
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: May 16, 2006
Time of Meeting: 7:30 P.M.
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Mayor DiDonato called the Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Mayor DiDonato read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this special meeting was sent to the Herald News on May 4, 2006 and was advertised in the Herald News in its issue of May 7, 2006; copies were provided to the Record, Star Ledger, Suburban Trends and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Mayor DiDonato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski,
Robert Nolan, Carmelo Scangarello
Mayor Joseph DiDonato

Absent: Councilmen President William Gervens, Councilman James Warden

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia

Presentation

Mayor DiDonato invited Mr. Matt Donohue from *Donohue, Gironda and Doria* forward to make a presentation to the Council. The Mayor further noted that Mr. Donohue was recently hired to review the defeated school budget and make recommendations to the Council.

Mr. Donohue gave a brief overview of his experience and that of his firm. He advised that he met with school officials last week and provided his report to the Township on Friday last. Historically, voters reject school budgets because they are seeking tax relief. He reviewed the budget with a mind to providing tax relief through painless solutions. He directed the Council to the budget revision page of his report and noted that the subtotal is the proposed actual cut of the tax levy; the other two numbers are additional proposed cuts. He advised that state statute demands that the Council give very specific cuts to specific budget line items with a rational explanation. Mr. Donohue proceeded to review each of the enumerated items in his report advising the Council that the document was laid out with the Budget Line Number, Budget Account Number, Budget Account Name, Total Revision, and an Explanation Reference Number which correlates to the explanation sheet attached.

{The above referenced documents are attached hereto and made a part hereof}.

After walking with Mr. Donohue through his report, Mayor DiDonato opened the meeting to the Council for comments and questions.

Councilman Nolan asked if the self insurance fund is part of miscellaneous revenue. Mr. Donohue advised that he is not sure but that he noticed that there is a substantial amount of money in the unemployment compensation fund. As of June 2005, there was a balance of \$781,199 in that account. He advised that the state has determined that these funds are allocated to a specific purpose and cannot be touched. He will research the statute and advise the Administrator accordingly. Councilman Nolan asked Mr. Donohue if he had reviewed the salaries for the superintendent and the business administrator. Mr. Donohue answered in the affirmative noting that the salaries are not out of line. He commended both the Superintendent and the Business Administrator remarking that they were very professional, well informed, and easy to work with. He reviewed the salaries from a number of perspectives. He determined that the school allocates those portions of salaries to grants in instances where that is allowed. They factor future retirements and the associated savings into their budget. They do not budget for vacant positions.

Councilman Scangarello noted that Mr. Donohue had reduced each of the items in numbers 6 through 13 by \$5,000 each and he asked why. Mr. Donohue stated that he was cautious to ensure that he did not cut these items too severely and he believes that each line can withstand the \$5,000 cut. He based his numbers on the ten-month report for this year which he requested and received from the school. Councilman Weisbecker noted that Mr. Donohue did not reference busing costs in his report. Mr. Donohue countered that, because West Milford has no sidewalks,

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he felt that the Township would not desire to have cuts to the busing program. He also directed the Council to item #2 where the 2006-2007 budget has a Spending Growth Limitation Adjustment for busing. Councilman Nolan asked Mr. Donohue, based on his experience, how most school districts handle their busing needs. Mr. Donohue stated that most school districts own their own buses and hire employees to operate them. He noted that many districts contract out for special education busing. He stated that this proposal gives some relief in the tax levy which is the ultimate objective.

Mayor DiDonato thanked Mr. Donohue for attending and addressing the Council. He then turned the discussion over to the Council.

Councilman Weisbecker stated that he would like an opportunity to digest the information reviewed tonight and stated that he might have more to say on the subject at tomorrow evening's meeting. Councilman Nolan stated that many of Mr. Donohue's recommendations were based on the ten-month report which the Council does not have. He would like to review that as well as some of the smaller cuts recommended before engaging in further discussion of the matter. Councilman Smolinski advised that he must recuse himself from both the discussion and the vote because his wife works for the school. Noting that we must adopt the resolution tomorrow night, the Administrator asked the Council if we could use Mr. Donohue's report as the basis for the resolution. Then, amendments can be made before the final vote. The Council agreed.

Mayor DiDonato noted that there is no need for an executive session tonight as indicated on the agenda.

Public Comments

Mayor Di Donato opened the meeting to the public.

Doris Aaronson, 19 Bearfort Road, West Milford stated that many West Milford residents have had enough of unethical behavior. She stated that she is referring to the two lawyers from Weiner Lesniak representing the Planning Board. In the Eagle Ridge matter, Glenn Kienz represented the Township in Superior Court in a case against K. Hovnanian. At the same time, Mr. Kienz was representing K. Hovnanian in four other municipalities. He gave Hovnanian a waiver in West Milford to a tract of land that is environmentally sensitive. In other instances, Bryant Gonzales and Glenn Kienz were representing West Milford in Bald Eagle Village and Pinecliff while Weiner Lesniak was representing Hovnanian in other municipalities. This suggests all manner of illegalities. She stated that during the hearing, the Hovnanian attorney was sitting in the back of the room. She was not prepared with her experts because Mr. Kienz had advised her that the hearing had been cancelled. The attorneys then decided that objectors should be heard first which violates land use law. She opined that this was a premeditated plan. However, residents presented evidence against the proposal. Certain items were illegally stricken from the record because the Hovnanian attorney claimed they were hearsay. Now, most recently, Glenn Kienz has recused himself from the Valley Ridge case stating a conflict of interest.

Martin O'Shea, 22 Greenwood Drive, West Milford stated that he is picking up where Ms. Aaronson left off. He stated that something is remiss with Weiner Lesniak and the Valley Ridge court action. He has heard that Weiner Lesniak called one of the attorneys involved in this matter to say that Mr. Kienz is recusing himself because of a conflict. He stated that he has filed an OPRA request to glean more information. However, it appears that someone has taken it upon his or her self to hire a replacement attorney for Weiner Lesniak. Who authorized that and who adopted the resolution? He stated that Weiner Lesniak has worked on this matter for six to eight months now. He noted that the replacement attorney should be first appointed by resolution before filing any papers on behalf of the Township.

Elaine Duffy, Warwick Turnpike stated that she is here on behalf of the Friends of the Tichenor House. She knows that the Council is very busy and will not take up much of their time. She commended the Township Clerk for posting the agendas and minutes on the website. The general public is now kept abreast of current subjects. At the April 24, 2006 Tourism Commission meeting, John Aiello made a presentation on how he would like to acquire the Tichenor House and property to house a money museum. This does not enforce the historical initiatives this Town has in mind. She stated that she couldn't envision long lines waiting to visit a foreign money museum in West Milford. On the other hand, preserving American history, a learning center, nature studies, reaching out to children is inspiring. She asked the Council to remember that the Tichenor House is an American homestead. She gave a brief overview of the history of both the house and the Tichenor family through the generations.

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

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

Mayor DiDonato stated that this is the first time the Council is hearing of the Valley Ridge issue. He noted that the planning board appoints their own attorneys. However, he asked the Administrator to look into the matter and report back to the Council. Administrator Kunze advised that the conflict of interest came to light on Friday and Stephen Glatt was contacted to see if he could represent the Township in this matter. However, no official action has been taken as yet. Mr. Kunze understanding is that the conflict just occurred. The planning board is to address this issue at their next meeting.

Agenda No. VII 1

~ Resolution 2006-186 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2006 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2006;

BE IT FURTHER RESOLVED, that said Budget be published in the Herald News in the issue of May 21, 2006;

BE IT FURTHER RESOLVED, that the Governing Body of the Township of West Milford does hereby approve the following as the Budget for the year 2006;

REVENUE AND APPROPRIATION SUMMARIES

	<u>Summary of Revenues</u>	
	<u>2006</u>	<u>2005</u>
1. Surplus	3,910,000.00	3,700,000.00
2. Total Miscellaneous Revenues	6,890,424.00	7,378,512.08
3. Receipts from Delinquent Taxes	770,000.00	875,000.00
4. a) Local Tax for Municipal Purposes	15,548,751.00	14,276,350.00
b) Addition to Local District School Tax		
Total Amount to be Raised by Taxes for Support of Municipal Budget	15,548,751.00	14,276,350.00
TOTAL GENERAL REVENUES	27,119,175.00	26,229,862.08

<u>Budget</u>	<u>Summary of Appropriations</u>	
	<u>2006 Budget</u>	<u>Final 2005</u>
1. Operating Expenses: Salaries & Wages	12,332,016.00	11,808,266.00
Other Expenses	9,985,873.00	9,691,151.08
2. Deferred Charges & Other Appropriations	773,313.00	659,650.00
3. Capital Improvements	277,975.00	462,250.00
4. Debt Service (Include for School Purposes)	1,991,000.00	1,849,545.00
Reserve for Uncollected Taxes	1,758,998.00	1,759,000.00
TOTAL GENERAL APPROPRIATIONS	27,119,175.00	26,229,862.08
Total Number of Employees	196	196

2006 SOLID WASTE COLLECTION DISTRICT BUDGET

	<u>Summary of Revenues</u>	
	<u>2006</u>	<u>2005</u>
1. Surplus	238,104.00	500,000.00
2. Total Miscellaneous Revenues	30,709.00	39,963.00
3. Amount to be Raised by Taxation	2,294,096.00	2,294,096.00

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TOTAL REVENUES	2,562,909.00	2,834,059.00
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	<u>Summary of Appropriations</u>	<u>2006 Budget</u>	<u>Final 2005 Budget</u>
1.	Operating Expenses: Salaries & Wages	212,000.00	227,000.00
	Other Expenses	128,909.00	105,059.00
2.	Contracted Services	1,222,000.00	1,502,000.00
3.	Disposal Fees	1,000,000.00	1,000,000.00
4.	Deferred Charges & Other Appropriations		
5.	Surplus (General Budget)		
	TOTAL GENERAL APPROPRIATIONS	2,562,909.00	2,834,059.00

Balance of Outstanding Debt

	<u>General</u>	<u>Water Utility</u>
Interest	725,092.00	
Principal	1,265,908.00	
Outstanding Balance	24,210,729.86	

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Township of West Milford, County of Passaic on March 16, 2006.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on June 14, 2006 at 7:30 o'clock P.M. at which time and place objections to the Budget and tax Resolution for the year 2006 may be presented by taxpayers or other interested persons.

Copies of the Budget are available in the office of Antoinette Battaglia, Township Clerk at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, Phone No. 973-728-2701 during the hours of 9:00 A.M. to 4:30 P.M.

Adopted: May 16, 2006

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

Agenda No. VII 2

~ Resolution 2006-187 ~

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2005 as follows:

	<u>Deferred Local School Taxes</u>
Amount Deferred 12/31/05	\$20,606,833.00
Amount Deferred 12/31/04	19,711,203.00
	<u>\$895,630.00</u>

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BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: May 16, 2006

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:58 P.M.

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

Approved: June 14, 2006

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK