
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 17

\$175,000 loan from the State of New Jersey. He noted that he had held a meeting with the residents of Lindy Lake to advise them of the repayment schedule and to answer any questions. He showed a map that had been prepared depicting the properties located within the lake that corresponds to his report. He explained that the colors represent square footage categories that has been the main methodology used for all assessments. He explained the categories and their color. He said that at the meeting with the residents questions were asked regarding the payment schedule, along with questions that need to be posed to the Township Tax Collector. He stated that confirmation of the assessment this evening would start the billing process and that bills will be mailed out. Residents will have two payment options. The first option is to pay the assessment all at once, and the second to pay out the assessment over a 20 year period with 2% interest on any unpaid balance. He asked for questions from the Council or Residents. Councilman Smolinski asked whether the 20-year payout would be billed once each year or whether it would be billed monthly. Township Assessor Townsend said that there would be one bill per year. Township Attorney Semrau stated that the underlying loan is 15 years, so the payout would be over the 15-year period. Councilwoman Lichtenberg recused herself from conversation because she is a resident of Lindy Lake.

Robert Rogers, Stony Point, New York spoke to the Mayor and Council expressing that he owns property on Lindy Lake. He had heard of tonight's meeting by virtue of a certified letter, received approximately a week ago from the Tax Assessors office. He was not at the February 18 meeting and he is not a member of the Association. He gave a brief history of Lindy Lake, explaining that the prior owner had constructed cabins around the lake. He then sold the property in 1971. The residents were told at that time that the Township would be taking over the roads but that the residents would have to pay an assessment in addition to the taxes that they pay. He said that the residents of Lindy Lake pay for road maintenance, drainage, etc on top of their taxes. He feels that he is not getting anything for his taxes and that they go to the schools and road maintenance. He said that West Milford Township has been nothing but a difficulty for he and his family, stating that the property had two lots but the lots were somehow combined in the mid-70's. Subsequently, the State of New Jersey imposed restrictions regarding lake frontage and that because the lots had been combined that he lost money. He doesn't feel that he should be assessed at the same rate as residents who use the lake. He feels that the figures he received do not make sense and that the Township should have taken over the roads in Lindy Lake long ago. Township Assessor Townsend said that when assessing for dams, the property is assessed, not the property owner. He expressed that the measure of fairness is based on the benefit derived from the dam. To his knowledge this is the first time that the dam has been ordered to be repaired and the Township cosigned for the loan for the repair. Mayor Bieri said that regardless of whether the property is used or not that lakefront properties benefit in higher resale value. She said that the repairs to the dam allow for the existence of the lake. She also reminded that everyone pays taxes whether they use the schools or not. Township Assessor Townsend said that there were three mailings about the assessment; the first for the February meeting, second was certified and registered to inform about tonight's meeting and then a follow-up letter from his office. Each mailing was sent to the same address. Mayor Bieri stated that it is an automatic process whereby contiguous properties, of same ownership are merged. West Milford has many private roads which are maintained by private residents until they are taken over by the Township, at which time the properties are assessed.

Steve Fiegel, 622 Otterhole Road asked whether the residents would be paying a tax assessment, or repaying a loan. His concern was why all houses were being treated as taxable properties. He said that all of the houses in Lindy Lake belong to the Association and pay dues. He questioned why all properties are not paying the same amount. He also questioned who had done all of the research and noted that the assessment seemed unfair and it should have been assigned in a fairer fashion. He stated that it is a loan, not an assessment and that it was the Association who took the loan out. Thusly, the repayment should be more evenly distributed. Township Assessor Townsend responded that the Association assesses the Association dues; using any method that they choose. In a special assessment program, the underlying concept is to ascribe a value, based on the benefit derived. He stated that the land is the underlying unit of comparison and that there are guidelines of the assessment program that he must follow. He was asked if there is a statewide methodology and he responded that there is not, but that the method must be based on reason. This methodology has been used for twenty-five years, mainly for road assessments. Mayor Bieri clarified that this is not a tax assessment and that the Township became involved to assist the Lindy Lake members with securing a 2% loan.

Sandy Benion, 32 Upsula Path asked if there is an assessment difference if there is a house on the property or not. She said that she did not know that the loan had been taken out and the repayment came as a surprise to her. Township Assessor Townsend answered that there is no assessment differentiation based on there being a structure on the property or not. He said that at the February 18 meeting several questions were posed to the President of the Association regarding the communication between the board and the members about this loan. The President explained the progression over the past 10 years when they were first ordered. Township Attorney Semrau stated that the cost for the rehabilitation actually exceeded \$175,000 and that West Milford Township had signed for only the portion of \$175,000.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 17

Daniel Jurkovic, 24 Seymour Drive commented about prior notices. He explained that over the course of time, most frequently in 1999 and 2001 property owners were notified. On September 5, 2002 there was an Ordinance sent out to all property owners. However, since that time, many properties have changed hands. Sellers should have notified new owners about the Ordinance. He feels that the Association did do what was required. He sympathizes with the property owners, however the Association did notify the residents.

Dave Burns, 24 Woodside Drive thanked the Township for helping the residents of Lindy Lake and for saving them money.

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.

Mary Waldek, 2 Upsula Place stated that there appears to be confusion about the loan term being 15 or 20 years. Mayor Bieri stated that the loan term is 15 years.

Robert Rogers, Stony Point, New York commented that West Milford cannot combine contiguous properties, as was stated by Mayor Bieri. He said that he had gotten comparables on other lakes four times and that Lindy Lakes should be less than other lakes if residents are paying for roads and plowing.

Caroline Adams, 368 Old Dutch Hollow Road, Monroe, New York representing John Aiello. She distributed letters to the Council and Mayor, which she then read. The first letter was from John Aiello opposing the striping on Stainsby Road. The second was from Anthony Fiorello, the Attorney for John Aiello. That letter provided an overview of the property known as the Hewitt Strip Mall. It stated that the road was originally a paper street and was used for parking by patrons of the Hewitt Strip Mall. The West Milford Township Engineering Department, in 2007, indicated that the Township had no intention of preventing parking on Stainsby Road. In January 2008, James Novak made a complaint, and an Ordinance was proposed to prevent parking on Stainsby Road. The Council, pending further investigation, tabled the Ordinance. Mayor Bieri then instructed that the lines be striped. Mayor Bieri at this time told Caroline Adams that her 5 minute time limit was exceeded; Councilman Weisbecker stated that the time can be extended by vote from the Council and asked that time be extended. Consensus was to allow the speaker to continue regarding the letter. She asked that the Township cease the present activity on Stainsby Road to prevent litigation. She asked that the striping be removed and a meeting be called between the Township officials and all affected parties. Mr. Aiello wants a reasonable solution.

Jim Aiello, Hewitt, New Jersey said that many people think that his father owns the liquor store, but he owns it and is a tenant in the building. He has been a West Milford resident his entire life. His concern is that the parking situation has recently become a confusing issue and in his memory, parking has always been up to the building. He said that he has gotten a call for the newspaper for a comment, however didn't even know about the meeting last week. He then received a call that lines were being painted and suddenly his parking was taken away. He said that the lines have affected his business and that as a business owner he doesn't know how to proceed. He said that his customers are complaining and showing support for the business owners. He said that a petition has been started. He feels that it was rushed in to and that he will likely lose business.

William Kleinfelder, 33 Belle Avenue spoke about the condition of Sycamore Lane, Irving Avenue and Belle Avenue. He called them horrendous and said that the potholes are unbearable. He said that there had been a similar issue with the roads in 1999. He said that the Council would receive a letter signed by all of the neighbors this week. In 1999 there had been a quick fix, however this has not solved the problems. He also mentioned that there are several properties on those roads that have not been maintained. There is garbage and that coupled with the road issue is affecting property values.

Celeste Byrne, Beafort Road said that she has served as a volunteer for 15 years and that she is a teacher in this Township. Her concern is that she is also a certified EMT and is having a dispute with the First Aid Squad. She said that she had addressed First Aid Squad Captain, Beverly Lujbli regarding a letter signed by Ken Cunio, President of the First Aid Squad, she had received which reprimanded her for past actions. The letter stated that she would be charged with trespassing if she were to go onto any First Aid Squad property, and that she would require a police escort if she were to attend any blood drives. She feels as if she has been accused of things without any chance for rebuttal. Councilman Smolinski then voted to end the topic. Councilman Weisbecker noted that she had gone over her five-minute time allotment. Township Attorney Semrau commented that the public is entitled to say whatever they want

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 17

Mayor Bieri expressed her concerns regarding the Ambulance Squad turning away volunteers. She said that the public should all be treated fairly. She also stated that the Road Assessment program would be discussed at this meeting and that she had received multiple emails and phone calls with regard to these issues. She said that all Township employees who were asked to respond to each issue had done so in a timely fashion. She reminded that dirt roads constantly erode during inclement weather. She is in the process of arranging a meeting between residents and township staff regarding the conditions of those neighborhoods and that with regards to trash, to the best of her knowledge, there are no violations. Regarding Stainsby Road, she stated that the Council has constantly criticized her and tried to undermine her authority. She stated that what was tabled at the last meeting was the parking situation of the businesses which are adjacent to Stainsby Road, not the striping. The actions did not occur because of Mr. Novak's complaints. The road appeared to be a parking lot. Stainsby Road had recently been paved due in part because of the residents of Stainsby Road, Lambert Road and Burr Court complaining that for years they have had to exit their road through a parking lot which is full of pot holes. The residents have said that they have had to circumvent parked cars, and that at times, on the weekends, they could not get out of the street because of parked cars. She spoke with Township professionals regarding the road and learned that this township road abuts the building. It is a township road and not a parking lot. She supports these local businesses and has parked in the area in question herself. It is merely a township road which has been used for years as a parking lot. She has had no choice but to address the complaints that she receives. It would be wrong to ticket people who park there if the road were not striped and that the striping clearly delineates that it is a township roadway. She said that she had been asked for guidance by township professionals and asked pertinent questions of them. She was told that it would be safer, provide better sight distance and align the road properly if it were striped. She is not certain why it is being said that the businesses would be affected negatively, and that no other business in town has parking in front of the building. Other businesses have parking lots. She said that perhaps speed limit signs are needed to control drivers going too fast. She also said that it has always been that there was the building, with the parking lot being separated from the building by the township road. She suggested that perhaps the owner could repave and stripe his parking lot so that it is clearer to all. She said that the residents who signed the petition are some of the residents who have asked for assistance to address this road condition. She said that she is working with the residents and that she has made the right decision to ensure the safety of all residents. She did not consider the politics or the owner of the property. Councilman Smolinski interjected that the Council had asked that this be tabled so that there could be discussion. The Council has legitimate issues, concerns and clarifications that they should have been allowed to address. He expressed that Mayor Bieri may have had information but did not share it with the Council. Mayor Bieri said that she did not keep the Council out of the loop and that the Council had tabled the parking issue, not the striping. There is no Ordinance regarding the parking on that street.

Township Attorney Semrau referred to the letter written by Anthony Fiorello which he had just received this evening. He said that a number of legal issues have been raised and that it is beyond discussion this evening. He will look into the points raised and speak with Mr. Fiorello. He will then report back to the Mayor and Council.

Township Administrator Kunze confirmed that staff has been looking at the issues on Sycamore under the existing laws. He said that it is more of an enforcement issue rather than a health issue. Perhaps the Property Maintenance Codes need to be revisited. He clarified and he and Township Engineer McFadden had met with Mr. Aiello regarding the paving of Stainsby Road and that only the paving project was discussed. The parking was not addressed. Only an Ordinance can address the parking. He said that it was coincidental that the DPW was striping so soon after Council had agreed to table the parking issue.

Agenda No. VIII

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1

~ Ordinance 2008- 012 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15, "ADMINISTRATION OF GOVERNMENT," SECTIONS 15-48, "DIVISION OF FIRE PREVENTION," AND 15-50, "OFFICE OF EMERGENCY MANAGEMENT," OF THE REVISED GENERAL ORDINANCES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 17

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 15, Administration of Government, Section 15-48, Division of Fire Prevention, is hereby amended to read as follows:

§ 15-48. Division of Fire Prevention.

Within the Department of Public Safety there shall be a Division of Fire Prevention. The Division of Fire Prevention is comprised of the Fire Marshal and any Fire Inspectors.

- A. The duties of the Division of Fire Prevention shall be to enforce the fire prevention code of the Township, and to work in conjunction with the Fire Chief's Association and the Department of Public Safety towards better fire prevention and safety from fire and/or explosion. Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-206 and 27D-208, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Passaic County Construction Board of Appeals. The applications for the hearing shall be filed with the construction board of appeals by the 15th day after the receipt by the person of notice of the ruling, action, order or notice complained of.
- B. Appointments, term of office, removal.
 - (1) Appointment of Fire Marshal. The Mayor shall appoint the Fire Marshal. The Fire Marshal shall report to the Township Administrator in the course of day to day responsibilities.
 - (2) Inspectors and employees. Such inspectors and other employees as may be necessary for the local enforcing agency to properly carry out its responsibilities shall be appointed by the Mayor pursuant to Title 11, Civil Service, of the Revised Statutes.
 - (3) Removal from office. The Fire Marshal, inspectors and other employees of the enforcing agency shall be subject to removal by the Township Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or designated hearing officer, pursuant to Title 11, Civil Service, of the Revised Statutes.
- C. Fire Marshal.
 - (1) The Fire Marshal shall be the supervisor of the Division of Fire Prevention and shall supervise the enforcement of the Uniform Fire Safety Act and the New Jersey Uniform Fire Code.
 - (2) The Fire Official may be the subcode official.

SECTION 2. Chapter 15, Administration of Government, Section 15-50, Office of Emergency Management, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 15-50 Office of Emergency Management.

- A. Emergency Management Council.

An Emergency Management Council, with powers and duties prescribed by general law, is hereby created in the Township; and within the limits of appropriation, shall establish an adequate organization to assist in supervising and coordinating the civilian defense and disaster control activities of the Township. The Council shall consist of no more than 15 persons, who shall be appointed by and who shall serve at the pleasure of the Council. They shall receive no compensation.
- B. Emergency Management Coordinator.
 - (1) Appointment; Term; Compensation

A Municipal Emergency Management Coordinator shall be appointed by the Mayor with the advice and consent of the Council and serve as a member of the Emergency Management Council and as its Chairman. The Emergency Management Coordinator, shall serve for a term of three years. The Emergency Management Coordinator shall receive such compensation as provided by Ordinance.
 - (2) Qualifications

The Emergency Management Coordinator shall be a resident of West Milford and shall have a minimum of two years experience in the planning, development and administration of emergency response activities such as those provided by police, fire, rescue, medical or Emergency Management units either in the public or private sector or in the military service.
 - (3) Training

As a condition of his appointment and his right to continue for the full term of his appointment, each Emergency Management Coordinator appointed shall have successfully completed at the time of his appointment or within one year immediately following his appointment, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any appointed Emergency Management Coordinator to fulfill such requirement within the period prescribed shall disqualify the Coordinator from continuing in the office of Coordinator and thereupon a vacancy in said office shall be deemed to have been created.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 17

C. Deputy Emergency Management Coordinator. The Emergency Management Coordinator may appoint a Deputy Emergency Management Coordinator with the approval of the Mayor and the advice and consent of the Council. The Deputy Coordinator shall be appointed from among the full-time, salaried employees or elected officials of the Township.

SECTION 3. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for March 26, 2008. Notice of this public hearing shall be published in the Herald News on or about March 16, 2008.

Discussion: Councilman Nolan questioned Page 1, Paragraph A suggesting that the verbage replace Fire Chiefs Association with Fire Commissioner and Deputy Fire Commissioner. He also asked if the Ordinance should specify pay for the Fire Marshall. Township Administrator Kunze replied that it is on the Salary Ordinance and not necessary on this Ordinance. Councilman Nolan also questioned regarding the Emergency Management Coordinator being a resident of West Milford asking particularly if this is by statute. Township Attorney Semrau replied that he will clarify that but that it is not necessarily by statute but the basis being that in event of an emergency the person be available. Mayor Bieri stated that there is going to be a public hearing regarding this on March 26. Councilman Weisbecker asked that Councilman Scangarello discuss proposed amendments with the Fire Chief Association. Township Attorney Semrau said that this would not be a substantive change and that perhaps between now and final adoption, this change can be made. Councilman Schimmenti stated that the deputies and commisioners come under the Department of Safety so any change is redundant.

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

Agenda No. VIII 2

~ Ordinance 2008- 013 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 152, "FIRE PREVENTION," OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 152, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 152-1. Short title.

This chapter shall be known and cited as the "Fire Prevention Code of the Township of West Milford" and is herein referred to as the "code."

§ 152-2. Local enforcement of Uniform Fire Code.

Adoption and local enforcement of the New Jersey Uniform Fire Code, which includes the BOCA Basic Fire Prevention Code and the National Fire Codes.

- A. Local enforcement. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Township of West Milford.
B. Agency designation. The local enforcing agency shall be the Division of Fire Prevention in the Township of West Milford Division of Fire Suppression.
C. Duties. The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of West Milford, except owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
D. Life hazard uses. The local enforcing agency established by Subsection B of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: March 12, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 17

BE IT FURTHER RESOLVED, that Ms. Battaglia shall continue to serve as the Township Clerk.

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

Agenda No. VIII 5

~ Resolution 2008 - 118 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
 STATE OF NEW JERSEY APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER**

WHEREAS, NJAC 17:17 authorizes Public Agencies to annually designate a Public Agency Compliance Officer as the Liaison Official responsible for the Agency's contracting procedures.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of West Milford in the County of Passaic, in the State of New Jersey hereby appoints Antoinette Battaglia, Interim Township Administrator/Clerk, to serve as the Public Agency Compliance Officer effective March 15, 2008.

BE IT FURTHER RESOLVED, that in accordance with NJAC 17:27 the Township Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the State of New Jersey Department of the Treasury Division of Contract Compliance and EEO in Public Contracts.

Discussion: Councilman Smolinski asked to have this appointment explained. Township Administrator Kunze said that it is required by law to appoint someone responsible for EEO.

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

Agenda No. IX

Payment of Bills

~ Resolution 2008 - 119 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$559,320.87
2	Reserve Account	19,194.58
3	Animal Control Trust	
6	Capital	35,253.08
7	Grants	2,745.47
8	Refuse	185,434.66
9	Refunds	48,014.10
12	General Ledger	
16	Heritage Trust	
14	Open Space Trust	19,352.00
17	Trust	4,576.64

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: March 12, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 11 of 17

18	Development Escrow.	10,186.93
19	LOSAP	
20	Special Reserve	
Total		\$884,078.33
Less Refund Resolution		(48,014.10)
Actual Bill List		\$836,064.23
Other Payments		
Less Refund Resolution		
Total Expenditures		\$836,064.23

Discussion: Councilman Weisbecker requested clarification on Check #33618, to Adirondeck Direct. Township Administrator Kunze said that it was for replacement tables and chairs for Hillcrest. It was taken from a 2007 Current Account. Councilman Weisbecker asked regarding Check #33825, reimbursement for a lien refund. Township Administrator Kunze said that it satisfied a lien. Councilman Smolinski regarding check #33819 payable to Alion Science. Township Administrator Kunze said that it was payment to a consultant to the Zoning Board for a review. It was paid from an escrow account. Councilman Nolan stated that regarding payment to Weiner Lesniak for aged work, that he hopes new procedures will prevent this. Mayor Bieri clarified that the Weiner Lesniak invoice was from January of 2006. Mayor Bieri asked regarding two copy machines for the Recreation Department, whether there is a need for them. Township Administrator Kunze said that they do a lot of copying, and the money was taken from old capital funds. Mayor Bieri asked if left over capital from other years can be used for anything? Township Administrator Kunze replied that it is dependent on how the Bond Ordinance is written.

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

Agenda No. X

Items For Discussion

The Township Council discussed the following items:

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| 1) | <p>Road Assessments – Township Engineer McFadden said that he and Administrator Kunze had met with the Council in May of 2007 to discuss the Road Assessment Program. He said that there was a memo contained in each Council packet. He said that he was in attendance to further determine how to proceed. He acknowledged the petition for Sycamore, Bell and Irving Roads. He has reviewed programs which were in place in the past, however there have been no projects since 1992. He referred to the memo which shows streets which incur the most maintenance costs. He said that there were approximately 7 storms events, over and above salting and sanding that are costly. The roads listed require a lot of maintenance due to washing out etc. More maintenance is done on these roads to keep them open to emergency vehicles. He said that the Township plows these roads and explained that these unpaved roads require more salt and sand than paved roads. He said that there are about 16-17 miles of non-township unpaved roads and about 6 miles of township unpaved roads. He projected with the current staff approximately one quarter to one half mile per year is paved. He said it will take years. However, the sooner it is started, the sooner we will see results. It is important to at least start. Councilman Smolinski commended the thorough report saying that property owners will be assessed but that their property will increase in value. He wants to ensure that residents are made aware that there would be assessments for road improvements. Mr. McFadden said that there is a maximum sustainable assessment so the town can often assume costs. He is asking the Council to reinstate the Assessment Program and establish a policy. He said that assessments have political implications, so petitions may well be addressed first. Some petitions date back over 20 years. Focus would be on unpaved roads and it should be realized that if work is done on one road, work may need to be done on an adjacent road. Also, it should be noted that working on a short stretch of roadway has a higher unit cost than a larger project. Councilman Smolinski asked if the Road Assessment Program would affect our current road program. Township Engineer McFadden replied that it would not if it were limited to one half mile per year. With capital</p> |
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
March 12, 2008
7:30 P.M.
Page 12 of 17

funding, it would be possible to do 10 miles per year in conjunction with state funding. He said that if the Council wants to do more assessment projects that he would recommend seeking grants and not do reconstruction grant projects. Councilman Weisbecker commented that there is also Cliffside Drive. Township Engineer McFadden stated that if the Council wanted to go with an aggressive program then two additional employees would be needed. He said that houses would be assessed up to the maximum sustainable amount and that the Township would assume the other costs. Councilman Smolinski asked if a program can be started mid-year or before budget adoption. Township Engineer McFadden said that you could start a quarter to one half mile program at any time with current staff. He said that he would not like to get started, spend staff time and then not move forward. There will be lead time before going out to bid. Township Administrator Kunze stated that it must be part of the capital planning process as the Township would need down payment money. He must know what the capital plan will be. Councilwoman Lichtenberg asked what happens to the old petitions. Township Attorney Semrau said that he recommends going back to the current residents and advise them of the project. Township Engineer McFadden said that the policy has been that if a road is to be improved, it must adjoin a township paved road. Councilman Nolan clarified the amount of money which is needed to maintain non-township roads. He said that he would like to make it voluntary for roads to be taken over by the township. He asked if a bond could be secured for these improvements. Township Administrator Kunze said that the entire project can be bonded and from that point assessments are determined. Township Engineer said that previous assessment programs gave residents 10 years to payoff, but it can be as long as 20 years. Mayor Bieri commented that with the current Engineering Department staff, one quarter to one half mile of improvement is achievable, and with adding two additional staff members that one to two miles is achievable. She asked about the feasibility of handling the engineering portion in house and contracting the construction aspect. She ask if it is possible to contract the engineering aspect as well. Township Engineer McFadden said that it is possible however it will be more expensive. He said that there is construction oversight and many times in-house staff have to expend more time when consultants are used. He said that consultants are not generally good at road projects and that Township officials do a better job. Mayor Bieri asked if we contracted out engineering services, could we specify oversight? She said that the Township has the responsibility to do its best to keep costs down. We are spending \$850,000 annually on maintenance of unpaved roads. If we do an aggressive program, we can save that money and there are many benefits. Township Engineer McFadden said that the streets listed are the most costly so as the program evolves the savings may not be \$850,000. Councilman Weisbecker asked who would decide which roads would get paved first. Township Engineer McFadden said that they would review various scenarios that may be acceptable and he would make recommendations based on safety and maintenance issues. Mayor Bieri asked if the work could be subcontracted so as to get them paved as soon as possible. Township Engineer McFadden said that plans must be reviewed by in-house staff. There would also be engineering staff involvement during construction. Mayor Bieri asked if the engineering design work were subcontracted with the engineering department providing oversight, how much work could be done? Township Engineer McFadden said that at least a couple of miles would be able to be done. Township Attorney Semrau stated that the next step would be to adopt an Ordinance to set forth the particulars for the public. Councilman Weisbecker asked that Township Attorney Semrau be instructed to draft an Ordinance. Mayor Bieri recommended that the program include both voluntary and mandatory projects. Councilman Weisbecker said that some communities want to have dirt roads and he recommends starting with a voluntary program first. Township Attorney Semrau said that in West Milford, non township roads are hybrids. Private roads would be part of an assessment program and would become township roads. Township Engineer McFadden said that residents will want estimates. Councilman Weisbecker asked that Township Attorney Semrau research and advise the Council about the difference between dedicated and accepted roads. Township Attorney Semrau said that the Council needs to establish its priorities first of those roads which need to be done immediately. Regarding the choices of mandatory road assessments vs. voluntary road assessments the Council voted in the following ways: Council Weisbecker, voluntary; Councilman Schimmenti, mandatory; Councilman Nolan, mandatory and the costs will continue to rise; Councilwoman Lichtenberg, mandatory for safety reasons; Councilman Smolinski, said that either way was acceptable to him. Mayor Bieri asked Township Attorney Semrau to draft an Ordinance for a Mandatory Road Assessment Program. Township Administrator Kunze said that there are budget implications because of the 5%, so Council must determine how much the capital budget can support this year. That is, with the Ordinance, the most immediate concern. Township Engineer McFadden said that he would advertise for an RFP and determine the scope of the project. Mayor and Council thanked Township Engineer McFadden for the detailed report.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
 March 12, 2008
 7:30 P.M.
 Page 13 of 17

2)	<p>Cliffside Drive – Road Assessment Project – Township Engineer McFadden stated that there are safety issues in inclement weather, i.e. running water, freezing temperatures. The properties are small and the soils don't lend themselves to drywells. There is an Ordinance in place which prohibits mechanical discharge of water, however this is not a realistic solution. He has visited the site with Councilman Weisbecker and Township Administrator Kunze and noted that nearly every house had sump pump discharge. This would require drainage on the entire road. At this time it is not a township road and if drainage would be installed, then it would be taken over and become a township road. Furthermore, if the Township does not rebuild the road, then it would be inherited as a substandard road. He stated that if the Council wishes to construct a road, it would be a major project and run into the problem of maximum sustainability with regards to assessment for the road. With the road already being a paved road, there might be an impact on the ability to fully assess. Councilwoman Lichtenberg stated that the residents should be told that they cannot pump water out onto the street. Township Engineer McFadden responded that the Zoning Office has notified some of the residents of this. Township Administrator Kunze explained that the issue is due to a high water table in the area. Councilman Weisbecker reminded everyone that when you begin to install drainage that you don't know what conditions you may encounter. Township Engineer McFadden agreed with Councilman Weisbecker. Councilman Weisbecker asked if Township Engineer McFadden would perform a test which would determine what the true road condition is and that he would like this road taken over as a mandatory assessment. Council consensus was for Township Engineer McFadden to proceed with the design of the reconstruction of the road. Township Engineer McFadden expressed that he is currently working on Warwick Turnpike section #9 and that when that is complete his department can begin to work on Cliffside Drive. He said that it may be ready to go out for bid by September. Mayor and Council thanked Township Engineer McFadden for his insight and time.</p>
3)	<p>Ordinance Amending Fire Suppression in the Township Code, CH. 15-47, Fire Suppression – Township Administrator Kunze explained that this Ordinance is part of an extension of the recodification project. He said that he has met with the Fire Commissioner to review this section and that after thorough review had some changes to recommend. Mayor Bieri said that since the draft Ordinance had just been received tonight, that the opportunity be extended to review and discuss at a later date. Township Administrator Kunze mentioned that the changes have not yet been reviewed by the Police and Fire Chiefs. Mayor Bieri told him to send them a copy and request their input.</p>
4)	<p>Award Contract for Bear Resistant Garbage Cans – Township Administrator Kunze explained that his office had received one bid today from Dawg. The base cost per can is \$41.35 and an additional \$8.40 per can for handles. A quantity of 1200 would cost \$59,700. He said that there is \$62,000 in grant money and that the cost of the cans with the anticipated \$2,000.00 for advertising lines up well. The bid will undergo Attorney review as well as Engineering review and that provided there are no defects in the bid, he suggested scheduling the bid for action at the meeting of March 26th. He said that the DEP wants the contract awarded by the end of March. He feels that the particulars can be discussed at a later date, however he anticipates advertising the cans as a first come, first served basis with 2 Saturdays being scheduled as pickup dates.</p>
5)	<p>Renewal of Agreement with Greenwood Lake Commission for Weedharvesting – Township Administrator Kunze explained that every year an agreement is made with Passaic County and the Greenwood Lake Bi-State Commission, dividing up the responsibilities for weed harvesting. In the past we have agreed to pay up to \$10,000 reimbursement towards the collection of weeds. He suggested that the Council may want to change the wording and that Township Attorney Semrau be consulted regarding this. At a past meeting it had been discussed to change the verbiage to reflect lake maintenance, with the idea that each year may have different requirements to maintain. Councilman Smolinski inquired about not having received invoices and Township Administrator Kunze said that he had spoken with Paul Zarillo and that he will be sending the invoices for 2007. Councilman Nolan stated that with the agreement being a three party, he doubted that Passaic County was participating. He expressed that the Sheriff's department had recently had layoffs and that the Township should contact Passaic County to determine that they will be helping this year. Mayor Bieri stated that the agreement can be between the Greenwood Lake Commission and West Milford Township and that if the county wished to have input that they can have their own agreement with the Greenwood Lake Commission. Township Attorney Semrau expressed that coming to this third party agreement took some effort and that this was the 4th year of the agreement. He suggested contacting each of the other parties to determine if they are ready to move forward. In his opinion there are insurance and liability responsibilities and that this took a long time to iron out. Mayor Bieri asked if we would be able to change West Milford to contributing to lake maintenance and not just weed harvesting. Councilman Smolinski asked as to whether invoices had been received for 2006. Township Administrator Kunze said that none had been received but that there</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
 March 12, 2008
 7:30 P.M.
 Page 14 of 17

	would be no problem with appropriating funds from Greenwood Lake but would like more definition as to where the money is going. Mayor Bieri said that pending receipt of the invoices, she would like to have it stated that the invoices need to be received within an established timeframe. Councilman Nolan asked to hear from someone in the audience. Township Attorney Semrau said that during the public portion there should not be requests to extend time. However this would be at the discretion of the Chair and should be limited. If someone in the audience, during discussions, has something important to contribute they can be asked to be heard. In order to recognize this person they need to explain why they should be heard and the Council would then vote to recognize the speaker or move on. Consensus was to allow the speaker. James Warden, 199 Highcrest Drive spoke that the original agreement with the Sheriffs Department was through the Slap Program. He said that it was ceased almost immediately because of insurance. In 2007 almost no weed harvesting took place. In 2006 weed harvesting took place and Steve DeFeo of DeFeo's Marina picked up the tab for the volunteer who ran the harvester. He recommends that the Township and Greenwood Lake enter into one agreement and let the County work out their own agreement. Councilwoman Lichtenberg recommends consulting with the County. The Council thanked Mr. Warden and instructed Township Attorney Semrau to contact Passaic County.
6)	Temporary Budget – Councilman Nolan asked regarding the Health Department, public health o/e was \$50,000 and now it's \$150,000. Township Administrator Kunze will have to get clarification on that.
7)	Transfer Resolution – no discussion
8)	Loitering Ordinance – Township Attorney Semrau explained that the Loitering Ordinance on the books was struck down as being unconstitutional. This Ordinance would repeal that Ordinance. He said that the benefit to the Township is that the Municipal Court would not have to handle this Ordinance as part of codification cleanup. The Ordinance will be introduced on March 26.
9)	Westbrook Park Caretaker Agreement – Township Administrator Kunze explained that this agreement has expired yet should be addressed each year, calling for the caretaker to perform maintenance and security functions and if these are not performed then a fair market rent would be in order. Agreement has worked well to date.
10)	Background Checks for Employees & Volunteers – Township Administrator Kunze expressed that one of the background checks was missing from the packet. Councilman Smolinski asked Mayor Bieri, with respect that due to the lengthy discussions that surround background checks that this be postponed to the next workshop meeting
11)	Background Checks for Youth Clientele based businesses – as above
12)	Interlocal Agreement for Health Officer Services – Township Administrator Kunze said that he is awaiting the proposal from Ringwood. He mentioned that the Ringwood Council did not want to specify a certain number of hours per week and he urged the Township Council, going forward, to contact Ringwood counterparts to move this forward and complete the agreement by the end of April. Councilman Schimmenti said that when the Council was interviewing that there was a candidate from Vernon who was willing to perform the duties on a per diem basis. He said that he is not comfortable with Mr. Chapman because of what has transpired with him. Councilman Weisbecker asked if the Council can ready this. Mayor Bieri said that she will speak with Township Clerk Battaglia tomorrow regarding what they can do with respect to re-advertising etc.
13)	Salaries for part-time and Seasonal Employees – Township Administrator Kunze explained that this had to do with a draft Ordinance to revise the compensation for various Recreation Department titles associated with Bubbling Springs and the programs there. The low end is minimum wage and wages go up from there. Ordinance to be introduced on March 26.
14)	Amendment Requiring Escrows for Snowplowing on Roads still owned by Developers – Township Attorney Semrau expressed that this sets forth for new developments, whereby the developer would fund specific amounts for snow removal, so that if they fail to remove snow and the Township has to undertake snow removal, the Township can bill this back to the developers escrow. He said that this would not relieve the developer of snow removal responsibilities inasmuch as failure to keep the roadways clear could result in summonses in municipal court. Councilman Nolan asked if other municipalities have adopted this type of Ordinance. Township Attorney Semrau said that Washington Township in Morris County as well as Roxbury and Andover Townships have this type of Ordinance in effect and they have worked well. Mayor Bieri asked if there is a provision requiring them to replenish the excrow within a certain time frame. Township Attorney Semrau answered yes, that at the end there is such a provision.
15)	Change Order for Laufer, Knapp, Torzewski & Delena, LLC to cover Legal Services – Township Administrator Kunze said that he had spoken with Fred Knapp regarding many matters which moved forward early in the year. Mr. Knapp thinks that he will need an additional \$10,000.00 for this year. He anticipated one matter in addition to the O'Shea litigation which will likely go into the court system. Councilman Nolan expressed that when the Township gets involved in lawsuits that we seem to issue blank checks and asked if

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: March 12, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 15 of 17

	there should be some estimate created by the Township Attorney and the Township Council and ask that they abide by that. His concern is that the Township consistently goes over budget. Township Attorney Semrau stated that this concern is general. Fred Knapp copies him on each piece of correspondence and can review monthly invoices before submitting them to the Council. Mr. Knapp has been very good about keeping the Township informed. Councilman Nolan said that it is more of a policy decision as to whether a matter should be settled or continue to be litigated.
16)	COAH – Comments on Revised 3 rd Round Rules - Mayor Bieri said that she has received a draft letter from Township Planning Director Drew which is to be signed by her. She would refuse to sign the letter as it is boiler plate and lacking substance. She said that it needs to be more specific about West Milford. COAH factors into our planning and the impact can be huge for West Milford. She expressed that other towns are doing pages of comments. There is information in 3 rd round COAH requirements which usurps local control. They can put vacant land into our calculations. There is also the jobs to housing ratio and even if those jobs don't come to fruition, they count them. She asked for consent to address those things and draft a letter with Township Attorney Semrau. She said that the deadline to respond is March 22 nd . Councilman Smolinski stated that he has no objection. Township Attorney Semrau agreed that this legislation is critical and that in some municipalities the impact is significant. Under the circumstances, there has been an outcry throughout the state. He suggested that Township Planning Director Drew come before the Council and discuss the impact. Mr. Drew has previously made a presentation and said that we are in good shape. COAH needs a plan by the end of this year. He urged the Council to get a thorough update and overview of the game plan. It is believed that COAH will not extend deadlines this year. He hopes that the Township numbers are sustainable. Mayor Bieri said that she will email her letter to the Council. Councilman Nolan pointed out the number of acres that have conservation easements.

Councilman Schimmenti asked that prior to addressing the Consent Agenda Items that Council revisit allowed-entrance to the Recycling Center by non-landscaper, commercial vehicles. He asked for consent to have Township Administrator Kunze contact the Recycling Department to advise them to allow for such vehicles. It was the intent of the Council to exempt landscapers, not all homeowners who wished to use their commercial vehicle as means to transport their material to the Recycling Center. Mayor Bieri asked Township Attorney Semrau if his directive can be given. Township Attorney advised that a motion can be made to temporarily suspend a portion of the Ordinance and then amend the Ordinance. He said that he will look at the Ordinance and determine if it needs clarification and if so, adopt a Resolution at the next meeting.

Agenda No. XI

Consent Agenda Discussion Items

1)	Establish Safety Committee – no discussion
2)	Road materials Bids – no discussion
3)	Maintenance of Ballfields and Other Sites – Councilman Nolan asked questions pertaining to the bid process and bid award for landscaping the ballfields. He also asked as to whether it is required that the grass be cut on the No Named dam. Township Administrator Kunze said that it is part of the agreement to cut this grass.
4)	Inlet Casting Bids – no discussion
5)	Bond Counsel – no discussion
6)	Professional Services Agreement for Due Diligence for Wanaque Valley Regional Sewerage Authority – no discussion
7)	2008 ANJEC Grant – no discussion

Agenda No. XII

Reports

Administrator Kunze – asked for a Resolution to approve the purchase of a car at the next meeting. He stated that one of the Engineering Department vehicles is beyond repair and can only be used for parts. The department is currently filling in with the Health Officers vehicle. He said that instead of replacing the vehicle with a new SUV that they would like to purchase a more cost effective and environmentally friendly Ford Focus which costs \$11,642.00 and has an average fuel mileage which is double that of the SUV. He conveyed his condolences to the Barretts and the entire community of fire fighters. He and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 16 of 17

Township Finance Director Magnotti are working on the budget. He said that he would be leaving his position effective Friday March 14. He has accepted a position in Oakland. It was a hard decision for him. He was raised in the community and his family still lives here. He considers himself a part of this community. He said that he remembers James O'Bryant from his childhood. However, it is time to move on and accept a new challenge. He expressed his appreciation to the resident, volunteers and professional staff in West Milford. He said that it has been his privilege to work with them. He thanked the Mayor and Council and said that if they needed assistance with anything to not hesitate to call him. He admitted that the greatest frustration he has had in his job was to see very fine people squabble and bicker and allow for personal politics to interfere with working for this community. He encouraged the Council to put those differences aside.

Councilman Nolan – expressed his condolences to the Barrett Family. He also noted that he had read in The Record newspaper that Joseph Smoliski, Jr. would be leading the Highlander Band in Monday's New York St. Patrick's Day Parade behind the Grand Marshal.

Councilwoman Lichtenberg – reminded about the Stimulus Rebate for Senior Citizens. She said to call 973-728-2862 if help was required in completing the form. She said that the rebate was \$300.00 per individual and \$600.00 per couples. The form must be completed by April 15. Mayor Bieri added that the rebate applies to anyone who does not file an income tax return.

Councilman Weisbecker – expressed his condolences to the Barrett Family. He asked Township Attorney Semrau about Hatch Mott McDonald. Township Attorney Semrau said that he would take a look at the operation and determine its value. Councilman Weisbecker expressed that this is great and sorely needed.

Council President Smolinski – expressed his condolences to the Barrett Family

Councilman Schimmenti – expressed his condolences to the Barrett Family

Township Attorney, Fred Semrau – said that Executive Discussion can be deferred for tonight. He gave an update on Random Woods and the resolution that Matt Krauser look at the property. Mr. Krauser has an appoint for tomorrow to go out and look. He will be prepared to discuss his findings with the Council at the next Executive Session. He will send a memo on a property to be discussed in Executive Session. A short petition was filed opposing Castle Rock and also received a memo regarding a GRC matter that is going to court.

Mayor Bieri – expressed her condolences to the Barrett Family. She reviewed the services on Friday at 10 a.m. at Echo Lake Baptist Church and then transported to Fort Dix. She read about Volunteer Night and reminded that the deadline is March 20. She said that forms were being mailed out and were also available at various sites. They must be returned to the Township Clerk. She said that the Mary B. Haase recipient will be James O'Bryant. She reviewed his biography. She thank Township Administrator Kunze for his service and dedication. She wished him well and appreciates his offer.

Councilman Weisbecker thanked Mr. Kunze and wished him luck. Councilman Smolinski wished him good luck and said that Oakland was fortunate to get someone of his caliber. He said he was happy for him and his family and wished the best of luck. Councilman Nolan expressed the same sentiments. He commended him for his best efforts and that he treated everyone fairly and did not engage in politics. Councilman Lichtenberg wished Township Administrator Kunze all the best. Councilman Schimmenti wished him the best. Township Attorney Semrau appreciated the opportunity to work with him and thanked him for all of his help.

Agenda No. XIII

Executive Session

~ Resolution No. 2008- 120 ~

MOTION FOR EXECUTIVE SESSION

Council voted not to go into Executive Session.

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:12 p.m.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 12, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 17 of 17

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

Approved: May 7, 2008

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK