
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 27, 2008
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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.

Ada Erik, Macopin Road spoke regarding the larger need for blood donations than that which is currently being collected during sponsored blood drives. She has recently visited both the East Orange Veterans Hospital as well as the Lions Hospital, speaking with a 24 year old veteran who during one of his multiple surgeries had used 160 units of blood. Her concern is that each donor gives one unit and that the need for more donors needs to be addressed.

Her second concern was in response to a newspaper article regarding property tax evaluation in West Milford. She asked the council to demand that all of Passaic County be reassessed prior to West Milford, stating that in previous reassessments, West Milford was first to be assessed. Her previous experience with reassessment involved an incorrect description of her property, and three years to appeal and correct the description. She suggested forstalling the reval, perhaps with the county doing revals in alphabetical order by town.

David Watson Hallowell, 50 Linwood Road, regarding Sustainable West Milford, presented an Ordinance to Mayor and Council from Calistoga, California. This was in follow-up to a previous conversation with the Mayor and Council. He announced the First Annual Highlands Green Fest which is to be held on May 3, 2008 at Bubbling Springs Park. Planned as an all day event, the theme is "Living Green, Protecting Green and Enjoying Green". The event will feature educational materials, demonstrations, music, food, games and contests. There will be no fee. The fest is an opportunity to highlight West Milford and bring people into the township and to celebrate green living. He expressed hope that the Township would play a role.

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

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

Agenda No. VII

Council Comments

Mayor Bieri thanked Ada Erik and Mr. Hallowell for speaking, as well as all volunteers. Regarding the township reval, she stated that the Mayor and Council are on top of it, however when ordered to perform the reval, that the township must comply.

Council President Smolinski thanked Ada Erik for speaking and visiting veterans. He expressed that West Milford has not been ordered to perform a reval yet and that we are not first. He hopes that the reval can be put off as long as possible.

Councilman Schimmenti – no report

Councilman Nolan thanked Ada Erik for the information on veterans. He spoke about a West Milford resident who is in the Veterans Hospital and has needed blood. He thanked Mr. Hallowell for running the May 3rd festival.

Councilwoman Lichtenberg reiterated previous Council members in thanking Ada Erik and Mr. Hallowell.

Councilman Scangarello said that Paterson had their reval about one year ago and was hit hard. Ringwood is currently doing reval.

Mayor Bieri reiterated that when the township is mandated to perform the reval, we must comply.

Richard Kunze, Administrator state that he reviewed the reval procedure. The first round of five rounds had been ordered, meaning that the first five towns in the county have already been revalued. West Milford is in the second round of five towns which is scheduled to be performed this year, but has been delayed.

Fred Semrau, Attorney stated that when notice is received by the township, there is a formula and factors to determine how a town is chosen. The notice can be reviewed at that time and possibly contested.

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Agenda No. VIII

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

WHEREAS, the Township of West Milford's requested proposals for engineering and design services for Phase I of the Streetscape Improvement Project; and

WHEREAS, the Township Engineer has recommended that Dewberry-Goodkind, Inc. be retained to perform this work in accordance with their proposal for same; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Dewberry-Goodkind, Inc. 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 firm of Dewberry-Goodkind, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account numbers as follows:

G-02-41-727-530 - \$20,007.00; G-02-41-758-758 - \$64,993.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute a contract with Dewberry-Goodkind, Inc. for Engineering And Design Services for The Streetscape Improvement Project Phase I in an amount not to exceed \$85,000.00.
2. This contract is awarded without competitive bidding as "Professional Services" in accordance with the provisions of the local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$85,000.00 without the prior written approval of the Township Council.
4. 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: February 27, 2008

Discussion: Councilman Nolan clarified that the version of the resolution was the latest version, as it had been revised as recently as the previous weekend. He wanted clarification that surplus funds were not being used for the project. Administrator Kunze stated that he had worked with Dewberry-Goodkind, Inc., on the revised scope which eliminated construction administration elements which would be done in house. He said that the increased focus is on sidewalk installation. Costs have been reduced to \$85,000, first using up the balance of the Smart Growth Grant and then using the remaining amount from the Streetscape Grant. No existing capital funds will be used. Councilman Nolan asked what can be done with the remaining grant monies. Administrator Kunze responded that the balance of the Streetscape Grant and capital funds will be used primarily on sidewalks. The detailed design will tie in with the overall conceptual design plan, inasmuch as it will address future electrical installation under sidewalks. Councilman Nolan asked how much capital can be used. Administrator Kunze stated that there is a little more than \$100,000 on hand, which had been budgeted in prior years mostly for sidewalks and downtown improvements. Councilman Smolinski expressed the Environmental Commission's concern that the plan not interfere with applying for future grant monies. Administrator Kunze reiterated that there will be a full concept plan. Councilman Smolinski clarified that the original proposal had been reduced by \$37,000.

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

Agenda No. VIII 2

~ Resolution 2008- 053 ~

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

WHEREAS, the Township of West Milford solicited bids on November 16, 2007 at 10:45 a.m. for one 2008 – Tandem Dump Truck With Plow And Central Hydraulics; and

WHEREAS, in response to the “Notice to Bidders” the Township received five (5) bids; and

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

WHEREAS, the two lowest bids were not in conformance with the specifications as written; and

WHEREAS, the bid received from Deluxe International Trucks, Inc. has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of this contract to Deluxe International Trucks, Inc.; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number C-04-07-940-291; and

WHEREAS, after careful consideration, the Governing Body has found it to be in the best interest of the Township to award a contract to Deluxe International Trucks, Inc. for the purchase of one (1) 2008 – Tandem Dump Truck With Plow And Central Hydraulics.

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 Township Council hereby awards a contract to Deluxe International Trucks, Inc. for the purchase of one (1) 2008 – Tandem Dump Truck With Plow And Central Hydraulics for a total amount of \$145,136.00
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with Deluxe International Trucks, Inc. in accordance with its bid for the purchase of one (1) 2008 – Tandem Dump Truck With Plow And Central Hydraulics
3. The Township’s Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: February 27, 2008

Councilman Nolan asked if this bid was the one which was previously held up. Township Attorney stated that yes, a company had submitted a lower bid which was deemed technically deficient. After lengthy review and explanation by Gerald Storms, Director of Public Works, it was determined that it would not be compliant with the township needs. Hoover was sent the objections and had attended a prior meeting. They were provided with Mr. Storms comments which were lengthy, and they were offered the opportunity to attend tonights meeting to have a hearing regarding the decision. They were required to notify by last Wednesday. There being no representation this eveing and no notification, he recommended moving forward with the resolution.

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

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Voted Aye: Smolinski, Schimmenti, Lichtenberg, Scangarello.
Voted Nay: Nolan.
Motion carried.

Agenda No. VIII 4

~ Resolution 2008 - 095 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES (NJDHSS) GRANT FOR PANDEMIC INFLUENZA PREPAREDNESS

WHEREAS, the New Jersey Department of Health and Senior Services (NJDHSS) has made \$7,934.00 available to West Milford Township to assist in efforts preparing for a possible influenza pandemic; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Pandemic Influenza Preparedness in the amount of \$7,934.00.

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant should it be awarded.

Adopted: February 27, 2008

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

Agenda No. VIII 5

~ Resolution 2008 - 096 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING APPLICATION FOR \$1,000,000 IN FEDERAL FUNDING FOR THE WEST MILFORD TOWNSHIP CENTRAL BUSINESS DISTRICT STREETScape IMPROVEMENT PROJECT – PHASE II

WHEREAS, in 2005, the Township applied for federal funding to make improvements to the Union Valley Road/Marshall Hill Road Central Business District; and

WHEREAS, in April 2006 the Federal Government notified the Township that it had been awarded \$346,500 for this project through HUD Economic Development Initiative Funds; and

WHEREAS, additional funding is necessary to accomplish the project's full scope of work.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford that Richard Kunze or the successor to the office of Township Administrator be authorized
(a) to make application for such a grant,
(b) if awarded, to execute a grant agreement with the appropriate Federal Government Agency, and
(c) to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Adopted and passed: February 27, 2007

Discussion: Councilman Nolan asked who the application is being sent to, in addition to Congressman Garret. Administrator Kunze answered that it is also being sent to Senator Lautenberg. He stated that the Planning Director has already been in contact with Senator Lautenberg to get their format. Councilman Smolinski commented that the timing is appropriate and thanked Councilman Scangarello for recommending this.

Ayes: 5
Nays: 0
Absent: 1

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have adequate infrastructure or sufficient resources to justify TDR Receiverships within the municipality. TDR receiving zones should never be permitted in the preservation areas, and most certainly should not be permitted in a Township such as West Milford that is located 100% within the preservation area, when in fact the Township has a water supply deficit and such has been demonstrated historically by the failure of high density development to obtain necessary DEP water allocation permits and approvals.

3. Conditional Water Availability: Conditional Water Availability is a proposed method for creating additional water supply where current shortages exist. It is based on a) future promises of municipalities to save water through conservation, despite the fact that most communities and homeowners in water deficit areas such as West Milford have already instituted many water conservation methods, and b) future promises from developers to recapture water, despite the fact that this promise is neither based on science nor is it enforceable nor is there any provision for remedy upon failure of the developer to fulfill said future enhanced water supply. This approach is inconsistent with the purpose and objectives of the Highlands Act, especially for those environmentally sensitive lands located in the preservation area. This approach will place the burden to sustain water supply to such developments on the municipalities and taxpayers as opposed to the developers. The Plan should eliminate Conditional Water Availability in its entirety from the Plan as end users must be held accountable to maintain water conservational requirements in the same manner as all Watershed Municipalities.

4. Existing Community Zones: Existing Community Zones, cannot be interpreted as a mechanism for the potential for major residential development and sewer expansion or growth. The Preservation areas are highly sensitive, environmental areas and should be protected from residential development. West Milford Township, located 100% within the Preservation Area, is in a water deficit area and cannot support major residential development, or TDR receivership. Residential growth areas should not be permitted in water deficit areas. As a result, the Existing Community Zones located within the preservation areas must prohibit additional high density or large scale residential development.

5. Development and Redevelopment: The RMP maps in the Preservation Area need to conform to the policy that development and redevelopment is limited to brownfields and grayfields or areas where the existing impervious coverage is 70% or greater. This policy promotes economic development and environmental protection. Said redevelopment of existing commercial districts and abandoned or contaminated sites should be permitted, regardless of zone type, providing it is consistent with a municipal master plan and the State Plan for Development and Redevelopment.

6. RMP Map Changes: Petitions for changes or adjustments to the Land Use Capability Map need to be based on existing map errors, resource protection issues, a scientific basis, or factual standards. Presently, the Plan does not provide for same, and municipalities will run the risk of inconsistent planning and incompatible uses in the Highlands.

7. Impervious Coverage: Furthermore, the recent amendment to the definition of impervious coverage, which included "any modification to the soils from their natural state that would hinder the absorption of stormwater," is in direct contradiction to the intent of the Act and needs to be eliminated.

II. Policy Concerns as to the Highlands Act.

1. Financial Inequities: The Plan fails to provide for any certain equitable remedies for townships in the Preservation Areas such as West Milford. Specifically, while the municipality is identified as part of a Preservation Area, which severely restricts growth and development in exchange for the benefits and protection of the water supply of millions of residents throughout the State, there is no State funding that will rightfully compensate the municipality for its stewardship of these water supplies and as protector and supplier of water throughout the State of New Jersey. For example, funding should be based upon certain identifiable factors such as (a) the size of the community; (b) the amount of land in the Preservation Area; (c) C-1 Streams and water bodies; (d) resources or lakes within the community and (e) storm water mandates.

2. Water Use Fees: As a result of the Highlands Act, and the extensive environmental resources in the Township, West Milford will not financially benefit from any additional growth in ratables, as it would come at the expense of these severely constrained resources. Growth will place an enormous burden on a portion of the State's water supply. The legislature has failed to provide for a water consumer fee to end users to offset the financial sacrifice and burden placed on the taxpayers of Highlands communities, especially those situated entirely in the Preservation Area. The fee should be guaranteed as direct payment to municipalities in the Highlands and such funding should be coordinated to include an appropriate inflation index to provide equity in future years. The Plan is incomplete as it only sets forth preservation of environmental and natural resources. It does not provide for a financial solution or equity to the taxpayers in municipalities that preserve such resources, but places the entire financial cost of preservation entirely upon the 26,000 residents of the Township of West Milford.

3. A Plan Should be Formulated: The Township requests that a thorough and responsible financial plan be included in the Regional Master Plan that shall include financial projections or analysis on the local level that includes loss of tax revenue, and reservation of revenue to Highlands municipalities. This should be completed prior to adoption of the Regional Master Plan.

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Acct #	Account Name	Amount
1	Current Account.	\$131,111.51
2	Reserve Account	9,782.46
3	Animal Control Trust	298.25
6	Capital.	40,171.85
7	Grants.	4,044.14
8	Refuse.	87,795.32
9	Refunds.	
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	2,845.68
17	Trust	1,688.38
18	Development Escrow.	750.00
19	LOSAP	
20	Special Reserve	
Total		\$278,487.59
Less Refund Resolution		
Actual Bill List		
Other Payments		
Less Refund Resolution		
Total Expenditures		\$278,487.59

Adopted: February 27, 2008

Discussion: Mayor Bieri asked Administrator Kunze to advise the Treasurers office that on Page 7, the last item is for a check to J. Monteleone and on Page 8, line 2, there is a check for John Monteleone. She asked that since the two payments were to the same person, that the two accounts be combined so as to simplify end of year tax reporting. Councilman Scangarello pointed out that we are renting a dumpster from Blue Diamond, even though there is a business in town which offers this service. He expressed that he would like to use local vendors more frequently.

Moved: Nolan Seconded: Scangarello
 Voted Aye: Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
 Voted Nay: None.
 Abstain: Nolan voting on Valley Health
 Motion carried.

Agenda No. X

Items For Discussion

The Township Council discussed the following items:

1)	Resolution in Opposition to Revisions to the Wrongful Death Statute – Administrator Kunze advised that Morris JIF notified the township of this legislation that would allow for payment for emotional anguish. This legislation, as drafted, does not exempt municipalities from its provisions. MEL and JIF believe that this will result in increased cost to municipalities and has asked for resolutions from townships. Township Attorney Semrau said he is asking that governmental entities be eliminated from this, stating that governmental entities have immunities that are not reflected here. Consensus to proceed.
2)	Resolution in Opposition to the Governor’s Toll Hike Proposal – Councilwoman Lichtenberg said that she had asked for this discussion when the Governor was proposing toll increases. She feels that it is good to let the Governor know that state spending should be reduced rather than increase tolls. Increased tolls would impact the residents in state by increasing costs on merchandise which is transported by trucking. She said that the Governor had submitted his budget yesterday which had a lot of cuts. However, she does not want toll increases. Mayor Bieri said that earlier this month she had met with the

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	<p>governor along with other Passaic County Mayors. He provided information on this proposal. She paraphrased the governor by saying that this governor has taken the initiative to look at alternatives to cutting the budget, that it has been over 20 years of over- and mis-spending that has put the state into debt. He had admitted that it must be addressed because the state is in a financial emergency. He proposes a cap on spending as well as budget cuts. In his list of alternatives, a number of combinations of cuts were reviewed. Concern is that if he cuts municipal aid that this will have more of an impact on us. The State has to fund a lot of mandatory things such as pensions etc. Of interest was his description of the proposed toll hike. He said 45% of toll users do not come from this state. If we oppose this, we need to find more specific solutions. If 45% of toll money is from out of state users, the we should favor this. Governor Corzine is likely to cut funding municipalities to balance the budget. She stated that unless we have a better solution, then we should not be so ready to oppose the toll hike. Councilman Nolan said that the toll hike did not get legislative support so it may be a moot point. If it gets new life during the budget process, we may want to weigh in. Councilwoman Lichtenberg agreed with that and suggested to table it. Councilman Scangarello said that it is a moot point for now. Unfortunately, this idea cost taxpayers almost \$8 million to devise. Governor Corzine's spending was up 20% and now, in 3rd year in office he wants to cut budgets. Councilman Smolinski stated that last year the governor had increased state sales tax 1%. Now, he is holding taxpayers hostage by threatening to cut rebates and increase taxes to get the toll hike. The tax increase was supposed to be for tax rebates and now he is threatening to cut rebates. Councilman Nolan said that the republicans want budget cuts. Councilman Smolinski said that he cannot make a promise one year and take it away the next year. Mayor Bieri said that pensions have not been contributed to for years and the governor is looking to address that shortfall.</p>
<p>3)</p>	<p>Resolution Requesting Restoration of Aid to Watershed Communities –Adminstrator Kunze said that there is no draft as of yet. It is up for discussion tonight. Councilman Nolan said that he had raised this issue. He commented that during the budget process that the total assessed value of this township this year is less than last year due to tax appeals and no new construction and that if we are going to ask for more watershed aid, we must provide facts and figures. He would like to see those #'s at next weeks special meeting. From there we can draft a resolution. Councilman Smolinski said that was part of the comments sent to the Highlands Council. He said that we did not go into detail, providing the history of the loss of the guaranteed funding and hopefully address the loss of revenue from open space funding. He asked Township Attorney Semrau if the three properties being bought with Green Acres funding qualified under the Highlands Act. If not, we are not entitled to funding for 10 years. Township Attorney Semrau replied that he does not believe it does. Council Smolinski said that open space acquisition in West Milford is for resource protection to protect our water. He asked if under those circumstances would the township get the 10 year funding. Township Attorney Semrau said that we collect from redevelopment properties. Administrator Kunze said that there are situations where we get payment in lieu of taxes for open space purchases. He will check out what we get and for what properties. There is also a formula used by the State. He will review and provide information. Councilman Smolinski said that not all open space acquisitions fall in the formula and that this ties into the lack of communication from the county. The county did not let us know about these purchases even if it affected our taxes. He has no problem with Open Space but we should be informed. Township Attorney, Fred Semrau said that Apple Acres may not get Green Acres declining return, but we do get grant money. If the Highlands Act were ever repealed or changed, West Milford has an asset. If the state acquired it, then the township would get the return for 12 years. The benefit here is the grant money. For Apple Acres we've gotten state and county money. Councilman Smolinski said that he likes that West Milford's money is not being used to purchase properties. But, West Milford should know that West Milford properties are being sold from under our feet. Councilman Scangarello said that the properties in the newspaper, Clinton Road Preserve and Schielke properties are coming out of our pockets because Passaic County Open Space funds are being used for these properties. Kathleen Caren is quoted in the paper saying that she is pushing for the sale of the properties. She lives in West Milford. He asked why weren't we notified of these property sales? This is over \$600,000. Mayor Bieri said that if they are using county funds, it is like a private purchase and they don't have to notify us. There won't be an increase to our taxes in the future due to development. Councilman Smolinski wants the courtesy of notification. We have a freeholder and an Open Space coordinator living in West Milford. Councilman Scangarello said it is protocol for the county to contact the municipality. Township Attorney Semrau said that yes, counties do purchase open space and it is beneficial to establish communications. They are only going to spend a certain amount of money and it may be helpful to know. They may have reasons why the properties are on their list and the township may be in agreement. It would be good policy to have the county communicate with the township. It would be preferable if West Milford set up a way to communicate with</p>

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	<p>the county so that each knows about the direction of the other. Councilman Nolan invited them to next weeks special meeting and have them explain the process and ask them to keep us in the loop. Councilman Smolinski said that due process should require that the township be notified. Councilman Scangarello said that we can communicate with them, and to send a letter. Administrator Kunze said that he will draft a letter to be reviewed by the Mayor and sent to the County. Councilman Smolinski said that if the county wants to buy land they should give consideration to the municipal property list.</p>
4)	<p>Interlocal Agreement for Health Officer Services – Administrator Kunze provided an update, that he had met with the Acting Mayor of Ringwood and that she is working on a proposal for West Milford to look review. He communicated the basic parameters to her expressing that we need a health officer here a certain number of hours per week. When the proposal is received he'll distribute it to the council for discussion and execution.</p>
5)	<p>Auditor Appointment – Administrator Kunze stated that an auditor generally performs budget work as part of his contract. He prepares the budget and other documents. It is important to have his input as we prepare for introduction and get a budget to the state. Mayor Bieri raised the pay to play issue which Councilman Scangarello brought up at the last meeting. He asked the Mayor what we were doing. Her response was that it is the councils decision. She explained that the auditor requested an amendment to our current Ordinance and that we cannot appoint our auditor without violation to our pay to play Ordinance. She said that the Council has a decision to make. They must revise the Ordinance or get a new auditor. Option 1 would be to keep pay to play because our auditor is in violation, or look into a new auditor. Councilman Schimmenti said he would like to see our current auditor, Mr. Ferraioli, stay on as he has done a great job. Councilman Nolan expressed that the problem is that the state pay to play law is a joke. Auditing firms are giving political contributions. Mayor Bieri encouraged moving on the decision and proposed maintaining the integrity of pay to play and keeping the auditor via a grandfather clause stating that if a professional is on contract for 10 or more consecutive years, the professional can stay. Township Attorney Semrau said that in concept this could be done. Councilman Scangarello said that based on the Mayor's request, this could be realized. Township Attorney Semrau will prepare an amendment for next meeting</p>
6)	<p>Ordinance Amending Chapter 135 "Fee" of the Revised General Ordinances – Administrator Kunze explained that fees are reviewed each year and each department has its list of fees. The packet included recommendations from the Clerks, Health and Recreation depts. The Recreation brochure is being printed with a disclaimer that the fees are subject to change. Councilman Nolan asked how the fees are calculated. Administrator Kunze said that in 2005, he looked at the fees that other towns charge so as to obtain a market rate. These fees probably do not cover full costs. Councilman Nolan stated that Kurt Wagner of the Building Dept. stated that construction generated more revenue last year. Administrator Kunze agreed and said that there are no recommended increases from them. Councilman Nolan expressed concern over Health Dept fees discouraging participation. Administrator Kunze answered that the fees for vaccinations etc. are designed to cover direct program costs. Mayor Bieri eventually will instruct Township Attorney Semrau to draft an Ordinance regarding fees to be charged for the Mayor performing marriages. Mayor Bieri asked that the senior fee for Bubbling Springs membership be revisited. She feels with the costs that are being charged to families and singles, that the senior fee is too low. She instructed Administrator Kunze to determine how many seniors joined last year. Subject to that, consensus was to proceed next week.</p>
7)	<p>Ordinance Amending and Supplementing Chapter 470, Subdivision of Land and Site Plan Review, Section 470-27, Review Fee Escrow Deposits, of the Revised General Ordinances. – Administrator Kunze said that this issue was raised earlier this year. He has looked at the code and there was no provision to stop work if escrow is depleted. Now, with it being amended, if an account balance falls below certain amounts, no more action can be taken until escrow is replenished or refunded. Township Attorney Semrau said that Section 2 talks about reimbursement for attendance by professionals to meetings. He will change that to add flexibility. The Law says that bills must be submitted within 30 days and he will include that in the Ordinance. Councilman Nolan clarified that and expressed that it is long overdue. Administrator Kunze said that there is a tracking mechanism and this Ordinance supports that. Mayor Bieri asked Township Attorney Semrau about Item C, questioning if we currently charge applicants for staff time. Administrator Kunze, said yes that their review time prior to the meeting is paid for by the applicant. He recommended that it be increased to 200% of base salary. Mayor Bieri commenting about the types of items that the township escrows for, requested that the township get repaid for roads that are plowed before being taken over by the township. It was suggested that in the instance of an incomplete new development not yet taken over by the township, that the developer hold an escrow account for the purpose of snowplowing, until the township has taken the road over. Mayor Bieri stated that the intent of escrow is so that there is no cost to the township. Currently, the practice is to plow those roads. The goal is to have roads</p>

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	accepted this year and an Ordinance in place after developers have had time to finish and get roads accepted. Letters have been sent out to have certain roads completed by spring. Mayor Bieri referring to item #3, asked why it is 40% and not 50%. Township Attorney Semrau consented that the change could be made. General consensus was for him to also look into other escrows. Agreement was made to introduce an Ordinance at the next meeting.
8)	Ordinance Amending Chapter 15 "Administration of Government, Sections 15-48 "Division of Fire Suppression" and 15-50 "Office of Emergency Management" of the Revised General Ordinance. Administrator Kunze proposed changes to Chapter 15 and changes recommended by Mike Woch. He said that he has reviewed and made changes to the language with regard to administrative authorization. Appointment authorization has also been revised to conform with State provisions of our charter. State functions were clarified. Language was added regarding State mandated training for Office of Emergency Management. The section regarding appointments and terms was removed. Councilman Nolan expressed concern regarding the language on page 1 of the Fire Prevention Code as it pertains to hearings and appeals, seemingly being performed by the same person. He was also concerned with the language in Item B as it pertained to investigations of fire related problems. He questions the compensation to the Emergency Mgmt Coordinator, outlined on Page 2 (b) asking the amount of the compensation. Administrator Kunze replied that the salary range is stipened and that it is a directive from the State Office of Emergency Mgmt. Councilman Nolan asked if the Deputy Emergency Mgmt Coord. position receive compensation, to which Administrator Kunze replied no, only the OEM Coordinator is compensated. Regarding language, Administrator Kunze and Township Attorney Semrau agreed to look into this. Councilman Nolan felt the language in the Local Enforcement Ordinance, item (b). Administrator Kunze replied, yes.
9)	Ordinance Amending Chapter 152, "Fire Prevention" of the Revised General Ordinances - Councilman Nolan questioned page 2, 152.6 penalty fees when an Ordinance is violated. Township Attorney Semrau stated that it would result in a summons and the penalty is the general penalty allowed for violation of any Ordinance. Councilman Nolan asked if the penalty fees go into the Fire Bureau account, and if so, where that money goes thereafter. Administrator Kunze said that he will check with finance on the specifics of this trust account, noting it is still required to adhere to all purchase order procedures. Attorney Semrau said that changes will be made, there will be further review of language throughout the code book and agreed to have items ready for further review by the council on March 12 th . Mayor Bieri suggested that in the future when Ordinances are being revised that full legislation surrounding the Ordinance be reviewed. Township Attorney stated that the General Code Book shows the history of any revisions.
10)	Ordinance Supplementing the Revised General Ordinances with the Addition of Chapter 153 entitled "Fire Insurance Claims" - Township Attorney Semrau stated that reviewing this was suggested by the new risk consultant and that it was prudent to have an Ordinance consistent with State law so that any type of fire claim puts a lien on portion of the insurance proceeds, ensuring that all taxes due, are paid. Councilman Nolan expressed that it was a good recommendation and the consensus was to proceed.
11)	Ordinance Auxiliary or Honorary Members in the WM Fire Department (Ed Steines) - Administrator Kunze explained that there has been interest from residents who wish to volunteer, but cannot meet the requirements to become an active fire fighter. This Ordinance would allow people to help out in an administrative capacity rather than an active capacity. This is a concept that is in its infancy and further information needs to be gathered regarding the limitations of the Ordinance as well as insurance coverage for both the fire department as well as the township. He has drafted an Ordinance for council review which outlines duties of an Auxliary Officer. Councilman Scangarello noted that other towns in neighboring counties have retirees volunteering their time to help the fire departments in alternate ways. Councilman Nolan asked if those members would receive LOSAP and clothing allowance. Township Attorney Semrau stated that this new volunteer capacity would not meet the hourly requirements of LOSAP and clothing but that he will research and clarify. Councilman Scangarello asked as to whether this type of volunteer would be able to go to a fire and help out but not go into the fire or assist with the fire. Mayor Bieri asked if we should clarify that "administrative duties" may include fundraising. Township Attorney Semrau said that he would investigate. Councilman Nolan asked if the individual bylaws of the departments would have to be amended since they're non-profits. Township Attorney Semrau said that they may have to be amended however if they are not amended, this would give the council oversight. Councilman Scangarello said that Company 6 is asking for this. Township Attorney Semrau said that he has spoken with Ed Steines and he is in favor of the concept. Township Attorney Semrau said that he will edit and review with the Fire Chiefs.
12)	Ordinance Amending and Supplementing Chapter 10, Traffic, Schedule 1, No Parking of the Revised General Ordinances to Include No Parking on a Certain Portion of Stainsby Road - Administrator Kunze explained that there have been a number of complaints and

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	<p>concerns expressed by residents about cars being parked in the township right of way. Since the road has been repaved, it is not clear who owns what. There has been a history of cars parking perpendicular to the roadway. He has spoken with the police department and has drafted an Ordinance that prohibits parking on both sides of the road from Greenwood Lake Turnpike to Lambert Road. Councilman Nolan agreed with this. Mayor Bieri stated that she has received a host of complaints from residents about the parking and that the road must be fixed first and striped clearly. Administrator Kunze asked Township Attorney Semrau if any of this had to go to the Department of Transportation for approval, because it intersects with a County road. Township Attorney Semrau said that nothing further needs to be done but would confirm that. The Council consensus was to proceed.</p>
13)	<p>Ordinance Amending and Supplementing Chapter 90, Buildings, Numbering Of, the Revised General Ordinances - Councilwoman Lichtenberg asked for this discussion. The current Ordinances do not require all homes to have house numbers, and it is only required for new sub divisions. She feels that for safety and emergency services this be updated but should be reviewed for specifics. Expressing that if you cannot see the house from the road then the number be displayed on the street and mailbox if one exists. The Fire Bureau would have to require this when residents request a resale certificate. Councilman Smolinski said that it is a matter of safety. Many emergency responders cannot find the correct location. Councilman Smolinski stated that the the Recycling Department mailing included a blank sheet that could be used in the future to spread the word about house numbers being displayed. Mayor Bieri asked if a house number sign can be put on the street and not on a mailbox. Township Attorney Semrau said that the Ordinance allows for that in certain circumstances. Mayor Bieri suggested that regarding the 1st and 2nd offense that there should be a number of days to comply. Township Attorney Semrau said that it is a policy decision as to whether or not to insert verbage, or it can left to the discretion of the official. Council agreed that from the 1st to 2nd offense there should be one week to comply.</p>
14)	<p>Ordinance Supplementing the Revised General Ordinances with the Addition of Chapter 81 Entitled "Background Checks, Youth Clientele Based Businesses" - Mayor Bieri expressed that she understands the intent to protect our youthful populations however asked Township Attorney Semrau if the council can statutorily do this. He responded by saying that it can be questioned, and the argument being that the Township needs a higher standard of concern. He further stated that it can be defended by the fact that we are seeking to protect children. He said that he has not seen Ordinances in place in other communities which seek to protect a group that needs enhanced protection; minors. Mayor Bieri said that she is in favor of both the intent and the concept, but has concerns about the current draft being very broad and applying to almost every business. Township Attorney Semrau said that if there were consensus to proceed that it would come back with revisions and that it is prudent to provide council with a working document to begin the process and discussion. Councilman Smolinski referenced a New Jersey law pertaining to online dating services and that the intent of an Ordinance would be to show West Milford's intent to protect our children. He feels the whole community must protect our kids and when we perfect this Ordinance, other communities will follow. Mayor Bieri expressed that it does need editing and the scope be narrowed. Township Attorney Semrau said that it will take time to get it right and that input will be needed from administration and the police chief. He said that he will research the concept further if the council wishes him to proceed. Consensus was for the Township Attorney to proceed and that he work with Councilman Smolinski.</p>
15)	<p>Ordinance Amending and Supplementing Chapter 353, Taxicabs, of the Revised General Ordinances - Township Attorney Semrau said that this was to address taxis and limos separately. He explained that this breaks it out and provides definitions and creates an appeal process. The insurance requirements are outlined in more detail particularly with regard to limousines. Councilman Nolan asked why there were different limits. Township Clerk Battaglia stated that it was due to state requirements. Township Attorney Semrau said that this is the overall revisiting of sections of the municipal code. Council consensus was to introduce.</p>

Agenda No. XI

Consent Agenda Discussion Items

1)	Award contract for Paving Materials – no discussion
2)	Award Contract for Environmental Assessment for Pre-School - Administrator Kunze pointed out that there are new State requirements affect Hillcrest programs. He said that the Recreation Dept. has gotten quotes from 4 companies and are recommending JM Sewerage. He said that they are considered a professional service and that pay to play documents will need to be secured. He will bring it back when ready. Consensus was to

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	proceed
3)	Recommendation to Reject and Rebid for Ambulance - Administrator Kunze recently had a bid opening. He received two bids which were in excess of available funding. The lower bidder bid with several exceptions. The 1 st aid squad believes that this is not responsive. His recommendation was to reject the bids available funding. He suggested that it can be rebid at the same amount or that more funding can be sought in the budget process. He said that there is \$12,000 available from the last purchase which brings funding to \$168,000. Councilman Nolan asked that Mr. Jirouschek address the council. Rob Jirouschek of Oak Ridge, a rescue squad member and on the rig bid committee, stated that when the prior Council appropriated the funds, it was with the intent to follow suit with the same specifications of current rigs. However, the Ford Motor Co. has stopped making the chassis which they had anticipated buying. The new chassis is larger and is approximately \$15,000 more for the complete package. The lowest bidder had brought a demo rig and presented it as being equal to what was specified, but it did not meet the bid specifications. He said that with the usage it would receive, it did not compare in workmanship and quality of the other vehicles. And now, there is a \$32,000 shortfall. He appealed to the Council to allow for the purchase of the vehicle that was specified. He felt that the investment now would payoff later. Councilman Nolan asked why there were only two bids. Rob replied that there are many vendors, but not many which customize vehicles. Administrator Kunze said that there is enough funding for a low bid, but must reject the bids because of one being non responsive and one being above the amount. Councilman Scangarello asked Township Attorney Semrau if the township can negotiate with a bidder and Township Attorney Semrau responded that if the bid failed twice, then negotiations can ensue.
40	Award Professional Services Contract to Matt Mullhall, M ² - no discussion

 Agenda No. XII

Reports

Administrator – no report

Councilman Nolan – no report

Councilwoman Lichtenberg said that she had received a letter from the County Alliance regarding the approval for \$46,300 in grant money for the prevention of substance abuse. She also said that the New Jersey Department of Consumer Affairs had awarded a grant of \$15,000 to Recreation for individuals with disabilities. She reminded everyone that she was always at Town Hall on Thursdays from 10am-2pm. She advised about the Health Department clinics and would like to get more word out about them. She asked that she be scheduled for a presentation at a future meeting. She would like representatives from the American Cancer Society to make a presentation on April 9th. She asked Administrator Kunze for a follow up on Cliffside Road icing conditions, which he had reported about at the last meeting.

Councilman Scangarello stated that in the packet was information about a 5th and 6th grade flea market at Paradise Knoll School. He has attended in the past and felt it is beneficial for the children and the community as the children act as vendors. It's scheduled for Friday at 6:30. Also in the packet was information regarding the 3/13/08 male cancer screening in town hall as well as the 3/7/08 hearing test.

Council President Smolinski – no report

Councilman Schimmenti spoke about the Relay for Life and expressed the value of this program. He suggested a proclamation that the month of May be designated as Relay for Life month. Additionally he spoke about a Wrestling Tournament, which took place over the weekend. He thanked Ada Erik who had spent all day at the tournament. He commended the children who had participated and said that 22 of the 45 children had received medals.

Township Attorney, Fred Semrau said he will report during the Executive Session regarding items on the agenda. He explained that with regards to the upcoming property sale that Block 6001 Lot 4.01 has title issues. Thus Block 6001 Lots 4.01 and 4.02 are being taken off the list of available properties for sale.

Township Clerk, Antoinette Battaglia spoke regarding Volunteer Night as well as the upcoming Property Sale, deferring to Township Attorney Semrau to clarify details regarding the upcoming property sale, which are explained above.

Mayor Bieri said that she is in the process of preparing for Volunteer Awards and Volunteer Night is April 23rd. A committee of former mayors select lifetime volunteer recipient. The deadline for nomination is

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3/20/08. She also spoke about the flea market at Paradise Knolls which had been mentioned by Councilman Scangarello. She encourages attendance. She spent time with Seniors at Bald Eagle Village to let them know that the Mayor and Council care about their concerns. On Monday she spent time with the Executive Director and Deputy of the Highlands Council, addressing concerns of West Milford residents as well as those of the Mayor and Council. She feels she developed a rapport and it was a good meeting. There are many issues that they will be addressing and there is recognition of the errors in the maps. They offered to come to a public meeting with the governing body. They also spoke about the conformance process and various related elements.

Agenda No. XIII

Executive Session

MOTION FOR EXECUTIVE SESSION

~ Resolution No. 2008- 099 ~

BE IT RESOLVED by the Township Council of the Township of West Milford on the 27th 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.
() b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
[] Dissolution of the Wanaque Valley Regional Sewerage Authority
[] Stelmach Litigation {Docket Number: PAS-L-4794-05}
[] Winters v. West Milford {Docket Number: PAS-L-4018-97} (Eagle Ridge)
[] Prosecutor search update
[] Administrator search update
(X) b. (8) Personnel matters.
[] Personnel Matter – Township Administrator
() 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 27, 2008

Moved: Nolan Seconded: Scangarello
Voted Aye: 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

Agenda No. XIV 1

