
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: May 20, 2008
Time of Meeting: 7:30 P.M.
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Mayor Bieri called the Special Meeting of the West Milford Township Council to order.

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 special meeting was published in the Herald News on May 18, 2008; copies were provided to the Record, Star Ledger, Suburban Trends and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Phillip Weisbecker, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.
Absent: Council President Joseph Smolinski
Also Present: Acting Township Administrator and Township Clerk Antoinette Battaglia

Purpose

Mayor Bieri advised that the purpose of this meeting is to interview candidates for position of Planner for the Township.

Robert Michaels, Robert Michaels and Associates, Randolph, NJ – gave his background and named some of the municipalities that he currently works for and has worked for in the past. He also gave his educational background. He explained that he has developed housing plans for various municipalities. He has recently completed a Master Plan for Randolph, NJ as part of a joint project. He listed his affiliations. Mr. Michaels said that he provides services to developers when there is no conflict of interest and 70-80% of his work is for municipalities and public clients. He said that his corporation is a sole proprietor/consultant. He has affiliated with other firms in the past, especially for Master Plans and graphic work. Mayor Bieri explained that this presentation is for the position of Township Planner and hopes that the Planning Board and Zoning Board consider the same candidates. Councilwoman Lichtenberg asked if Mr. Michaels was familiar with the Highlands Master Plan and Mr. Michaels said that he was, because of his working with Randolph Township. Councilman Lichtenberg explained that the former Township Planner wrote and applied for grants and asked if Mr. Michaels had experience with this. He explained that he had done some when on staff with Pequannock as a full-time Planner. Councilwoman Lichtenberg asked Mr. Michaels to explain some of his knowledge regarding West Milford and he replied that the Township was completely within the Highlands and that much of the Township was composed of former seasonal homes that had been converted to year round and that there was very little new development due to the Highlands Act. He was asked if he has written Resolutions and answered that he had done this when he was on staff in Pequannock, however that they are usually written by attorneys. Councilwoman Lichtenberg asked if he had worked with utilities and transportation and he stated that he had no experience with utilities but had experience with transportation. He explained that he has done a TDD study for Warren County, NJ. He followed this by saying that he has owned the firm for eleven years and that prior to this he was working for Keller-Kirkpatrick. He reviewed some of the transportation projects that he has worked on. Councilwoman Lichtenberg asked what was the largest municipality he has worked for and he replied that this was Washington Township, NJ. It was the largest geographical area with the largest population. She also asked questions regarding farmland preservation and dam work. Councilman Nolan asked Mr. Michaels about his experience with COAH and Mr. Michaels replied that he has been very involved. He reviewed some of the work he has done with regards to this. He has submitted three applications under the 3rd round COAH. He has done five certifications in other rounds. He currently is working on plans for four communities, now that new rules are being promulgated. Councilman Nolan asked if those communities have collected developer's fees. Mr. Michaels explained that most towns have developer's fees but that Springfield, NJ does not. He explained that rules have been adopted this month and amendments have already been introduced. Councilman Nolan asked if Randolph, NJ has decided to opt in to the Highlands Master Plan. Mr. Michaels replied that they have asked for a presentation from the Highlands Council. At this time, they do not want to opt it and that is from a percentage point of view, Randolph has a very small portion of land in the preservation area and there is not a lot of impact on the community. Randolph does not want to relinquish authority to the Highlands Council. He has been a consultant to Randolph for five years. Councilman Scangarello asked what the difference is between an in-house and an outside consultant and Mr. Michaels replied that he has experience in

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both capacities. It is usually better to have someone in-house because better service is provided. He added that in today's budget-tight market that this is not always feasible. He furthered by saying that consultant fees are often charged to escrow. If there is work to be done, it is better to have this done in-house. However, there are exceptions to this. In the early 1980's most townships had planners. Councilman Scangarello asked if Mr. Michaels was available by phone at all times. He replied that he had no problem with availability. Interim Township Administrator explained that contact availability would become a Council policy if and when it was necessary. Mayor Bieri asked for additional information regarding availability to the residents of the Township. He explained that smaller, residential projects are able to be reviewed by the Zoning and Planning departments. He explained that as a consultant, in the past, he made himself available to the Township facilities two mornings each week. She clarified that 80% of his billings are from municipalities and that 20-30% was from residents and developers. She asked the size of the developers and he replied that he works primarily with smaller developers but does have experience with larger developers. She asked if there were any potential for a conflict of interest and he explained that he cannot predict the future and has not worked with large developers for a very long time. She asked what he felt were the potential problems for West Milford during this transitional period and he explained that he felt that the biggest issue would be to understand that each request would be billable to the Township. He explained that he did not have any problem with representing the Township before the Highlands Council but feels that his role is to identify and advise on potential decisions. He furthered that if the community's policy was to go with the Highlands plan that this role would be to advise. She asked about planning possibilities with regards to COAH. He explained that part of the process is to calculate what the growth shares in the community would be. This has now changed and vacant land inventory has become a requirement. He feels that West Milford would have strength with proof of not having the land available. Mayor Bieri asked if he regularly drafted Land Use Ordinances and he said that he has worked with attorneys regarding this and has testified in land use cases. He reviewed some of the cases he was involved with. He has given expert reports. He said that he reviews approximately 50-70 plans each year for various boards, varying in size. He gets involved with site plans and subdivision plans. Councilman Nolan asked about issues in Florham Park, NJ and Mr. Michaels reviewed what was involved. Mayor Bieri asked if Mr. Michaels had reviewed the current meeting schedules of the West Milford boards and he replied that he did not anticipate any scheduling problems. Mayor Bieri referring to zoning asked him to outline his experience with regards to environmental and lake community concerns. He explained that he has experience with this. He stated that he has written ordinances that deal with commercial development in environmental sensitive areas. He further explained that he has experience with Ridgeline Protection Ordinances as well. Mayor Bieri acknowledged the late arrival of Councilman Weisbecker and asked if he has any questions for Mr. Michaels. Councilman Weisbecker asked for clarification of some of the topics previously discussed. It was asked of Mr. Michaels, regarding his sole proprietorship, what his backup plan is in the event of his absence. He explained his network of professionals to meet the needs of the Township. Mr. Michaels' fee schedule was discussed and clarified. Mr. Michaels asked when the Council was anticipating making their decision regarding the position. Councilman Scangarello asked how Mr. Michaels submits his invoices and he said that he invoices at the end of each month. He keeps track of his time and the work he performs and can provide invoices as detailed as would be necessary. Mayor Bieri asked that the Planning and Zoning Chairs to come forward and present questions.

Andrew Gargano, Planning Board Chairman, Apschawa Cross Road - asked about his staff and Mr. Michaels explained that his business is he and his wife. When asked about travel time, he clarified that travel time may be negotiable to the proposal that he has submitted. Mr. Gargano asked about the working relationship between he, as a consultant and someone in the capacity of Township Planning Administrator. He explained that plans were first reviewed by an administrator and the administrator is the one to have the contact with the applicant. There is a technical review meeting involving a number of departments who determine the completeness of plans submitted. When the plans are deemed complete they are then distributed for further details. Mr. Gargano asked if his current workload was difficult to keep up with and Mr. Michaels stated that he would not be overtaxed by the work from West Milford. Regarding his experience with the Steep Slope Ordinance he elaborated about the circumstances, definitions etc. He assured Mr. Gargano that he is insured according to the needs of his business. Meeting schedule was again discussed and it was determined that Mr. Michaels may have an occasional conflict of time schedule but didn't feel as this would happen repeatedly.

Robert Brady, Zoning Board Chairman, 11 Commanche Lane – asked if Mr. Michaels had been referring to Washington Township in Morris County or Bergen County and he clarified that it was Morris County. He also asked if he would be amenable to meeting with the Zoning Board and Mr. Michaels stated that he would be.

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Mayor Bieri and Council Members thanked Mr. Michaels for taking the time to meet with them.

Mayor Bieri then invited the second candidate for interview and clarified the position being interviewed for.

Jessica Caldwell, Corey Stoner, Harold Pellow and Associates – Ms. Caldwell gave an overview of her qualifications and experience, explaining that most of her experience is with municipal planning. Mr. Stoner gave an overview of the firm and said that he has worked for them for approximately 15 years. They are currently working with 10 municipalities and that they have a variety of staff covering many services. Councilwoman Lichtenberg asked about their knowledge of West Milford and if they have attended Highlands Council meetings. It was stated that they are working on the Highlands Council and Ms. Caldwell gave a brief overview of her knowledge of West Milford. Mr. Stoner explained that they work with Sparta, Byron and Vernon and explained that most the municipalities they work with have farm preservation such as Frankford and Wantage. Councilwoman Lichtenberg asked if the company they represent write and apply for grants. Ms. Caldwell replied that she has done this for many municipalities. Councilwoman Lichtenberg asked if their company charges additional fees for grants. The answer was that they do not, they only bill at an hourly rate. Mr. Stoner explained that their company does not bill over any ceiling appropriated. They both reviewed transportation grants that they have worked on. Councilwoman Lichtenberg asked about working with utility authorities. Mr. Stoner explained that they have worked with the Sussex County Municipal Utilities Authority and the Borough of Branchville. Ms. Caldwell also explained that they have worked on waste management plans with Wantage and Frankford. They write resolutions and ordinances for municipalities. The largest municipality, in square miles, that they have worked for is Wantage. Councilman Weisbecker asked who oversees grants that are awarded. Ms. Caldwell stated that she can do that and would monitor grants at an hourly rate. Councilman Weisbecker asked what their connections were to the Highlands Council and Ms. Caldwell explained that they have worked with the Council through Newton and reviewed their associations with the Office of Smart Growth. She said that she would recommend that West Milford request that vacant lands be removed from the COAH assessments. The amended rules may address municipalities with primarily septic systems. Councilman Weisbecker asked about Frankford town center and the work that has been done there. Ms. Caldwell reviewed the process for the work that has been done and said that her responsibility was act as liaison between the Township developers and the State of NJ to coordinate a plan that would satisfy all involved. The government has set up a visioning process and is currently assessing the plan. Councilman Weisbecker asked if Ms. Caldwell would be the contact for West Milford and she explained that she would be the main contact with backup from other planners as necessary. Councilman Scangarello asked for further information regarding the Newton grants and Ms. Caldwell replied that in the past year Newton had received \$250,000 in grants for a safe route to school. She said that a commercial development director was the lead. Newton has received \$100,000 in grants for a Main Street beautification project. Their firm has been involved in most of the grants. Councilman Scangarello asked how they invoice and Ms. Caldwell explained that they provide a detailed invoice that breaks down each hour. The hourly rate is \$95.00 per hour. They bill on a monthly basis and that they invoice municipalities as well as applicants. Councilman Schimmenti commented that West Milford has unique needs and asked about the experience with recreational development in the towns that they have worked with and more specifically active and passive recreation. Councilman Weisbecker asked about brownsfields and Ms. Caldwell said that they have experience with redevelopment and brownsfields in Newton. Mayor Bieri clarified that most of the work they perform is with municipalities. Ms. Caldwell said that approximately 10% of their business is from private sources. They do not work with developers in the towns that they are working with. Other work is generated with transportation and she reviewed some of the transportation projects, Mayor Bieri asked with regards to West Milford and the changes in the townships planning department, what impact Ms. Caldwell foresaw. Ms. Caldwell stated that this would be plan conformance, and that any planner that the Township would hire should give sufficient personal service so as to get to know the municipality. Their firm is large, but not too large for this. She said that they try to do as much work as possible with the secretaries of the Planning and Zoning departments and they are amenable to office hours and reviewed the current West Milford meeting schedule. Mayor Bieri requested that any questions be posed to Ms. Caldwell by the Planning Board and Zoning Board chairs.

Andy Gargano, Planning Board Chairman, Apshawa Cross Road – asked if the hourly rate included travel time. Ms. Caldwell said yes. He asked for clarification of the process from receipt of plans. She explained that she receives copies of all applications. She then reviews the plans, makes phone calls, visits site and submits report.

Mayor Bieri asked if there were planning issues with regards to applicants.

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Robert Brady, Zoning Board Chairman, 11 Commanche Lane – asked regarding billing if the rate would be different for correspondence and Ms. Caldwell said that the rate is the same. Mr. Brady asked about billing of grants and Ms. Caldwell said that the billing is typically hourly.

Mayor Bieri paused the meeting at 9:09pm and the meeting reconvened at 9:38pm.

Mayor Bieri then invited the third candidate for interview and clarified the position being interviewed for.

Chuck McGroarty, Banisch & Associates – gave an overview of his history and work experience. He, personally, currently works with 5 municipalities and his company works with 30 municipalities. He reviewed his educational background and experience. He said that he is almost exclusively a Municipal Planner. He is currently a witness on the behalf of a municipality and is qualified as an expert witness with Superior Court. He has defended Zoning Ordinances and reviewed the specifics of the same. He currently works with municipalities within the Highlands. He explained that his primary concern for West Milford was the municipality facing the December deadline for COAH and explained that revised rules have been released and that amendments were forthcoming. Councilwoman Lichtenberg asked about his knowledge of West Milford to which he answered that the Township was very large and 100% within the Highlands. He explained that he is working with Ringwood preparing the housing element. He furthered by saying that West Milford is one of only five townships that are wholly contained within the Highlands. He has read the West Milford Master plan work and that the last revision was in 2004. Ms. Lichtenberg asked about attendance to Highlands Council meetings and Mr. McGroarty explained that he has only attended 3 or 4 meetings. He keeps abreast of the Highlands Council and spends time analyzing the Master Plan. Councilwoman Lichtenberg asked about familiarity with grant writing and Mr. McGroarty replied that he has secured several ANJEC grants for municipalities and that he has worked with the Office for Smart Growth to help finance activities in another township. He has applied for initial assessment grants. Ms. Lichtenberg asked if there were additional fees or commissions charged and he replied, “No.” He has not worked on transportation grants but does have experience with Municipal Utilities Authorities. Councilman Weisbecker asked if Mr. McGroarty were to be the representative for West Milford and he answered that he would be. He asked what Mr. McGroarty’s relationship to DCA was. Mr. McGroarty explained that he has worked with the State on plant endorsements and works with COAH. Mr. Weisbecker asked how Mr. McGroarty felt West Milford would fare with COAH. Mr. McGroarty explained that the numbers have gone up and that real estate value has gone down. He explained that he has prepared one of the 3, 3rd round COAH housing element plans that were submitted to COAH and approved. Councilman Weisbecker asked how West Milford would fare with COAH. Mr. McGroarty explained that the numbers have gone up and the residential growth rate has gone down. The 3rd round obligation for COAH is 98 units and for Ringwood he has prepared a comment letter explaining that the COAH rules do not work for municipalities located within the Highlands. He suggests writing the best plan within the deadline. He commented that the municipalities within the Highlands have serious challenges. Mr. McGroarty said that he knows Paul Ferraro and that he does regular site visits. He has done work with contaminated sites and has worked with zoning boards. Mayor Bieri commended Mr. McGroarty on being well prepared and clarified that most of his work is with municipalities. Mr. McGroarty replied that occasionally he asked to work privately and he does not represent developers. He said that his concern during this transition is to make sure that key immediate issues are addressed including COAH and the Highlands. He said that it is critical to keep organized and ensure that things are handled properly. He would assist in keeping things moving smoothly and that he would work office hours, initially, to help with the process. He discussed tactics to reduce the COAH obligation. He furthered by saying that the Highlands Council is talking about a regional approach and that COAH is not. He said that he has experience with drafting resolutions and ordinances. He has been qualified in Superior Court as an expert witness on 5 occasions. He can quote a lump sum for the fees for projects. He has checked with the Planning and Zoning board meeting schedules and there is no conflict. Mayor Bieri clarified his knowledge with regards to the specific needs of West Milford and Mr. McGroarty assured her that he has much experience with issues that are similar to those of West Milford. She asked who his contacts within the municipality would be and he answered that he is willing to work with any one person who the municipality was comfortable with. Councilwoman Lichtenberg clarified that Mr. McGroarty was a licensed planner and asked how many grants he has written and he replied that last year he wrote one grant and has experience with writing more. Mayor Bieri requested that any questions be posed to Mr. McGroarty by the Planning Board and Zoning Board chairs.

Andy Gargano, Planning Board Chairman, Apshawa Cross – first confirmed that there was no conflict with the Pay to Play Ordinance. He then asked for clarification regarding a Tree Cutting Ordinance that Mr. McGroarty had mentioned in his interview. Mr. McGroarty explained that some municipalities do not have this type of ordinance and that it is important, using this Ordinance as example, to pay

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Voted Nay: None.
Motion carried.

Approved: August 20, 2008

Respectfully Submitted:

Judy Manning, Part-time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK