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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
Date of Meeting: February 07, 2007  
Time of Meeting: 7:30 P.M.  
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February 14, 2007 Regular Meeting  
February 28, 2007 Workshop Meeting

March 7, 2007 Regular Meeting  
March 14, 2007 Workshop Meeting  
March 28, 2007 Regular Meeting

**Proclamations**

None.

**Presentations**

Councilman Weisbecker asked that the agenda be altered to allow the scheduled presentation to precede the public comments. The Council concurred.

Mayor DiDonato invited the Planning Director, Bill Drew, to the podium to address the Council about the Highlands Master Plan. Mr. Drew referred the Council to the synopsis of the plan that he had sent out with their packets. He noted that no opinions or recommendations are incorporated into that document. He, with Council consent, reviewed the synopsis in the order in which it was provided to the Council. He began with the socio-economic characteristics and reviewed the census data. He then explained the definition of open space as determined by the Highlands Council, outlined the goals and objectives in the Act, and reviewed the plan approach which is based on the goals and objectives outlined in the act. He advised that West Milford is located entirely in the Highlands Protection Zone and the specially planned areas are outlined in purple. Councilman Nolan asked how the lakes in West Milford were designated as special planned areas. Mr. Drew advised that the plan is not specific as to how these designations came about. Because of the Highlands open water designation, one would assume that environmental consideration would have been given to those areas. It is not clear what compelled the Highlands Council to designate those areas as they did. The Highlands Council did not afford the Planning Department an opportunity to provide input on the designations. Councilman Smolinski asked about attachment "C" and the 403 vacant lots surrounding our lake communities. Mr. Drew explained that these are all existing tax lots of record as of 2004. Within the Act, there are exemptions which include existing lots of record for residential purposes. Special designated areas are environmentally sensitive and the plan calls for their protection from impacts to their environmentally sensitive features. He explained the steps in the process and noted that lands that did not show environmental constraints were placed in the special planned area designation.

Councilman Warden stated that he received a copy of a letter dated March 31, 2006 from the MUA to the DEP. That letter refers to a meeting between Mr. Drew, the MUA and the Health Department. The letter further states that, based on the meeting, it was learned there are significant septic failures in many lake areas in town, and he listed the lakes. He noted that those lakes coincide with the designations on the Highlands Master Plan, specifically, the special planned areas. Mr. Drew stated that the referenced meeting resulted from a request from the Highlands Council staff. Their engineering consultant met with all municipalities to review their waste management plans. The Highlands Act took off any sewer service area that did not have existing infrastructure. The purpose of the meeting was to determine what was proposed and what exists. Any proposed infrastructure was removed. The consultant wanted to know the status of infrastructure in town and the letter was sent in response to that. Councilman Warden stated that the Council is opposed to high-density development in town and he asked, as Planning Director, how Mr. Drew did not know about the special planned area designations. Mr. Drew advised that he did not know because he was never informed of it. Councilman Smolinski stated that such designations appear to have been made throughout the Highlands region and do not appear to be limited to West Milford. Noting that the Highlands Council, not Township officials, designated the areas, he recommended that such questions be posed to the Highlands Council.

Mr. Drew advised that the technical designation "HUC 14" breaks the Highlands region down into sub-watershed basins. The Highlands Council will evaluate the water quality by individual HUG 14's and base future planning on that approach. He listed the components of the six Master Plan elements noting that each has sub-components which detail specific aspects. The same criteria was applied to each component. Because West Milford is in the preservation area, any development plan submitted to the Township will have to be reviewed by both the Highlands Council and the DEP. Such reviews will ensure that no development will conflict with either the Master Plan or DEP regulations.

The Highlands Master Plan has pre-conformance and conformance criteria which Mr. Drew reviewed. The pre-conformance regulations indicate that the plan released is not yet complete and the Highlands Council uses this section to outline the work yet to be done. The conformance requirements outline those matters that must be addressed by municipalities so that they can be found to be consistent with the regional Master Plan. They have also indicated that there will be incentives for municipalities to become compliant. The Township has between nine and fifteen months to submit a plan to the Highlands Council for consistency determination. Over the next four to five years there will be funding available to assist municipalities with the costs associated with the work needed to achieve conformance. These funds will be divided between eighty-eight municipalities and seven counties. Although it has been indicated that

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there will be in excess of \$30 million allocated, those funds will be quickly depleted because of the number of entities vying for the funding.

Mr. Drew, in response to a question posed by Mayor DiDonato, indicated that he Highlands Council will consider extending the comment period at their meeting on February 15<sup>th</sup>. He has spoken with COAH representatives who have indicated that they are in a hold position until they receive an opinion from the Attorney General's office. They are seeking an interpretation of a court decision wherein municipalities with certified plans are stayed pending the outcome of the legal process. In the interim, West Milford is protected from builder's remedies. It is, as yet, unclear what impact the Highlands Act will have on the COAH certifications. Councilman Weisbecker sought Council consent to draft a resolution requesting that West Milford not be overburdened with COAH obligations given the impact of the Highlands Act. Mayor DiDonato, noting that the Township is seeking an open dialogue meeting with Highlands's representatives, asked that such measures be held until that meeting has taken place.

Mayor DiDonato stated that, in the Master Plan, it appears that the Highlands Council will establish municipal growth potential. Mr. Drew responded that the Highlands Council will have the authority to calculate municipal growth. Councilman Nolan asked that Mr. Drew post his synopsis on the Township's website. Mayor DiDonato encouraged everyone to read and re-read the synopsis in preparation for the Council's response to the Highlands Council during the comment period.

On behalf of the Council, Mayor DiDonato thanked Mr. Drew for his presentation and commended him of the synopsis of the Highlands Master Plan.

**Public Comments**

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

Mark Lynch, 41 Shadowy Lane, West Milford stated that he serves on the Parks and Recreation Advisory Committee and supports the proposed artificial turf field. He stated that this would benefit all the children in town; the field could be used for a variety of sports including field hockey, soccer, and other sports. He stated that it took a long time for West Milford to get a track and that track is now used by many residents in town. Noting that this is expensive and nobody wants to see an increase in property taxes, he stated that the benefits for the children outweigh the cost. He stated that PAL will contribute some funding and that that BOE and Township should work to make this happen. He asked if redevelopment funds can be used for this project.

Robin O'Hearn, Director of Skylands Clean stated that, in terms of the Highlands Master Plan, specially planned areas come with additional baggage. Development can take place in those areas. She encouraged the Council to send an official document to the State which states that they do not support the contents of the letter generated by the MUA in March 2006. She expressed concerns that the specially planned areas lay over environmental features and stated that, in her opinion, it is no coincidence that these areas are the same as those reflected in 30-year old sewer maps. These areas, she said, are now flood zones. She asked the Council to adopt a resolution that would ask COAH and the Highlands Council for a memorandum of understanding as to how the process will work. She noted that people should know what they are dealing with. She stated that the Transfer of Development Rights (TDR) program should become top priority projects at the Highlands Council and COAH.

Bill Collister, 92 Oxbow Lane, West Milford stated that he is the treasurer for the PAL and is involved in various sports programs in town. The PAL vision is that all sports programs in town would be able to use the artificial turf field for their programs. He stated that a large percentage of children use the PAL field for their sports now. They want every group in town to have the opportunity to use the artificial turf field and expressed concern that the current fields in West Milford are over-utilized.

Mark Blackowski, 1405 Macopin Road, West Milford stated that he favors an artificial turf field for all kids in West Milford. If we have this facility, all residents and kids will benefit. He asked the Council to support the proposed artificial turf field.

Mark Noble, 33 Holiday Lane, West Milford stated that he supports the artificial turf field. He is involved in the soccer programs in town. The travel soccer team plays in many other municipalities and our fields do not compare to those communities. For the taxes West Milford residents pay, it is an embarrassment, he said. Noting that West Milford does not have many facilities, he asked the Council to get this done.

Ada Erik, Macopin Road, West Milford stated that, on tonight's news, there was a story about a lawsuit in Missouri as a result of a fire in a group home. The facility in question was not in compliance with fire regulations. She asked if the group home in West Milford is compliant.

Robert Pirro, 76 Wayside Road, Hewitt stated the he supports the artificial turf field. He stated that the conditions of our current sports fields are indescribable.

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Ross Kushner, Pequannock River Coalition stated that the the Highlands Council disregarded many things when making their designated zones including the planned community zones. He stated that they have placed these zones in environmentally sensitive areas. He opined that the Highlands Council made major mistakes in their designations throughout the entire Highlands area. He urged the Council to get their comments out.

Tim Foley, 23 Deerbrook Lane, West Milford stated that he is speaking tonight as a resident. He got answers to many of the questions posed by the Council relative to the artificial turf field. He opined that such a facility would benefit the community noting that West Milford does not have enough sports fields. The grass fields cannot handle the use they are subjected to in this town. An artificial turf field could be used at all hours for many and various sports and it would encourage community involvement. He stated that we must first get the field before we begin discussing the schedule for its use. He stated that artificial turf is safer than traditional grass fields and he provided the Administrator with literature to support this contention. Many neighboring communities have artificial turf fields and he encouraged the Council to visit them to see the benefits to those towns. He provided a list of those towns. The funds being donated by PAL is a great start and he encouraged the Council and BOE to make the most of that.

Bill Hemstead, 276 Germantown Road, West Milford stated that he is a member of PAL but is speaking tonight as a parent and resident. He also coaches in town. He stated that, in his opinion, the artificial turf field is a no-brainer. The infrastructure (lights, bathrooms, parking) is already in place at the proposed site. With the Highlands Act, he said, West Milford will never be able to construct a sports facility. Nothing has come from the protracted talks about Jungle Habitat. The High School is already there and he encouraged the Council to make the most of this opportunity.

Andrew Gargano, 45 Apshawa Cross Road, West Milford stated that Mr. Drew, during his presentation, mentioned that \$30 million will be available to municipalities to offset costs associated with the Highlands Master Plan. 62% of the Highlands acreage in Passaic County is in West Milford. Therefore, he said, the Council should demand a proportionate share of the \$30 million.

Brian Meier, Bald Eagle Village, West Milford stated that he supports the artificial turf field. He is a parent and a coach. All sports and organizations are in support with it and he agrees with all the comments made by those who spoke in favor of this facility throughout the evening.

Councilman Weisbecker moved to close the Public Comments portion of the meeting.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Council Comments**

Township Attorney Fred Semrau stated that whenever there are immediate public health concerns, there is immediate municipal response. He has no knowledge of any emergent violations with group homes. Administrator Kunze advised that group homes and facilities are inspected by the Fire Marshall pursuant to the law. All violations are noted and follow-up inspections are made to ensure compliance.

Councilman Smolinski thanked the coaches for coming out and speaking tonight. He stated that the Council is neutral on this matter right now. Our greatest resource is our kids and he realizes that there is a need for fields. Synthetic turf could be a solution but the Council must look at the needs of the entire Township.

Councilman Schimmenti thanked the coaches for coming out and he stated that he is more than neutral on this topic. He stated that the community wants better facilities for sports and that the Council will discuss this topic further during the budget process.

Councilman Nolan thanked the coaches for their comments. However, in the interest of fairness, he advised that some people have sent e-mails expressing an opposite point of view on this matter. He stated that he is neutral and needs more information. He stated that, when Mr. Drew's synopsis gets posted on the website, the public should note that the Township is required under the Highlands Act to have a recreation plan element in our Master Plan. When that is done, the Township will know what is actually needed and can then plan accordingly. The Highlands Act will keep our population stable. He stated that the artificial turf proposal was defeated by a landslide vote a couple of years ago. He thanked those people who commented on the Highlands Master Plan.

Councilman Scangarello thanked the experts for explaining the Highlands Act so effectively to laymen. With regard to the artificial turf, he noted that dollars and cents is an important component. He spoke with Freeholder Duffy today to see if it is possible to use County opens space funds for this. He advised that Wayne Township received green acre funding for a similar project and he has instructed the Clerk to obtain a copy of their application tomorrow. He stated that he will continue to seek funding opportunities.

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**Action Items**

The Township Council took action on the following items:

Agenda No. VIII 1

~ Resolution 2007-057 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING A CONTRACT WITH  
PIERCE MANUFACTURING FOR ONE (1) TRIPLE COMBINATION TANKER/PUMPER  
FOR THE APSHAWA VOLUNTEER FIRE CO. NO. 1**

Councilman Weisbecker made a motion to place this resolution on the floor for discussion. Seconded by Councilman Scangarello.

Discussion: Administrator Kunze advised that the bid submitted for this purchase offered two options for progress payments for this fire truck. The Council opted to take option A and this resolution would allow us to avail of option B also to realize greater savings. Availing of these options would require that the Township make early payments. Councilman Nolan asked if anyone had done a comparison to determine if we could realize a greater savings by leaving the deposit funds in an interest bearing account for the time period in question. Mr. Kunze answered in the negative.

Councilman Nolan made a motion to table action on this resolution to the February 14, 2007 Regular Meeting pending a comparison from the CFO.

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Moved: Nolan Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried. Resolution tabled to February 14, 2007.  
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Agenda No. VIII 2

~ Resolution 2007-058 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF  
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE NOT-TO-  
EXCEED AMOUNT IN RESOLUTION 2006-409 AND THE ASSOCIATED LICENSING AGREEMENTS  
WITH BMI AND ASCAP**

**WHEREAS**, the Township of West Milford adopted resolution 2006-409 on December 27, 2006;  
and

**WHEREAS**, said resolution authorized the Mayor to enter into licensing agreements with BMI and ASCAP on behalf of the Township that will provide coverage for nearly all non-dramatic performances presented on property owned by the municipality or at functions endorsed or sponsored by the Township of West Milford for an amount not to exceed the sum of \$280 per year per agreement for a total of \$560;  
and

**WHEREAS**, the actual cost for these licensing agreements is \$284 per year per agreement for a total of \$568; and

**WHEREAS**, the Chief Financial Officer certifies that funds are available for this purpose under account #6-01-20-161-450.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey they do hereby authorize an increase in the not-to-exceed amount in resolution 2006-409 from \$560 to \$568.

This Resolution shall take effect immediately.

Adopted: February 7, 2007

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 3

~ Resolution 2007-059 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BOROUGH OF BLOOMINGDALE FOR REGISTRAR SERVICES**

**WHEREAS**, the Township of West Milford desires to provide registrar services to residents of the municipality and also wishes to maintain all vital statistics records in the Township; and

**WHEREAS**, the Borough of Bloomingdale employs a full time Registrar of Vital Statistics and they have agreed to enter into an agreement with the Township of West Milford for their Registrar to provide services to the Township of West Milford on a part-time basis; and

**WHEREAS**, said agreement outlines the terms and conditions of the services to be provided; and

**WHEREAS**, the cost for these services is \$15,000 which equates to a pro-rated cost for the 2007 calendar year of \$13,750.

**WHEREAS**, the Chief Financial Officer certifies that funds are available for this purpose under account #7-01-27-331-200.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township Administrator be and is hereby authorized to execute an inter-local agreement with the Borough of Bloomingdale for Registrar of Vital Statistics services, said agreement to be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately.

Adopted: February 7, 2007

Discussion: Administrator Kunze noted that the Township Registrar, Mr. Rodda, retired at the end of 2006 but has been volunteering his time since the beginning of the year. Under the terms of this interlocal agreement, the Bloomingdale Registrar will come to West Milford for fourteen hours per week for \$15,000 per year. Prorated, this equates to a payment for these services of \$13,750 for 2007. Internal staff will be appointed as Deputy and Alternate and will provide services when the Registrar is not in Town Hall. He will evaluate this contract throughout the year. After the stipends for Deputy and Alternate, the Township will realize a savings of approximately \$50,000.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 4

~ Resolution 2007-060 ~

**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY**

**Township Council Appointment:**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby make the following Commissioner Member appointment to the West Milford Municipal Utilities Authority to fulfill the unexpired term of Dr. Salvatore Schimmenti, said term expiring on 01/30/2009:

**James Burns** - Alternate #1 Member – Term expires 01/31/2009

Adopted: February 7, 2007

Discussion: Councilman Nolan noted that Mr. Spirko came before the Council last week to discuss his qualifications for this position. He commented that the Council will not have an opportunity to have Mr. Burns answer questions. In his opinion, the Council is being asked to vote without knowing what Mr. Burns' thinks about development in town. He opined that the MUA is at polar opposites to the Council on this subject. Councilman Smolinski interjected that the simple solution would be for Council members to call the applicants and pose any questions they may have. He is opposed to having volunteers come before the full Council for interviews. Councilman Nolan stated that this is a partisan appointment based on political affiliation. He stated that the public has a right to hear about MUA members stance on high

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density development and the Council has a fiduciary responsibility to provide this opportunity to the voters. Councilman Smolinski stated that, based on Councilman Nolan's comments at the last meeting about interviewing for certain boards and commissions and not others, it is clear that he does not realize the significance of all our volunteers; none are insignificant. Councilman Warden stated that Kathleen Caren was denied an appointment last year for political reasons and he further stated that these appointments are politically motivated.

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 Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Scangarello.  
 Voted Nay: Nolan, Warden.  
 Abstained: None.  
 Motion carried.  
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**Payment of Bills**

None.

**Items For Discussion**

The Township Council discussed the following items:

1)	Resolution concerning Planned Community Zone/Specially Planned Areas on the Highlands Draft Master Plan Land Use Capability Map – Mayor DiDonato asked if the Council agreed that this will be addressed with the Highlands representative when the proposed meeting has been scheduled. Councilman Warden stated that he is not happy with the draft resolution and the MUA should be called to task because they drafted the letter that caused this. Councilman Nolan stated that, if the resolution is to be redone, the Council should include comments about the TDR areas. Mayor DiDonato reiterated that all these matters can be addressed when the Highlands representative is here.
2)	Ordinance Regulating the Use of Lawn Fertilizers – Mr. Semrau noted that this has been a work in progress and gave an overview of the process to date. Tonight, he said, he is seeking direction from the Council as to whether or not they wish to have commercial entities licensed. In response to a question from Councilman Weisbecker, Mr. Semrau advised that leaves and grass clippings in catch basins is covered under stormwater legislation. Councilman Nolan stated that he is in favor of having commercial entities licensed and noted that the Health Department can be charged with monitoring commercial applications of lawn fertilizers in town. The Council concurred. Mr. Semrau will make the necessary revisions.
3)	Ordinance Establishing More Stringent Expiration Times on Preliminary Planning Board Approvals – Mr. Semrau provided an overview of how this subject has evolved. He stated that there is a 2003 Supreme Court case wherein Point Pleasant was granted the ability to void applications if three years had passed from the time of approval. The Planning Board can grant two extra extensions and thus, after five years, the approvals expire. He has drafted an outline of an ordinance and, if Council agrees, he will seek Mr. Drew's comments and put this before the Council for introduction. Councilman Smolinski asked if the ordinance should include a provision for environmental impact studies to which Mr. Semrau responded that the use would be different in those situations. People who have approvals in West Milford would be put on notice that this ordinance has been adopted and it would have to be determined how a court would rule on the impact on those applications. The Council gave consensus to proceed.
4)	Non-Union Salary Ordinance – Administrator Kunze advised that in the past the non-union staff have received salary increases in line with the Guild contract. The proposed ordinance has projected salary increases through 2009. The Health Officer's salary is broken down annually because of legislation that requires that he be compensated at the high end of his salary range. He noted that there are minor changes wherein some titles are moved to the Guild and the titles of Deputy and Alternate Registrar are added. Noting that some salaries are approaching six digits, Councilman Nolan asked who determines the actual earnings for these personnel. Administrator Kunze replied that, in this form of government, the Mayor and Administrator determine the actual salaries. However, the rule in the past has been to give raises in line with the Guild contract. He is developing an evaluation process. The Council gave consensus to introduce this ordinance at the next meeting.
5)	Attorney Accountability Ordinance – Councilman Weisbecker distributed information he had accumulated on this topic. He stated that, in 2003, he thought this was a good ordinance and he voted in favor of it. Since the time, he believes it has failed. The Township was subjected to litigation as a result of this ordinance. He stated that anyone can research the ethical history of any attorney on-line these days, an option that was not so readily available in 2003. He stated that the New Jersey Bartender website lists attorneys who have had ethical complaints filed against them. If we were to repeal the attorney accountability ordinance, the Council could direct the Clerk to check the background of an attorney nominated for appointment. Councilman Nolan noted that there

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	are no vacancies for attorneys in West Milford and all those attorneys currently serving have complied with this legislation. He stated that the Township is not lacking for attorneys because of this ordinance, rather it shows the public that West Milford only hires professionals who are ethical. He is not in favor of repealing this ordinance. Councilman Smolinski asked what recourse the Council has if an attorney is found to have ethical violations given the fact that the information is obtained after a contract is executed. Mr. Semrau advised that, if an attorney is asked about his or her ethical history during the interview process and the information is contrary to what is discovered when the forms are filed, that person can be fired for false pretenses. However, if the question is not asked, the Township may discover something they were not previously aware of. Councilman Weisbecker stated that, in his opinion, this ordinance is not good for West Milford; it is a liability to the Township. It has already cost the Township money because of legal challenges and it will cost more in the future. Councilman Warden stated that he sees no reason to repeal this ordinance except to allow a new mayor to appoint an ethically challenged attorney in the future. This ordinance, he said, did not cost the Township money, the Council cost the taxpayers money because they chose to fight the ordinance. Councilman Nolan stated that this ordinance provides him peace of mind. Councilman Scangarello asked if any other municipality in the state has adopted such an ordinance to which the Township Attorney replied that he is not aware of any municipality having done so. Councilman Schimmenti stated that we should simply pose the question during the interview process which would then allow the Township to fire anyone who was not forthcoming. Councilman Weisbecker questioned why the Council is placing West Milford in a liable position. Mr. Semrau noted that this ordinance is easy to comply with. The one criticism he has pertains to the seven day filing requirement which he states is stringent. The intent of the ordinance is to simply make the Council aware of any ethical violations. Councilman Nolan asked the Clerk about the administrative process noting that it generally applies to approximately ten appointments. The Clerk concurred noting that she agrees with Mr. Semrau about the seven day requirement. This, she said, is the greatest challenge for the Clerk's office. By poll vote, Councilmen Scangarello, Schimmenti, Smolinski, and Weisbecker instructed the Township Attorney to draft an ordinance repealing the attorney accountability ordinance. Councilmen Warden and Nolan voted no.
6)	Change Order – 2006 Road Resurfacing Phase II – Morris County Cooperative Purchasing Contract #6 – Administrator Kunze advised that field conditions on the job site of this project required additional materials so that the project could be completed. Councilman Scangarello asked if there would have been a greater cost if this had not been addressed on-site to which Mr. Kunze answered in the affirmative. The Council gave consensus to proceed with this change order.
	Mayor DiDonato left the meeting and asked Council President Smolinski to preside while he was gone.
7)	Ordinance - Accept ROW (Appletree Lane and Jennings Road) – Mr. Semrau explained this ordinance to the Council noting that both he and the Township Engineer have reviewed it and recommend that the Council consider introduction. If adopted, the Township would accept the referenced right-of-way and this protects the public. The Council gave consensus to proceed.
	Mayor DiDonato returned to the meeting.
8)	Ordinance – Bubbling Springs Fees – Administrator Kunze directed the Council to the report from the Recreation Director recommending increases to certain fees as is done every year. Councilman Nolan asked how much additional revenue would be realized from the increases to which Mr. Kunze advised that, based on last year's numbers, there is an anticipated increase of \$13,000. Our costs are increasing by about \$8,000. Councilman Nolan asked for an explanation as to why we are increasing revenue by an amount greater than our increased costs. He also stated that he would like to see trends for about three years. Administrator Kunze advised that he will provide that information to Council but, because of the time-sensitive nature of these fees, he asked for Council consensus to proceed to adoption. The Council agreed.
9)	Transfer Resolution – Having read the memorandum from the CFO, the Council gave consensus to proceed with this resolution.
10)	Appointments + Resignations – Clerk Battaglia directed the Council to her memorandum and supporting documents. She advised that she had received three resignations and would have a resolution accepting them for Council consideration at the next meeting. In their packets, the Council received copies of letters and/or resumes requesting consideration to fill these vacancies. She asked the Council for nominations, if they so desired, to fill these vacancies. Any nominations made tonight will have resolutions of appointment for consideration at the next meeting.

Councilman Scangarello nominated Charles J. Carbone and John J. Tierney to the Recreation Advisory Committee. Councilman Weisbecker made a motion to close & confirm.

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

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Abstained: None.  
Present: Nolan.  
Motion carried.

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Councilman Scangarello nominated Richard J. Altieri to the Building Standards Board. Councilman Weisbecker made a motion to close & confirm.

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Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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**Reports**

Mayor DiDonato thanked and recognized all the fire fighters from all the companies who responded to the fire on Macopin Road where they entered a smoke filled house and rescued a woman.

Administrator Kunze thanked the Council for responding about their availability for budget meetings. The first meeting will be this Saturday morning at 9:00 a.m. when the Auditor will be in attendance. The remainder of the schedule will be available at that time. He stated that bids were accepted for the Bear Resistant Garbage Cans and only one bid was received. It is being reviewed by the Engineer and Attorney, a recommendation is forthcoming, and he is hoping the Council will take action next week.

Councilman Weisbecker noted that there was a letter in the Council packets from Councilman Nolan which proposes that the Planning and Zoning Boards adopt resolutions indicating that they have reviewed all bills that the Council will be considering on the bill list. Councilman Weisbecker stated that he would like to take copies of it to the Planning Board because it is a good proposal. He also noted that, in Council packets, there was a notice from Wanaque advising that their Council is motivated to disengage with West Milford from the Wanaque Valley Regional Sewerage Authority. They also sent a resolution making an offer to West Milford. He would like the Council to discuss this further. Mr. Semrau recommended that the Council first gather information and schedule a discussion in Executive Session for negotiation and a possible contract. Councilman Weisbecker stated that he is looking forward to the Beautification and Recycling Committee presentation on February 28<sup>th</sup>.

Councilman Smolinski thanked Mr. Drew for his explanation of the Highlands Master Plan. He stressed that funding assistance is a big issue that must be addressed and he recommended that this be addressed when the Highlands representative comes to West Milford. He stated that he expects that Governor Corzine will sign off on the 4% cap and asked if that will affect this year's budget. Administrator Kunze replied that, thus far, it appears that the impact will be felt in 2008. Councilman Smolinski stated that the Council must look at the exceptions to the cap and should garner more information about the proposed tax breaks for seniors and homeowners.

Councilman Schimmenti thanked his fellow councilmen for mentoring him. He is looking forward to participating in the budget process for the first time.

Councilman Nolan stated that he will defer his comments to the next televised meeting.

Councilman Scangarello commended the volunteers in the Fire Departments and First Aid Squads for all they do for West Milford. He encouraged all residents to check their furnaces, stoves and fireplaces.

Township Attorney Fred Semrau stated that the Council adopted a resolution on January 3<sup>rd</sup> hiring a hearing officer for a personnel matter. He stated that the resolution did not contain sufficient information and asked Council to act on an amending resolution tonight that will name the specific matter to be handled by the hearing officer.

~ Resolution 2007-062 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD  
AMENDING RESOLUTION 2007-026 AWARING PROFESSIONAL SERVICES AGREEMENT  
FOR A HEARING OFFICER**

**WHEREAS**, the Township of West Milford adopted resolution 2007-026 on January 3, 2007 the purpose of which was to engage the services of a hearing officer for a "confidential personnel matter"; and

**WHEREAS**, by virtue of said resolution William Bowkley was authorized to provide such services; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number 7-01-20-155-502.

**WHEREAS**, pursuant to the contract, Mr. Bowkley shall serve as hearing officer, if necessary, in a disciplinary matter involving Captain David Hardin of the West Milford Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford all terms and conditions of the contract executed with Mr. Bowkley shall remain in full force and effect.

Adopted: February 7, 2007  
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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Mr. Semrau advised that the Council will discuss Eagle Ridge and Valley Ridge in Executive Session on February 28<sup>th</sup>.

**Executive Session**

Agenda No. XII

~ Resolution 2007-061 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 7<sup>th</sup> day of **February**, 2007, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Personnel Matters
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
  
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 7, 2007  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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The Council went into Executive Session 10:18 p.m.

The Council reconvened in public session at 10:28 p.m. with all present as before.

**Adjournment**

