
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 03, 2006
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 DiDonato.

Adequate Notice Statement

Mayor DiDonato advised 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 January 23, and January 30, 2006; 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, William Gervens, Robert Nolan, James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato.

Absent:

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the April 12, 2006 Regular Meeting as presented.

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

Bids & Awards

The Council considered the following resolutions which were read by title by Mayor DiDonato:

Agenda No. II 1

- Resolution 2006-160 -

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REJECTING BIDS FOR THE PURCHASE OF ROAD MATERIALS

WHEREAS, the Township of West Milford solicited bids on April 7, 2006 at 10:00 a.m. for Road Materials; and

WHEREAS, in response to the "Notice to Bidders" the Township received three (3) bids for Road Materials; and

WHEREAS, the Township Engineer and the Township Attorney have reviewed the aforementioned bids to ensure compliance with the Local Public Contracts Law; and

WHEREAS, the Township Engineer has determined that the bids submitted exceed the engineer's estimate based on the prices bid under the Morris County Cooperative Pricing Council Contract #9 – Crushed Stone, Gravel and Sand.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bids received for the purchase of Road Materials be and are hereby rejected due to the bid prices submitted exceeding the engineer's estimate and the prices bid under the Morris County Cooperative Pricing Council Contract No. 9.

Adopted: May 3, 2006

Moved: Nolan Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Nolan, Warden, Scangarello.

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Voted Nay: None.
Abstained: Gervens.
Motion carried.

Agenda No. II 2

- Resolution 2006-161 -

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ROAD MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #9, STONE, GRAVEL AND SAND

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council; and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #9, Stone, Gravel and Sand, for the 2006 year to Bedrock Stone and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Road Materials in 2006; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase road materials through the Morris County Cooperative Purchasing Council, Contract #9, Stone, Gravel and Sand in an amount not to exceed \$55,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 6-01-26-290-360.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Road Materials, in an amount not to exceed \$55,000, through the Morris County Cooperative Purchasing Council, contract #9, Stone, Gravel and Sand awarded to Bedrock Stone.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: May 3, 2006

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

Presentations

Girl Scout Troop 194

Mayor DiDonato invited Maria Cytowicz to join him at the podium. He noted that Ms. Cytowicz has served as leader of Girl Scout Troop 194 for two years now, attends every event, and has been instrumental in the achievements of the troop. He advised that the members Girl Scout Troop 194 are each being honored tonight because they received the Heritage Award of the United States wherein they conformed to very vigorous requirements and learned a lot about our nation in the process. He presented the awards to each individual scout and invited them forward one at a time to receive their medals. Crystal, Nicole, Diana, Jennifer, Taylor, Risha, Danielle, Melissa, Alex, Salina, Jessica, and Sophia each thanked the Mayor for their awards.

Ms. Cytowicz stated that, although she is very active in the Girl Scouts and Boy Scouts, there are many people in the community who have helped Troop 194 reach their goals. She asked Maria Ordiello to join her and thanked Maria for all her help. She presented a thank you pin to Mayor DiDonato and a life pin to Officer Steve of the West Milford Police Department.

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Eagle Scout Awards (Timothy Glenn Morris and Thomas Wayne Buchtman)

Mayor DiDonato invited Timothy Glenn Morris and his family to join him at the podium. He directed everyone's attention to the plaques that are housed in town hall whereupon all eagle scouts from West Milford are mentioned. He advised that Timothy's name will be added to the plaque because he has attained eagle scout designation. Timothy Morris explained that his eagle scout project was completed in Wawayanda State Park where he cleaned out an area, de-weeded it, and built kiosk. Now those who frequent this beautiful state park can use that site. Councilman Nolan brought the Boy Scout to the podium so that the public could get a visual of the award.

Mayor DiDonato invited Thomas Wayne Buchtman and his family to the podium. Thomas described his project which was also a rehabilitation of an area in Wawayanda State Park. There is a double pond trail that is 280' long that becomes waterlogged in the spring. Thomas cleaned out the area, removed the old boardwalk and installed a new one.

On behalf of the Council and the Township residents, Mayor DiDonato congratulated both young men on their achievements and wished them continued success.

Girl Scout Gold Award (Melissa Quinones)

Mayor DiDonato invited Melissa Quinones forward to be acknowledged for having attained the Girl Scout Gold Award. He explained that this award is the highest honor in the Girl Scouts. Ms. Quinones explained that she hopes that her work will continue with all the organizations who helped her with her project. She included five community churches in her project where she collected food with the help of local youth groups and thereafter distributed the food to pantries in West Milford.

On behalf of the Council, Mayor DiDonato congratulated Ms. Quinones on her achievements.

Partnership Project of Northern New Jersey

Representatives from the Partnership Project of New Jersey came forward to present a check to the Council. They explained that a coalition of seven churches was formed and the presented a play called the *Living Last Supper*. The proceeds of the play are being contributed to the Creative Playground. They presented a check in the amount of \$3,179 and Marilyn Lichtenberg accepted the check on behalf of the playground committee and thanked all those who participated in this event.

Proclamations

Agenda No. IV 1

- Proclamation -

Mayor DiDonato invited Helen Sedlack forward and asked her to explain the impetus behind the National Day of Prayer. Ms. Sedlack explained that this national acknowledgement is a wonderful opportunity to acknowledge that we need God in our lives. She noted that West Milford is a beautiful town and we are all blessed to have an opportunity to witness God's beauty in our environment. She advised that Congress has set aside one day each year to honor God and, this year, the National Day of Prayer is tomorrow. The day will begin at the High School and Macopin School at 6:45 a.m. and at Marshall Hill and Paradise Knoll at 7:45 a.m. The bible will be read all day from 7:00 a.m. to 7:00 p.m. with a service at noon and again at 7:00 p.m. at Memorial Park. She invited everyone to attend and join in. Mayor DiDonato read the following proclamation:

WEST MILFORD DAY OF PRAYER

WHEREAS, National Days of Prayer are a venerable American tradition, the first such day having been proclaimed by the Continental Congress in 1775; and

WHEREAS, it is eminently fitting and proper that we in the Township of West Milford observe a day when all in our community may acknowledge our many blessings and express gratitude to God for them, while recognizing the need for strengthening of religious and moral values in our land; and

WHEREAS, Congress has set aside the first Thursday in May as a National Day of Prayer.

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NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the day of **May 4th, 2006** as

WEST MILFORD DAY OF PRAYER

Agenda No. IV 2

- Proclamation -

Mayor DiDonato invited Jackie Wilkinson forward to let everyone know about her organization. She advised that the National Association Insurance Women has a significant membership from West Milford. They meet once per month and are involved in various charitable events.

NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

WHEREAS, NAIW is dedicated to the professional advancement of its members through educational programs and networking opportunities; and

WHEREAS, our local association is comprised of more than 50 members from Bergen and Passaic Counties; and

WHEREAS, NAIW of Northern New Jersey and NAIW International provides each of its members professional education, mentoring, leadership development, technology and partnering by providing an environment to build business alliances; and

WHEREAS, several of the members of the NAIW live and work in West Milford and contribute to the community in various ways.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the week of **May 14th to May 20th, 2006** as

NATIONAL ASSOCIATION OF
INSURANCE WOMEN (NAIW) WEEK

in the Township of West Milford.

Unfinished Business, Final Passage of Ordinances

None.

Public Comments

Mayor DiDonato opened the meeting to the public.

Bill Remia, 5 Yancy Terrace, West Milford stated that, through hard work and perseverance, the West Milford High School Freshman girl's softball team won their first game today. He recalled that Councilman Nolan commented at last week's meeting that he felt skeptical about the Recreation Advisory Committee and he asked Councilman Nolan to clarify those comments tonight. He invited Councilman Nolan to an Advisory Committee meeting or agreed to meet him locally to discuss what the Recreation Advisory Committee does. He explained that this is a non-partisan committee of volunteers who are here to represent everyone in the community. He opined that the perception of the Committee is wrong; when they meet, every member leaves their politics at the door and works to serve the entire community. He stated that Councilman Nolan's statements hurt many committee members.

Barbara Carter asked the Council to consider having outside agencies hired to handle some jobs currently being accomplished with full time employees in the West Milford School system. She stated that the school custodians earn too much money and stated that we pay custodial staff at the school almost double the state average. She stated that we must choose between the employees and our children's education and we must always choose education. She said she had read that the Township may be hiring a consultant to review the school budget. She recommended that the Council hire a forensic accountant to review the expenditures at the school.

Jim Geist, 47 Bayonne Drive, West Milford noted that the weed harvester began work on May 1st and he thanked Councilman Warden for all his efforts. He also thanked Ada Erik for cooking the hot dogs on clean-up day. He noted that the water surcharge legislation was first introduced by a

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democrat in 2003 and was laughed at by the republicans. He is glad to see that the republicans have now signed on. He thanked Councilman Smolinski for his efforts to have petitions signed and stated that the democrats look forward to a bi-partisan relationship to fight taxes. He stated that the republicans on the Council recently voted against a finance committee and opined that a finance committee could review the school budget rather than us expending the cost of a consultant to do so. He stated that this is not fiscally responsible.

Martin O'Shea, 22 Greenbrook Drive, West Milford stated that he prays privately and believes that prayer does not belong in this room. He stated that the Council is getting a crash course in the school budget. He attended almost all Board of Education meetings for a four-year period and even had access to budget books. He opined that discretionary funding is really the only area the Council is allowed to make cuts. He suggested that the Council look at stipends for athletics. He stated that it is shocking that people get longevity pay for coaching and that, in his opinion, seven coaches are too many. He stated that the Community School runs at a loss and drains money from preschool courses held at Hillcrest. He recommended having the Community School split expenses and noted that they spend funds for salaries to provide courses that are offered at Hillcrest. He referred to an upcoming Garlic Class that costs residents \$29 and stated that this is a discretionary item that could be cut. He noted that five contracts will expire this year in the school district, including the teacher's contract. Maybe it is time the Council used its influence to impact these negotiations.

Ada Erik, Macopin Road, West Milford advised that she was at the County today and she provided voter's change of address forms to the Clerk. She advised that the next blood drive is scheduled for May 21st and she encouraged everyone to attend. She noted that we lost a month this year because Easter fell on that Sunday. She stated that Mother's Day is coming and encouraged everyone to remember his/her mother.

Dr. Salvatore Schimmenti, 71 Greenwood Road, West Milford stated that he considers Councilmen Nolan and Warden to be neighbors and friends. He stated that he was upset by Councilman Nolan's comment at the last meeting about not trusting the Recreation Advisory Committee. He stated that this committee is comprised of hard working volunteers and it is the only organization that generates revenue for the Township. The Parks and Recreation department and volunteers did the work on Jungle Habitat, regardless of whose idea it was. That saved the Town a lot of money. He stated that the more you demean the volunteers, the fewer you will have come out. Volunteerism is a-political and they do a lot for this town. He stated that Councilman Nolan owes all the volunteers in Parks and Recreation an apology.

Ken Long, 5 Hamilton Drive, West Milford stated that there was a bond issued in 2001 for the rehabilitation of the basketball and tennis courts and that those funds are now being appropriated for a skate park. He asked how funds can be re-appropriated in this manner and suggested that it is not legal to do so. He asked the Council to justify using these funds for a skate park.

Jim Novack, Mount Laurel, West Milford stated that the Council is scheduled to vote tonight on a resolution retiring constables. While some do deserve letters honoring their volunteerism, he asked how the Council can justify such correspondence to those who never did anything. He asked what had happened to the volunteer party. He showed a copy of the Bergen Record wherein persons arrested for drugs, alcohol, and prostitution were listed. He noted that ten people from West Milford appeared on the list.

Jim Foody, 2 Kushaqua Trail, West Milford stated that he has not fully reviewed the current school budget but that he has done so in the past. He provided the Mayor with a copy of the 2003 referendum question and noted that the projects approved back then totaled \$6.2 million. He stated that a lot of work was never done but, on the checklist, has been marked complete. He listed some projects so marked and which he personally knows have not been completed. Much of the work was done on the front of the buildings and never done on those areas facing the rear of the properties. He stated that the voters voted specifically for the projects outlined in the referendum question and when he questioned the school administration about Marshall Hill they advised him that the project was not completed because they had overruns at another school. Pursuant to the law, the board cannot divert funds from one project to another. He asked where our tax money is going and asked the Council to look into these matters.

Arthur McQuaid, 31 Morsetown Road, West Milford encouraged this Council to look at Hillcrest to determine whether it should be rehabilitated or rebuilt. He stated that he was delighted to see the kids here tonight and expressed that recreation programs are of vital importance to our children. He stated that he does not feel that seven football coaches is too much for this town.

Councilman Weisbecker moved to close the Public Comments portion of the meeting at 8:25 p.m.

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

Council Comments

Councilman Weisbecker stated that the Council can only propose to the School Board where cuts might be made. Ultimately, the exact cuts rest with the Board of Education. He suggested that residents address the school board with their suggestions and concerns.

Councilman Smolinski thanked Mr. Geist for complementing him on the petition drive and noted that it is a bipartisan effort. He stated that he sees no objection to anyone saying "God Bless America". He stated that there were five West Milford residents on the list Mr. Novack referred to; not ten.

Councilman Nolan stated that he is not sure what he said last week, but he must have struck a nerve. He noted that he had previously nominated Ken Long to the Parks and Recreation Commission last year, but the appointment was defeated. This year, the Democrats on Council nominated Kathleen Caren to the Beautification Committee and that nomination was also voted down. The question on the ballot last year polarized this town; now there is an issue with Farrell Field. PAL called him personally about that and asked why permits were first issued and then pulled. He asked why there was not mention of the condition of the fields during the many budget meetings and why nobody asked the Council to appropriate funds for their repair. While the Parks and Recreation volunteers work very hard, everyone is not of the same mindset.

Councilman Warden credited the entire Council for this year's weed harvesting program. He noted that Council President Gervens was instrumental in getting it on the agenda. Contrary to last year, this entire Council supported the weed harvesting program. He stated that he is thrilled that Councilman Smolinski took over the petition drive for the water surcharge. He stated that he respectfully disagrees with those who claim that the Parks and Recreation is a-political. He stated that Parks and Recreation appointees actively worked on Councilman Scangarello's campaign. He noted that a prospective appointee to the Zoning Board made mention of this party affiliation saying that he is a republican; appointments and everything else in this town is political.

Councilman Scangarello thanked the scouts for coming out this evening. He noted that the parents and leaders put a lot of work into these endeavors. He stated that Councilman Nolan did strike a nerve last week. He stated that he was offended by Councilman Nolan's remark that he is "gun shy" around the Recreation Committee and noted that the comment was made at a meeting where many of those members were sitting in the audience. He stated that many of the members of the Parks and Recreation Committee have been involved in this community for many years and that an apology is needed.

New Business, Introduction of Ordinances, Resolutions

The Mayor and Township Council proceeded to take action on the following ordinance and resolutions:

Agenda No. VIII 1

~ Ordinance 2006-003 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AMEND CHAPTER 17, SECTION 15, ENTITLED "STORMWATER MANAGEMENT" ESTABLISHING STORMWATER CONTROL FOR NON-RESIDENTIAL MAJOR DEVELOPMENTS

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford that Section 15 of Chapter 17 is hereby amended to read as follows:

Section 1: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and

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proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

- a. Non-residential major developments; and
- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Township of West Milford.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Planning Map" means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

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“Person” means any individual, corporation, company, partnership, firm, association, West Milford Township, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

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- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 3: General Standards

A. Design and Performance Standards for Stormwater Management Measures

- 1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- 2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section 4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be

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obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - c. Maximize the protection of natural drainage features and vegetation;
 - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

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- (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.E.3.c below.
- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
 - b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 - c. This standard does not apply:
 - (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.

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- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
 - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
- a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
 - (3) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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- (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
- (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
- (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

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G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department’s website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

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$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

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- (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
 - (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
- (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
 - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
 - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area

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to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

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Section 6: Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 4 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 7: Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

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1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
2. The Rutgers Cooperative Extension Service, 732-932-9306; and
3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

Section 8: Safety Standards for Stormwater Management Basins

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
 3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the

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reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.

- b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.
- c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

Section 9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit the same number of copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance as is required for submission of an application to the Planning Board or Zoning Board of Adjustment.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or

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vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the

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requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10: Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.

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the Mayor and Council at their meeting of September 15, 2005 and by memorandum dated September 9, 2005.

BE IT FURTHER RESOLVED that the specifications for the Mount Laurel Park Improvements shall include an alternate bid which shall request a quote for proposed work to the parking area at said park. This alternate bid shall be consistent with the parking design that was approved by the Highlands Council and received by the Township of West Milford on February 8, 2006 which approval reduced the number of parking spaces to forty-one (41).

Adopted: May 3, 2006

Discussion: Councilman Nolan questioned a memorandum from the Recreation Director to the Township Administrator about engineering costs and asked if they had already been paid. The Administrator advised that some payments have been made. Councilman Nolan asked if the engineering firm is the same firm that has been hired for construction administration and inspection. Administrator Kunze answered in the affirmative and reminded the Council that they adopted a resolution to that effect last year. Councilman Nolan stated that he received a call from Freeholder Duffy indicating that the County is not on board with this project and the funding is no longer available. Administrator Kunze advised that no such notification has been sent to the Township from the County Board of Freeholders. Councilman Warden recommended holding off on this resolution until we can confirm the County's commitment. Councilman Smolinski stated that, when he met with the County Open Space Committee to discuss this project, they were on board. Council President noted that there has been a number of lengthy discussions on this topic, we have heard from the residents, and have had meetings with the County. He opined that it is time to vote on this matter. Councilman Weisbecker asked for the Attorney's opinion. Mr. Semrau advised that tonight's resolution is to authorize advertisement of bids. It does not tie the Council into a contract or commit them to one. Councilman Scangarello recalled a meeting with the County in Paterson wherein they went into an extended executive session to return and advise that they were okay with this project.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Scangarello.
Voted Nay: Nolan, Warden.
Abstained: None.
Motion carried as amended later in the evening.

Agenda No. VIII 3

~ Resolution 2006-164 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY
ESTABLISHING A LAKES COMMITTEE**

WHEREAS, the Mayor and Township Council have discussed the various issues surrounding the lake communities located within the Township; and

WHEREAS, in addressing these issues the Mayor and Township Council need to be advised of the situations surrounding the lake communities in order to properly render decisions and take action; and

WHEREAS, in order to identify these issues and situations to help assist the lake communities as well as to increase public awareness regarding the importance of the environment as it relates to the lakes within the Township, it is necessary to continue to investigate these various issues and situations; and

WHEREAS, the Mayor and Township Council desire that a Lakes Committee be established to achieve these objectives.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that a Lakes Committee be established with the following objectives: (A) advise and submit recommendations to the Mayor, Council and Planning Board on matters related to the role Township government may play to improve the various lake communities within the Township; (B) increase public awareness regarding the importance of the lakes and their impact on its surrounding environment; and (C) to review and make recommendations to the Mayor, Township Council and Planning Board on pending federal and state legislation.

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BE IT FURTHER RESOLVED, that the Mayor and Township Council shall annually identify up to eighteen members and designees of the surrounding lake community associations to serve one-year terms as members of the Lakes Committee. Each of the eighteen members shall have one vote and the members of the following lake communities shall be represented on the Committee:

- | | |
|--------------------------------|---|
| 1. Awosting Community | 10. Lindy's Lake |
| 2. Big Rock Cove Association | 11. Mount Glen Lakes Association |
| 3. Forest Hill Park | 12. Mount Springs Association |
| 4. Gordon Lakes | 13. Pinecliff Lake Community Club, Inc. |
| 5. Greenbrook Estates | 14. Shady Lake Park |
| 6. Greenwood Lake Association | 15. Stowaway Park Association |
| 7. High Crest Lake Association | 16. Upper Greenwood Lake |
| 8. Kitchell Lake | 17. West Milford Lake |
| 9. Lake Lookover Association | 18. Wonder Lake Properties |

In addition to the eighteen voting members, there shall be three, ex officio, non-voting liaison members consisting of: the Township Engineer or his/her designee; a member of the Township Council or his/her designee; a member of the Township Planning Board or his/her designee; and a member of the Township Environmental Commission or his/her designee.

BE IT FURTHER RESOLVED, that one of the voting members shall be designated as "Chair" of the Lakes Committee and shall advise the Township Council and the Planning Board of the Committee's work. In addition to the "Chair", the Lakes Committee may appoint a "Vice-Chair" and "Secretary" and adopt a schedule of meetings.

BE IT FURTHER RESOLVED, that the Lakes Committee shall report to the Mayor, Council and Planning Board, make recommendations, render opinions and input with respect to issues affecting the Township's lake communities.

BE IT FURTHER RESOLVED that minutes shall be taken of all meetings and submitted to the Township Clerk.

Adopted: May 3, 2006

Discussion: Mayor DiDonato advised the Council that some minor changes have been made to the resolution before them tonight at the behest of Councilman Weisbecker. They include changing the wording on the number of members to state "up to eighteen members" and also to include a representative from the Environmental Commission in the membership. He asked the Council if they had any objection to these changes. No objection was noted.

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

Agenda No. VIII 4

~ Resolution 2006-165 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY RETIRING THE POSITION OF CONSTABLE IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford recognizes and appreciates volunteerism which is an integral part of the community; and

WHEREAS, over the years a number of individuals have served and volunteered as Constables for the Township; and

WHEREAS, for legal considerations, the Township previously decided to retire existing acting Constables for the Township; and

WHEREAS, the Mayor and Township Council recognize the volunteerism and service that these Constables have performed for the Township and its residents.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby recognize that the following Constables are hereby retired in good standing and with appreciation and recognition for their dedication and volunteerism:

William Gervens, 84 Coventry Road, Newfoundland, NJ 07435
Joseph Ponzo, 26 Morsemere Road, Hewitt, NJ 07421

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Leonard Lautenberger, 38 Monmouth Avenue, West Milford, NJ 07480
Joseph Elcavage, P.O. Box 758, Hewitt, NJ 07421
John Monteleone, 21 Belford Drive, Hewitt, NJ 07421
Brian McHale, 11 Hudson Drive, West Milford, NJ 07480
Harold Clark, 34 Risley Road, Hewitt, NJ 07421
Thomas Malone, 62 Dunham Road, Hewitt, NJ 07421

BE IT FURTHER RESOLVED that a certified copy of this Resolution along with a letter of appreciation will be sent to each of the Constables recognized herein.

Adopted: May 3, 2006

Discussion: Councilman Nolan stated that he cannot support thanking some of the people listed in this resolution. He is in favor of retiring Mr. Gervens and Mr. Monteleone. He stated that several of the other constables were involved in anonymous postings on a website and he is opposed to retiring those constables. He asked if the Council could vote on each person individually. Mr. Semrau advised that, procedurally, because there is a motion on the floor, we must act on that motion first.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Scangarello.
Voted Nay: Nolan, Warden.
Abstained: Gervens.
Motion carried.

Mayor DiDonato advised that, before addressing the next two resolutions, the Council must discuss both because the offer alternatives on the same subject matter. He read both resolutions by title. Administrator Kunze directed the Council to a memorandum he drafted to speak to these matters. He advised that he contacted five consulting firms and received three responses. He summarized the proposals he received and noted that, because of time constraints, they were verbal. He noted that the costs ranged from \$5,000 to \$12,000 for consultant services to review the school budget, provide written recommendations, and attend meetings. He recommended the lowest bidder and further recommended that the resolution be drafted in an amount not to exceed \$7,500. He advised that the funds would come from the administration budget. Council President Gervens stated that, because of the magnitude of this task, he believes we should consider both the consultant and a committee. Councilman Weisbecker agreed noting that, we have hired independent agencies to assist in this area in the past and, if we can have a committee to meet with that professional, we can make a more informed decision. Mr. Semrau advised that no formal action can be taken by a committee. Councilman Nolan stated that he is in favor of hiring a consultant but is not in favor of establishing a committee. He stated that the full council should review the budget. Councilman Warden concurred stating that the taxpayers should be involved in and have access to all the discussions and a committee would simply provide a venue to circumvent fiduciary responsibility. Councilman Scangarello asked the Administrator to explain how the process would work. Administrator Kunze stated that the process is open and can be organized in any way. Council President Gervens stated that his intent is to facilitate moving this matter forward in an expeditious manner. Councilman Smolinski noted that he must recuse himself from this discussion because his wife is a bus driver for the Board of Education.

Agenda No. VIII 5

~ Resolution 2006-166 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR CONSULTING SERVICES TO REVIEW AND MAKE RECOMMENDATIONS TO THE TOWNSHIP COUNCIL ON THE DEFEATED SCHOOL BUDGET

WHEREAS, the general fund tax levy for the base budget and additional spending proposals of the West Milford School District were defeated by the voters in the Township of West Milford at the School Elections held on April 18, 2006; and

WHEREAS, in accordance with N.J.S.A. 18A et seq., the Township Council must review the defeated budget and certify the taxes in the form of a resolution to the County Board of Taxation no later than Friday May 19, 2006; and

WHEREAS, the Governing Body is desirous of obtaining the services of a professional to assist in the process and ensure complete compliance with the law; and

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WHEREAS, the Township Administrator has obtained proposals from professionals to review the school budget, make recommendations to the Mayor and Council and attend Township Council meetings as needed.

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

1. The Township Administrator be and is hereby authorized to execute an agreement with Donohue, Gironda and Doria for professional services to review the defeated school budget, make recommendations to the Mayor and Council and attend Township Council meetings as necessary.
2. The Chief Financial Officer has certified as to the availability of funds in an amount not to exceed seventy-five hundred dollars (\$7,500.00) said funds to be encumbered from account number 6-01-20-100-450.
3. 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.
4. That a notice of this action shall be published in accordance with law, 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 as Amended: May 3, 2006

Councilman Weisbecker made a motion to place this resolution on the floor for discussion. Councilman Nolan seconded the motion.

Discussion: Administrator Kunze asked that the motion be amended to insert the name of the lowest bidder in the resolution, to change the wording to reflect that the consultant is required to attend meetings as needed and to add a not-to-exceed amount of \$7,500.

Councilman Weisbecker amended his motion to include the Administrator's recommendations.

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

Agenda No. VIII 6

~ Resolution 2006-167 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ESTABLISHMENT OF A COMMITTEE TO REVIEW THE DEFEATED SCHOOL BUDGET AND MAKE RECOMMENDATIONS TO THE TOWNSHIP COUNCIL

WHEREAS, the general fund tax levy for the base budget and additional spending proposals of the West Milford School District were defeated by the voters in the Township of West Milford at the School Elections held on April 18, 2006; and

WHEREAS, in accordance with N.J.S.A. 18A et seq., the Township Council must review the defeated budget and certify the taxes in the form of a resolution to the County Board of Taxation no later than Friday May 19, 2006; and

WHEREAS, the Governing Body is desirous of establishing a committee for the express intent of reviewing the defeated school budget, and making recommendations to the full Township Council.

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

5. A Budget Review Committee shall be formed for the express intent of reviewing the defeated school budget and making recommendations to the full Township Council.

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6. Said committee shall be comprised of the Township Administrator, the Township's Chief Financial Officer, and three members of the Township Council nominated by the Township Council.
7. The committee shall meet to review the defeated school budget.
8. The committee shall also conduct meetings with school officials as deemed appropriate by the Board of Education.
9. The committee shall report and make recommendations to the full Township Council at special meetings to be scheduled by the Township Council for the purpose of reviewing the school budget.

Adopted: FAILED

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

Agenda No. VIII 7

~ Resolution 2006-168 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
CHANGE ORDER NO. 1 TO CIVIL DYNAMICS FOR ENGINEERING DESIGN CONTRACT
CHANGES TO THE REHABILITATION OF GORDON LAKES DAM**

WHEREAS, the Township Engineer has recommended approval of a change order to the Rehabilitation of Gordon Lakes Dam project previously awarded to Civil Dynamics Inc. in the amount of \$61,250.00; and,

WHEREAS, the increased cost recommended in the approval of the change order is \$22,860.00; and,

WHEREAS, the change is recommended due to the need for additional engineering designs which are beyond the original scope of the project.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from line item number C-04-03-990-020 in the Township budget.

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

1. The Administrator be and is hereby authorized and directed to execute a contract amendment with Civil Dynamics Inc. in an amount not to exceed \$22,860.00 representing an increase to the original contract amount not to exceed \$84,110.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: May 3, 2006

Discussion: Councilman Weisbecker asked the Administrator if the Association has accepted this and if there will be any more changes. The Administrator responded that the association has indicated that they are comfortable with the design and that, if this is the final design; there will be no more changes.

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

Agenda No. VIII 8

~ Resolution 2006-169 ~

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**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
A SPECIAL EVENT PERMIT APPLICATION TO THE NEW JERSEY DIVISION OF PARKS
AND FORESTRY FOR THE USE OF THE FORMER JUNGLE HABITAT PROPERTY TO HOLD
A FIREWORKS DISPLAY**

WHEREAS, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 1, 2006 with a rain-date of July 2, 2006; and

WHEREAS, the use of the former Jungle Habitat property requires approval by the New Jersey Division of Parks and Forestry; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Administrator.

WHEREAS, the Recreation Director has submitted an application to the State of New Jersey Department of Environmental Protection for the use of the property for this purpose.

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

4. Based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and Garden State Fireworks to the New Jersey Division of parks and Forestry, Ringwood State Park for the use of the former Jungle Habitat property to conduct a fireworks display on July 1, 2006 with a rain-date of July 2, 2006 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.
5. Use of the facilities as outlined herein is dependent upon the approval for same from the State of New Jersey Department of Environmental Protection.

Adopted: May 3, 2006

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

Agenda No. IX 1

**~ Resolution 2006-170 ~
RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

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

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

Resolutions:

- Resolution 2006-171** – Resolution Authorizing Cancellation of Tax
- Resolution 2006-172** – Resolution Authorizing Liquor License Renewal
- Resolution 2006-173** – Resolution Authorizing Refund of Overpayments
- Resolution 2006-174** - Resolution Authorizing Refund of Auction Fee and Bond
- Resolution 2006-175** – Resolution Authorizing Refund of Filming Security Bond
- Resolution 2006-176** – Resolution Authorizing Refund of Other Liens
- Resolution 2006-177**– Resolution Authorizing Refund Application Fee
- Resolution 2006-178** - Resolution Authorizing Reinstatement of Taxes
- Resolution 2006-179** - Resolution Providing for Assignment of Tax Sale Certificate

Applications:

- RL-2006-23** – Our Lady Queen of Peace Home School Association – Off Premise Draw Raffle

Adopted: May 3, 2006

Discussion: Mayor DiDonato advised the Council that, at the Attorney's request, resolution 2006-172 has been removed from the consent agenda. Mr. Semrau needs to conduct more research. Councilman Weisbecker noted that resolution 171 is for cancellation of taxes for the Passaic River Coalition and he recalled seeing a letter some time ago indicating that they were seeking

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tax exempt status. Administrator Kunze advised that they applied to Green Acres last year for tax exempt status and obtained it retroactive to January 1, 2006. Hence, the need for this resolution.

Moved: Nolan Seconded: Gervens
 Voted Aye: Weisbecker, Smolinski, Gervens, 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. IX 1a

~ Resolution 2006-171 ~

RESOLUTION AUTHORIZING CANCELLATION OF TAX

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

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

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

REASON: TAX EXEMPT PROPERTY

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>Year</u>
3301-13.01	Passaic River Coalition, New Jersey Corporation	\$1,254.00	2006 First Half
3301-13.02	Passaic River Coalition New Jersey Corporation	\$1,200.00	2006 First Half
3301-13.03	Passaic River Coalition New Jersey Corporation	\$1,224.00	2006 First Half
	TOTAL	\$3,678.00	

Adopted: May 3, 2006

 Agenda No. IX 1c

~ Resolution 2006-173 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

- REASONS:**
- | | |
|-------------------------------------|---------------------|
| 1. Incorrect Payment | 4. Homestead Rebate |
| 2.. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | 6. Tax Sale |

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
5005-4	Katherine M. Smith 15-01 Broadway Suite #4 Fairlawn, NJ 07410	\$24.41	2006	1
5706-4	P. McGinley & M. Gallagher 52-6172 nd Street Maspeth, NY 11378	\$155.89	2006	1
13201-9	William & Suzanne VanOver 200 High Crest Drive West Milford, NJ 07480	\$1,654.36	2006	2
16906-6	Lawrence J. Steimel 151 Greendale Drive	\$20.99	2006	1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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	Oak Ridge, NJ 07438			
4301-9	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$111.32	2006	6
6715-7	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$638.75	2006	6
7801-23.02	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,207.50	2006	6
7801-52.02	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,307.74	2006	6
8702-4	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,270.48	2006	6
14702-1	40 Old Route 23 Land Trust 139 Route 17 South Hackensack, NJ 07601	\$780.80	2006	5
	TOTAL	\$7,172.24		

Adopted: May 3, 2006

 Agenda No. IX 1d

~ Resolution 2006-174 ~

RESOLUTION AUTHORIZING REFUND OF AUCTION APPLICATION FEE AND BOND

WHEREAS, an application was received for an Auctioneer's License by the Township Clerk; and

WHEREAS, the applicant is not an Auctioneer but is in fact conducting a one-day, one-time sale for which she is utilizing the services of an Auctioneer; and

WHEREAS, the Township Clerk, having obtained a legal opinion from the Township Attorney, has requested that the pro-rated license fee in the amount of \$670 and the Cash Bond (Receipt No. 08929) in the amount of \$1,000 should be returned to the applicant Christine Howell, 548 Macopin Road, West Milford, New Jersey 07480.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the amount of \$1,670.00 to the above referenced applicant as shown above.

Adopted: May 3, 2006

 Agenda No. IX 1e

~ Resolution 2006-175 ~

RESOLUTION AUTHORIZING REFUND OF FILMING SECURITY BOND

WHEREAS, a Cash Bond in the amount of \$1,000.00 was received as a security deposit for filming at Big John's Pub, 49 Old Route 23, Newfoundland; and

WHEREAS, the Location Coordinator, Louis Zuppardi, of Soprano Productions has requested a refund of the Cash Bond; and

WHEREAS, the Township Administrator has recommended that the Cash Bond in the amount of \$1,000.00 be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to refund the amount of \$1,000.00 to Louis Zuppardi, Location Coordinator, Soprano Productions, 42-22 22nd Street, 2nd Floor, Long Island City, New York 11101.

Adopted: May 3, 2006

 Agenda No. IX 1f

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2006-176 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Cert. No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
04-035	04/05/2004	03602-002	\$ 2,347.76	EDWARD J GALBIERCZYK 329 CROSS STREET LAKEWOOD, NJ 08701
04-071	04/05/2004	12001-012	\$ 31,953.39	AMERICAN TAX FUNDING; LLC PO BOX 862658 ORLANDO, FL 32886-2658
04-072	04/05/2004	12001-013	\$ 36,583.59	WACHOVIA AS CUST FOR PHOENIX FUND TAX LIEN SERVICES GROUP 123 SO BROAD ST PA 1328P PHILADELPHIA, PA 19109
06-003	04/11/2006	00505-014	\$ 28,845.00	DAXUAN WANG 11 WALNUT STREET LIVINGSTON, NJ 07039
06-009	04/11/2006	01611-005.02	\$ 13,485.50	WACHOVIA CUST/SASS5 MUNI V DTR 123 S. BROAD ST. PA 1328S TAX LIEN SERVICES GROUP PHILADELPHIA, PA 19109
06-035	04/11/2006	04001-003	\$ 51,814.52	WACHOVIA CUST/SASS5 MUNI V DTR 123 S. BROAD ST. PA 1328S TAX LIEN SERVICES GROUP PHILADELPHIA, PA 19109
06-078	04/11/2006	12312-001	\$ 8,002.13	WACHOVIA CUST/SASS5 MUNI V DTR 123 S. BROAD ST. PA 1328S TAX LIEN SERVICES GROUP PHILADELPHIA, PA 19109
GRAND TOTAL			\$173,031.89	

Adopted: May 3, 2006

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 Agenda No. IX 1g

~ Resolution 2006-177 ~

**RESOLUTION AUTHORIZING REFUND OF APPLICATION FEE**

**WHEREAS**, the Township Clerk has reported a request for a refund of a check in the amount of \$42.00 for the submission of an Application for The Expansion of Premises/Place to Place Transfer of Plenary Retail Consumption License No. 1615-33-027-005 from Tracey Bennett, Big John's Pub, 49 Old Route 23, Newfoundland, New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the amount of \$42.00 to the above referenced applicant as shown above.

Adopted: May 3, 2006

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 Agenda No. IX 1h

~ Resolution 2006-178 ~

RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
2012-1	Patricia Moeller	\$ 982.80	2006	1
2602-18	M. Norton & T. Marzinke	\$ 1,436.91	2006	1
	TOTAL	\$ 2,419.71		

Adopted: May 3, 2006

 Agenda No. IX 1i

~ Resolution 2006-179 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Fred Fuller to acquire by assignment the following tax lien certificate, held by the Township of West Milford;

<u>LIEN CERTIFICATE NO.</u>	<u>SALE DATE</u>	<u>BLOCK/LOT</u>	<u>AMOUNT DUE ON CERTIFICATE</u>
97-17	5/15/1997	903-11	\$ 2,667.10

WHEREAS, the said Fred Fuller has paid to the Collector of Taxes the sum of \$2,667.10 representing the amount due on said Certificate, together with subsequent liens thereon:

BE IT RESOLVED that June 28, 2006, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offer of Fred Fuller;

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted: May 3, 2006

Payment of Bills

None.

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato thanked Maria Cytowicz, leader of Troop 194, for tonight's pleasant surprise. He stated that she is very dedicated and active within the Scouts. He thanked Assemblyman Pennacchio for setting up the meeting scheduled for tomorrow morning to discuss the proposed water surcharge. He also thanked Administrator Kunze, and Councilmen Smolinski, Weisbecker, and Nolan who will attend that meeting on West Milford's behalf. He commended Bill Schug, the Beautification Committee, and all the volunteers for the successful clean-up day last Saturday. He commented that it was very well attended and encouraged residents to mark it in their calendar as a reminder for next year.

Administrator Kunze thanked everyone, including staff and residents, for participating in Beautification Day. He reminded everyone that budget meetings have been scheduled for May 8th and May 16th at 7:30 p.m. He further stated that we may have a joint meeting with the Board of Education on the 16th also. He asked the Council to consider introducing the municipal budget on May 10th knowing that we cannot adopt it until we have the public hearing which cannot be held for at least 28 days after introduction. He advised that 405 kids registered for day camp this past weekend and there is a waiting list of another 100 children. He noted that the Recreation Director has asked if we can expand the program this year because of the size of the waiting list.

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To do so, he would need Council consensus tonight to appropriate the \$12,000 necessary in the budget. He also advised that we expect to see the funds restored through the revenue the program generates. Council gave consent. He advised that Upper Greenwood Lake fire department is up to date on their records and they have requested their first quarter payment in advance because they are experiencing cash flow problems.

Councilman Weisbecker moved to send a manual check to Upper Greenwood Lake in the amount owed to them for the first quarter payment. Councilman Nolan seconded the motion.

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

Councilman Weisbecker stated that, as liaison to the Beautification and Recycling Committee, he is well aware of the amount of advance work that was done to make Saturday's clean-up such a success. He advised that, on Saturday, he also participated in the Boy Scouts Court of Honor. He asked residents to call the DPW if they have bags to be picked up from Saturday's clean-up. He expressed concerns that the Highlands Bill is coming to a screeching halt. He noted that the Highlands Council is experiencing a number of changes, meetings are being cancelled, and people are being moved around. This is unfair to this municipality, as it will have a significant negative effect on many entities in West Milford. The Council instructed the Township Attorney to reach out to the Highland's Council legal staff asking them if they are taking steps to address these issues. Councilman Weisbecker requested a report from the Health Officer outlining what steps, if any, his department is taking to forestall the impact of a potential bird flu epidemic.

Councilman Smolinski noted that starting the meeting with the Scouts awards was wonderful. He advised that he met last night with a boy scout who is working on a project to earn his citizenship merit badge. He has chosen the water surcharge as his project. He advised that he attended the Environmental Commission meeting last Monday where he learned that the DEP has withdrawn \$32 million from previously awarded grants because municipalities did not use funds allocated to them within the time frame established under the grants. He cautioned that we should see this as a wake-up call.

Councilman Nolan stated that there is no provision for enforcement in our house number ordinance. He asked the Administrator to place this on the agenda for discussion at the workshop meeting. The blood drive is May 21st from 8:30 a.m. to 2:30 p.m. He noted that he has both donated and received. He thanked Assemblyman Pennacchio for facilitating tomorrow's meeting. He advised that the museum's tennis tournament will be held on May 20th and 21st. He stated that Freeholder Duffy has not failed us with regard to the Mount Laurel Park. He advised that the skate park is the contentious issue, not the entire park renovations. He asked the Administrator to schedule discussion of the next round of Open Space grants on a workshop agenda for discussion. He advised that the West Milford Players will be donating the proceeds from their next production to the first aid squad. He noted that they have raised over \$20,000 for local causes and he encouraged everyone to attend their performance. He advised that the Highlander's baseball team beat the #2 team last week and were led by Bryce Warden and that they also won another game today.

Councilman Warden stated that the many days of little league and attendance at his son's games are paying off. He noted that he and Councilman Nolan are obviously supporters of recreation. The weed harvesting is off to a good start. He was disappointed in last week's vote on the Percepture bill. He stated that there were no other bids, there were proposals from last summer; he has reviewed that paperwork provided by the Clerk and there is not one other bid there.

Councilman Scangarello asked the Administrator if we have received any updates from the County on the Presbyterian Church wall. Administrator Kunze advised that the Engineer and Planner are scheduled to attend a meeting on this subject on Monday. They will provide an update. Councilman Scangarello advised that there will be a fundraising dance on June 3rd to benefit a West Milford resident who suffered serious injuries when she was involved in a head-on collision with a drunk driver a few years ago. He described her medical conditions and advised that her home cannot accommodate her physical needs, causing her even more hardship. He thanked and listed the people and organizations involved in the fundraiser and commended the high school students who made a DVD in the hopes of submitting it to a television show so that her home can perhaps be renovated to meet her needs.

Report of Township Clerk

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The Township Clerk asked if the Council had any questions with regard to her memo. There being no questions, the Clerk had no further report.

Report of Township Attorney

Mr. Semrau stated that he has been contacted by Tilcon's attorney but more discussion is needed. He will update the Council. He advised that some properties adjoining the redevelopment property are still clearing up their encroachments. He noted that the County tax board hearing is next week. He stated that the scheduled executive session for tonight is no longer needed.

Appointments, Resignations, Terminations

Agenda No. XII a

~ Resolution 2006-180 ~

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:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
William Remia	Historical Preservation Committee	April 17, 2006
Thomas Lemanowicz	Zoning Board of Adjustment	April 4, 2006

Adopted: May 3, 2006

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

Agenda No. XII b

~ Resolution 2006-181 ~

RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD ZONING BOARD OF ADJUSTMENT

Mayor's appointments to the Zoning Board of Adjustment with Council consent:

William Lynch, 20 Carteret Street, West Milford, New Jersey to fill the unexpired term of Alternate #1, said term to expire on December 31, 2007.

Gian P. Severini, 7 Melrose Avenue, Hewitt, New Jersey to fill an unexpired Citizen Member term said term to expire on December 31, 2009.

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

William Lynch, Alternate No. 1 – Term expires December 31, 2007

Gian P. Severini, Citizen Member – Term expires December 31, 2009

Adopted: May 3, 2006

Councilman Nolan made a motion to vote on each appointee separately. Councilman Warden seconded the motion.

William Lynch

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

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Gian P. Severini

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Warden, Scangarello.
Voted Nay: Nolan.
Motion carried.

Executive Session

Cancelled.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:50 P.M.

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

APPROVED: May 24, 2006

MAYOR DI DONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK