
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 13

Random Woods Potential Property Acquisition

Mayor Bieri invited Tom Molica, an attorney representing the property owners, forward to address the Council. Mr. Molica advised that his firm, located in Morristown, represents the owner of a property that fronts Ridge Road and Macopin Road. He advised that he is here tonight to discuss a very preliminary proposal that this property could be sold and, under the right circumstances, the owners would donate a small parcel for Township use. He noted that the site engineer from Medina Consultants and the property owners are also present tonight. This is a very informal presentation of a concept that is in its infancy. If the concept is well received and advances, he and his clients will seek to make a more formal presentation in the future.

Mr. Bob Medina of Medina Consultants distributed handouts to the Council and had larger boards for public viewing. He advised that his firm is a planning, engineering and environmental firm that developed a concept plan for this property which is comprised of several lots. The main lot is 97 acres located between Macopin and Ridge roads. The site is wooded, in the Highlands preservation area, has no structures, and there is wetlands and streams on the site. Tonight, he is proposing a combination of recreation use with a new library building located on the main 97-acre site. He provided an overview of the property with access from Ridge Road. The proposed structure is a 10,000 square foot library building with a 200' X 360' recreation multi-purpose field. His clients would provide for stormwater retention and a septic field. The concept plan provides for 83 parking spaces on two lots. He indicated on the plan the dark green areas which illustrate the wooded sections of the property. The concept plan would conform with the Highlands requirement wherein less than 3% of a given site can contain impervious coverage. The Highlands Act would require mitigation so that any felled trees would have to be replaced through plantings in town.

Mr. Dan Allen, one of the property owners, approached the podium to answer any questions from Council. He advised that he had spoken with the library director last year and learned that the Township had lost the ability to build on a site they own. He went to the DEP to inquire about open space grant funds. There was no funding available at that time but some funding has subsequently been appropriated for open space. He has spoken with a consultant who works with Passaic County about possible participation by the County in such a venture. He noted that Bloomingdale partnered with the County and Green Acres for a similar proposal on a smaller scale with a smaller property. He proposes to donate approximately 5 acres to the Township potentially to be used for a library and a recreation field. There will be a pre and post Highlands's value placed on the property. He advised that last year the Morris Land Conservancy had approached him to determine if he had an interest in donating the property and working with Green Acres. Councilman Nolan clarified that the proposal would be for DT Allen, the property owners, to sell 97-99 acres to the State through their Green Acres program. That property would be open space. Passaic County and West Milford would possibly be asked to fund a portion of that and the owners will donate a portion of the property for a library and a recreation field. Mr. Allen confirmed that this is the proposal adding that Green Acres would negotiate as to whether the Township or the County would be stewards of the property purchased with Green Acres funds. In response to Councilman Scangarello, Mr. Molica advised that he and his clients are simply seeking to introduce themselves and this concept to the Council today. As the concept proceeds and evolves, they will seek time on a more formal Council agenda to present additional information that is not available at this time. They wish to make themselves available to address any concerns that may arise. Many entities are vying for the Green Acres funds so time is important. Mr. Allen asked if the Council would consider designating a liaison with whom he interacts rather than having to speak with the full Council at each stage of the process. In response to Councilman Nolan he advised that he has not had any interaction with the Environmental Commission at this time.

Mr. Semrau asked for more detail about the wetlands located on the property. Mr. Medina advised that the wetlands are located at the south end of the property where there are also some streams. The LOI from the DEP indicates that there is about 35 acres of wetlands. There were approvals for development when the Allens purchased the property and the Highlands exemption was subsequently denied. They have had a pre-Highlands valuation of \$11 million for this property and they have not obtained a post-Highlands appraisal as yet. Mr. Medina stated that he has met with Green Acres personnel to discuss this concept. The owners paid \$30,000 in taxes to the municipality last year. In response to Mayor Bieri, Mr. Allen stated that the Township could use the donated parcel as they see fit if the library determines that it is not a suitable site. He stated that the owners have contemplated suing the state noting that this was previously considered a COAH site.

Councilman Schimmenti urged the Council to seriously consider this proposal and to be diligent in researching its merits. Mr. Medina stated that Green Acres was interested in this site and their primary concern appeared to be who would be the steward of this property because it is not abutted by other state land as is customary. Councilman Weisbecker sought consensus from the Council to have Councilman Schimmenti serve as a liaison to work with the property owners to move this proposal along and report

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 13

back to Council as it progresses. While Mayor Bieri recommended researching the matter further, Councilman Schimmenti stated that he would be happy to serve in that capacity and would be diligent about keeping the full Council apprised of the unfolding situation. Mr. Semrau recommended that the Morris Land Conservancy be included in the process to represent the Township's interests. Mr. Allen advised that the state is being inundated with requests for the available funding and they want to know that the municipality is on board before they continue to invest time and resources on the concept. The Council gave consensus to have Councilman Schimmenti serve as a liaison and asked Mr. Allen to report back to them when he has met with Green Acres to discuss how to proceed with the appraisals which is the first step in the process. In response to a member of the public who asked for an opportunity to pose questions, Mr. Medina and Mayor Bieri advised that this is a preliminary proposal and such opportunities will be made available in the future.

Agenda No. VI

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker. She invited interested parties to raise their hand and come forward when called upon.

Douglas Ott, Stevens Road, West Milford stated that he is representing the library board. They are having a meeting on Tuesday night and they will discuss this project in a general sense at that meeting. Mayor Bieri advised that she will bring the concepts to the meeting. Mr. Ott asked that the Council hold a joint meeting with the Library Board at some time in the future.

Joey-Marie Stasiak, 25 Cliffside Drive, West Milford stated that she wrote a letter to the Township Administrator about adverse conditions on her street. She lives within a lake association and they have not dealt with the conditions that have also been brought to their attention. She stated that there is a constant problem with icy conditions on that street and it is causing a hazardous situation. Recently the road had to be closed because the police could not get up the street due to the ice. She and her neighbors need help. The lake association recently installed a dam that the residents have to pay for but they are not dealing with finding a remedy to this on-going situation. There are no catch basins to divert the flow of water from the street and whenever there is precipitation the road becomes hazardous. This street is a family neighborhood and the children wait for the school bus at the end of the street. Every morning, when there is ice on the roadway, these children as well as the school buses that travel Otterhold Road are in danger.

Theresa Linna, 8 Cliffside Drive, West Milford lives on the same street and echoed the sentiments of the last speaker. She stated that water runs down both sides of the road and the residents cannot get up or down the street. When the road was paved, it simply made matters worse. Her husband, she said, has lost a number of days at work because he could not get out of the street.

Barbara Rohr, 19 Cliffside Drive, West Milford stated that her youngest son is present with her tonight and she has a son at home who is in high school. These kids have to navigate carefully to get to their bus stop. The water runs out onto Otterhole road and the buses often slide on the ice that accumulates as a result of the water on Cliffside. It is only a matter of time before a child gets hit by a school bus. The drainage on the sides of the road is too high to catch the water and this is a hazard for all residents. While Cliffside is a private road, Otterhole Road is being impacted by these conditions and that is a Township road.

Miko Almaleh, 3 Cliffside Drive, West Milford advised that he moved to West Milford about four months ago. He showed the Council photographs of water frozen on the street with more water flowing down creating an ice hazard. The street becomes a solid sheet of ice and cars often cannot maneuver up or down the street. Some cars have slid into his property causing him considerable concern for his pregnant wife's safety. This is not a matter of who owns the road; it is a matter of safety for West Milford residents. He previously lived in Jersey City which held its own challenges. However, the conditions on this street in winter are more treacherous. Whether it is rain or snow, if there is water and cold temperatures there are going to be severe ice conditions on Cliffside Drive.

Jaan Linna, 8 Cliffside Drive, West Milford noted that his wife spoke earlier and he wanted to add to her comments. He advised that the company who delivers fuel to his home refuses to attempt such deliveries when there is ice on Cliffside Drive. Consequently, he ran out of fuel a few times last year.

Peter Esposito, Palmeta, New York stated that he owns the car wash in West Milford. Additionally, his children attend school in West Milford at Queen of Peace. He is vested in this community and opened the car wash to make a living and support his family. About three weeks ago, he received seven violations in one envelope with total estimated fines of \$7,000. The violations for which he was cited were related to erecting a temporary sign that was taken down. He never received a warning and apologized for the mistake he made. The sign was to be used for promotional purposes and he believes that a

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 13

warning would have sufficed. He is now being forced to hire legal counsel to represent him in municipal court.

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

Moved: Nolan Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. VI

Council Comments

Mayor Bieri stated that there appears to be two distinct topics being addressed by the public today. She did receive a copy of the letter from Mrs. Stasiak today and the issues of Cliffside Drive are a huge concern. She asked Administrator Kunze what steps are being taken to address this situation. Administrator Kunze advised that Township staff is aware of this problem and the DPW is making every effort to salt this area as much as possible. He will speak with the DPW Superintendent and Engineer tomorrow to devise a temporary solution for this winter and work on a permanent solution when the weather breaks. He will report back to Council and keep in touch with the residents. Mayor Bieri asked Mr. Semrau what options are available because this is a private road. Mr. Semrau stated that, based on what has been conveyed by residents tonight, the Council can look to take action because the conditions are potentially a health and safety concern. Mayor Bieri agreed that the owner of the car wash should have been served with a warning before being served with violations for the temporary sign. Summonses should be issued if the notification does not result in action. Administrator Kunze advised that the protocol is that notices of violation be issued first and, if the problem is not remediated, summonses are issued. Mr. Semrau advised that he can advise the prosecutor of the circumstances in this matter before the matter is to be heard in court on Thursday. He will contact Mr. Esposito and Township officials to ascertain the facts and circumstances which he will subsequently convey to the prosecutor. Mayor Bieri advised that she will bring the conceptals to the next library board meeting.

Councilman Weisbecker stated that he does not want to wait a week to have the Cliffside situation addressed; he would like to see something happen this week. He sought consensus to direct the Engineer to visit this neighborhood tomorrow before someone gets injured. He stated that when emergency vehicles cannot access a given area, the municipality has a right to be proactive in making the street accessible for the health and safety of residents. He stated that he will stop by Town Hall tomorrow to ascertain what action will be taken. The Township, he said, could at least place a 55-gallon drum with salt for people to spread as an interim measure. He stated that West Milford is not business friendly as is evidenced by a business owner feeling compelled to attend a Council meeting because of the actions of Township officials. This businessman is simply providing a service to this community and should not be subjected to these reactions from Township officials. There should be a system in place to deal with issues that businesses in town deal with.

Council President Smolinski stated that he became aware of the problem on Cliffside Drive a few months ago when the subject was broached at a Senior Advisory meeting. Immediately following the meeting, he called the Administrator's office and the matter, he was told, was being handled by the Engineer. He assumed that the issues had been addressed and he is offended that he was ignored. Now, the residents have become so frustrated that they are here tonight. He stated that a business owner should not be fined in the manner outlined by Mr. Esposito.

Councilman Schimmenti shared the sentiments of all who have spoken tonight. He wants to see businesses thrive in West Milford and commended Mr. Esposito for the improvements he has made to the car wash. He stated that it is imperative that the issues on Cliffside Drive be addressed to provide for the safety of the residents.

Councilman Nolan stated that he drives down Otterhole Road five days a week. The Township sands Otterhole and he sees no reason why the sand truck cannot run down Cliffside Drive at least as a temporary measure until a permanent solution is found. He agreed with Council President Smolinski, if this matter was brought to the Administrator's attention it should have been addressed and he apologized to the residents for that. He recalled that last year the Township Engineer appeared before Council to speak about reinstating a road assessment program that would allow the township to take over non-Township roads. He requested that this topic be scheduled for another workshop discussion. He stated that there appears to be erratic enforcement of zoning ordinances in the Township. Residents from Alison Road recently expressed concerns that zoning ordinances were not being enforced and not it appears that the Zoning Officer is being over-zealous. Enforcement must be even-handed and uniform. Before a summons is issued an entity deserves to receive a warning.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 13

Councilwoman Lichtenberg expressed agreement with everything that has been said thus far. She is upset to learn that Council President Smolinski broached the problems on Cliffsides Drive with the Administrator and nothing was done. She would like to learn where the water is originating.

Councilman Scangarello stated that zoning enforcement appears to erratic with the Township either letting things slide or one person paying the consequences for everybody. He asked that someone follow up on the summonses issued to Mr. Esposito. He stated that he also travels on Otterhole every day and had no idea that Cliffsides had such a steep incline. Otterhole Road is a bus route for a lot of buses and he questioned what might happen if a car were to lose traction coming down Cliffsides onto Otterhole. This situation must be addressed immediately.

Mayor Bieri advised residents that the governing body is hearing about the issues on Cliffsides for the first time tonight. She apologized that this matter was not addressed sooner. Perhaps, she said, a short-term solution is needed for the remainder of the winter months with a long-term plan devised for when the weather improves. She would also like to have a road assessment program discussed at a future workshop meeting. It is important to institute and create a priority list. She stated that she receives a lot of e-mails about zoning issues in town. Either the Township is viewed as extremely friendly or extremely unfriendly. There appears to be bias in enforcement so that some people never get a warning despite continuous violations while others are punished to the extreme. She has been working with the Administrator and will not ignore this issue.

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1

~ Resolution 2008- 052 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO DEWBERRY-GOODKIND, INC. FOR ENGINEERING AND DESIGN SERVICES FOR THE STREETSCAPE IMPROVEMENT PROJECT PHASE I

TABLED TO FEBRUARY 27, 2008 COUNCIL WORKSHOP MEETING

Councilman Weisbecker made a motion, seconded by Councilman Scangarello, to place this resolution on the table for discussion.

Discussion: Council President Smolinski advised that the Township received a response from Engineering which indicates that the staffing levels in that department have been cut to the bear bones. The consequence of such cuts is that there is not sufficient staff to perform the engineering for this project without a negative impact on other projects. Administrator Kunze confirmed that, to have this engineering done in house would mean that other projects would have to be cut or scaled back. He has conferred with the Engineer and at this time they are recommending that the Council table action on this resolution. They will revise the scope of work and have the construction oversight done in-house which would result in a savings of about \$30,000. The funds are limited and it is not clear if there will be additional grant monies for all aspects of this project. The scope of work can be altered so that Township personnel do the construction oversight and administration. The Township would then prioritize sidewalks as the most important aspect of the project which will be the basis for future efforts. Council President Smolinski stated that the downside of abbreviating the plan is that future funding could be jeopardized and the Township runs the risk of losing phase II funding if the design plan is not in place. Councilman Nolan stated that he cannot vote in the affirmative for this because there are no estimates as to what this project will ultimately cost. The proposed Walgreens is contrary to the streetscape plan which means that we are violating the vision of the streetscape prior to beginning any work. Council President Smolinski stated that this project has nothing to do with an application before the Planning Board. Councilman Weisbecker concurred noting that Councilman Nolan does not know many of the details of the Walgreens application. Mr. Semrau cautioned the Council about discussing an application before the Planning Board. Councilman Weisbecker stated that the Environmental Commission has discussed this application and found that it is in line with the streetscape vision. Councilman Nolan expressed concern that the Township has no indication as to what this would cost to which Council President Smolinski replied that, if West Milford does not use these grant funds they will be withdrawn and used in another community. Administrator Kunze advised that \$346,500 is a congressional grant through HUD for economic development. A little over \$20,000 comes from a smart growth grant that is conditional upon a design being in place. The remaining funds come from previous capital funding for related work. Councilman Scangarello advised that he originally learned of this funding when he read an article wherein Congressman Pascrell used a similar funding initiative to assist his municipality. Subsequently,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 13

Congressman Garrett assisted West Milford in obtaining these grant funds for the streetscape. If the money is not used, it will be used in another municipality and West Milford will lose an opportunity to improve the business district in town. Council President Smolinski stated that it is absurd that persons with disabilities cannot travel in this area. If a disabled person needs to cross the street, they cannot do so. This is what this project is all about; making our business district pedestrian friendly. Mayor Bieri stated that if this resolution is adopted it will not give us sidewalks. It will allow for the development of an engineering plan. The Council gave consensus to have the scope of work revised.

Councilman Weisbecker made a motion to have this resolution tabled to the February 27th workshop meeting.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. VIII 2

~ Resolution 2008- 073 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPLEMENTING RESOLUTION 2007-422 WHICH RESOLUTION AUTHORIZES THE EXECUTION OF AN AGREEMENT WITH THE VOZZA AGENCY, INC. TO SERVE AS RISK MANAGEMENT CONSULTANT FOR THE TOWNSHIP

WHEREAS, the Township of West Milford has agreed to join the Morris Joint Insurance Fund (MJIF); and

WHEREAS, by virtue of Resolution 2007-422 adopted by the Township Council on December 12, 2007, the Vozza Agency was authorized to serve as Risk Management Consultant for the Township of West Milford; and

WHEREAS, said resolution did not reflect the amount of compensation this represents to the Vozza Agency for the provision of such services; and

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

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

1. The Township of West Milford reaffirms that the Mayor and Township Clerk are authorized to execute an agreement with the Vozza Agency, with offices located in Park Ridge, New Jersey to serve as the Township's Risk Management Consultant from January 1, 2008 through December 31, 2008.
2. Compensation for the provision of these services shall be at 6% of the assessment premium for the term of the contract which equates to 6% of \$706,116 in 2008 for total compensation during this period of \$42,369.
3. Compensation shall be made to the Vozza Agency through the Morris Joint Insurance Fund pursuant to their customary payment schedule, as is standard practice in the industry.
4. The Township Commissioners to the Morris Joint Insurance Fund shall keep themselves apprised of these payments by virtue of the regular payment of bills which are authorized and approved at the regular meetings of the MJIF.
5. This resolution shall take effect immediately.

Adopted: February 6, 2008

Discussion: Councilman Nolan advised that he spoke with Mr. Semrau today to ascertain if the Vozza Agency should be subject to West Milford's pay-to-play ordinance. Mr. Semrau advised that pay-to-play should apply to this contract and recommended that such language be inserted into the resolution. Councilman Weisbecker amended his motion to include pay-to-play language in the resolution.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 06, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 7 of 13

Motion carried.

Agenda No. VIII 3

~ Resolution 2008- 074 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF LICENSES FOR LICENSE YEAR 2008

WHEREAS, applications have been made by various business owners for the renewal of an Amusement Game License and Pool Table License for the year 2008; and
WHEREAS, reports of recommendation have been received from various Township Departments recommending the issuance of said licenses as listed below;
NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of Licenses for 2008 as listed below:

Amusement Game License No.	Applicant Name	T/A - Licensed Premise Address
2008 – 8	Chris Hofer	Coyote Cove 1202-1204 Union Valley Road West Milford, NJ 07480
2008 – 9	Randall Longstaff	Longstaff's Oak Ridge Pub LLC 62 Oak Ridge Road Newfoundland, NJ 07435
Pool Table License No.	Applicant Name	T/A – Licensed Premise Address
2008 –7	Chris Hofer	Coyote Cove 1202-1204 Union Valley Road West Milford, NJ 07480
2008 – 8	Hisae Cerbone	Island of Spirits 3025 Route 23 Oak Ridge, NJ 07438

Adopted: February 6, 2008

Moved: Weisbecker Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
 Voted Nay: None.
 Motion carried.

Agenda No. VIII 4

~ Resolution 2008 - 075 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Name	Position	Date Tendered
Chris Rosica	Historic Preservation Commission	January 10, 2008
Lori Novak-Carafello	Insurance Committee	January 8, 2008

Adopted: February 6, 2008

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
 Voted Nay: None.
 Motion carried.

Agenda No. IX

Payment of Bills
 None.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 06, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 8 of 13

Agenda No. X

Items For Discussion

The Township Council discussed the following items:

1)	Proposed Ordinance to Accept Deed of Easement from Bald Eagle Commons, Inc. – Administrator Kunze advised that the Engineer recommended proceeding with this ordinance which was drafted by the Township Attorney. The Council gave consensus to proceed with introduction on 2/13/08.
2)	Property Sale – Administrator Kunze advised that staff continues to review various properties to determine what can be returned to the tax rolls. There are over fifty properties on the list presented to Council. However, many of those properties are located in Pinecrest. Prior Councils have landbanked those properties for open space purposes and they are on the open space map from 2003. Therefore, he is asking for authorization to proceed with a property sale of the remaining nineteen properties on the list. The Council gave consent to proceed.
3)	Recording Meetings – Ms. Battaglia advised that she and the Network Administrator attended a meeting with a company that specializes in streaming video of government body meetings on the web. She directed the Council to a memo she drafted which synthesizes tht meeting. Council President Smolinski asked that this discussion be tabled to a future date because the Council only received this information on the dais tonight and have not had time to review it. Councilman Nolan asked if this can be discussed at the next workshop meeting and he further asked if former Councilman James Warden be included in this discussion as he has solutions that will not cost the Township any money. The Council agreed and Mayor Bieri instructed that former Councilman Warden be scheduled to make a presentation on this matter.
4)	Email Policy – Administrator Kunze advised that the Township Attorney has drafted an e-mail policy in response to a number of questions being posed to the Clerk about e-mail and OPRA. Most of the language is taken from the MEL policies and it will be included in the employee manual when those policies are adopted. Mr. Semrau advised that he would like to add to the policy to address the potential of committees engaging in discussions through e-mail and inadvertently establishing a quorum. He sought Council consensus to add such language and establish a protocol not only for employees but for volunteers. Councilman Nolan asked what the consequences are if these policies are not adhered to. Mr. Semrau replied that employees who do not adhere to such pollicies can be subject to disciplinary action. Additionally, volunteers who do not have a Township e-mail account should be made aware that using their personal accounts for Township business could potentially subject their personal computers to OPRA. Mayor Bieri advised that most volunteers do not have Township e-mail accounts and she suggested that such persons establish personal accounts that are used solely for municipal purposes. Ms. Battaglia expressed concern about the retention of related documents. The council asked that staff research this matter further and schedule a future discussion.
5)	Warwick Turnpike – Phase 9 – Parameters of Specifications – Administrator Kunze advised that the Township is preparing to go out to bid for section 9 of the Warwick Turnpike project. The Engineer is seeking to include paving of a portion of Magnolia Drive where it intersects with Warwick Turnpike which will require assessing the residents who will be affected by this work. Councilman Nolan stated that this affirms the need for a private road assessment program. Councilman Weisbecker stated that there are times when the residents have requested that their road be taken over by the Township and there have been other times when such takeovers are mandatory. The council instructed the Administrator to proceed and begin assessing residents when the work is done.
6)	CASA and Transportation Committee – Administrator Kunze directed the Council to recommendations from both committees about restructuring. Councilwoman Lichtenberg reviewed the recommendations from CASA. The Council gave consensus to have the resolutions re-establishing these committees prepared for the next Council meeting.
7)	MUA and Reimbursement for Services – Administrator Kunze stated that he had previously provided data on Township expenses to support the MUA versus revenue. He has spoken with Judy Kerr and they have agreed that the MUA will assume the cost of IT support and the rent will increase to cover the costs. The 2008 revenue figures will not be complete until after the annual lien sale is held. Mayor Bieri advised that she requested this discussion when she became aware that the MUA is currently paying \$75 per month to rent space at Town Hall. This space, she said, is prime office space in the center of town. For many years she has consistently heard it said that the MUA is autonomous and the Township has no control over them. Other utilities, such as PSE&G, do not have offices here and, in her opinion, the MUA should either leave this building or pay fair market value

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
 February 06, 2008
 7:30 P.M.
 Page 9 of 13

	<p>for the space. In her estimation the MUA should pay between \$1,400 and \$2,300 per month rent plus utilities. Councilman Nolan stated that the Administrator's analysis indicates that the MUA would pay rent that just covers the cost of them being in Town Hall and so they are not paying fair market value for this space. If the municipality does not collect fair market value rent from the MUA the tax payers are subsidizing the MUA. Mayor Bieri stated that the Township should have a formal lease agreement with the MUA and they can buy their own fax and copy machine for their own use. Councilman Nolan questioned how the Township tracks the amount of gas and diesel used by the MUA. Administrator Kunze advised that it is tracked based on the miles used on each vehicle. Mayor Bieri proposed that the MUA be asked to pay \$2,300 per month rent plus utilities. Councilman Schimmenti stated that the result of such action would simply mean that the costs would be passed on to the users. Council President Smolinski recommended that the Mayor begin a dialogue with the MUA and stated that he would have no problem with her speaking with them to negotiate on behalf of the municipality. Mayor Bieri stated that the MUA office could possibly be used as an exam room for the Township nurses or for other Township business. Councilman Weisbecker recommended proceeding with caution. He noted that the Township has an arrangement with the Board of Education (BOE) to rent space at Hillcrest. If the BOE were to take the approach the Mayor is suggesting here, the Township might pay a heavy price. He suggested that the Mayor and Council be aware of the potential impact of their actions. The MUA, he said, was originally located at Town Hall so that they could work in unison with municipal offices. Council President Smolinski urged the Mayor to discuss this matter with the MUA and report back to Council. Councilman Nolan advised that the MUA is operating with a surplus and can afford to pay market value.</p>
8)	<p>Ordinance – Recreation Department Title and Responsibilities – Administrator Kunze advised that he, the Recreation Director, and Township Attorney met to review this chapter in the code which was also revised during the codification process. The most recent changes are intended to more fully describe the department and mirror other sections in the code. Councilman Nolan noted that there are inconsistencies in the references to personnel which should be rectified. The Council gave consensus to proceed to introduction at the next meeting.</p>
9)	<p>Charter Study for Passaic County Government – Councilwoman Lichtenberg advised that she requested this discussion because she agrees with resolutions adopted by other Passaic County municipalities asking that the County of Passaic place a question on November's ballot to ascertain if voters would approve of the establishment of a Charter Study Commission to research the various types of County Government allowed in New Jersey and make recommendations as to what would best suit the needs of Passaic County. She stated that she would like to see better representation in Passaic County and noted that the county taxes are among the highest in the nation. The Council gave consensus to have a resolution placed on the agenda for their consideration at the next meeting.</p>
10)	<p>Highlands Master Plan – Administrator Kunze noted that further discussion is required at this time if the Township wishes to submit comments to the Highlands Council on the Master Plan before the February 28th deadline. Councilman Smolinski had submitted some comments which he reviewed. He stated that TDR's are a concern and there should be language removing TDR's from municipalities in the preservation area. He stated that there should be provisions in the plan for funding and that funding should be proportional. West Milford needs regular financial assistance. He stated that there should be an end user fee. West Milford is the guardians of the water supply and the Township should be compensated. There should be specific restrictions within existing community zones and Brownfield areas should be enhanced. There should be language to specify that high-density residential development should not be permitted in existing community zones. Councilman Nolan thanked Council President Smolinski for getting his comments in. He asked that this topic be placed on the next agenda for discussion noting that there are time constraints to submit comments. Mr. Semrau was instructed to create a working document which will serve as the basis for Council to finalize comments before the deadline date. He noted that the Council has a number of special meetings scheduled in February and this can be finalized and adopted at one of those meetings. Council President Smolinski stated that he learned through a newsletter that the County Freeholders adopted a resolution pertaining to the Highlands Master Plan that was very specific to West Milford. He noted that the Freeholders did not seek any input from the elected officials in West Milford and stated that he is offended that a government agency would adopt legislation that may affect a specific town without asking for any input from the officials in that town. He asked for Council consensus to have a resolution drafted which would request that the County of Passaic refrain from taking official action on issues that directly and specifically impact West Milford without consulting the municipality first. Councilman Weisbecker recommended that a resolution be sent to the County and the Highlands Council advising that West Milford does not agree with the process and, because West Milford was not</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 06, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 13

	consulted, requesting that the comments be withdrawn. He asked for Council consensus to have Mr. Semrau draft a resolution telling the Freeholders that this is not acceptable and notifying the Highlands Council that West Milford wants the Freeholder resolution rescinded. Mr. Semrau suggested that the West Milford resolution with comments on the Highlands Master Plan can express that those comments are the official comments from West Milford and thus not infringe upon the Freeholder's rights to comment. The Highlands Council is obliged to review every comment. Mayor Bieri agreed noting that the Freeholders resolution does not say that they obtained support from West Milford. Council President Smolinski concurred adding that the Township should send a resolution to the county outlining the objections to the process and requesting that they rescind their resolution or explaining the process they used to confirm the contents of the resolution.
11)	Contract for Ambulance – Administrator Kunze advised that the Township took bids on January 23 rd and received two bids. Both were over the amount of available funding. There may be material exceptions to the bid and they are currently under review by the first aid squad and the Township Attorney. He expects to have a recommendation for Council soon.

 Agenda No. XI

Consent Agenda Discussion Items

Administrator Kunze advised that the purpose of the consent agenda is to inform the Council of standard items of business. If any Council member wishes to discuss any particular item, then it is subject to discussion.

1)	Award Contract for Gasoline and Diesel Fuel for 2008 – Councilman Nolan noted that the draft resolutions were not accompanied with certification of funds. Administrator Kunze advised that those certifications will be provided before the Council is asked to take action at the next meeting. Councilman Nolan asked what the per-gallon price is. Administrator Kunze advised that the price floats with the market rate and the estimates are based on the market and prior year usage.
2)	Award Contract for Tub Grinder – Councilman Scangarello noted that these services will cost less this year than last.
3)	Award Professional Service Contract – Arthur J. Schappel Surveying Services – Greenwood Lake Stormwater Implementation Project (319H NPS Grant)

 Agenda No. XII

Reports

Administrator Kunze advised that he has been trying to get an extension from the DEP on the bear can grant. The Township Engineer has recommended going out to bid in anticipation of the DEP approving the extension. He received a telephone call today from the Division of Fish & Wildlife who advised that they plan to conduct the survey associated with the bear cans and which they had previously abandoned. He advised that he, Councilman Weisbecker, Gerry Storms, and Mr. Semrau met with the Upper Greenwood Lake Property Owner's Association (UGLPOA) before tonight's meeting. He did not provide much detail from the meeting because there is a notice of tort claim on file with the Township. However, the meeting was productive. Last week, he met with the Administrators from Ringwood and Wanaque to discuss possible shared services for a health officer. Ringwood will provide a cost estimate next week. Pompton Lakes has advised that they will not renew with West Milford this year as they have finalized an agreement with Wayne for health services.

Councilman Nolan asked Councilman Scangarello if he spoke with the Fire Commissioner and the Deputy Fire Commissioner about coming before Council to discuss issues of concern to the new Deputy Fire Commissioner. Councilman Scangarello advised that the Fire Chief's Association met and they came to an agreement on these issues. He does not have the minutes on hand but will get a copy for Councilman Nolan if he wishes. Administrator Kunze advised that he met with both the Fire Commissioner and the Deputy Fire Commissioner after the last Council meeting and he has been advised that they no longer need to meet with the Council. Councilman Nolan asked for an update on the community block grant program. Administrator Kunze advised that he will follow up with the County as he has not heard anything. Councilman Nolan stated that these grant funds could be used for many improvement projects and there is a lot of competition for a limited amount of funding.

Councilwoman Lichtenberg handed out a resolution opposing the Governor's proposed toll increases and asked that it be considered at a future meeting. She asked Administrator Kunze if he has scheduled a discussion of a house numbering ordinance to which Mr. Kunze replied that it is tentatively scheduled for

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 13

the February 27th workshop meeting. Councilwoman Lichtenberg advised that she erred when encouraging people to wear red on Fridays in support of our troops. Actually, Canadians wear red and Americans are encouraged to wear blue on Fridays until our troops come home. She advised that there will be a diabetes clinic at Bald Eagle Commons on February 21st.

Councilman Scangarello asked Administrator Kunze to follow up with County officials on the adopt a spot site at Greenwood Lake Turnpike and Lakeshore Road. He advised that the Council received a letter from the Township Auditor and asked the Township Attorney to provide an opinion as to its contents. Mr. Semrau advised that, under present circumstances, Mr. Ferraioli has advised that he cannot comply with the Township's local pay to play ordinance even though he can comply with the state legislation. Councilman Scangarello noted that Mr. Ferraioli has served as Township Auditor in West Milford for over thirty years and his father served in that capacity before him. Mr. Ferraioli has resided in West Milford for over fifty years. Mr. Semrau advised that the Council can opt to modify the ordinance to change the section related to county contributions, not municipal contributions. Councilman Scangarello read from Mr. Ferraioli's letter which stated that, because his firm serves as auditor for the County of Passaic, he and his partners attend a lot of political functions at the county level which has resulted in them being unable to comply with the Township's local ordinance. Mayor Bieri stated that attending a function is not a problem, it is paying for a meal. However, she said, Mr. Ferraioli is not just attending functions, he has made contributions. Mr. Semrau advised that Mr. Ferraioli, in his letter, is requesting that the Council amend that section of the ordinance that related to county contributions. Administrator Kunze advised that Mr. Ferraioli is currently completing work that falls under the 2007 contract and the Township has not conducted a search for an auditor since he has been here. Councilman Nolan stated that the Township must now conduct such a search and Mayor Bieri concurred adding that, especially in the auditing field, professionals should have a level of independence and not have relationships with entities with whom they do business. Councilman Nolan advised that he has checked the State's records and Mr. Ferraioli's firm has contributed over \$100,000 to political entities.

Councilman Weisbecker asked Administrator Kunze to speak with the Engineer to determine what steps are being taken to deal with overgrowth on narrow roads throughout the Township but especially in lake communities. He asked for an update on Mount Laurel Park. Administrator Kunze advised that he will have the Recreation Directors report distributed to Council and advised that the work is expected to be finished this spring. Councilman Weisbecker sought to clarify for the public, in response to a number of comments received, that the Council is not discussing a clear garbage bag ordinance at this time. If residents have comments on this subject, they should be directed to the Beautification and Recycling Committee. He asked for Council consideration of an ordinance that deals with encroachment issues. Mr. Semrau advised that the Upper Greenwood Lake Property Owner's Association has expressed concern that there are a number of encroachments on their properties. Due to old maps, they do not know about these encroachments until work has been completed on the relevant project. They have requested a municipal ordinance that would compel lake community property owners to notify the associations if they are seeking a construction permit through the Township. The Council gave consensus to have Mr. Semrau draft an ordinance. Councilman Weisbecker asked for Council consensus to instruct the Township Attorney to review Butler's ordinance regulating massage parlors and report back to Council. Councilman Nolan advised that he had provided Mayor Bieri with an article about zoning that could help with such regulations. Mr. Semrau advised that discussion about regulating massage parlors is within the purview of the Council but permitting certain activities in certain zones and precluding those activities in others should be discussed by the planning and zoning boards. Councilman Weisbecker asked for Council consensus to instruct the Township Attorney to draft a resolution expressing disapproval of their action approving a \$10 million emergency appropriation. He advised that the Energy Committee met and is planning another meeting with Honeywell and other committee members. Administrator Kunze is preparing a report and the committee will seek Council support to move forward.

Council President Smolinski stated that when the County approved a \$10 million emergency debt to bail them out they have made West Milford taxpayers responsible for paying part of that debt. He asked Administrator Kunze if the road sweeper can go out in winter to sweep the streets. Administrator Kunze advised that they go out when weather permits but there are operational issues with keeping the equipment clean.

Councilman Schimmenti stated that sending all these resolutions to the County will send a clear message. He urged the Council to proceed with Random Woods.

Township Attorney, Fred Semrau stated that he attended an open space meeting with the Morris Land Conservancy, the Administrator and Mayor Bieri. He will send a report. He also met with the Wanaque Administrator and Mayor. He stated that he wishes to advise Council in executive session about the legal ramifications of the award of the dump truck bid as well as the wastewater management plan.

Mayor Bieri asked that discussion of private road paving be scheduled for an upcoming workshop. She would like Council consideration of establishing a revitalization committee which would incorporate

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

tourism. When she met with the Morris Land Conservancy, they noted that West Milford is one of the few local municipalities that does not have an open space committee and she would like to research establishing one. She stated that there appears to be issues with zoning and building and stated that the processes should be improved so that enforcement is uniform.

Agenda No. XIII

Executive Session

~ Resolution No. 2008- 076 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 6th day of February, 2008, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () 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.
 - Brown's Point Plaza and Wastewater Management Plan Update
 - Award Dump Truck Bid
 - () 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: February 6, 2008

Moved: Lichtenberg Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

The Council went into Executive Session at 11:00 p.m..

The Council reconvened in public session at 11:10 p.m. with all present as before.

Agenda No. XIV

Action Items

~ Resolution 2008 - 053 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDDING A CONTRACT TO DELUXE INTERNATIONAL TRUCKS, INC. FOR ONE (1) 2008 – TANDEM DUMP TRUCK WITH PLOW AND CENTRAL HYDRAULICS

Councilman Weisbecker made a motion to table this resolution to February 27, 2008.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 06, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 13

Moved: Weisbecker Seconded: Schimmenti
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
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 11:12 p.m.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Approved: February 27, 2008

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK