
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 14, 2007
Time of Meeting: 7:30 P.M.
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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 Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, James Warden (arrived @ 7:38 p.m.), Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

None.

Meetings

Mayor DiDonato noted the future meeting schedule:

March 14, 2007 Workshop Meeting	April 4, 2007 Workshop Meeting
March 28, 2007 Regular Meeting	April 11, 2007 Regular Meeting
	April 25, 2007 Workshop Meeting

Proclamations

None.

Presentations

Mayor DiDonato invited the Township Engineer, Richard McFadden, and the Chairman of the Beautification & Recycling Committee, Jeff Simmers, to address the Council on curbside recycling. Each gentleman introduced himself to the Council and the audience.

Mr. McFadden reminded the Council that the Township went out to bid last year for curbside collection and received one bid. The Council, concerned about awarding under those circumstances, asked for a study into the feasibility of establishing an in-house curbside collection program. He formed a committee, gathered information, and met with the Beautification & Recycling committee. Ultimately, the major difference between the data collected by the Beautification & Recycling committee and the in-house staff who worked with Mr. McFadden was a difference in equipment costs. At this time, neither entity can recommend in-house collection of recyclables.

Mr. Simmers advised that the Beautification & Recycling committee investigated the feasibility of in-house curbside collection of recyclables. He commented the committee members specifically Ms. Erik, Mr. Novack, and Mr. Weaver. Their research resulted in a \$200,000 lower estimate for equipment than the engineering department. Both committees agreed on the personnel needed for such a program but the Beautification & Recycling committee is of the opinion that the salaries for West Milford Township employees are high. However, the numbers are reasonably close to the bid submitted when this went out for competitive bidding. The Beautification & Recycling committee feels that, while in-house collection of recyclables may be possible in the future, at this time it would be more cost-effective to go out to bid for this service. The committee has recommendations on how to get more and better bids and would like their recommendations considered. In the future it may benefit the Township to synchronize the garbage and recycling contract to attract more bidders and possibly get better rates. While Mr. Simmers was speaking there were audible comments from the Beautification & Recycling Committee members in the audience who were voicing opposing sentiments.

Administrator Kunze advised that both the committee and Township personnel met last week to review both studies. There was a \$200,000 difference in the estimates presented and the Beautification & Recycling committee had made no provisions for overtime. He noted that labor costs are set by contract and many issues would have to be negotiated with the unions before the Township could proceed with in-house collection. He also noted that there would be storage and maintenance issues if the Township were to house the additional vehicles necessary to run such a program.

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Mr. McFadden recommended seeking bids for a two-year period starting August 1st noting that the expiration of such a contract would coincide with the expiration of the current garbage collection contract. He noted that the Township could bid a five-year contract as an alternate in the bid document to determine if there is an advantage. If the two-year bid is more cost effective, both curbside collection of recyclables and garbage pick-up could be combined in 2009.

Councilman Nolan expressed disappointment that the Council did not have all the data before tonight. He asked if possible increases in revenue were calculated into the numbers presented to Council, noting that with Township employees enforcing the rules, revenue is likely to increase. Mr. McFadden advised that he has engaged in significant discussions about enforcement with his staff resulting in agreement that there is a need for better enforcement. In future contracts, outside vendors would have more stringent and specific enforcement requirements including required reporting of recyclables in garbage. He advised that he will request our present contractor to begin that practice immediately.

Discussion ensued about salary comparisons between other communities and West Milford as well as recycling grants received. Administrator Kunze advised that West Milford's salaries are competitive with other similar municipalities. Mr. Simmers advised that the Beautification and Recycling Committee will submit a report on grant writing in other towns.

Mayor DiDonato and the Council commended the committee, each member, and the Township staff who worked so hard accumulating all the data presented on this subject. Councilman Nolan asked that this subject be scheduled for further Council discussion at a workshop meeting.

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.

Bill Weaver, Beautification & Recycling Committee stated that West Milford does not receive many bids on recycling because there is not much money to be made in recycling. He advised that, in his personal opinion, the Township ought to enter into a two year contract and then proceed with this service in-house. Two years would provide sufficient time to be prepared.

Ada Erik, Macopin Road, West Milford stated that she chaired the subcommittee that compiled all the data. She drove over 200 miles to visit surrounding communities and created a 52-questionnaire which the towns answered. Every town she surveyed agreed that in-house collection of recyclables is the way to go. Pompton Lakes, Bloomingdale, Roxbury and Mount Olive all do in-house collection. She stated that the numbers presented by the Township staff are incorrect. She asked if the taxpayers are being shafted by these numbers and because West Milford staff is over-compensated.

Jim Novack, Mount Laurel, West Milford stated that a laborer hired in West Milford at \$27,000 can earn over \$60,000 after five years. He asked Council to rid the Township of civil service. He stated that there was only one meeting with the Beautification & Recycling Committee. The committee was ready in January but DPW was not. Too many people in West Milford do not recycle. He urged the Council to engage someone who negotiates better with our unions because salaries in West Milford are too high. He accused Administrator Kunze of costing West Milford money and stated that in-house recycling would work except that our paid professionals are determined to make it fail. He stated that the Administrator and paid professionals began this process with predetermined notions and that practice is unfair.

Richard McFadden, Township Engineer, West Milford stated neither he nor his staff had any preconceived ideas when this process began. They did the best they could and invested an significant amount of time on this project. There were two meetings with Beautification & Recycling; the first with the Chairman and the second with the full committee.

Doris Aaronson, 29 Bearfort Road, West Milford advised the Council that there will be a rally held on Saturday to express dissatisfaction with the purple blotches on the Highlands Master Plan map. She has invited all Council members to speak at the rally and the response has been very positive. She expressed hope that the Council will send a strong resolution to the Highlands Council before the comment period expires. If West Milford were to allow any development, the water supply will be depleted. Studies show that there is enough water for about 8,000 wells and we are over capacity now. Lake communities have a higher water deficit because the soil around the lakes is primarily clay which keeps water on the surface. She encouraged everyone to come out to the rally on Saturday.

Renee Alessio, Upper Greenwood Lake stated that she serves on the Beautification & Recycling committee and noted that when residents do not recycle, it costs the town money. Bidding recycling and garbage at the same time is a good idea, otherwise, curbside collection of recyclables should be done in-house. She encouraged everyone to attend Saturday's rally.

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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 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, Edgescumb 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	1,503,000	1,193,330
(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	602,300	573,600
(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	411,000	391,420

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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 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.

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.

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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 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: Mr. Semrau noted that Councilman Smolinski has recused himself from discussion and action on this ordinance.

Public Hearing: Mayor DiDonato opened the meeting to the public to speak to this ordinance only.

Doris Aaronson, 19 Bearfort Road, West Milford asked how many years this funding is for. Administrator Kunze advised that there are several items in this ordinance and each item has a different life span with the average overall life being 11.50 years. Ms. Aaronson stated that, in the past, Councils have bonded for equipment that self-destructs before the bonds expire.

Andrew Gargano, Apsawa Crossroad, West Milford noted that there is an appropriation of \$1.5 million for road improvements. He recalled that, in 2002, the Township Engineer recommended to the Council that they schedule 15 miles of road for improvements every year. Noting that he lives on possibly the worst road in town, he asked that roads become a greater priority in the future and that more funding be allocated to road improvements.

Ada Erik, Macopin Road, West Milford asked if there are any tandem trucks included in this ordinance. She stated that other towns have trucks that are over ten years old and in good condition. Because our trucks are not properly maintained they do not last. Mayor DiDonato noted that the discussion at this time is limited to the bond ordinance. Ms. Erik stated that the lifespan of a tandem truck in West Milford is three years.

Gerry Storms, Director of Public Works, West Milford stated that, in his 25 years working in West Milford, the usual turnover time for any vehicle is ten years. By the time they are actually replaced, the vehicles are usually eleven or twelve years old. The vehicle sold at the Sparta auction last year was between thirteen and fourteen years old. He stated that his department has one of the best maintenance programs in the state and they have not had to pull a motor from a truck for 25 years because of the maintenance schedule. Vehicles are only taken off the road when they are unsafe.

Jim Novack, Largemont Drive, West Milford stated that West Milford has a poor maintenance record and other towns wash their vehicles daily. He stated that Airport Road is included in this ordinance yet it was paved last year. He further noted that some of the roads in the ordinance are private and have been dirt roads for years.

There being no further comments from the public Councilman Weisbecker made a motion to close the public portion, seconded by Councilman Scangarello, and carried by unanimous roll call vote.

In response to a question posed by Councilman Weisbecker, Administrator Kunze advised that the annual debt statement indicates the amount of debt the municipality carries.

Moved: Weisbecker Seconded: Scangarello

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

Agenda No. VIII 2

~ Resolution 2007-100 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF MUNICIPAL LANDS FROM THE TOWNSHIP AUCTION OF FEBRUARY 28, 2007

WHEREAS, on February 28, 2007, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution #2007-038; and

WHEREAS, the Township Clerk reports that the attached schedule outlines the bidders and their respective proposals to purchase said lands; and

WHEREAS, the Township Administrator has reviewed the attached schedule and recommends that the Mayor and Township Council accept these bids.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the proposals set forth in the attached schedule are hereby accepted and incorporated herein.

BE IT FURTHER RESOLVED, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution #2007-038.

This Resolution shall be effective immediately.

Adopted: March 14, 2006

TOWNSHIP OF WEST MILFORD PROPERTY SALE February 28, 2007						
Block	Lot	Name & Address	Bid Amount	Deposit	10% Fee	Amount Due
2702	10	Bernice Cribbin 32 Landing Rd. Hewitt, NJ 07421	2,500.00	250.00	250.00	2,500.00
2710	7	Glenn Wagner 17 Flanders Rd. Hewitt, NJ 07421	2,000.00	200.00	200.00	2,000.00
7305	1	Ronald C. Wilder 42 Terrace Rd. West Milford, NJ 07480	100.00	110.00	10.00	0.00
7306	1	Joan E. O'Daly 7 Terrace Rd. West Milford, NJ 07480	1,600.00	160.00	160.00	1,600.00
7306	2	Joan E. O'Daly 7 Terrace Rd. West Milford, NJ 07480	1,700.00	170.00	170.00	1,700.00
8201	21	Paul Vanderveen 1855 Macopin Rd. West Milford, NJ 07480	2,100.00	210.00	210.00	2,100.00
13812	14	Mari-Jean S. Husted 248 Germantown Rd. West Milford, NJ 07480	1,000.00	100.00	100.00	1,000.00

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

Agenda No. IX

~ Resolution 2007-101 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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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.	\$ 494,751.72
2	Reserve Account	64,668.36
3	Animal Control Trust	289.25
6	Capital.	99,049.09
7	Grants.	850.27
8	Refuse.	169,507.62
9	Refunds.	
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	1,250.00
18	Development Escrow.	2,827.00
19	LOSAP	
20	Special Reserve	
	Total	\$ 833,193.31
	Less Refund Resolution	
	Actual Bill List	\$ 833,193.31
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$ 833,193.31

Adopted: March 14, 2007

Discussion: Councilman Nolan asked the Administrator to explain, for the benefit of the public, the payment being made to the New Jersey Municipal Employee Benefits Fund. Administrator Kunze advised that this payment covers dental insurance premiums for current and retired employees. Councilman Nolan noted that there is a payment to the State of New Jersey which is to pay for a stormwater management fee. He noted that we get state aid but must return the funds to a different state department.

Moved: Weisbecker Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained from the Valley Health payment.
 Motion carried.

Items For Discussion

The Township Council discussed the following items:

1)	Highlands Master Plan Comments – Administrator Kunze advised that Council has reviewed the draft resolution and they have provided comments to the Township Attorney. Councilman Nolan advised that he has additional comments that originated from Ella Phillipone of the Greenwood Lake Bi-State Commission. He asked that the language pertaining to a surcharge or tax relief be such that it would guarantee funding and that the funding would increase with inflation. Mayor DiDonato expressed interest in a guaranteed inflation-indexed source of funding and Councilman Nolan stated that most of his comments have been included in the draft before Council tonight. Councilman Warden read the comments from the Bi-State Commission and noted that they are relevant. Mayor DiDonato concurred but offered that the commission might be better served and serve the community better by drafting a separate resolution to focus on the issues they are presenting. He stated that too many comments may dilute the Council's priorities. Councilman Warden agreed and he offered to speak with the commission in that regard.
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	<p>The Council discussed several items included in the resolution and agreed that the document must contain accurate information and not be comprised of political rhetoric. Councilman Nolan had requested inclusion of a paragraph pertaining to the MUA letter that appeared to have credence with the Highlands Council. Mayor DiDonato noted that it may be unseemly to attack another authority in this resolution noting that the MUA is a separate entity under the DEP and does not speak for the Township. He urged the Council to keep the tone of the resolution positive. Councilman Warden expressed concern because he stated, the MUA has an agenda to bring development into town which is contrary to the goals of the Council. Mayor DiDonato recommended seeking clarification from the Highlands Council. If they indicate there is consideration of a sewer plan in the future, the Council should state that they oppose such plans. The Council should say that West Milford does not want to see a Highlands Council regional master plan that includes an expanded sewer plan. The Mayor and Council instructed Mr. Semrau to remove the paragraph that addresses the MUA and insert a paragraph that addresses infrastructure to include statements about water and wastewater systems. The Council agreed that tax stabilization aid should be addressed in section 4 of the resolution. Mr. Semrau asked Council to provide him will all their comments by next Friday so that the final draft is ready for Council packets.</p>
2)	<p>Labor Counsel contract – Administrator Kunze advised that he has received proposals from various labor counsel firms and needs additional time to finish his review and contact the firms. He is recommending that the current contract with Mr. Knapp be extended through June and he will make a recommendation to Council before then. The Council concurred.</p>
3)	<p>Fee Ordinance – Administrator Kunze advised that he received recommendations from staff about fee increases which also includes revenue estimates. He provided an overview for Council and asked for consensus to have the ordinance introduced on March 28th. The council agreed. Councilman Nolan asked if the proposed increase for re-inspections is sufficient. Administrator Kunze explained how that fee was determined. In response to a question from Councilman Warden, Administrator Kunze advised that the animal shelter receives a stipend from the Township and not a percentage of the licensing fees collected.</p>
4)	<p>Hazardous Materials Cleanup Reimbursement ordinance – Mr. Semrau advised that this ordinance would allow for reimbursement to the Township for the costs associated with clean-up efforts when hazardous waste spills occur. Mayor DiDonato stated that he would like to see interest charged on late payments and reimbursement of collection fees if incurred by the Township for failure to pay. The Council agreed and instructed Mr. Semrau to amend the ordinance accordingly and gave consensus to proceed.</p>
5)	<p>Tax Foreclosure List #28 and #29 – Administrator Kunze asked if this discussion could be deferred to the next workshop meeting as the Tax Collector is away. Council agreed.</p>
6)	<p>Community Forestry Tree Planting Plan – Administrator Kunze advised that this information came from the environmental commission who met with the North Jersey District Water Supply Commission. The commission is required to do a community reforestation project. There will be no cost to the Township and tree will be used as part of West Milford's streetscape project. The Council gave consent to have a letter of support sent out.</p>
7)	<p>Transfer of Info-COP Software Licenses – Administrator Kunze directed the Council to a memo from Chief Costello outlining the specifics of this agreement. These licenses are no longer used in West Milford but will benefit two other communities who are willing to pay West Milford \$250 for each license. West Milford can assign the rights and agreements will be executed. The Council gave consent to proceed.</p>
8)	<p>Transfer Resolution – Administrator Kunze reviewed the details of the proposed transfer noting that most of the money is being applied to gas and diesel. He noted that, by law, transfers cannot be made after March. The Council gave consent to proceed.</p>
9)	<p>Extend Temporary Budget – Administrator Kunze noted that, as deliberations of the 2007 municipal budget continue, the temporary budget must be extended before the end of March. Councilman Nolan questioned the appropriation for snow removal to which the Administrator replied that there have been expenditures with the recent storms. The numbers in the temporary budget are generally based on a percentage of the previous year's budget. Councilmen Nolan and Warden expressed concern about extending the temporary budget through the end of June noting that any budget cuts would have less of an impact because of such action. Mayor DiDonato noted that the temporary budget does not set a rate of spending. Councilman Nolan noted that the Council has yet to receive information requested at the last budget meeting and the Township did not obtain quotes for outsourcing planning. Noting that the Republicans have the votes, he said they should do as they please. Councilman Warden stated that going month to month puts pressure on the Administrator to get a budget to Council sooner rather than later. Councilman Nolan agreed stating that the CFO can do his job and prepare a temporary budget on a monthly basis. Mayor DiDonato stated that the Council is moving at a swift pace with this year's budget and he thanked Administrator Kunze and Township staff for their work. He polled the Council and the majority agreed to extend the temporary budget through the end of June.</p>
10)	<p>Artificial Turf Field – Grant Proposal from BOE – Administrator Kunze distributed a letter</p>

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from the Board of Education (BOE) proposing a joint application for a SHARE grant for a turf field at the high school. Mayor DiDonato reminded the Council that, at this time, the council has not received a response from the BOE to the list of questions provided to them. The feasibility study, part of the grant process, would require a 10% contribution from the Township. Councilman Nolan questioned if this should be a ballot question in November noting that previously similar endeavors were voted down at the school board elections. Councilman Smolinski noted that the voters have voted similar questions down on two separate occasions. Councilman Schimmenti stated that the Township should endeavor to obtain grant funds for such a project thus avoiding a tax impact to residents. However, he cautioned that such an application should not negatively impact any other grant applications being made. Mayor DiDonato asked the Administrator to obtain clarification about the SHARE program/grant. The Council instructed him to contact the BOE and advise that the Council is awaiting their response to the questions previously posed.

Reports

Councilman Weisbecker directed the Council to the 2003 report on Warwick Turnpike which, he said, addresses some of the questions posed during the budget process this year. He asked that the Administrator schedule discussion of off-site meetings at the next workshop. He also suggested that, in light of the mild winter we had this year, the Council may want to discuss the possibility of a drought this year and taking precautionary measures if such a drought should occur.

Councilman Smolinski asked everyone to watch for the Highlander band at the Saint Patrick's Day Parade in New York City this coming Saturday. He encouraged residents who are not venturing to the city to come out to the rally on the Highlands master plan noting that this rally is indicative of the community spirit in West Milford.

Councilman Schimmenti thanked the Beautification & Recycling committee for a job well done with their research into curbside collection of recyclables. He commended Township staff for their hard work on this project. He noted that many people outside West Milford do not understand our concerns about the Highlands master plan and encouraged everyone to attend Saturday's rally.

Councilman Nolan stated that a constituent has asked about the status of the telephone poles for banners on Union Valley Road. Administrator Kunze advised that the poles would cost approximately \$4,000. Councilman Nolan thanked his fellow-Councilmen and Mayor DiDonato for their work on comments to the Highlands Council. He applauded Councilman James Warden who has been nominated for an Emmy for his work on the soap Guiding Light. He noted that Councilman Warden has already won two Emmys.

Councilman Scangarello thanked Passaic County for their work educating our youth about tobacco abuse. He recently attended a CASA meeting where this topic was discussed and the effort continues. Noting that it is time to begin preparation for the annual Autumn Lights Festival, he advised that the volunteer organizer, Laurie Ardis, is seeking volunteers.

Township Attorney Fred Semrau reminded everyone that those Councilmen who speak at the rally on Saturday will be speaking as West Milford residents, not in their official capacity of Councilmen. He stated that he has submitted additional papers to oppose extended testing on Eagle Ridge. He continues to work on a fee ordinance with the Clerk. He reviewed the items to be discussed in executive session this evening.

Township Clerk, Antoinette Battaglia, advised that some entries for volunteer of the year were received late. She asked if the Council would like these nominees included in the list for consideration. The Council instructed her to include these names on the list of candidates.

Executive Session

Agenda No. XII

~ Resolution 2007-102 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 14th day of March, 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- () 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.
 - Martin O'Shea v. Township of West Milford – Docket # PAS-L-00681-07
- () 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: March 14, 2007

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

The Council went into Executive Session 9:48 p.m.

The Council reconvened in public session at 11:00 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 11:02 p.m.

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

Approved: May 2, 2007

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK