
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: April 11, 2007
Time of Meeting: 7:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

Adequate Notice Statement

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular 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, Carmelo Scangarello.
Mayor DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia and from the Township Attorney's office, Dominic DiYanni.

Reading of or Approval of Unapproved Minutes

None.

Presentation

None.

Proclamations

None.

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Resolution 2007-122 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A RELEASE AND AGREEMENT WITH THE TOWNSHIP'S HEALTH OFFICER, KENNETH HAWKSWELL

WHEREAS, Kenneth Hawkswell, the Health Officer of the Township of West Milford has expressed a desire to retire his employment effective December 31, 2007, and has so advised Administration of this fact;

WHEREAS, in order to accomplish an orderly transition and assist the Township in obtaining the services of a qualified replacement, Kenneth Hawkswell has provided Administration with advance notice of his intent to retire, and has further agreed that his intention to retire effective December 31, 2007, be and is final and irrevocable; and

WHEREAS, the Administration and Kenneth Hawkswell have agreed upon a Release and Agreement resolving all outstanding issues that may exist with respect to Kenneth Hawkswell's employment with the Township, a copy of which is attached hereto as Exhibit 'A'.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Administrator is hereby authorized to execute the Release and Agreement with Kenneth Hawkswell, the Township's Health Officer, attached hereto as Exhibit 'A'.

BE IT FURTHER RESOLVED, that the Township's Labor Counsel is authorized to execute the appropriate documents to effectuate this retirement.

Adopted: April 11, 2007

Discussion: Administrator Kunze advised that Labor Counsel drafted the resolution and associated documents with input from the Township Attorney.

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

Agenda No. IV 2

~ Ordinance 2007-003 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges;

JOB TITLE MINIMUM MAXIMUM

Department and Office Heads

Township Administrator	\$70,000	\$144,000
Director of Public Safety (Police Chief)	\$70,000	\$137,000
Township Engineer	\$65,000	\$132,000
Planning Director	\$65,000	\$126,000
Chief Financial Officer (Treasurer)	\$55,000	\$103,000
Township Clerk	\$55,000	\$ 95,000
Director of Parks & Recreation	\$55,000	\$ 95,000
Court Administrator	\$45,000	\$ 85,000
Health Officer (2005)	\$50,000	\$ 87,685
Health Officer (2006)	\$50,000	\$ 91,193
Health Officer (2007)	\$50,000	\$ 95,296
Health Officer (2008)	\$50,000	\$ 99,585
Health Officer (2009)	\$50,000	\$104,066

Division Heads

Tax Assessor	\$50,000	\$101,000
Tax Collector	\$50,000	\$ 93,500
Director of Public Works	\$55,000	\$101,000
Construction Official	\$45,000	\$ 91,000
Fire Commissioner	\$3,000	\$ 6,500

Confidential and Unaffiliated Employees

Data Processing Coordinator	\$35,000	\$75,000
Personnel Coordinator	\$35,000	\$75,000
Administrative Analyst	\$45,000	\$75,000
Chief Custodian	\$25,000	\$65,000
Judge	\$15,000	\$35,000
Prosecutor	\$10,000	\$27,000
Fire Marshal	\$ 3,000	\$ 7,000
Emergency Management Coordinator	\$ 3,000	\$ 7,000
Telecommunications Systems Analyst	\$ 2,500	\$ 5,500
Deputy Fire Commissioner	\$ 1,500	\$ 5,000
Veteran Officer	\$ 500	\$ 1,500
Secretary Bd./Comm. P/T (A) – General	\$130 per mtg.	\$200 per mtg
Secretary Bd./Comm. P/T (B) – Zoning Bd.	\$250 per mtg.	\$500 per mtg
Deputy Registrar	\$ 3,000	\$ 6,000
Alternate Deputy Registrar	\$ 1,000	\$ 3,000

1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.

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2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild and the Township of West Milford and any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head, in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. This Ordinance is effective retroactive to January 1, 2005.

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Mayor DiDonato advised that this ordinance was introduced on March 7, 2007. In accordance with the notice published, a public hearing was held on March 28, 2007 at which time the Council tabled action to this meeting. He opened the meeting to the public to speak on this matter only.

There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Scangarello, to close this public portion of the meeting. Approved by unanimous roll call vote.

Discussion: Councilman Nolan, noting that the salary for the Health Officer is outlined year by year in this ordinance, asked if the ordinance should be amended to ensure that a new Health Officer is not hired at this rate. Administrator Kunze advised that he intends to approach the Council on this subject when interviewing for this position in the fall. Additionally, the range begins at \$50,000. Councilman Nolan stated that he is uncomfortable with other positions in this ordinance and his displeasure will be reflected in his vote.

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

Agenda No. IV 3

~ Ordinance 2007-009 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RIGHT-OF-WAY DEDICATIONS FOR A PORTION OF BLOCK 16504, LOT 4

WHEREAS, CEFES Financial, Inc., is the owner of certain real property located in the Township of West Milford, County of Passaic, State of New Jersey, designated as Block 16504, Lot 4 on the official Tax Map of the Township of West Milford; and

WHEREAS, CEFES Financial, Inc., was required to provide a right of way dedications to the Township of West Milford pursuant to a condition of approval from the Township Zoning Board of Adjustment; and

WHEREAS, CEFES Financial, Inc. has dedicated a portion of Block 16504, Lot 4, also known as Apple Tree Lane/Dan Jennings Road/Bonter Road, West Milford, New Jersey, for roadway purposes to the Township of West Milford by Deed; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said right of way pursuant to the Resolution of the Zoning Board of Adjustment; and

WHEREAS, the Zoning Board of Adjustment Engineer and the Township Attorney have reviewed and approved the Deeds of Dedication; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedications of the within rights of way as set forth herein for the benefit of the Township of West Milford and the public in general.

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NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, as follows:

1. That the three Deeds of Roadway Dedication for a portion of Block 16504, Lot 4, also known as Apple Tree Lane/Dan Jennings Road/Bonter Road, West Milford, New Jersey, said legal descriptions attached hereto and incorporated herein by reference, be accepted by the Township of West Milford.
2. The Township Attorney is authorized and directed to accept the Deeds of Dedication and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that this ordinance was introduced on March 28, 2007 and published in the Herald News on April 1, 2007. He opened the meeting to the public to speak to this issue only.

Jim Novack, Mount Laurel, West Milford stated that this action will benefit a private company who wishes to erect McMansions in that area of town. Administrator Kunze advised that this action is required as a condition of the planning board approval.

There being no further comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Nolan, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. IV 4

~ Ordinance 2007-010 ~

AN ORDINANCE SUPPLEMENTING SECTION FIVE (GENERAL REGULATIONS), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 5.27, ENTITLED HAZARDOUS MATERIALS

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

SECTION 1. Chapter 5, General Regulations, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 5.27, "Hazardous Materials" to read as follows:

§ 5.27.1 Purpose.

The purpose of this chapter is to provide for the replacement and/or reimbursement of specialized and sometimes disposable equipment required by state and federal law to be available in the Township of West Milford in order to cleanup a discharge, leak, spill or release of hazardous materials. This chapter shall also entitle the Township of West Milford to reimbursement for labor costs incurred in any such cleanup process.

§ 5.27.2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

COLLECTING AGENCY — The Township of West Milford.

DISCHARGE — Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or pumping of hazardous substances into any waters which flow within the jurisdiction of the Township or any land within the jurisdiction of this Township or into the waters or land outside the jurisdiction of the Township when damage may result to the people, lands, waters, or natural resources within the jurisdiction of the Township.

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EXPENDABLE ITEMS — Any items used to extinguish or prevent any hazardous material or fire or stop or contain any leak, release or spill involving any hazardous material which cannot be reused or replenished without cost after that particular incident. These expendable items include, but are not limited to, fire-fighting foam, chemical extinguishing agents, absorbent materials, sand, recovery drums, and any protective equipment and clothing, to include but not be restricted to chemical protective suits, gloves, boots, goggles and any other item owned or controlled by the Township of Howell or owned or controlled by any volunteer organization or other municipal organizations rendering assistance.

HAZARDOUS MATERIALS — Any material, solid, liquid or gas, listed as a hazardous substance or material, including but not necessarily limited to the NFPA Guide of Hazardous Materials, the Department of Transportation Guide Book, the list of hazardous substances and toxic pollutants designated by the Federal Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection pursuant to Section 311 of the Federal Water Pollution Control Act, Amendment of 1972, as amended by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the list of toxic pollutants designated by Congress or the EPA pursuant to Section 307 of the Federal Water Pollution Control Act, and hospital or medical waste, including but not limited to syringes, bandages and discarded pharmaceutical products and any material warranting removal or cleanup in the opinion of the West Milford Township Office of the Fire Marshal.

TOWNSHIP — Includes the Township of West Milford's employees, agents, officers, officials and supporting units as directed by the Township Fire Marshal.

VEHICLE — Any motorized equipment, registered or unregistered, including but not limited to a passenger car, motorcycle, truck, tractor trailer, construction equipment, farm machinery, watercraft, aircraft, and trains.

VESSEL — Any container, drum, box, cylinder, bottle or tank used to hold, contain, carry or store any hazardous materials, whether or not said container was manufactured for the containment of hazardous material.

VOLUNTEER ORGANIZATION — Any duly incorporated volunteer fire, ambulance, first aid, emergency or rescue company or squad.

§ 5.27.3 Reimbursement of costs to Township.

- A. Costs incurred by the Township of West Milford for the following items in connection with the suppressing, control or cleanup of a fire, leakage or spillage involving any hazardous materials shall be reimbursed to the Township of West Milford by the responsible parties as set forth in § 5.27.5 below:
 - 1. The cost of replacement of expendable items.
 - 2. The expenses incurred by the Township for the wages (regular and/or overtime) paid to its employees/agents, as a result of a hazardous material incident.
 - 3. Any and all medical costs incurred by responding personnel.
 - 4. Any and all environmental tests required to ensure a hazard-free environment (soil-water-air).
 - 5. A fixed hourly rate for the use of apparatus at incidents computed at the rate of \$100 for use of a ladder truck and \$50 for use of any other vehicles.
 - 6. Services rendered by any recovery company, towing company or other technical assistance called for by the Fire Department to handle such incidents.
- B. This article also provides a penalty for the violation of the article for either committing a spill or for failure to report the same.

§ 5.27.4 Discharge prohibited; notice; liability for costs.

- A. The discharge of hazardous substances is prohibited within the Township. This article shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a federal or state permit.
- B. Any person who may be subject to liability for a discharge or who becomes aware of a discharge which occurred prior to or after the effective date of this article shall immediately notify the Township of West Milford's Fire Marshal during normal business hours or through the West Milford Township Police Department after business hours.
- C. Whenever any hazardous substance is discharged, the Township may, in its discretion, act to remove or arrange for the removal of such discharge.

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- D. Any person who has discharged a hazardous substance or who has failed to report a discharge or who is in any way responsible for any hazardous substance which has been or shall be removed by the Township shall be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs and shall be liable for the costs associated with the use of Township or volunteer organization vehicles, expendable items and equipment and for the wages (regular and overtime) paid to Township employees, agents, and servants and those persons from local municipalities who render non-volunteer services as a result of an incident involving a hazardous material fire or leak, release or spill of a hazardous material and for the costs of medical and hospital treatment for injuries incurred by agents, servants and employees of the Township of West Milford as well as those persons who render voluntary service as part of a volunteer organization and/or those persons who render non-voluntary service for the Township of West Milford as a result of the incident.

§ 5.27.5 Parties responsible.

Reimbursement to the Township for expendable items used shall be made by the owner or operator of the vehicle responsible for any hazardous material fire or leak or spill of hazardous material; the owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence; the owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence; and any person responsible for any hazardous material fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence.

§ 5.27.6. Reimbursement for services.

Any person causing any hazardous material fire or leak, spill or release involving a hazardous material must provide reimbursement for services rendered by any recovery company, towing company or any other technical assistance called for by the Township to handle such incident as expressed in § 5.27.3 above. In the event of a vehicle having been responsible for an incident, such vehicle shall be impounded until such time as it has been deemed safe to proceed by the responsible official in conjunction and cooperation with the Township of West Milford and until such time arrangements have been made to reimburse the Township and the towing company for their expenditures under the terms of this article.

§ 5.27.7. Period for payment.

The person or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Township the full price of expendable items and costs used to extinguish such fire, or to stop or contain such leak, or to control such spill, within thirty (30) days after receipt of a bill therefor. In the event the person or entity responsible does not reimburse the Township within thirty (30) days, the Township shall have the right to charge interest at the then applicable rate and to initiate a collection action against such person or entity, costs of such collection action to be the sole responsibility of such person or entity. The collections agency shall utilize its best efforts to collect costs hereunder and shall reimburse its agents or the local units for amounts collected. In the event that the collection agency is not able to collect said costs or only a portion thereof, the collection agency shall not be responsible to its agents or the local units for the full amount of the same.

§ 5.27.8. Violations and penalties.

The person or entity responsible for any fire, leak or spill of hazardous material who or which fails to reimburse the Township within the time required shall be subject to a fine of not less than \$300 nor more than \$500 per day or to imprisonment for a period of not more than six months, or both. The person or entity responsible for committing a spill, or who or which fails to report the same, will be liable for the same penalties as aforesaid stated.

§ 5.27.9. Enforcement.

The provisions of this chapter shall be enforced by the Township of West Milford Fire Marshal, Police Department, Fire Prevention Bureau or any other official designated by the Mayor and Township Council.

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mayor DiDonato advised that this ordinance was introduced on March 28, 2007 and published in the Herald News on April 1, 2007. He opened the meeting to the public to speak to this issue only.

Jim Novack, Mount Laurel, West Milford stated that railroad companies have historically believed that they do not have to listen to local authorities. If there is a hazardous waste spill in West Milford where there is a need to evacuate and cleanup, he asked if the Township will be reimbursed by the railroads.

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

Discussion: Administrator Kunze advised that the Fire Marshall requested that the Council adopt this ordinance. Mayor DiDonato advised that this ordinance gives the Township authority it currently does not have.

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

Public Comments

Mayor DiDonato opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

Jim Novack, Larchmont Drive, West Milford stated that the re-inspection fee in the proposed fee ordinance is scheduled to increase to \$15-\$25. This, he said, does not cover the cost for these re-inspections. He stated that the salary ordinance moves people up too high too fast. He encouraged the Council to renegotiate the contracts.

There being no more speakers, the Council closed the public portion of the meeting.

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

Council Comments

Administrator Kunze noted that the proposed re-inspection fee is \$30 and is based on a cost analysis conducted by the fire department.

New Business, Introduction of Ordinances, Resolutions

Mayor DiDonato noted that Mr. Cerullo from the Auditor's office is in attendance tonight. He asked for Council consent to move certain items in the agenda forward so that Mr. Cerullo can address the Council on these subjects. The Council agreed.

Agenda No. VII 5

~ Ordinance 2007-014 ~

CALENDAR YEAR 2007

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, The Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

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WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township council hereby determines that a 1.0% increase in the budget for said year, amounting to \$207,051.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, The Township Council hereby determines that any amount authorized hereinabove that it is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, BY THE Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$724,680.01, and that the CY 2007 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for May 2, 2007.

Discussion: Administrator Kunze advised that the CAP bank ordinance resulted from changes at the state level a few years ago when the State of New Jersey set a 2.5% CAP on certain items. By adopting this ordinance, the Township can increase this to 3.5% in appropriations if necessary. Mr. Cerullo advised that this is sound fiscal planning because it provides for unforeseen circumstances. It provides the means to increase appropriations. This year's budget is under the State CAP. Councilman Nolan asked what affect, if any, this has on the tax rate to which Mr. Cerullo answered that there is no impact on the tax rate. Councilman Nolan expressed concern that the council is approving this 1% for unforeseen circumstances in next year's budget. Mr. Cerullo advised that, if unforeseen circumstances were to occur, by law the township would be able to pay those expenses because this ordinance is in place. This does not affect the surplus or the bond rating.

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

Agenda No. VII 15

~ Resolution 2007-133 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts; and

WHEREAS, the governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the following Deferred School Taxes be hereby increased for the year ended December 31, 2006 as follows:

	<u>Deferred Local School Taxes</u>
Amount Deferred 12/31/2006	\$ 21,672,538.50
Amount Deferred 12/31/2005	<u>\$ 20,606,833.00</u>
	<u>\$ 1,065,705.50</u>

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BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Discussion: Mr. Cerullo advised that the Division of Local Government Services (DLGS) requires the municipality to adopt this resolution. Whenever the school tax levy increases, it affects the municipal surplus. The DLGS wants the governing body to be aware that this is happening and affecting the surplus.

Adopted: April 11, 2007

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

Agenda No. VII 16

~ Resolution 2007-140 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2007 MUNICIPAL BUDGET AND THE 2007 SOLID WASTE BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2007;

BE IT FURTHER RESOLVED, that said Budget be published in the Herald News in the issue of April 15, 2007;

BE IT FURTHER RESOLVED, that the Governing Body of the Township of West Milford does hereby approve the following as the Budget for the year 2007;

REVENUE AND APPROPRIATION SUMMARIES

<u>Summary of Revenues</u>	<u>Anticipated</u>	
	<u>2007</u>	<u>2006</u>
1. Surplus	2,050,000.00	3,895,000.00
2. Total Miscellaneous Revenues	8,831,486.00	7,154,336.38
3. Receipts from Delinquent Taxes	770,000.00	767,023.84
4. a) Local Tax for Municipal Purposes	16,516,724.00	15,548,751.00
b) Addition to Local District School Tax		
Total Amount to be Raised by Taxes for Support of Municipal Budget	16,516,724.00	15,548,751.00
TOTAL GENERAL REVENUES	28,168,210.00	27,365,111.22

<u>Summary of Appropriations</u>	<u>2007 Budget</u>	<u>Final 2006 Budget</u>
1. Operating Expenses: Salaries & Wages	12,542,416.00	12,098,756.00
Other Expenses	10,548,917.00	10,443,284.22
2. Deferred Charges & Other Appropriations	764,003.00	747,598.00
3. Capital Improvements	506,874.00	325,475.00
4. Debt Service (Include for School Purposes)	2,036,000.00	1,991,000.00
Reserve for Uncollected Taxes	1,770,000.00	1,758,998.00
TOTAL GENERAL APPROPRIATIONS	28,168,210.00	27,365,111.22
Total Number of Employees	196	196

2007 SOLID WASTE COLLECTION DISTRICT BUDGET

<u>Summary of Revenues</u>	<u>Anticipated</u>	
	<u>2007</u>	<u>2006</u>
1. Surplus		238,104.00
2. Total Miscellaneous Revenues	2,230,709.00	30,709.00
3. Amount to be Raised by Taxation	2,468,291.00	2,294,096.00
TOTAL REVENUES	2,699,000.00	2,562,909.00

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copy to be filed with the New Jersey Public Employment Relations Commission in accordance with the provisions of R.S. 34:13A-1 et seq., subject to adoption of the related salary ordinance.

This Resolution shall take effect immediately.

Adopted: April 11, 2007

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

Agenda No. VII 2

~ Ordinance 2007-011 ~

**AN ORDINANCE CONCERNING SALARIES AND COMPENSATION
FOR THE TOWNSHIP OF WEST MILFORD AND THE
MUNICIPAL EMPLOYEES AFSCME UNION**

WHEREAS, by virtue of Resolution #2007-123, the Township of West Milford Mayor and Council authorized the execution of a contract with the AFSCME Union for the years January 1, 2005 through December 31, 2009.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, Officers and Employees shall be classified by job title with the corresponding pay ranges set forth as follows:

1. The appropriate job title and salary grade shall be as indicated on Schedule A and Schedule B of the Agreement between West Milford Municipal Employees AFSCME Union and West Milford Township for the years January 1, 2005 through December 31, 2009. (The Agreement is on file with the Township Clerk and available for public inspection.)
2. The appropriate salary ranges for each corresponding salary grade is set forth on Schedule D for 2005 through 2009 from the West Milford Municipal Employees AFSCME and West Milford Township for the years January 1, 2005 through December 31, 2009.
3. The AFSCME employees shall be compensated and receive benefits within the aforementioned Salary Range and according to the provisions of the current Agreement between West Milford Municipal Employees AFSCME and West Milford Township for the years January 1, 2005 through December 31, 2009.
4. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to such extent as they are in conflict or inconsistency.
5. This Ordinance shall take effect 20 days after its final passage by the Township Council.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for the Regular Meeting of the Township Council scheduled for May 2, 2007.

Discussion: Councilman Scangarello asked why the ordinance does not become effective for twenty days. Administrator Kunze replied that this provision is statutory.

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

Agenda No. VII 3

~ Ordinance 2007-012 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEDICATION OF A
DRAINAGE EASEMENT FROM VINCENT LANZA AS FURTHER DESCRIBED HEREIN AND
PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE**

WHEREAS, the Township of West Milford intends to accept a storm drain outfall pipe constructed on the property known as Block 1811 Lot 5, connected to a Township drain on Cedarbrook Road, which would require a drainage easement from the owner of said property; and

WHEREAS, the Township Engineer advises that a twenty (20) foot wide easement is necessary for proper drainage and free flow of storm water over the aforesaid property; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said drainage easement; and

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WHEREAS, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the right to access and encroach upon said easement with the owner bearing the responsibility to maintain said easement in good, clean and structurally sound manner; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedication of the within drainage easement as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The drainage easement set forth in the attached easement of dedication, being part of Block 1811 Lot 5, is hereby accepted as and for a public drainage easement.
2. The Township Attorney is authorized and directed to accept the Drainage Easement and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
6. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for the Regular Meeting of the Township Council scheduled for May 2, 2007.

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

Agenda No. VII 4

~ Ordinance 2007-013 ~

AN ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of West Milford are hereby amended and established to read as follows:

SECTION	SERVICE	FEE
ADMINISTRATION		
2-30.2(A)	Fee for CD's (NEW)	\$5.00
CLERK'S OFFICE		
6.2.3	Peddlers, Hawkers & Vendors	\$100.00
6.3.3	Canvassers & Solicitors	\$100.00
6.5.4	Firearms Range	\$250.00
6.7.3	Junkyard & Recycling Centers	\$500.00
6.10.3	Garage Sales	\$10.00
7.3.4	Liquor Licenses	\$500.00
7.3.4	Transfer Fee (Liquor License) (NEW) (Per ABC)	\$50.00
7.3.4	Liquor License (Club License)	\$150.00
7.3.4	Transfer Fee (Liquor License- Club License) (NEW) (Per ABC)	\$15.00
9.4.2	Taxicabs & Limousines (owners licenses)	\$50.00
9.5.1	Taxicabs & Limousines (drivers licenses)	\$40.00
HEALTH		
8.2.3(A)	Dog License (neutered)*	\$10.00*
8.2.3(A)	Dog License (un-neutered)*	\$20.00*
8.2.3(A)	Cat License (neutered)	\$10.00
8.2.3(A)	Cat License (un-neutered) (NEW)	\$20.00
8.2.3(A)	Late Fee (Dogs and Cats)	\$8.00
8.2.3(C)	Replacement Tags (Dogs and Cats)	\$4.00
		* Dog License Increases Effective 1/1/08

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19.4.4(A)	Sewage (Soil Log: New Construction)	\$115.00
19.4.4(A)	Sewage (Soil Log: Alteration)	\$85.00
19.4.4(B)	Sewage (Plan Review: New Construction)	\$230.00
19.4.4(B)	Sewage (Plan Review: Alteration)	\$175.00
19.4.4(C)	Sewage (Plan Revision: New Construction)	\$85.00
19.4.4(D)	Sewage (Installation Permit: New Construction)	\$175.00
19.4.4(D)	Sewage (Installation Permit: Alteration)	\$175.00
19.4.4(E)	Sewage (Installation Permit: Repair)	\$85.00
19.4.4(G)	Sewage (Installers License)	\$115.00
19.4.4(G)	Sewage (Renewal of Installation Permits)	\$60.00
24.2.3(2)	Public Health (Female Cancer Screening Program)	\$40.00
24.2.3(9)	Public Health (MMR Vaccine)	\$47.00
24.2.3(14)	Public Health (Hepatitis A) (NEW)	\$20.00
24.2.3(15)	Public Health (TD/ Pertussis) (NEW)	\$35.00
FIRE		
11.7(C)	Re-Inspection Fee	\$30.00
BUILDING		
	New Construction Fee- (per cubic foot)	\$.036
12.2.1(A)(1)	New Construction Fee-(minimum)	\$1,500.00
12.2.1(A)(1)(a)	Use Group U-(minimum fee)	\$100.00
12.2.1(A)(1)(b)	Use Groups U, S1, S2- (per cubic foot)	\$.036
12.2.1(A)(1)(b)	Use Groups U, S1, S2- (minimum)	\$100.00
12.2.1(A)(1)(c)	Use Group S1 and S2 for commercial-(per cubic foot)	\$.036
12.2.1(A)(1)(d)	Residential Roof- (flat fee)	\$70.00
12.2.1(A)(1)(e)	Residential Siding- (flat fee)	\$70.00
12.2.1(A)(2)	Renovations, Alterations & Repairs or Minor Work	\$30.00 per \$1,000.00 provided that the minimum fee shall be \$70.00
12.2.1(A)(3)	Additions for all Use Groups- (per cubic foot)	\$.036
12.2.1(A)(6)	Residential Elevators, Dumb Waiter or Hoists in R-3 or R-4 Use Group	\$70.00
12.2.1(A)(7)	Structures of Temporary Uses	\$70.00
12.2.1(A)(8)	Asbestos Abatement	\$70.00
12.2.1(A)(9)	Lead Hazard	\$70.00
12.2.1(A)(10)	Application for Variation	\$150.00
12.2.1(A)(11)(a)	Retaining Walls	\$30.00 per \$1,000.00 provided that the minimum fee shall be \$70.00
12.2.1(A)(13)(b)	Demolition of all Flammable or Combustible Storage Tanks	\$80.00
12.2.1(A)(14)	Permit to Construct a Sign- (minimum)	\$70.00
12.2.1(A)(15)(a)	Certificate of Continual Occupancy	\$200.00
12.2.1(A)(15)(a)	Fee for Letter Request that No Certificate of Continual of Occupancy is Required	\$20.00
12.2.1(A)(15)(e)	Renewal of Certificate of Occupancy	\$100.00
12.2.1(B)(1)	Plumbing Subcode Fees (per fixture, piece of equipment or appliance)	\$30.00
12.2.1(B)(2)	Plumbing Subcode Fees (per special device)	\$80.00
12.2.1(B)(3)	Plumbing Subcode Fees- (minimum)	\$70.00
12.2.1(C)(1)(a)	Electrical Subcode Fees (first 25 fixtures)	\$70.00
12.2.1(C)(1)(b)	Electrical Subcode Fees (each additional 25 fixtures)	\$30.00
12.2.1(C)(2)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$30.00
12.2.1(C)(3)	Electrical Subcode Fees (each electrical	\$70.00

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	device, motor, transformer or generator)	
12.2.1(C)(4)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$130.00
12.2.1(C)(5)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$600.00
12.2.1(C)(6)	Annual Electrical Inspection of Swimming Pools, Spas or Hot Tubs	\$70.00
12.2.1(C)(7)	Pool Bonding Inspection- (flat fee)	\$70.00
12.2.1(C)(8)	Electrical Subcode Fees- (minimum)	\$70.00
12.2.1(D)	Fire Subcode Fees (Alarm/Supervisory/Signaling- 1-6)	\$70.00
12.2.1(D)	Fire Subcode Fees (Alarm/Supervisory/Signaling- each additional five)	\$20.00
12.2.1(D)(2)(a)	Fire Subcode Fees-(1-20 Sprinkler Heads)	\$80.00
12.2.1(D)(2)(b)	Fire Subcode Fees-(21-100 Sprinkler Heads)	\$140.00
12.2.1(D)(2)(c)	Fire Subcode Fees-(101-200 Sprinkler Heads)	\$260.00
12.2.1(D)(2)(d)	Fire Subcode Fees-(201-400 Sprinkler Heads)	\$640.00
12.2.1(D)(2)(e)	Fire Subcode Fees-(401-1,000 Sprinkler Heads)	\$950.00
12.2.1(D)(8)	Fire Subcode Fees- (Central Air Conditioning Unit or Ducts)	\$70.00
12.2.1(D)(11)(a)	Fire Subcode Fees- (Permit for Flammable or Combustible Storage Tank- 1-1,000 gallons)	\$80.00
12.2.1(D)(11)(b)	Fire Subcode Fees- (Permit for Flammable or Combustible Storage Tank- 1,001-3,000 gallons)	\$200.00
12.2.1(D)(12)	Fire Subcode Fees- (Solid Fuel Burning Appliance)	\$80.00
12.2.1(D)(13)	Fire Subcode Fees- (minimum)	\$70.00
12.2.1(E)	Change of Contractor	\$70.00
POLICE		
24.2.6 shall be established and entitled "Police Department Records"		
24.2.6(A)	Reports by Mail (NEW)	\$5.00
24.2.6(B)	Off-Site Fee	\$5.00
24.2.6(C)	Audio Tape Copy	\$5.00
24.2.6(D)	Video Tape Copy	\$5.00

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage and approval in accordance with law.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for the Regular Meeting of the Township Council scheduled for May 2, 2007.

Discussion: In response to Councilman Nolan’s query about the increased fees for cats, Administrator Kunze advised that he spoke with the Health Officer and the Animal Control Officer about these fees. The proposed increase will bring the dog and cat fees in line with each other.

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

Mayor DiDonato asked if Council had any objection to combining the vote on the resolutions and moving the remaining items as one. He followed by saying that each item has already been discussed at a previous workshop meeting. After discussion the Council agreed to move agenda items 6, 10, 11, 12, 13, and 14 as one. The remaining agenda items, 7, 8, and 9, for various reasons were moved individually.

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Agenda No. VII 6

~ Resolution 2007-124 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING OF A 2006 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Richard Kunze to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted: April 11, 2007

Agenda No. VII 10

~ Resolution 2007-128 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH STUART B. KLEPESCH TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #28)

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list #28; and

WHEREAS, Stuart B. Klepesch, has agreed to perform legal services for the Township in these matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 7-01-20-155-502; and

WHEREAS, Stuart B. Klepesch, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Stuart B. Klepesch from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Administrator be and is hereby authorized to execute a contract with Stuart B. Klepesch for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #28 in an amount not to exceed \$18,000.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. This contract shall expire on December 31, 2007.

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4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 11, 2007

Agenda No. VII 11

~ Resolution 2007-129 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH STUART B. KLEPESCH TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #29)

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list #29; and

WHEREAS, Stuart B. Klepesch, has agreed to perform legal services for the Township in these matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 7-01-20-155-502; and

WHEREAS, Stuart B. Klepesch, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Stuart B. Klepesch from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

5. The Township Administrator be and is hereby authorized to execute a contract with Stuart B. Klepesch for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #29 in an amount not to exceed \$7,000.
6. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
7. This contract shall expire on December 31, 2007.
8. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 11, 2007

Agenda No. VII 12

~ Resolution 2007-130 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CIVIL DYNAMICS INCORPORATED

WHEREAS, the Township of West Milford has determined that it is necessary to contract for the Rehabilitation of Westbrook Tennis Courts; and

WHEREAS, Civil Dynamics Incorporated has submitted a total proposal for all phases of this project not to exceed \$54,570.00; and

WHEREAS, said engineering services include design, permitting, construction, on-site oversight hours, on site inspection hours, project closeout hours, and meeting and support hours up to 90 calendar days; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for same, said funds to be encumbered from account number C-04-06-942-370; and

WHEREAS, Civil Dynamics Incorporated has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Civil Dynamics Incorporated from making any reportable contributions through the term of the contract.

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WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Township Administrator and Township Clerk to execute an agreement with Civil Dynamics Incorporated, 109A Route 515, Stockholm, NJ 07460 to conduct Engineering Services for the Rehabilitation of Westbrook Courts in an amount not to exceed \$54,570.00 in accordance the proposal submitted for same.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The total fee authorized for this contract shall not exceed \$54,570.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: April 11, 2007

Agenda No. VII 13

~ Resolution 2007-131 ~

RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST MILFORD TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A DAM RESTORATION LOAN FOR THE REHABILITATION AND REPAIRS OF THE PFEIFER DAM

WHEREAS, the Pfeifer Dam is located on Block 14112, Lot 1, commonly referred to as 225 Germantown Road in the Township of West Milford; and

WHEREAS, pursuant to the Dam Restoration Loan Program Rules, N.J.A.C. 7:24A, authorizes dam restoration funding; and

WHEREAS, the Pfeifer Dam has qualified for a Dam Restoration Loan in the amount of \$144,910 by the Department of Environmental Protection; and

WHEREAS, Wendel Pfeifer, the owner of the property, in accordance with the Dam Restoration Loan Program Rules, hereby requests that the Township co-sign the loan in the amount of \$144,910; and

WHEREAS, by co-signing the loan, the Township will assist in protecting not only the Pfeifer Dam, but surrounding properties within the community; and

WHEREAS, the property owner has presented sufficient collateral to the Township in order to insure that he will repay the loan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford that the Mayor is hereby authorized to co-sign the Dam Restoration Loan on behalf of the Township in the amount of \$144,910.

BE IT FURTHER RESOLVED that prior to signing the loan, the following documentation and conditions must be satisfied:

- A. An assessment ordinance must be adopted by the Mayor and Township Council authorizing the Township to assess any costs or fees in connection with the Pfeifer Dam restoration project.
- B. The Township shall have in its possession an Irrevocable Standby Letter of Credit in the amount of \$144,910. The Letter of Credit shall guarantee repayment of the loan. In the event the property owner is in default of repayment of the loan, the Township of West Milford may immediately draw on the Letter of Credit for the full amount.
- C. The property owner agrees to execute and indemnification and hold harmless agreement. In addition, the property owner shall reimburse the Township for any and all costs associated with this transaction.
- D. The property owner shall submit proof of insurance, as the responsible party for any and all liability relating to the project.
- E. All expenditures relevant to the loan shall be held in escrow in a joint account with the Township of West Milford. Any expenditures for the restoration must be submitted by way of voucher to the Township of West Milford, with appropriate documentation identifying that the expenditure is in connection with the Pfeifer Dam.

Adopted: April 11, 2007

Agenda No. VII 14

~ Resolution 2007-132 ~

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A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF A VEHICLE FROM THE COUNTY OF PASSAIC FOR POLICE USE

WHEREAS, the County of Passaic is in possession and no longer is in need of a particular police vehicle, VIN number XXXXX XXXXX X1642 07; and

WHEREAS, the County of Passaic has offered to donate this vehicle to the Township of West Milford for police use; and

WHEREAS, the Township of West Milford Police Department has a need for such a vehicle for police purposes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that it be and hereby authorizes the Chief of Police to accept the donation of the used vehicle with VIN number XXXXX XXXXX X1642 07 from the County of Passaic for its police use; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford, County of Passaic and State of New Jersey further authorizes the Township Administrator to sign any necessary transfer of title documents from the County of Passaic to the Township of West Milford; and

BE IT FURTHER RESOLVED that the Township of West Milford Administrator communicate to the County of Passaic of the Township's appreciation for the donation of used vehicle for police use.

This Resolution shall take effect immediately.

Adopted: April 11, 2007

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

Agenda No. VII 7

~ Resolution 2007-125 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY EXTENDING A MONTH-TO-MONTH CONTRACT WITH BLUE DIAMOND DISPOSAL, INC. FOR CURBSIDE COLLECTION OF RECYCLABLES

WHEREAS, the Township of Council of the Township of West Milford awarded a month-to-month contract to Blue Diamond Disposal, Inc. for Curbside Collection of Recyclables on December 27, 2006; and

WHEREAS, said contract is due to expire on April 30, 2007; and

WHEREAS, the Township has reviewed the Recycling Program in West Milford and has determined that it is in the best interests of the Township to seek competitive bids for these services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

WHEREAS, there remains a need for the continued operation of the recycling program throughout the Township of West Milford subsequent to the termination of the aforementioned contract and during the Township's bidding process, and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford, and

WHEREAS, Blue Diamond Disposal, Inc. has agreed to provide the same services on a month-to-month basis, and until such time as the Township's bidding process has ended and a new contract has been awarded, and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford, and

WHEREAS, encumbrances for these services shall come from account number 7-26-55-500-515 and the Chief Financial Officer has certified as to the availability of funds for same.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford the following:

1. The Township Council hereby extends its current month-to-month contract to Blue Diamond Disposal, Inc. in an amount not to exceed \$50,000.00 per month until the completion of the aforementioned review or until July 31, 2007, whichever occurs first, for curbside collection of recyclables.
2. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: April 11, 2007

Discussion: Councilman Nolan asked the Township Administrator to confirm that the Township will be seeking bids for this service between now and July 31st. Administrator Kunze answered in the affirmative and advised that the specifications will be structured to allow for bids for both two years and five years. Continuing the month-to-month contract, he said, will allow for the bidding process. Councilman Smolinski expressed hope that the Township will receive more bids than we have in the recent past.

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

Agenda No. VII 8

~ Resolution 2007-126 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF POCKET PLenary RETAIL CONSUMPTION LICENSE NO. 1615-33-015-007 FROM BANKRUPTCY TRUSTEE ROBERT B. WASSERMAN FOR COUNTRY GOURMET WINES LLC TO ANGELO JULIANO WITH NO SITED PREMISES

WHEREAS, an application has been received for a Person to Person transfer of a "Pocket" 2006 - 2007 Plenary Retail Consumption License No. 1615-33-015-007, having no sited premise, presently held by Bankruptcy Trustee Robert B. Wasserman for Country Gourmet Wines LLC to Angelo Juliano; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred as a "Pocket" license with the following conditions:

1. Any proposed premises must be inspected and approved by the Police Department before opening.
2. Food Handlers License must be current before issuance of License Certificate.
3. Certificate of Occupancy must be issued prior to opening.
4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer and hold the license certificate until activated per conditions referenced above.

Adopted: April 11, 2007

Discussion: Mr. DiYanni reminded Council that the applicant appeared before them last week and indicated that he was hoping to site this license at the former Watershed premises. Such a location would violate the Township's ordinance prohibiting the location of one licensed establishment within 2,500 feet of another. He noted, for the record, that Mr. Juliano acknowledged that he was so advised.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Agenda No. VII 9

~ Resolution 2007-127 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON-TO-PERSON TRANSFER OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-028-004 FROM RICHARD FARHAT LOCATED AT 350 WARWICK TURNPIKE, HEWITT, NEW JERSEY TO PIONEER BAR & GRILL, INC. FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of inactive 2006 - 2007 Plenary Retail Consumption License No. 1615-33-028-004 presently held by Richard Farhat at 350 Warwick Turnpike, Hewitt to Pioneer Bar & Grill, Inc. for premises at the same location; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred as inactive with the following conditions:

1. Subject to the memorialization of Final Site Plan approval scheduled for the Planning Board Meeting Agenda of April 12, 2007.
2. Food Handlers License must be current before issuance of License Certificate.
3. Premises must be inspected and approved by the Police Department before opening.
4. Certificate of Occupancy must be issued prior to opening.
5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer and hold the inactive license certificate until activated per conditions referenced above.

Adopted: April 11, 2007

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

Agenda No. VIII

~ Resolution 2007-134 ~

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 2007-114** – Refund MUA Overpayments
- b. **Resolution 2007-135** – Refund Recreation Fees

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Applications:

- a. **Application** - Off Premise Draw Raffle – Our Lady Queen of Peace Church
- b. **Application** - On Premise 50/50 Raffle – Our Lady Queen of Peace Church
- c. **Application** – Carnival Games – Our Lady Queen of Peace Church

Adopted: April 11, 2007

Councilman Weisbecker moved this resolution, seconded by Councilman Scangarello.

Discussion: Councilman Nolan asked that the Council vote on resolution 2007-114 separately. The Council agreed.

Councilman Weisbecker amended his motion to exclude resolution 2007-114 from the consent agenda to be voted upon separately by the Council.

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

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. VIII 1b

~ Resolution 2007-135 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATIONAL FEES

RESOLVED, that the following Recreational fees upon the report of the Recreation Director be refunded:

<u>Name & Address</u>	<u>Reason</u>	<u>Amount Refunded</u>
Rebecca Rodriguez 17 High Street West Milford, NJ 07480	Refund of enrollment in Adult Ceramic Classes	\$33.00
Melissa Rodriguez 17 High Street West Milford, NJ 07480	Refund of enrollment in Adult Ceramic Classes	\$33.00

Adopted: April 11, 2007

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 Agenda No. VIII 1a

**~ Resolution 2007-114 ~**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

**WHEREAS**, there appears on the tax records overpayments as shown below caused by the collection of delinquencies in MUA accounts; and

**WHEREAS**, the overpayments were created by reason stated below and the Municipal Utilities Authority Director recommends the refund of such overpayments to the MUA.

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be and is hereby authorized and directed to remit payment to the MUA refunding such overpayments as shown below:

REASONS:

2006 MUA PAYMENTS

| <u>Block/Lot</u> | <u>Name</u>           | <u>Amount</u> | <u>Year</u> |
|------------------|-----------------------|---------------|-------------|
| 4014-7           | C. & K. Isgro         | \$456.08      | 2006        |
| 4201-26          | A. Grippo             | \$227.09      | 2006        |
| 6714-7           | W. & K. Teubner       | \$351.06      | 2006        |
| 7801-22.05       | R. Urinyi             | \$592.70      | 2006        |
| 7801-23.02       | S. & K. Gantzhorn     | \$1,280.31    | 2006        |
| 7801-52.02       | J. & D. Gilligan      | \$1,683.93    | 2006        |
| 8301-3.02        | Ali, S. & A. Hamdanui | \$1,228.89    | 2006        |
| 8802-31          | W. & S. McNaught      | \$608.72      | 2006        |
| 9703-5.03        | J. & D. Abdallah      | \$981.69      | 2006        |

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

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|         |                 |                    |      |
|---------|-----------------|--------------------|------|
| 9706-13 | K. & L. Kolesar | \$1,444.67         | 2006 |
| 9706-16 | C. Hirsh        | \$1,513.63         | 2006 |
| 9710-18 | T. Harrington   | \$1,228.89         | 2006 |
|         | <b>TOTAL</b>    | <b>\$11,597.66</b> |      |

Adopted: April 11, 2007

Discussion: Councilman Nolan noted that the payments reflected in this resolution are collected by the Township's Tax Collector for delinquent accounts. He asked how the Township handles payments for the MUA. Mr. Kunze advised that this is the only involvement the Township has in this process. Councilman Nolan asked if the MUA is billed by the Township for this service and the CFO, Mr. Magnotti, answered in the negative indicating that, in his experience, he has never known of a municipality to bill for providing this service.

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

**Payment of Bills**

Agenda No. IX

**~ Resolution 2007-136 ~**

**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. . . . .       | \$449,979.51        |
| 2      | Reserve Account . . . . .      | 73,668.60           |
| 3      | Animal Control Trust           |                     |
| 6      | Capital. . . . .               | 42,007.00           |
| 7      | Grants. . . . .                | 11,482.27           |
| 8      | Refuse. . . . .                | 106,036.00          |
| 9      | Refunds. . . . .<br>As Amended | 66.00               |
| 12     | General Ledger. . . . .        |                     |
| 16     | Heritage Trust. . . . .        |                     |
| 14     | Open Space Trust               |                     |
| 17     | Trust . . . . .                |                     |
| 18     | Development Escrow. . . . .    |                     |
| 19     | LOSAP                          | 2,237.00            |
| 20     | Special Reserve                |                     |
|        | Total                          | \$685,476.38        |
|        | Less Refund Resolution         | -66.00              |
|        | <b>Actual Bill List</b>        | <b>\$685,410.38</b> |
|        | Other Payments                 | 11,597.66           |
|        | Less Refund Resolution         | -11,597.66          |
|        | <b>Total Expenditures</b>      | <b>\$685,410.38</b> |

Adopted: April 11, 2007

Discussion: Councilman Nolan noted that this bill list includes payments to planning and zoning board attorneys. He asked for an update on his request to have each board adopt resolutions approving their bills before presenting them to Council for consideration. Administrator Kunze advised that the planning board is scheduled to discuss this matter on Thursday night. He will follow up and report back to Council.

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

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

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**Reports of Administrator, Mayor and Members of the Council**

Mayor DiDonato advised a letter is being sent to Wanaque in furtherance of executive session discussions. He will report back when a response is received.

Administrator Kunze reminded Council that he is requesting an indication as to their availability for budget meetings. He asked that the Council members contact his office.

Councilman Weisbecker stated that he is available each evening. He asked the Council for support for a commuter rail line even though it does not come through West Milford. Mayor DiDonato recommended discussion of this matter at a future workshop.

Council President Smolinski advised that the West Milford High School percussion band will be playing at the High School this coming Friday. The band is preparing for a competition and this performance is not a typical high school band show. It lasts about one hour and will be held in the auditorium at 7:00 p.m. He asked that the Administrator schedule discussion of a proposed concert at Jungle Habitat. He stated that the company proposing this concert will assume all the risk and will present major oldies groups in an indoor venue. He would like to discuss this at the next workshop meeting.

Councilman Schimmenti thanked the two police officers and first aid squad members, including Council President Smolinski, who saved a life this weekend.

Councilman Nolan commended Councilman Smolinski. He advised that the monthly blood drive will be held this Sunday and is being sponsored by the girl scout troop. The school election is this upcoming Tuesday and polls are open from 7:00 a.m. to 9:00 p.m. The West Milford tennis tournament is coming in May. This, he said, is a fundraiser for the museum and they are seeking sponsors for this event. Tonight, the Council awarded a contract to Civil Dynamics for work at the Westbrook tennis courts. Civil Dynamics has conformed to the West Milford pay-to-play ordinance. He noted that Council President Smolinski had sent a letter to local papers promising to redo the attorney accountability ordinance. To clear the record, he stated that he and Councilman Warden will work with Republicans on this ordinance. He stated that the Council should require that financial disclosure forms be filed in a timely fashion and failure to do so will result in dismissal. The same standard should apply to payment of property taxes and if one does not pay, one should forfeit the right to serve. He recommended that all executive sessions be audio taped including planning board, zoning board, and MUA executive sessions. He asked Council President Smolinski to join him in asking that the planning and zoning boards approve their bills by resolution. Two weeks ago, Mr. Elcavage admitted his character assassination on others. Councilman Nolan asked when the Council will demand his resignation from the MUA and the WVRSA. On April 16, many West Milford residents will receive awards. He read the names of those who will be honored and congratulated them. West Milford, he said, does not operate in a vacuum. As the Township moves toward budget adoption, the council will try to blame everyone else for the tax increase. There is a big gap in the state pension fund again and both Democrats and Republicans are responsible for that. The Township has had to make significant contributions in the past two years and will be required to continue doing so for several years to come. Because of State debt, the Township cannot expect any increases in State aid. However, the budget as introduced provides for three new employees and he cannot vote to adopt it as introduced. This Council, he said, must make difficult choices knowing that their decisions this year will have an impact on future budgets. He advised that he has copies of the report that Matt Mulhall sent to the DEP concerning well testing at Eagle Ridge.

Councilman Warden stated that he recently spoke with Steve DeFeo of the Greenwood Lake Bi-State Commission. The stump removal program was a success and that effort will make the weed harvesting more effective this year. He asked that the Administrator schedule discussion of recycling center availability for a future workshop. The Commission is seeking to hire a part-time operator for the harvester. While weed harvesting is beneficial, it is not the answer to this recurring problem. A combination of tactics must be used to protect this lake. He would like to discuss generating revenue to reduce weed growth at a future meeting. He thanked Ella Fillapone and Steve DeFeo for providing the harvester at no cost and asked that Mr. DeFeo be invited to the revenue discussion. He commended Town Cycle for doing a great job on his bike. He is working to a cleanup effort at Jungle Habitat and is seeking help on April 27<sup>th</sup> with cleaning trails. He commended Mr. Tim Wagner for doing a great job revitalizing the airport. The diner is great for families and kids. Mr. Wagner has provided many jobs for local residents and he would like to see the Council work with him to replace the sign off Airport Road. He reminisced about childhood memories at the small airport in his hometown.

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Councilman Scangarello advised that he and the Administrator have been working on the sign issue at the airport for some time now. He thanked Council President Smolinski and his fellow volunteers for a job well done. The first ALF meeting is scheduled for April 24th at 7:30 p.m. Laurie Ardis is chairing this event again this year and is seeking volunteers. He thanked the Passaic County Freeholders and Sheriff Speziale for passing a resolution to donate a car to the West Milford Deputy Fire Commissioner at no cost to West Milford. He asked Administrator Kunze for a status update on the Township Code. Administrator Kunze replied that the draft and analysis has been received. He has sent it out to department heads for comment and will then send it back to General Code.

Township Clerk Battaglia advised that the budget document, pursuant to State statute, is available free of charge to interested parties from the date of introduction to the date of adoption. It will be posted on line and there will be a copy in the library. She noted that there is a severe shortage of poll workers for the upcoming school election and she urged any interested persons to become a poll worker.

Report of Township Attorney

Mr. DiYanni advised that his office will be sending correspondence to Wanaque. He informed the Council that he delivered a \$43,000 check to the Township Clerk today for a property sale.

Appointments, Resignations, Terminations

Agenda No. XI 1

~ Resolution 2007-137 ~

RESOLUTION ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Table with 3 columns: Name, Position, Date Tendered. Rows include Daniel Kochakji (Environmental Commission, March 20, 2007) and Ed Spirko (Zoning Board of Adjustment, March 26, 2007).

Adopted: April 11, 2007

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

Agenda No. XI 2

~ Resolution 2007-138 ~

RESOLUTION OF APPOINTMENT TO THE WEST MILFORD ZONING BOARD OF ADJUSTMENT

Mayor and Council Appointment

BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that they do hereby make appointments to the West Milford Zoning Board of Adjustment as follows:

William Lynch, who currently serves on the Zoning Board as Alternate #1 shall be appointed to the unexpired term of former Citizen Member, Ed Spirko, said term to expire on 12/31/2008.

Barry Weiser, who currently serves on the Zoning Board as Alternate #2 shall be appointed to serve as Alternate #1 for the expiration of that unexpired term, said term to expire on 12/31/2007.

BE IT FURTHER RESOLVED, by the Township Council of the Township of West Milford that the Township Clerk be and is hereby directed to post a vacancy for Alternate #2 on the Zoning Board of Adjustment to fill an unexpired term, said term to expire on 12/31/2007.

Adopted: April 11, 2007

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

Agenda No. XI 3

