
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: February 15, 2007
Time of Meeting: 7:30 P.M.
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Mayor Joseph Di Donato called the Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Mayor Di Donato read the following statement:
Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this special meeting was advertised in the Herald News in its issue of February 9, 2007 and February 14, 2007; copies were provided to the Record, Star Ledger, Suburban Trends and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Mayor Di Donato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, James Warden, Carmelo Scangarello, Mayor Joseph DiDonato
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Chief Financial Officer Arthur Magnotti,

Budget Overview

Mayor DiDonato advised that tonight's budget meeting will focus on Public Safety.

Administrator Kunze invited Police Chief Paul Costello to address the Council. Chief Costello advised that the Police Department is part of public safety where they provide police patrol 24 hours a day, 7 days a week, as well as performing emergency response and conducting investigations. He reviewed the increased calls in 2006 throughout his department noting that crimes are up in general. His staff is constantly upgrading their skills through technical and legal training and education. New state mandates will require increased police staffing in the Municipal Court. His goals in 2007 are to create a dedicated traffic bureau and to have the West Milford Police Department attain accreditation. Councilman Weisbecker asked about marine patrol and SRO officers. Administrator Kunze stated that these initiatives would require increased manpower and he will provide the Council with cost estimates for an additional 2-4 police officers. Councilman Warden asked for an explanation of the \$300,000 increase in the salary & wage line item. Administrator Kunze advised that this number is based on anticipated retirements, new officers to replace them, contractual increases, and step increases for the seven new officers on the force. Councilman Smolinski asked why the overtime budget is \$100,000 less than last year. Administrator Kunze advised that because of the new hires, the need for overtime has been reduced and added that the Police Department was very short staffed in 2005. In response to Councilman Weisbecker, Mr. Kunze explained the comp time and the associated budget calculations, noting that this is contractual. Councilman Smolinski asked for an explanation of the holiday pay which increased significantly in the communications division. Mr. Magnotti said that he would have to look into that and report back to Council. Chief Costello advised that, if holidays fall during the week in any calendar year, that has a significant impact on the budget.

Chief Costello reviewed specific line items in his budget. There is a \$5,500 increase to the community policing line and this is seed money for increased youth programs and community service programs. School for employees has increased significantly primarily because mandatory State, Homeland Security, and proficiency training is increasing. There is a decrease in the clothing allowance and fees for services has increased. This line item is used for many services related to police work and the certifications for equipment, and will be used for the accreditation process. This year he has requested that seven new vehicles be funded. The Council questioned the use of police vehicles and the mileage they accumulate. The current replacement schedule is to replace 1/2 the fleet every two years because that is the time it takes for each vehicle to log 95,000 miles. The Council reviewed the remaining line items in the Police budget and thanked Chief Costello for attending tonight's meeting.

Fire Marshall Mike Woch addressed the Council on the OEM and Fire Protection budgets. He noted that the OEM plans to focus on preparedness in 2007. In 2006 he submitted the Township's preparedness plan to the New Jersey State Police and it was approved. He also applied for domestic preparedness grants. He advised that PSE&G donated generators to West Milford which saved the Township \$60,000. He advised that he no longer has an appropriation for fire sirens because there is no longer a need. He reviewed the line items in the OEM budget noting that there is no increase proposed for 2007. Administrator Kunze advised that the stipend

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for Mr. Woch's OEM work is now reflected in the S/W line item and this was not done in the past. Councilman Smolinski asked if the Township recoups losses incurred from responding to auto accidents. Mr. Woch advised that, some time ago, the Council amended the ordinance which allowed the Fire Department to bill people for spills. His office does attempt to recoup expenses associated with manpower and equipment used when responding to spills. However, their efforts are somewhat hindered because the ordinance does not give them the support to collect. Administrator Kunze noted that the OEM and Fire Protection also provides services to neighboring communities through their mutual aid efforts and West Milford does not receive reimbursement for those services either.

Mr. Woch advised that the Fire Prevention Bureau performs inspections and oversees businesses in town multiple times each year. They also inspect one and two-family homes when occupancy changes. They are responsible for fire awareness, fire safety, education and community outreach programs. Legislation enacted in 2005 requires more training in this field. Much time is spent on inspections and re-inspections and the staffing is limited. Administrator Kunze advised that staff is reviewing fees and there will be recommendations made to Council to increase re-inspection fees for these services. Councilman Nolan asked about the life hazard use fees. Mr. Woch explained that these are mandated inspections and the Township is reimbursed for a portion of these costs. Mr. Woch stated that, at a minimum, an additional part-time person would benefit the department. He advised that he plans to retire in May 2008 and recommended that the Township prepare for that now. Administrator Kunze stated that he is currently researching the possibility of having certificate of occupancy inspections performed by another department which will reduce the workload for the fire prevention bureau. The Council thanked Mr. Woch for his presentation at tonight's meeting.

Fire Commissioner Ed Steines addressed the Council about the Fire Departments' budgets. Administrator Kunze noted that the Township appropriates \$15,000 each year to each company. Mr. Steines gave the Council an overview of the services provided by the Fire Departments. He stated that there are about 220 volunteers in 6 fire houses in town. They are trained in many rescue areas and all have the mandated training. They do not charge for the services they provide 24-hours per day, 7-days per week. The money provided by the Township covers the cost of heat, electricity and maintenance bills at the fire houses. Mr. Steines advised that when the Township gets the upgraded communications system in place, the existing fire sirens will be dismantled. He reviewed the line items in the Fire Departments' budget noting that there is a slight increase in training because costs keep rising and there are additional state mandates. Insurance rates have risen and he has requested an additional \$10 per person for the clothing allowance. Councilman Scangarello asked if vehicle repairs are done by Township personnel. Mr. Steines advised that Township staff generally makes all repairs to the vehicles with the exception of the pump work which is contracted out. Staffing at DPW is an issue. Councilman Nolan questioned why the Township only has volunteers subjected to physicals when they initially sign-up noting that it may be beneficial to have regular physicals. Administrator Kunze noted that volunteer fire-fighters are required to meet state mandates relative to FIT testing. The Council thanked Mr. Steines for his presentation tonight.

Jack Cronen and Bev Lujbli addressed the Council about the First Aid budget for 2007. Mr. Cronen stated that the West Milford First Aid Squads responded to 1,757 calls in 2006 and traveled over 60,000 miles. They provide services to West Milford and neighboring communities. All members are EMT trained and the First Aid Squads actively recruit new members. Those applicants must complete a 120-hour EMT training course before they can join the squad. They are requesting the purchase of a new ambulance and will provide the Council with more information on that soon. He reviewed specific line items in the 2007 budget. Noting that training requirements are tremendous, there is an increase in this line item. There is a request for a significant increase to the line item for vehicle repair because many of their vehicles are becoming quite aged and require more maintenance. Councilman Nolan asked who provides insurance for the ambulance squads. Administrator Kunze replied that certain coverage is provided by the Township and other coverage is paid by the ambulance corps. He will get the specific details to the Council. Ms. Lujbli stated that the Township provides coverage for the vehicles. The ambulance squads pay for insurance for the equipment contained in the vehicles as well as the buildings and the equipment in the buildings. The Township provides worker's compensation for members while they are on duty. Mr. Cronen expressed that there is a definite need for an updated communications system, noting that there are not enough pagers for their membership. In response to a question posed by Councilman Warden, Ms. Lujbli stated that vehicles are rotated to ensure that mileage is distributed in the best manner, with most miles being attributed to the oldest vehicle. While most trips are made to Chilton Hospital, there are many trips to Morristown Memorial Hospital because of its trauma center. However, the paramedics dictate the destination for trauma cases because they know which trauma center is accepting patients at any given time. Therefore, trips are made to various hospitals based on that information.

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Ted Hajek addressed the Council about the Upper Greenwood Lake Ambulance Squad budget. He stated that they need more volunteers and more donations. They answer all emergency calls, provide support at sporting events and town functions, and respond to mutual aid calls. All members are volunteers and are certified. The building is used as a polling site and an evacuation site. He reviewed each line item in the UGL budget. He requested that the Township assume the auto coverage for their ambulance. Administrator Kunze stated that, because they own their own vehicle, such coverage would be calculated against the amount of funding they receive and there is a cap on the amount the Township can give. Mr. Hajek stated that UGL has been fortunate that they have been able to purchase rigs in the past. However, they will not be able to continue to do so and will be requesting that the Township purchase rigs in the future. The current rig is thirteen years old and has about 48,000 miles. The Council thanked Mr. Hajek for his time tonight.

Administrator Kunze stated that he has recommended an appropriation for LOSAP that is \$30,000 less this year than last. Mr. Magnotti advised that the program was initiated by petition in 1999. It would provide an annual stipend to volunteers which would be based on their years of service. The money is invested in a tax deferred annuity. Administrator Kunze stated that the program has not been as popular as anticipated and efforts are being made to encourage volunteers to enroll in this program. Volunteers must qualify by meeting investment of time requirements.

Public Comments

Mayor Di Donato opened the meeting to the public. Nobody indicated a desire to speak.

Councilman Weisbecker made a motion to close the public portion of the meeting.

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

Action Items

Mayor DiDonato stated that, because the Regular Meeting had to be cancelled last night due to the weather, certain action items are being placed before the Council for consideration tonight. Only those matters from the February 14th agenda that are time sensitive were moved to tonight's meeting. All other items will be considered at the meetings on February 28th or March 7th.

Agenda No. V1

~ Ordinance 2007-004 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT 'THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD 1976, AS AMENDED', CHAPTER XXIV FEES AND COSTS (PARKS & RECREATION DEPARTMENT FEES)

WHEREAS, the Township Council has determined that various fees and costs currently imposed by the Township do not adequately defray the expense incurred by the Township in performing services relating thereto; and the Township Council has reviewed all Township fees and costs and adjusted the same to reasonably reflect present expenses; and

NOW, THEREFORE, BE IT ORDAINED that the 'Revised General Ordinances of the Township of West Milford, 1976, as Amended' are hereby further amended as follows:

Section 24-2 Fees.

Section 24-2.1 The Department of Parks and Recreation is authorized to charge the following fees.

A. Bubbling Springs Membership and Badge:

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1. Family - consists of parent(s) and all children up to and including full-time students living at home - \$215.00
2. Individual - a person age thirteen (13) through sixty-one (61) - \$ 95.00.
3. Senior Citizen - a person age sixty-two (62) or over - \$ 15.00
Senior Couple - persons age sixty-two (62) or over - \$ 25.00
4. Late Fee - additional fee added to membership fee after the June deadline of each year - \$ 15.00
5. Lost Badge - \$ 10.00 each
- B. West Milford Parks Guest Membership (per person):
 1. A person under five (5) years of age - \$ 3.00
 2. A person from five (5) years to fifteen (15) years of age - \$ 4.00
 3. A person from sixteen (16) years to sixty-one (61) years of age - \$ 10.00
 4. Seniors (Age 62+) \$2.00
- C. Swim Lessons:
 1. LAKE MEMBER

All children	1 session	\$ 50/each
	2 sessions	\$ 95/each
	3 sessions	\$135/each

NON-MEMBER

All children	1 session	\$ 60/each
	2 sessions	\$115/each
	3 sessions	\$165/each
 2. Swim Team

1st. child	\$ 90/each
Each additional child	\$ 85/each
- D. Day Camp - children entering kindergarten through 8th grade.

Each child	\$215/session
Prepaid three sessions	\$615
- E. Teen Camp \$260/session
Prepaid three sessions \$750
- F. Early Drop Off/Late Pick Up/per child \$ 75/session
- G. Muppet Camp – children ages 2 & 4 not entering kindergarten \$100

ALL ORDINANCES OR PARTS OF AN ORDINANCE which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

THIS ORDINANCE shall take effect upon its enactment as provided by law.

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

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Agenda No. V2

~ 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**

WHEREAS, the Township of West Milford awarded a contract to *Pierce Manufacturing, Inc.* for the purchase of one (1) Triple Combination Tanker/Pumper for the Apshawa Volunteer Fire Co. No. 1 on December 27, 2006 by virtue of Resolution No. 2006-419; and

WHEREAS, said resolution awarded a contract to *Pierce Manufacturing, Inc.* in the amount of \$539,942.00 minus the discount designated under payment option "A" of \$4,860.00 for a total price of \$535,082.00 for the purchase of one (1) Triple Combination Tanker/Pumper for the Apshawa volunteer fire Co. No. 1; and

WHEREAS, the Chief Financial Officer certified as to the availability of funds and encumbrances for this purchase shall come from account numbers C-04-06-945-500; and

WHEREAS, the Township of West Milford will realize interest in an amount greater to the savings proposed in Option "A" by retaining the required deposit in an interest-bearing account.

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

1. The Township Council hereby authorizes an amendment to the contract with *Pierce Manufacturing, Inc.*
2. The Mayor or Administrator be and is hereby authorized and directed to execute the amendment with *Pierce Manufacturing, Inc.* wherein the Township will not avail of option "A" or option "B".
3. The aforementioned contract shall authorize the purchase of one (1) Triple Combination Tanker/Pumper for the Apshawa Volunteer Fire Co. No. 1 in the amount of \$539,942.00.
4. All other terms and conditions in the contract shall remain in full force and effect and are in accordance with the bid specifications.
5. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: February 15, 2007

Discussion: Administrator Kunze noted that Councilman Nolan had requested that a comparison be made between the interest that can be earned on the proposed deposit amounts and the savings that can be made by making those deposits. He advised that the CFO has run these numbers and the Township would benefit by leaving the funds in the bank to earn interest. Therefore, a resolution to that effect has been placed before the Council for consideration tonight.

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

Agenda No. V 3

~ Resolution 2007-065 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF
THE MATTER ENTITLED LINDA LUTZ v. TOWNSHIP OF WEST MILFORD**

WHEREAS, Linda Lutz, a former employee of the Township of West Milford, initiated a suit in the Passaic County Superior Court bearing Docket No. DC-18721-06 seeking payment for unused vacation and personal days; and

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WHEREAS, the Administration has reviewed this claim and examined the amount of compensation due to Ms. Lutz as a result of her separation from the Township in 2006; and

WHEREAS, the Administrator advises that in fact there is compensation due to Ms. Lutz in the amount of \$2,846.20 and in consideration of such compensation for unused vacation days, there is no compensation for unused personal days, Ms. Lutz has agreed to dismiss the aforementioned litigation; and

WHEREAS, funds for this purpose shall come from the Township's payroll account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey that the Administrator is hereby authorized to settle the matter entitled Linda Lutz v. Township of West Milford, Passaic County Superior Court, Docket No. DC-18721-06 for the amount of \$2,846.20.

BE IT FURTHER RESOLVED that the Township Attorney is authorized to execute the appropriate settlement documents to effectuate this settlement.

Adopted: February 15, 2007

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

Agenda No. V 4

~ Resolution 2007-066 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO
DAWG, INC. FOR THE PURCHASE OF BEAR RESISTANT GARBAGE CANS**

WHEREAS, the Township of West Milford solicited bids on February 2, 2007 at 10:00 a.m. for the purchase of Bear Resistant Garbage Cans; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bid from *DAWG, Inc.*; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

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

WHEREAS, the township Engineer has submitted a written recommendation for the award of this contract to *DAWG, Inc.*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account numbers G-02-41-716-716; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *DAWG, Inc.* for the purchase of Bear Resistant Garbage Cans.

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

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6. The Township Council hereby awards a contract to *DAWG, Inc.* in the amount of \$137,913.75.
7. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with *DAWG, Inc.* in accordance with its bid for the purchase of Bear Resistant Garbage Cans.
8. The Township's Chief Financial Officer has certified the availability of funds for same.
9. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: February 15, 2007

Discussion: Councilman Weisbecker stated that the Council got a letter in their packets advising that another vendor may institute a legal challenge to the award of this contract and he asked if action should be deferred until the Township Attorney is present. Mayor DiDonato responded that both he and the Administrator spoke with Mr. Semrau about this today. The bid documents have been reviewed by the Township Engineer and the Township Attorney. They are satisfied that the bid is responsive and legal. The cans as specified will be pre-drilled for handles and will be delivered to homes outlined in the project. Delivery is expected in 90-150 days. Councilman Nolan asked what will happen with the unused grant funds. Administrator Kunze advised that the State of New Jersey plans to take funds back to fund their study. He has discussed the possibility of using the remaining amount to subsidize the purchase of further cans by the public. He will follow up on this. Mayor DiDonato reiterated that Mr. Semrau is confident that there is no collusion, the bidding process was correct, and the bid is good.

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

Payment of Bills

Agenda No. VI

~ Resolution 2007-076 ~

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:

<u>Acct #</u>	<u>Account Name</u>	<u>Amount</u>
1	Current Account.	\$574,709.35
2	Reserve Account	71,367.28
3	Animal Control Trust	2,119.81
6	Capital.	24,844.75
7	Grants.	9,177.90
8	Refuse.	197,172.94
9	Refunds.	35,025.43
12	General Ledger.	4,323,825.31
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	7,390.00
18	Development Escrow.	2,274.00
19	LOSAP	
20	Special Reserve	
	Total	\$5,247,906.77
	Less Refund Resolution	<u>-35,025.43</u>

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	Actual Bill List	\$5,212,881.34
	Other Payments	\$287,823.00
	Less Refund Resolution	
	Total Expenditures	\$5,500,704.34

Adopted: February 15, 2007

Discussion: Councilman Nolan questioned the bill from bond counsel asking if all attorney's bills should be itemized. Mr. Kunze stated that this bill is submitted in conformance with the proposal for their services. Councilman Nolan questioned a bill from Montague Tool and Supply for the purchase of a generator to replace equipment lost on the fire trailer. Mr. Kunze advised that the generator in question was damaged and rendered inoperable. It was replaced on an emergent basis. The Township plans to seek reimbursement from the insurance company. He believes it was damaged on a search and rescue mission. Councilman Nolan confirmed that the payment for the fire truck is included in this bill list.

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:27 p.m.

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

Approved: February 28, 2007

MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK