
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 28, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 17

The Workshop Meeting of the West Milford Township Council was called to order by Mayor DiDonato.

Adequate Notice Statement

Mayor DiDonato read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issues of December 17, 2006 and January 7, 2007; copies were provided to the Suburban Trends, the Record, Star Ledger, 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 DiDonato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Joseph Smolinski, Salvatore Schimmenti,
Robert Nolan, James Warden(arrived @ 7:33 p.m.), Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: Councilman Philip Weisbecker.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the February 7, 2007 Workshop Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the February 7, 2007 Executive Session Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the February 10, 2007 Special Meeting as presented.

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

Councilman Scangarello moved to adopt the minutes of the February 12, 2007 Special Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the February 15, 2007 Special Meeting as presented.

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

Meetings

Mayor DiDonato noted the future meeting schedule:

March 1, 2007 Budget Meeting
March 7, 2007 Regular Meeting
March 14, 2007 Workshop Meeting
March 28, 2007 Regular Meeting

Proclamations

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None.

Presentations

Mayor DiDonato acknowledged Freeholder Duffy and asked him to come to the podium to address the Council. Freeholder Duffy expressed pleasure to be in West Milford this evening and he introduced three County employees attending tonight's meeting; the County Planner Michael LaPlace, the County Engineer Steve Edmond and Kathleen Caren, a West Milford resident who works with the County on open space matters. He invited Mr. Edmond to give the Council an update on the Greenwood Lake Turnpike project.

Mr. Edmond advised that the project is about 2/3 done and the contractor is now on winter hiatus. He expects work to resume in 2-3 weeks and that the project will be completed ahead of schedule. He reviewed the minor problems encountered and how those matters were addressed. Mr. Edmond stated that the stormwater management plan is being enacted throughout the County, drains around Greenwood Lake have been changed and two sediment drains are been constructed on Greenwood Lake Turnpike. Monitoring and maintenance will be through the Board of Health. The DEP has instructed that the slope on the existing road be restored the level it was before it was a road so the bike path will be removed. The roadway will have 8' shoulders. Councilman Scangarello asked about issues encountered at two specific homes along the roadway. The Engineer confirmed that there was a problem with a septic at one home and a problem with a well at another. He reviewed the manner in which the problems were addressed noting that the resolution with the drilling of a new well and the reconstruction of the septic system.

Administrator Kunze asked Ms. Caren when the Township can expect to hear about the open space funds application. Ms. Caren advised that recommendations will be made to the Freeholders in March and the municipalities will hear shortly thereafter. Freeholder Duffy noted that, in the past, the County partnered with Wayne for the installation of an astro turf field. He advised that he will pursue a similar course if the Township determines they wish to proceed with such a project at the High School. Ms. Caren interjected that, if the Board of Education owns the property, it is not clear if grant funds can be used for this purpose. She advised that applications for 2007 funding will be sent out at the end of March or beginning of April. The deadline for submission will be the end of June. Councilman Schimmenti asked for Ms. Caren's opinion of the Wayne artificial turf field. Ms. Caren replied that it is beautiful and requires minimal maintenance. She noted that, with water being a critical issue, a benefit is that there is no need to water such a facility. Mr. Edmond interjected that such facilities can be used at all hours providing maximum use and benefit to the municipality.

Councilman Smolinski thanked Freeholder Duffy for speaking about fiscal equity at a Highlands Council meeting on Monday. He stated that Freeholder Duffy was the first person to address the needs of our community at the meeting and that he was a forceful speaker on the topic. The Council thanked Freeholder Duffy and the County employees for coming to West Milford to speak tonight.

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.

Jim Novack, Mount Laurel, West Milford stated that he would have liked an opportunity to address Freeholder Duffy. He noted that the contractor working on the County project at Greenwood Lake owes West Milford over \$40,000. He stated that the meeting tonight is illegal because a fire exit is blocked.

Douglas Ott, Stevens Road, West Milford stated that, although he serves as the vice-chairman of the library board, he is addressing the Council as a resident tonight. He noted that Councilmen Scangarello and Schimmenti attended the last library board meeting where the board discussed possibilities for a new building. He reviewed some of the discussion points including the Wallisch property and Hillcrest. He stated that the board is now interested in researching the feasibility of using the land between the first aid squad building and town hall. He noted that the property is Township-owned and, if it were used for a new library building, the existing library would become vacant for Township use. He advised that an architect will conduct a gratis inspection of the site and he noted that he is simply communicating ideas to the Township Council.

Denise Loeffel, 1480 Union Valley Road, West Milford stated that the former guild president was involved in an automobile accident on Saturday. She had intended to address the Council tonight about the salary ordinance for guild employees and thus Ms. Loeffel is addressing the Council in her stead. The ordinance was scheduled for adoption at the February 14th meeting which was cancelled because of weather. It is not on the agenda for tonight and she questioned the delay noting that it is causing a hardship for employees who are depending on that money. She advised that previous councils have waived the 20-day waiting period for ordinances and she asked the Council to consider adopting such a

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resolution at the March 7th meeting. She stated that the new guild president would like the Council to discuss appointing a liaison between the Council and the guild.

Andrew Gargano, Apshawa Cross Road, West Milford questioned whether Councilman Smolinski clearly understands the attorney accountability ordinance. He stated that Councilman Smolinski has expressed concern that the Township obtains the ethics history of attorneys after they have been hired which, Councilman Smolinski has stated, leaves the Township vulnerable to lawsuits. He asked that Mr. Semrau give his personal opinion of the attorney accountability ordinance. He stated that it is good to have such an ordinance to serve as a tool to help the Governing Body and Township boards to hire ethical professionals.

Martin O'Shea, 10 Lakeshore Road East, Stockholm stated that the guild employees have been treated immorally because the Township has taken two years to negotiate a contract. Now that the contract has been approved the Township should not delay the release of the money. He stated that West Milford residents have twice voted to oppose a new library. He suggested that the Council look at the High School facilities for a potential library. He asked how many lawsuits pertaining to attorney accountability have been filed since Paff v. Byrnes and responded that there were none.

Bob Pawlo, 7 Madelyn Avenue, West Milford asked that, during the budget process, the Council remember that in 1997 the planning department made a presentation about a town center. This presentation focused on the Wiggan farm on Union Valley Road. However, nothing was mentioned about three large developments which were part of the plan. He stated that in 2001 the Council voted to rescind any further town center agreements with the state. The planning department subsequently ignored the Council. They did so again in 2002. Now the Township has learned of the purple blotches in the Highlands master plan which will result in more building in West Milford. The Council, he said, should discuss the need for a planning director and a planning department as part of the budget process.

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

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

Council Comments

Councilman Nolan asked Administrator Kunze if the guild salary ordinance can be fast-tracked. Mr. Kunze advised that the ordinance is scheduled for final adoption on March 7th as are all the ordinances that were originally scheduled on February 14th. Mr. Semrau interjected that, because it was advertised for public hearing on that date, the Council is bound to March 7th. Mr. Semrau will determine if the Council can waive the 20-day effective period. Councilman Nolan stated that, in his opinion, a guild liaison would undermine the Administrator's authority. He noted that everyone knows where he and Councilman Warden stand on the attorney accountability ordinance and stated that he will have more to say on this subject in coming weeks. He stated that he and Councilman Warden have raised the issue of the planning department during the past two budget cycles requesting that an outsourcing cost be calculated. Their efforts have been to no avail.

Township Attorney Fred Semrau stated that he has no problem with the attorney accountability ordinance finding compliance relatively simple.

Councilman Warden thanked Freeholder Duffy and the county employees for attending tonight's meeting. He stated that local representatives lambast the County week after week for political purposes and it was courageous of these people to come here. He stated that there is only one reason to repeal the attorney accountability ordinance and that is if one wanted to hire someone who cannot comply such as a political crony. He stated that he and Councilman Nolan will continue efforts to educate the public and the people will ultimately decide.

Councilman Smolinski stated that, if one were to read the local papers, it would appear that the Council opposes good ethics. Ordinances are adopted to protect the Township and its residents. The attorney accountability ordinance leaves West Milford vulnerable. No one disagrees with the intent of the ordinance. However, in 2003, that ordinance was adopted without the benefit of legal advise. The-then attorney recused himself from the discussion. While everyone supports good ethics in this town, the ordinance in its current form does not protect West Milford as intended.

Councilman Scangarello asked that the library board contact the administrator and the planning director for information.

Action Items

The Township Council took action on the following items:

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Agenda No. VIII 1

~ Ordinance 2007-007 ~

BOND ORDINANCE APPROPRIATING \$3,459,500, AND AUTHORIZING THE ISSUANCE OF \$3,055,135 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$3,459,500 including the aggregate sum of \$154,365, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also (i) in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$250,000 received by the Township from the New Jersey Department of Transportation, as a grant in aid of financing the improvement to Warwick Turnpike and (ii) in the case of the improvement or purpose described in paragraph (c) of said Section 3, the sums of \$130,000 received and \$125,000 expected to be received by the Township from the Passaic County Open Space Trust Fund, as grants in aid of financing the improvement to the municipal tennis courts. For the financing of said improvements or purposes and to meet the part of said \$3,459,500 appropriations not provided for by application hereunder of said down payments and a portion of said NJDOT grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,055,135 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,055,135 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) dump truck with plow and one (1) excavator for use by the Department of Public Works of the Township, and one (1) tractor and one (1) dump truck for use by the Parks and Recreation Department of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$341,000	\$324,760
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at	1,503,000	1,193,330

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<p>least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Airport Road, Bushwick Lane, a portion of Camelot Drive, Center Street (from Melody Lane to O'Leary Road), Cliff Road, Echo Lane, Edgecumb Road, Fremont Terrace, Glencross Road, Gwyneth Road, Lindsay Road, Melody Lane, Moore Road, Neilson Place, Newland Drive, Park Lane, Paradise Road (north and south of Route 23), Quarry Avenue, Stephens Road, Terrace Road, Vista Road, Warwick Turnpike, Weaver Road, Winetka Lane, Woodridge Drive and Wooley Road, together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$1,503,000 appropriation hereby made therefor being inclusive of the amount of \$250,000 received by the Township from the New Jersey Department of Transportation as a grant in aid of financing said improvement to Warwick Turnpike</p>		
<p>(c) Improvement of municipally-owned facilities and grounds in and by the Township, including the municipal tennis courts located on Nosenzo Pond Road by the rehabilitation thereof, the Day Camp by the replacement of walls thereat, the Municipal Court by the installation of bullet proof security glass and security cameras, the Police Department headquarters by the renovation of interior walls and other areas, and the Upper Greenwood Lake First Aid Squad building by the renovation thereof, together with for all the aforesaid all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$602,300 appropriation hereby made therefor being inclusive of the amounts of \$130,000 received and \$125,000 expected to be received by the Township from the Passaic County Open Space Trust Fund as grants in aid of financing said improvement to the municipal tennis courts</p>	<p>602,300</p>	<p>573,600</p>
<p>(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including an emergency generator for use by the Apshawa Fire Company, Scott packs and other equipment for use by various volunteer fire companies, computer equipment for use by the Police Department of the Township, communication equipment and pagers for use by various first aid squads of the Township, postage equipment and shelving for use by the Administrative and Finance Departments of the Township, and one (1) trailer, one (1) wood chipper, one (1) roller and a fuel management computer system for use by the Department of Public Works of the Township, together with all appurtenances, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the</p>	<p>411,000</p>	<p>391,420</p>

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office of the Township Clerk and hereby approved		
(e) Initial costs associated with the rehabilitation of the Bubbling Springs and Westbrook Park dams, the said \$52,200 appropriation hereby made therefor being an initial appropriation for preliminary studies, planning, design, architectural and engineering expenses associated with said improvement	52,200	49,700
(f) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the Apshawa Volunteer Fire Company, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	550,000	522,325
Totals	\$3,459,500	\$3,055,135

Except as otherwise stated in paragraph (b) with respect to the \$250,000 grant in aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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The following additional matters are hereby determined, declared, recited and stated:

The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.12 years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,055,135, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

The funds from time to time received by the Township on account of the \$505,000 grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in paragraphs (b) and (c) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated

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by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Discussion: Administrator Kunze advised that this ordinance was adopted by the Council in 2006. However, there was an administrative error wherein a necessary form was not submitted to the state. Consequently, bond counsel has advised that we must re-adopt this ordinance.

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

Agenda No. VIII 2

~ Resolution 2007-063 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
A CHANGE ORDER TO TILCON NEW YORK, INC. FOR PHASE II OF THE 2006 ROAD
RESURFACING CONTRACT**

WHEREAS, the Township Engineer has recommended approval of a change order to the 2006 Road Resurfacing project previously awarded to Tilcon New York, Inc. under the Morris County Cooperative Pricing Council, Contract #6 in the amount of \$425,000.00; and,

WHEREAS, the increased cost recommended in the approval of the change order is \$21,123.79; and,

WHEREAS, the change is recommended due to the need for additional tonnage of bituminous concrete used for leveling along 1.20 miles of Westbrook Road that were resurfaced and the paving of the entrance to Westbrook Park.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from line item number C-04-05-943-624 in the Township budget.

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 approves a change order to Tilcon New York, Inc. under the Morris County Cooperative Pricing Council, Contract #6 in an amount not to exceed \$21,123.79, representing an increase to the original approved amount, not to exceed a total expenditure of \$446,123.79.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: February 28, 2007

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

Agenda No. VIII 3

~ Resolution 2007-064 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC, STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATION
RESERVES IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40:4-58**

WHEREAS, there appears to be insufficient funds in the following appropriations reserves to meet the demands thereon for the balance of the 2006 budget year;

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

Agenda No. VIII 6

~ Resolution 2007-079 ~

**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD
PARKS AND RECREATION ADVISORY COMMITTEE**

Township Council Appointment:

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby make the following appointments to the West Milford Parks and Recreation Advisory Committee to fulfill the unexpired terms of Lehman Mann and Joseph Smolinski:

Charles J. Carbone, Citizen Member - Term expires 12/31/2007
John Tierney, Citizen Member – Term Expires 12/31/2007

Adopted: February 28, 2007

Discussion: Councilman Nolan asked Councilman Scangarello why he had nominated these two individuals out of the five applications for appointment to this committee. Councilman Scangarello replied that there were only two openings and both these people have been actively involved in West Milford recreation. Councilman Nolan, noting that there is ample Council representation on this committee, asked that Councilman Schimmenti consider resigning his citizen seat on this committee to allow someone else to volunteer. Councilman Smolinski stated that West Milford has many qualified persons who volunteer in this community.

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

Agenda No. IX

~ Resolution 2007-067 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications; and

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:

- a. Resolution 2007-068 – Authorizing Cancellation of Taxes
- b. Resolution 2007-069 – Refund Other Liens
- c. Resolution 2007-070 – Refund Overpayments
- d. Resolution 2007-071 – Partial Refund Performance Guarantees
- e. Resolution 2007-072 – Refund Amusement Game License Fee
- f. Resolution 2007-073 – Refund Filming Bond
- g. Resolution 2007-074 – Refund Performance Guarantees
- h. Resolution 2007-075 – Reinstatement of Taxes

Applications:

- a. Application - Off Premise 50/50 Raffle - West Milford Parent-Teacher-Student Organization
- b. Application - Tricky Tray Raffle - West Milford Parent-Teacher-Student Organization
- c. Application - On Premise 50/50 Raffle - West Milford Parent-Teacher-Student Organization
- d. Application - Bingo - West Milford Parent-Teacher-Student Organization
- e. Application – Tricky Tray Raffle – Macopin Middle School PTA

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f. Application – On Premise 50/50 Raffle - Macopin Middle School PTA

Adopted: February 28, 2007

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

The following resolutions were included in the consent agenda:

Agenda No. IX a

~ Resolution 2007-068 ~

RESOLUTION AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below;

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

REASON: DELETED FROM ROLLS

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>Year</u>
3802-3.1	Walter Lane	\$186.00	2007 first half
	TOTAL	\$186.00	

Adopted: February 28, 2007

 Agenda No. IX b

~ Resolution 2007-069 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

<u>Certificate No.</u>	<u>Certificate Date</u>	<u>Block/Lot/Qual</u>	<u>Reimbursement Amount</u>	<u>Pay to the Lien Holder</u>
03-001	04/07/2003	00202-036	\$67.33	PATRICIA GUERRIERO 57 SILKER ROAD GLEN GARDNER, NJ 08826
05-003	03/09/2005	00202-036	\$79.85	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
06-012	04/11/2006	02012-009	\$9,352.63	JN PROPERTIES ASSOCIATES 175 MARKET STREET #301 PATERSON, NJ 07505
06-079	04/11/2006	12401-006	\$19,011.85	ATF LLC HARRIS NESBITT CORP AS SEC. PART P.O. BOX 862658 ORLANDO, FL 32886-2658
Grand Total			\$28,511.66	

Adopted: February 28, 2007

 Agenda No. IX c

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2007-070 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

WHEREAS, there appears on the tax records overpayments as shown below; and

WHEREAS, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayments as shown below:

REASONS:

- | | |
|-------------------------------------|----------------------|
| 1. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen/Veteran Deduction | 4. Homestead Rebate |
| | 5. Tax Appeal |

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
2001-14	Brian & Cecilia Cassella 2 Quinton Road Hewitt, NJ 07421	\$379.00	2007	5
2405-20	Louise Cole 5464 N. W. 65 Place Ocala, FL. 34482	\$21.00	2007	2
2409-1	Joseph & Kym DaSilva 6 Dunham Road Hewitt, NJ 07421	\$1,824.00	2007	2
3002-11	William & Marion Lenihan 180 Central Park, S. #160 New York, NY 10019	\$129.60	2007	1
4301-32	John & James Mullen 45 Fairfield Place West Caldwell, NJ 07006	\$1,714.00	2007	5
4403-1	Brian Smith 73 Bergen Drive West Milford, NJ 07480	\$36.00	2007	1
8601-9	John Spingler & Lee Sang W. 117 Continental Road West Milford, NJ 07480	\$272.95	2007	1
9201-11	Michael & Laureen Protomastro 4 Hillview Court West Milford, NJ 07480	\$1,746.00	2007	2
13104-1	Wendy C. Morgan 69 High Crest Road West Milford, NJ 07480	\$81.22	2007	1
13701-6	David & Sheryl Crivaro 150 Germantown Road West Milford, NJ 07480	\$55.00	2007	1
15701-19	Albert & Patricia Traverso 52 Allison Avenue Newfoundland, NJ 07435	\$25.00	2007	5
	TOTAL	\$6,283.77		

Adopted: February 28, 2007

 Agenda No. IX d

~ Resolution 2007-071 ~

RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be partially refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Grand View Homes Inc. P.O. Box 788	8401/3.02	\$ 315.00	72

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West Milford, NJ 07480

Adopted: February 28, 2007

Agenda No. IX e

~ Resolution 2007-072 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF AMUSEMENT GAME LICENSE FEE

WHEREAS, Trillick, LLC dba Lakeview Pub & Liquors of 1934-36 Greenwood Lake Turnpike, Hewitt, NJ 07421 paid requisite application fees for a 2007 Amusement Game License to the Township's Clerk Department; and

WHEREAS, the licensee's payment included a payment of \$50.00 for the operation of a Juke Box on the licensed premises; and

WHEREAS, the Township of West Milford does not issue licenses for the operation of Juke Boxes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$50.00 to Trillick, LLC dba Lakeview Pub & Liquors of 1934-36 Greenwood Lake Turnpike, Hewitt, NJ 07421 to refund the aforementioned license fee.

Adopted: February 28, 2007

Agenda No. IX f

~ Resolution 2007-073 ~

RESOLUTION AUTHORIZING REFUND OF FILMING SECURITY BOND

WHEREAS, a Cash Bond in the amount of \$500.00 was received as a security deposit for filming in the Township of West Milford; and

WHEREAS, the Production Coordinator has requested a refund of the Security Deposit in the amount of \$500.00 to Fujisankei Communica International, Inc.; and

WHEREAS, the Township Administrator has recommended that the Cash Bond posted as a security deposit in the amount of \$500.00 be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to refund the amount of \$500.00 filming security deposit to Fujisankei Communica International, Inc., 150 East 52nd. Street, New York, NY 10022.

Adopted: February 28, 2007

Agenda No. IX g

~ Resolution 2007-074 ~

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Grand View Homes, Inc. P.O. Box 746 Ringwood, NJ 07456	8401/3.03	\$670.00	72

Adopted: February 28, 2007

Agenda No. IX h

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2007-075 ~

RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the cancellation of receipt and reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
4301-21	Ronald & Joan Charnecky	\$900.00	2007	1
7615-12	Valerie Menezes	\$1,291.00	2007	1
	TOTAL	<u>\$2,191.00</u>		

Adopted: February 28, 2007

Payment of Bills

Agenda No. IX

~ Resolution 2007-081 ~
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:

Acct #	Account Name	Amount
1	Current Account.	\$131,027.51
2	Reserve Account	12,213.44
3	Animal Control Trust	537.00
6	Capital.	500.00
7	Grants.	750.80
8	Refuse.	3920.50
9	Refunds.	15,151.99
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	690.00
18	Development Escrow.	
19	LOSAP	
20	Special Reserve	<u>458.00</u>
	Total	\$165,249.24
	Less Refund Resolution	<u>-15,151.99</u>
	<u>Actual Bill List</u>	\$150,097.25
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$150,097.25

Adopted: February 28, 2007

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Discussion: Councilman Nolan noted there is a payment to General Code and he asked if this comprises the final payment. Ms. Battaglia replied that this is a partial payment for the analysis. There is still work to be done and billed for.

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

Items For Discussion

The Township Council discussed the following items:

1)	2007 Road Materials Bid – Administrator Kunze advised that bids were opened on January 26 th and the low bidder was Tilcon. The Engineer recommended award to Tilcon. The Council gave consensus to proceed.
2)	Generator Bid – Administrator Kunze advised that four bids were received for the generator for the Apshawa Fire Company. The low bidder has worked satisfactorily for the Township. Councilman Warden noted that this bid is significantly higher than the one received for the last generator. Administrator Kunze advised that this is a 3-phase rather than a 2-phase generator. The Council gave consensus to proceed.
3)	Maintenance of Ballfields Bid – Administrator Kunze advised that there were two schedules in the bid document. The Recreation Director is recommending a split award. Schedule A to Pat Scanlan Landscaping and Schedule B to Andy Matt, Inc. The Council gave consensus to proceed.
4)	Fuel – Administrator Kunze stated that he is recommending purchase of diesel and gas through the Morris County Coop. He and the Engineer have discussed seeking bids for West Milford to determine if we can obtain better prices. In response to Councilman Smolinski, Administrator Kunze advised that problems experienced with #2 fuel have been rectified. The Council gave consensus to continue.
5)	Comments on Highlands Council Master Plan – Administrator Kunze noted that he is preparing to draft a resolution with Council comments on the Highlands master plan. He sought direction from the Council. Mayor DiDonato recommended creating a comprehensive document expressing all West Milford’s concerns. Councilman Smolinski stated that the Highlands Council does not appear to appreciate the need for compensation and he remarked that COAH is an issue that should be addressed. Councilman Warden agreed and recommended that the wording in the resolution be forceful. Councilman Nolan stated that the resolution should disavow the MUA letter regarding sewers and that there should be some accomodation for towns who must build for public purposes. Councilman Smolinski noted that the unique circumstances in West Milford should be considered and weighed during any funding decision process. The Council instructed the Township Attorney to draft a resolution for distribution at next week’s meeting. In the interim, Council members can contact Mr. Semrau with recommendations and the Council instructed Administrator Kunze to have this on the next workshop agenda for further discussion.
6)	Evanstan Road name change – Administrator Kunze advised that this area currently consists of two roads that end at the dam. One is Evanstan Road and the other is Evanstan Avenue. It is recommended, for safety reasons, that they be changed to Evanstan Road East and Evanstan Road West. The Council gave consensus to proceed and instructed that affected residents be notified.
7)	Pfiefer Dam Letter of Credit – Mr. Semrau advised that Mr. Pfeifer has a dam on his property that is part of a DEP restoration project. He needs the Township to co-sign for a loan to repair the dam. This letter of credit would ensure that, in the event Mr. Pfeifer does not make a payment, the Township would be paid in full. The letter of credit would mirror the life of the loan and cannot be cancelled until the loan is paid off. The Council gave consensus to proceed.
8)	Reserve Account for Damage to Township Property – Administrator Kunze reminded the Council that this was discussed at a budget meeting. This reserve account would be used for all funds received as reimbursement for damage to Township property. The Council gave consensus to proceed.
9)	Cancellation of Tax Lien Certificate #86-24 – Mr. Semrau advised that this resolution deals with an outstanding tax lien certificate that should be cancelled. Administrator Kunze advised that this was an assessment on a building but not the property. The building has since been demolished. The Council gave consensus to proceed.
10)	Road Improvement Program/Bond Ordinance – Administrator Kunze noted that this was discussed at a recent budget meeting. He is asking the Council to determine what projects should be funded in this bond ordinance. Administrator Kunze stated that all the work is now considered a priority but that he would be comfortable waiting to fund the Warwick Turnpike resurfacing because there is funding for work on Warwick Turnpike this year. Councilman Nolan asked if there are additional legal fees associated with splitting the bond ordinance. Administrator Kunze advised that there would be an additional cost of

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	approximately \$600 to prepare an extra ordinance. The Council gave consensus to proceed. Councilman Smolinski asked that the traffic signal studies be expedited because of the safety concerns. Administrator Kunze stated that he would discuss this with the Engineer.
11)	Radio Project Bond Ordinance – Administrator Kunze stated that he is seeking authorization to have funding for this project in place prior to adoption of the budget. Because the numbers are not yet available, he asked that discussion of this topic be deferred to the next workshop meeting.
12)	Streetscape Grant – Administrator Kunze noted that this resolution is required when accepting grant funds. He advised that, when the conceptual plan is drafted, it will be presented to Council. The Council gave consensus to proceed.
13)	Stormwater Grant – Administrator Kunze advised that this resolution authorizes acceptance of \$913,600 for stormwater improvements in the Greenwood Lake watershed. He outlined some specifics of the program. Councilman Scangarello commended the staff for their work in obtaining these funds. The Council gave consensus to proceed.
14)	ANJEC Grant – Administrator Kunze advised that the environmental commission applied for this grant last year but were unsuccessful in getting funding. Because of the positive comments they received, they wish to apply again using the same application as last year. The Council gave consensus to proceed.
15)	Federal Local Project Funding Requests – Mayor DiDonato stated that Congressman Garret sent a letter to the Township asking for a list of projects for which we need funding. He will try to assist West Milford in securing funds. Administrator Kunze stated that the department heads have suggested applying for funding for streetscape and sidewalks. Because the deadline is March 9 th , these seem plausible because the application data is readily available. The Council gave consensus to proceed.

Reports

Councilman Schimmenti thanked Freeholder Duffy and the County staff for attending tonight’s meeting and speaking with the Council. He stated that he is not ready to resign from Parks & Recreation because he is involved with many on-going projects. He knows the two persons appointed tonight and believes they will serve the residents well.

Councilman Nolan stated that there was information in the Council packets from Tax Collector about the annual tax sale. The Council will have to assume that the Township will not collect \$600,000 in 2007 because there is a required calculation for reserving for uncollected taxes. This will cost the average taxpayer \$60 on their tax bills. He noted that members of our MUA are on the tax sale list. He stated that these persons should be removed from their MUA positions. He asked Administrator Kunze if he has spoken with the Chairmen of the Zoning and Planning Boards about adopting resolutions for their payments of bills. Administrator Kunze advised that each board is planning to discuss this matter in the near future. Councilman Nolan stated that the insurance committee will meet on March 5th. He asked about the tennis courts at Westbrook and was informed by the Administrator that the Township recently sent out RFP’s for engineering services for that project. Councilman Nolan acknowledged the efforts of Jim Novack in saving the taxpayers about \$35,000 on the bear proof garbage can bids. He asked that a septic maintenance ordinance be placed on a future workshop agenda for discussion. He asked if West Milford seeks internet bids for bonds to which the Administrator responded in the affirmative. Noting that a recent letter from the DEP about wastewater management plans was sent to the MUA Executive Director, he instructed that the Administrator contact DEP to be placed on the distribution list for future correspondence. He stated that West Milford is expected to receive about \$45,000 additional state aid this year. He encouraged the Council to wrap up the budget process sooner rather than later.

Councilman Warden thanked the bi-state commission and Rob Sparkes for the grant application for Greenwood Lake. The de-stumping of the lake is complete. He commended everyone for a job well done. He expressed hope that West Milford will make an appropriation again this year for weed harvesting.

Township Attorney Fred Semrau stated that he attended the lakes committee meeting last week. He sent a summary to the Administrator. The Council will discuss Castle Rock Estates, Valley Ridge, Eagle Ridge, and Wanaque Valley Regional Sewerage Authority in executive session tonight.

Executive Session

Agenda No. XIII

~ Resolution 2007-082 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 28th day of **February**, 2007, that:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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.
 - Valley Ridge
 - Eagle Ridge
 - Wanaque Valley Regional Sewerage Authority (WVRSa)
 - Castle Rock Estates Docket # A5389095
 - () 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 28, 2007

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

The Council went into Executive Session 9:51 p.m.

The Council reconvened in public session at 10:29 p.m. with all present as before.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:30 p.m.

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

Approved:

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK