education.

Adopted: December 4, 2013

Moved: Horton Seconded: Rosone
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. XI 5

~ Resolution No. 2013- 351 ~

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:
None.

Applications:

1. Application for On Premise 50/50 Raffle License by West Milford PBA for February 1, 2014.
2. Application for On Premise Tricky Tray Raffle License by West Milford PBA for February 1, 2014.
3. Application for On Premise Draw Raffle License by West Milford PBA for February 1, 2014.

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- 4. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
- 5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: December 4, 2013

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
 Voted Nay: None.
 Motion carried.

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2013- 352 ~

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 | \$232,392.73 |
| 3 | Reserve Account | 1,947.57 |
| 2 | Grants | 2,204.80 |
| 6 | Refunds | 45.00 |
| 1 | General Ledger | 0.00 |
| 26 | Refuse | 156,299.88 |
| 4 | Capital | 201,147.51 |
| 19 | Animal Control | 1,316.77 |
| 19 | Heritage Trust | 0.00 |
| 19 | Open Space Trust | 0.00 |
| 19 | Trust | 5,750.00 |
| 19 | COAH | 0.00 |
| 16 | Development Escrow | |
| 20 | Library Trust | 31,360.50 |
| 21 | Assessment Trust | 0.00 |
| Total | | \$632,464.76 |
| Less Refund Resolution | | -45.00 |
| Actual Bill List | | \$632,419.76 |
| Other Payments | | |
| Total Expenditures | | \$632,419.76 |

Adopted: December 4, 2013

Moved: Erik Seconded: Rosone
 Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
 Voted Nay: None.
 Motion carried.

Agenda No. XII

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

Councilman Hensley commended the Department of Community Services & Recreation for the tree lighting. Kids enjoyed it as did everyone else. Mrs. Claus was also there with Santa.

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Councilwoman Erk said that she participated in a conference call with the Newark Watershed Coalition. The legislation regarding equity in tax revenue is on its way to introduction in the legislature. The coalition is working to position itself for its introduction this month. Mr. Pascrell will be providing an update. This will be the centerpiece of next year's work and the Township is trying to accumulate a list of towns that have watershed properties. We are asking our planner to identify these communities throughout the state. She attended the NJLM annual conference and attended many helpful seminars including the insurance one for a credit of \$250 to township. Mr. Semrau was a great speaker.

Councilman Rosone thanked Ms. Gage and wished her the best noting that working with her has been a positive experience.

Council President Signorino echoed sentiments made about the tree lighting. He thanked volunteers, the chamber & his colleagues. He said he would like to expand the event in future years. He said he is sad to see Ms. Gage go. The Council got a memo on the museum ceiling project which is being prepared. The lowest bid exceeded appropriations and the committee is asking the council to add \$15,000 to the funding. This work, he said, needs to be done and he has spoken with the administrator about funding. He said the committee is comprised of hard working volunteers and he asked for consensus to have Ms. Gage research this. Ms. Gage said the Council could award the contract with a certification of funds and line in the resolution saying we will take \$15,000 from facilities account to be applied toward this project. Councilman Hensley said it is evident that the building is historical. The referendum did pass in November allowing the use of open space funding for historical sites. He suggested adopting an ordinance to pay the money back to the facilities account from the open space account. Mr. Semrau said we must introduce an ordinance in January for the referendum question. He will speak to the CFO about having the money come from the open space fund. Council President Signorino said the ceiling is not being restored although some of it is being salvaged. He announced that Santa & Mrs. Claus will be at the museum this Saturday from 1-4.

Councilwoman Horton said she will miss Ms. Gage. She commended the Callahan & Lucas families & their sons for becoming eagle scouts last Saturday. She thanked Councilwoman Erk & PPAG for their work to move the watershed legislation along. She was also at NJLM conference and commended Mr. Semrau on his seminars which were the best workshops she attended. Best wishes to Michele Dale who will be on the dais next month and best wishes to Mr. Casey who will be joining us as interim administrator. She is looking forward to his help with the budget.

Councilwoman Erik was also at the league and attended classes on three successive days. She thanked the West Milford police department for their help the other night. There were many rumors but the police department was wonderful. The officers were very caring.

Mayor Bieri congratulated the eagle scouts. She also attended NJLM conference and Mr. Semrau's seminars which were the most entertaining & informative. It can be a great learning experience. She thanked Councilwoman Erk for her update on the lobbying efforts. It has been a pleasure working with Ms. Gage and she wished her well.

Administrator Gage said the Greenwood Lake Bi-State Commission has to move the weed harvester again because the county needs space back. They want to park at Brown's Point. Mr. Semrau noted that the State would have to consent to such use. Council President Signorino suggested that Jungle Habitat may be a better site. Discussion ensued about safety and everyone agreed that there would be safety concerns at both sites. Ms. Gage will inform the commission.

Municipal Clerk Battaglia advised that the Freeholder Board would like to hold one meeting in 2014 in West Milford. She provided the proposed dates and the Council gave consensus instructing the Clerk to work the date out with her counterpart at the Freeholder's office.

Attorney Fred Semrau noted that the discussion on the preschool was removed from tonight's agenda. Councilwoman Horton recused from this discussion and vacated her seat at the dais. Mr. Semrau advised Council that if they wish to discuss this matter further it may be necessary to provide Rice notices to certain employees. If that happens the conversation may have to take place in executive session. He noted that the Township tries to avoid issuing Rice notices and causing distress unless necessary. The question is does Council want to have this discussion or continue with the program for the next year. The Council gave unanimous consensus to proceed with the program for another year as recommended by the Director of CS&R. Mr. Semrau recalled that at the last meeting Council authorized him to initiate suit against English Paving for payment for police services due and owing from prior years. Going forward escrow will be required before any job begins. He notified English Paving of the possible suit. Their response was to make payment in full and Mr. Semrau gave a check for \$18,395 to the Mayor. He said that English Paving was apologetic.

