
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 2, 2010
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Woods proposed developments have been removed from this plan because those proposed developments are no longer realistic.

Mr. McGroarty stated that, as of April this year, there is money in the trust fund which is sufficient to spend here in West Milford as part of the COAH model for the spending plan intended to address deficiencies in the affordable housing plan. The plan indicates that the monies will be spent within a four year period. Ultimately, more money may be spent but we are currently working under COAH rules as they exist today. COAH requires a subsidy program by the municipality but if the spending plan does not come to fruition, it can be amended in accordance with COAH regulations. The entire plan is speculative at best and is based on predictions for development. He stated that he used a conservative approach which he believes is most logical under these circumstances.

Council President Smolinski asked if the plan considers mother/daughter dwellings. Mr. McGroarty answered in the negative advising that such dwellings do not currently count toward the obligations. If the rules change, he will revisit the matter.

Councilman Jurkovic asked about the methods used to calculate the obligations. Mr. McGroarty stated that the calculations estimate that there are forty-seven units required in the third round, the bulk of which is based on actual growth. His approach was to determine how to address that number based on COAH rules and he reviewed the specifics of various options. West Milford, he said, has a resource that is unique. The Township owns a number of properties that can be used to satisfy the Township's obligation although the Township will not subsidize the development of those properties. Councilman Jurkovic commended Mr. McGroarty for his work and he took exception to the limitations that are placed on the municipality based on the Highlands Act. To further complicate matters, the Township now has to dedicate land to affordable housing. The Township does not have any control over the affordability of housing in West Milford and he questioned why it is not mandated that state land be used for these purposes first as the state is at fault to a far greater extent than the municipality. Mr. McGroarty stated that the plan requires that a municipality demonstrate that they have title to the land in question and he added that the rules may change. For now, he anticipates that this plan can pass the current requirements and result in certification for West Milford. He has identified sixteen municipal properties that may be subject to donation for this affordable housing plan but there are some properties that have constraints such as wetlands and steep slopes. Such development would be single family; not high-density. He has identified fourteen existing units that can be used toward the forty seven listed in the plan and there could be some two-family or duplex units or group homes that would apply to third round obligations. He discussed assisted living units and how they can be included in the plan. There are, he said, limits associated with age-restricted housing.

Councilwoman Lichtenberg asked if the properties identified have been zoned for multi-family units. Mr. McGroarty answered in the negative advising that the zoning is not consistent today and he does not recommend changes to the zoning at this time. It may be premature and an overlay could be recommended in the future.

The Council thanked Mr. McGroarty for his work and his attendance tonight.

2010 Thunder in the Highlands (PAL Representatives)

Mr. Bill Hempstead, representing the Police Athletic League (PAL) thanked the Mayor and Council for entertaining this discussion tonight. He advised that he is the President of PAL and is here to confirm that the PAL will assume a leadership role in this year's Thunder in the Highlands event. He stated that his organization understands the fiscal constraints that guided the Council's decision not to fund this event in 2010. However, PAL views this as a community event and, as such, they wish to see it continue. They will also use this opportunity to raise funds for their organization. The event will be run by volunteers and volunteers will prepare the site. They have insurance in place and plan to enhance the event with rides, vendors, food and representation from civic organizations. They have obtained permits and are seeking continued cooperation from the Township.

In response to a question from Councilman Nolan, Mr. Hempstead advised that the State of New Jersey DEP requires a resolution from the Governing Body approving the application before they will allow them to use Jungle Habitat. Councilman Nolan asked Administrator Boyle if the Township will incur any costs to which Mr. Boyle answered in the negative. Council President Smolinski recommended that the PAL seek assistance with clearing the site from those volunteers who have been performing that task for years. The Council thanked Mr. Hempstead and the PAL for their work and they gave consensus to have this event posted on the Township's website.

Agenda No. V

Proclamations

None.

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Agenda No. VI

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Luke Slott, 10 Ponderosa Place, West Milford stated that he is disappointed that the proposed water conservation ordinance is of no consequence to the Council majority. He said that residents have spoken in favor of this ordinance which will help protect the water supply. He said this proposed legislation is necessary to the future prosperity of the Township and without it people will not have the ability to get water at the turn of a faucet. There are already areas in West Milford that experience water shortages when wells run dry. He said that well water is sourced from the aquifer so that concerns about big government involvement are unfounded because the water source is not owned by any individual property owner. West Milford is a neighborhood community and the intent of this ordinance would be to educate people about protecting the water source. This law, he said, will help save our water supply from frivolous use.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she would like to echo the sentiments voiced by Luke Slott. She stated that the Council has asked the Administration to research water usage by major users versus use by private citizens with independent wells. The proposed ordinance would apply to any residence that uses water during the summer months regardless of the water source. The West Milford MUA supplies water to 20% of residents and this ordinance would apply to them equally. Surface water is provided through reservoirs such as the Newark watershed and that water comes from rain. However, wells receive their water from the aquifer and as such are at a greater risk of experiencing shortages. She asked the Council to give consideration to comments made by residents in support of the water ordinance. She stated that she hopes that the Council has heard the outcry from staff, residents and local professionals in support of retaining the engineering department. She stated that outsourcing these services would be detrimental to the Township and she commended them for the quality of their work.

Harry Clark, Minisink Road, Upper Greenwood Lake recalled that Councilwoman Lichtenberg labeled him as being confused at a prior meeting. He stated that Mrs. Lichtenberg proposed that an ordinance be adopted whereby homes would be subjected to an inspection prior to the resident moving out of town. Recently he received information in the mail that alleged that Councilwoman Lichtenberg said she was asked by the Republican Chair to do something unethical. He stated that she did not file a police report and he asked that she disclose the nature of this unethical request. He opined that she will not provide such information for fear that she will be sued for making the allegations. He stated that there are issues at Lincoln Hill involving a person using the Township's tax I.D. number. He asked for an explanation of that also. He stated that Mrs. Lichtenberg's running mate in this election got arrested for drunken driving and was removed from the bench.

Ada Erik, Macopin Road, West Milford recalled that the last time there was a drought West Milford had water restrictions. She relayed a recollection where during that time when all the lawns were burned and dry, there was one very green lawn in Old Milford whose sprinkler system was working early one Sunday morning for a number of hours. When approached, the resident informed her that he believed that the restrictions did not apply to him because he was served by public water. She stated that the water conservation ordinance would address needless lawn watering in the heat of the day when it is inappropriate. Something, she said, must be done to save the water especially since studies have proven there is a water deficit in West Milford.

Jim Novack, Larchmont Drive, West Milford took issue with the lack of progress on the bridge work being done by the County on Union Valley Road near the Elks Lodge. He urged the Council to pressure the County to complete this project because the work must be finished. He stated that the conditions are hazardous and dangerous to motorists and pedestrians. He asked Administrator Boyle to instruct the Engineering and DPW staff to repair the potholes in front of the McDonalds and to restore the signs that were demolished during last year's snow storms in Upper Greenwood Lake.

John Lauritano, 20 Brady Street, West Milford stated that he is opposed to the manner in which the water conservation ordinance is being addressed. He objected to people trying to force the Council to adopt invasive legislation rather than seeking to educate people. In his opinion, the fertilizer ordinance has not been effective. If this water conservation ordinance were enacted, people could be fined for allowing their children to play with water hoses in their backyard in the summer.

Lou Signorino, 3 Redbarn Lane, West Milford thanked the Council for not adopting the water conservation ordinance and for considering private property rights. There being no more comments from the public Councilman Weisbecker moved to close the public portion of the meeting.

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Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan Lichtenberg, Jurkovic.
 Voted Nay:
 Motion carried.

Agenda No. VII

Council Comments

None.

Agenda No. VIII

Discussion Items

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| 1) | <p>Discussion: Upper Mt. Glen Lake – Mr. Boyle recalled that Councilman Weisbecker sought to discuss the potential of selling this property back to the Association. Councilman Weisbecker sought and received consent from the Council to have Mr. Bergen, president of the Mount Glen Lake Association, join in this discussion from the podium. Councilman Weisbecker provided a brief history of this property and prior attempts to have it restored to the association. He stated that, in his opinion, it is a liability to the Township and recommends that title be conveyed back to the Mount Glen Lake Association. Mr. Bergen concurred advising that the Association would like to assume ownership of this property as there is a renewed interest in the lake. The Association recognizes that this particular lake may never be used as a swimming lake but they would like to de-weed the lake and restore its condition so that it is of use to the community. Councilman Weisbecker asked the Township attorney if the municipality can sell this property to the association or donate it back to them. Mr. Semrau advised that he can review the options available and asked if there is a dam on the property in question. Mr. Bergen answered in the affirmative but advised that he is not sure who actually owns the lake or the dam. Mr. Semrau stated that, with Council consent, he will research the matter adding that the association would have to assume the cost of related title work. Councilman Jurkovic stated that it would be important for the Township to determine who owns the lower lake and have a full understanding of property lines and actual location of the dam. Mr. Semrau advised that he will do due diligence and will communicate with the Association’s attorney. Mr Bergen stated that he believes that the Association owns both dams on the properties.</p> |
| 2) | <p>Discussion: Pre-Council Meeting Procedures Mr. Boyle stated that Councilman Weisbecker asked for this discussion because of concerns about timeliness of information being conveyed to Council. Councilman Weisbecker stated that he and many Council members have expressed repeated concerns that information is too often placed on the dais on a meeting night thereby denying Council the opportunity to read & digest information to be prepared to make educated decisions. As a result, many times resolutions and ordinances do not properly express the intent of the Council and he believes it unfair to expect Council to continue operating under these conditions. Henceforth, he will not vote for legislation that are placed on the dais at the last minute. He hereby notifies the Clerk and Administrator that these documents must be distributed to the Council on the Friday before a meeting. Councilman Jurkovic agreed adding that there are often times when information is conveyed by email at the last minute despite the fact that Council members cannot always access their remote email accounts on short notice. He stated that last minute items should be the exception rather than the norm and Council members should receive a telephone call if there is a last minute email that requires their attention. Councilman Ramaglia stated that he takes exception to last minute information appearing on the dais such as the resolution at the email sent out last Wednesday. Administrator Boyle stated that the staff works diligently to try to have information available for packets. He cited the last minute submission of a resolution last week advising that this came from the Environmental Commission, was time sensitive relative to a grant, and not available to staff until the last minute. He stated that circumstances of this nature are not directly related to the Township’s operations and there are times when staff is dependent on other entities such as volunteers who serve on various boards, committees or commissions. The Council expressed recognition of such occurrences. Councilman Jurkovic stated that he would appreciate a greater focus on getting information to Council in a timely fashion because last minute information increases the margin of error.</p> |
| 3) | <p>Discussion: Pledge of Support – Governor’s Took Kit – Mayor Bieri stated that Governor Christie is seeking mayoral support for his tool kit and, because this matter is primarily related to budgetary procedures, she thought it best to seek Council guidance before responding. Councilman Ramaglia urged the Council to be cautious in this matter because the information received thus far is not readily understandable. He asked for consensus to have Administrator Boyle review these recommendations one by one and provide a synopsis to council with an outline of the potential impact on the municipality. Councilman Jurkovic agreed stating that he has concerns about the inter-relation of the tool kit issues. Mr. Semrau stated that the toolkit may be subject to revisions and substantial changes as it meanders</p> |

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| | through the legislature and is refined by the Governor's office. Discussion ensued as to the merits of doing too much research until there is a more finalized document to review. The Council gave consensus to delay any research into this matter until there is a final version of the toolkit available for review. Administrator Boyle concurred adding that the Administrator's Association has expressed great concern about the impact proposed CAPS will have on future municipal budgets. |
| 4) | Discussion: Support Civil Service Reform – Administrator Boyle directed Council to a resolution promulgated by Ringwood which expresses support for a reform of civil service rules in New Jersey. Councilman Jurkovic stated that once a municipality joins Civil Service they become locked in. While the system is intended to provide protections to employees there is a duplication when employees are members of a bargaining unit. He believes this layering effect is problematic and municipalities should have the ability to opt out of civil service. The Council agreed but asked for more specific information related to the proposed reforms of the system. |
| 5) | Contract: Road Resurfacing – the Council gave consensus to proceed noting that these funds were allocated last year. |
| 6) | Contract: Cahill Cross Road Improvements – Council gave consensus to proceed. Mr. Boyle reviewed the bids and the grant monies received for this project adding that the Township's obligation is minimal. The work will begin in mid-July. |
| 7) | Contract: Kemp Property Lease & Composting Services – Mr. Boyle advised that the composting service agreement is not ready yet. He advised that he, Mayor Bieri, and members of the Council met with the property owner to iron out an agreement to lease the recycling center. He reviewed the proposed terms of the agreement and the length of the contract. He advised that a secondary agreement would allow a private entity to run the composting component of the program where there would be a fiscal benefit to the Township going forward. Council President Smolinski stated that he was not aware that it would be a two-part lease because he believes that each component is vital to the other. He stated that he would be more comfortable having the terms of a composting agreement in place first because such an agreement would result in a savings to the Township and better services for our residents. He also believes that the financial controls would be better because the exchange of funds would be removed from Township control. Administrator Boyle asked Council for consensus to have both contracts ready to proceed for the June 16 th meeting stating that he will ensure that all information is distributed in the packets prior to the meeting. Councilman Nolan recalled that the current owner acquired this property through the foreclosure process. The Township could have retained ownership of this property if it was not on the tax sale. This is akin to West Milford Lake being sold in the same manner. He stated that the Council should receive addresses with block & lot numbers when they receive the tax sale list so that they are not repeatedly placed in this or similar positions. Mr. Boyle stated that the remainder of this property has environmental issues and the Township may not want to assume ownership of a contaminated site for the purpose of utilizing a small portion of the property. The Council instructed that they have access to complete information regarding all such matters in the future. |
| 8) | Contract: Westbrook Park Requests for Proposals (RFPs) – Mr. Boyle recalled that at budget meetings, Councilman Jurkovic requested that any renovations at Westbrook Park include a plan to address external issues. In response, the Director of Community Services & Recreation met with the Township Engineer and drafted a request for proposals. Responses came in and he reviewed those responses. He asked for Council consensus to proceed. The Council discussed financing and possible options. They asked that Administrator Boyle provide them with a spending plan for the interior work. Councilman Jurkovic asked if this site can be rented out as a camping site to generate revenue. |
| 9) | Contract: Greenwood Lake Weed harvesting Agreement – Mr. Boyle advised that Passaic County will not be a party to this agreement this year. Mr. Semrau stated that this is now a reimbursement agreement and, if Council agrees, he will modify the language accordingly. The Township will not provide direct services and he stated that he has added language at the end of the agreement to have the Bi-State Commission waive rights or claims against the Township relative to maintenance issues. |
| 10) | Ordinance – Accept Sidewalk Easement Block 6303 Lot 18 – Mr. Semrau advised that this sidewalk was approved by virtue of a site plan waiver wherein the Engineer recommended the construction of a sidewalk. Discussion ensued as to the exact location of the sidewalk. The Council deferred discussion of this matter to a future workshop asking that they be provided with an exact address and location so that they can address this matter. |
| 11) | Discussion: Recycling Truck – Administrator Boyle stated that the recycling vehicle is in a state of disrepair. Under newly promulgated rules & regulations, the Township can use recycling grant funds to purchase a new truck. Councilwoman Lichtenberg confirmed that adding that those funds cannot be used to fund repairs to the vehicle because the current vehicle is part of the DPW fleet. The Council gave consensus to hear from David Stires, the Recycling Coordinator. Mr. Stires advised that there is a balance of \$57,000 in the clean communities fund and the Township can utilize 25% of those funds to purchase a vehicle. He described the condition of the vehicle and showed photographs. He stated that, in addition to |

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its use for recycling, the truck is used for other DPW operations. Councilman Weisbecker recalled that the recycling truck was supposed to be dedicated to recycling and questioned why the Council should believe that DPW would not commandeer a new truck if one was purchased. Mr. Stires stated that Mr. Boyle disseminated a memorandum prohibiting the use of this vehicle for any purpose other than recycling. Councilman Weisbecker questioned the maintenance practices that allow this truck to reach its current deplorable condition and he stated that he wants assurances that a new truck would not be incorporated into the DPW fleet. Mr. Stires stated that the grant stipulates that the vehicle must be dedicated to recycling and he reviewed the various operations for which he would utilize the vehicle. Council President Smolinski asked Administrator Boyle for a status update on all DPW trucks that were discussed at the budget meeting when it was determined that only the bodies need replacement. He stated that the condition of the DPW yard contributes to the condition of the trucks and stated that they would be in better condition if parked on a paved surface. Mr. Boyle stated that he will provide an update and recalled that these vehicles were discussed at length at the budget meetings. Discussion ensued about the use of the clean communities grant monies and what is needed to proceed to buy a new recycling truck. The Council instructed Mr. Boyle and Mr. Stires to research what is necessary to obtain full funding for a new vehicle from the DEP. Council President Smolinski stated that he will visit the DPW yard to check the condition of the vehicle.

Agenda No. IX

Action Items

The Township Council took action on the following items:

The Mayor asked to move the following resolutions as one 2010-198, 2010-199, 2010-200, 2010-201

Moved: Ramaglia Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
Voted Nay: Councilman Jurkovic voted nay on 198 and 199 only.
Abstain: None.
Motion carried.

Agenda No. IX 1

~ Resolution No. 2010-198 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC TO PETITION THE COUNCIL ON AFFORDABLE HOUSING FOR SUBSTANTIVE CERTIFICATION OF THE WEST MILFORD HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of West Milford in the County of Passaic, State of New Jersey, adopted the Housing Element of the Master Plan on May 27, 2010; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on May 27, 2010; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford in the County of Passaic, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the West Milford Planning Board; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair

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Share Plan and all supporting documentation shall be made available for public inspection at the Township of West Milford municipal clerk's office located at 1480 Union Valley Road, during the hours of 8:30 AM to 4:30 PM on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Adopted: June 2, 2010

Agenda No. IX 2

~ Resolution No. 2010-199 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, REQUESTING REVIEW AND APPROVAL BY THE COUNCIL ON AFFORDABLE HOUSING OF THE TOWNSHIP OF WEST MILFORD AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic petitioned the Council on Affordable Housing (COAH) for substantive certification on June 2, 2010; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of West Milford has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic requests that COAH review and approve the Township of West Milford Spending Plan.

Adopted: June 2, 2010

Agenda No. IX 3

~ Resolution No. 2010-200 ~

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

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DIVISION OF PARKS AND FORESTRY FOR THE USE OF THE FORMER JUNGLE HABITAT PROPERTY TO HOLD A FIREWORKS DISPLAY

WHEREAS, the West Milford Police Athletic League (WMPAL) wishes to use the former Jungle Habitat property to hold a display of fireworks on July 2, 2010 with a rain-date of July 9, 2010; and

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

WHEREAS, the President of West Milford Police Athletic League prepared an Application to present to the State of New Jersey Department of Environmental Protection for the use of the property for this purpose.

WHEREAS, the Township Officials have reviewed the application and the report submitted to it by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the West Milford Police Athletic League and International Fireworks Mfg Co Inc 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 2, 2010 with a rain-date of July 10, 2010 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.

Adopted: June 2, 2010

Agenda No. IX 4

~ Resolution No. 2010-201 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY 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.

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

Resolutions:

- a. **Resolution 2010-202** – Approve 2010 Limousine Licenses
- b. **Resolution 2010-203** – Refund Overpayments
- c. **Resolution 2010-204** – Refund Escrow Funds
- d. **Resolution 2010-205** – Refund Health Department Fees
- e. **Resolution 2010-206** – Refund Registrar Fees
- f. **Resolution 2010-207** – Refund Performance Guarantee
- g. **Resolution 2010-208** – Refund Police Trust Account Funds

Applications:

Adopted: June 2, 2010

Agenda No. IX 4 a

~ Resolution No. 2010-202 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A LIMOUSINE OWNER & DRIVER LICENSE FOR LICENSE YEAR 2010

WHEREAS, an application has been made by a licensee for the renewal of a Limousine Owner and Driver License for the year 2010; and

WHEREAS, a report of recommendation has been received from the Township Police Department recommending the issuance of said license as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2010 License listed below:

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| 2010 TAXI/LIMO OWNER & DRIVER LICENSES |
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| Limousine Owner License No. | Applicant Name- Address | T/A |
|------------------------------|---|---------------------------------|
| 2010 – 9 & 10 | Douglas Townsend 1873 Macopin Road West Milford, NJ 07480 | Douglas Business Services, Inc. |
| Limousine Driver License No. | Applicant Name - Address | T/A |
| 2010 – 9 | Douglas Townsend 1873 Macopin Road West Milford, NJ 07480 | Douglas Business Services, Inc. |

Adopted: June 2, 2010

Agenda No. IX 4 b

~ Resolution 2010 – 203 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

REASONS:

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

| Block/Lot | Name | Amount | Year | Reason |
|--------------|--|-------------------|------|--------|
| 102-28 | Robert & Karen Markson 4 Somerset Place West Milford, NJ 07480 | \$2,984.00 | 2010 | 2 |
| TOTAL | | \$2,984.00 | | |

Adopted: June 2, 2010

Agenda No. IX 4 c

~ Resolution No. 2010-204 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

| Name & Address | Application No. | Amount of Escrow | Amount Refunded |
|---|-----------------|------------------|-------------------|
| Robert Ascher 6871 Fabiano Circle Boynton Beach, FL 33437 | 9010-1766 | \$2,500.00 | \$1,399.62 |
| Robert Ascher 6871 Fabiano Circle Boynton Beach, FL 33437 | 9910-1917 | \$1,882.13 | \$1,542.66 |
| TOTAL REFUND | | | \$2,942.28 |

Adopted: June 2, 2010

Agenda No. IX 4 d

~ Resolution No. 2010-205 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: June 2, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 13

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT FLU CLINIC FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Health Department, the following fee be refunded:

| Name & Address | Receipt No(s) | Amount Refunded |
|--|---------------|-----------------|
| Mr. and Mrs. William Lungren 5221 Richmond Road West Milford, NJ 07480 | 9769 and 9770 | \$48.00 |

Adopted: June 2, 2010

Agenda No. IX 4 e

~ Resolution No. 2010-206 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT, REGISTRAR'S OFFICE DUPLICATE DEATH CERTIFICATE FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Registrar, the following fee be refunded:

| Name & Address | Account No. | Amount Refunded |
|--|-----------------|-----------------|
| Stickle-Soltesz Funeral Home P.O. Box 287 187 LaRue Road Newfoundland, NJ 07435 | 0-01-55-901-103 | \$40.00 |

Adopted: June 2, 2010

Agenda No. IX 4 f

~ Resolution No. 2010-207 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

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

| <u>Name & Address</u> | <u>Block & Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|---|------------------------|------------------------|----------------|
| Robert Choma 58 Bisset Drive West Milford, NJ 07480 | 9501/39 | \$1,850.00 | 74 |

Adopted: June 2, 2010

Agenda No. IX 4g

~ Resolution No. 2010-208 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE TRUST ACCOUNT MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Police Chief, the following Police Trust Account monies be refunded:

| Vendor | Acct # | Amount Refunded |
|--|-----------------|-----------------|
| Petillo Construction Co. 167 Flanders-Netcong Rd. Flanders, NJ 07836 | T-15-56-240-014 | \$996.68 |

Adopted: June 2, 2010

Agenda No. X

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: June 2, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 11 of 13

Approval of Expenditures

~ Resolution No. 2010-209 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

| Acct # | Account Name | Amount |
|---|-----------------------------|----------------------|
| 1 | Current Account. | \$349,637.42 |
| 2 | Reserve Account | 18,812.19 |
| 3 | Animal Control Trust | 432.12 |
| 6 | Capital. | 53,473.48 |
| 7 | Grants. | 22,017.39 |
| 8 | Refuse. | 162,514.63 |
| 9 | Refunds. | 3,024.00 |
| 12 | General Ledger. | 0.00 |
| 16 | Heritage Trust. | 723.30 |
| 14 | Open Space Trust | 1,362.50 |
| 17 | Trust | 5,076.68 |
| 18 | Development Escrow. | 2,942.28 |
| 19 | LOSAP | 0.00 |
| 20 | Special Reserve | <u>0.00</u> |
| Total | | \$ 620,015.99 |
| \$Less Refund Resolution | | -3,024.00 |
| Actual Bill List | | \$ 616,991.99 |
| Other Payments Ck #42483 Rothman 5/27 | | 5,000.00 |
| Ck # 42421 C. Morris pulled fr. 5/20 B/L | | 650.00 |
| Total Expenditures | | \$ 622,641.99 |

Approved: June 2, 2010

Discussion: Councilman Nolan stated that page 7 of the bill list reflects payments being made for retiree benefits. He stated that these benefits are costing the taxpayers a lot of money and we must renegotiate these benefits in contract negotiations. These are legacy costs that have driven private entities into bankruptcy. If the 2.5% cap becomes a reality, these benefits will simply be unaffordable. The Township, he said, should cap these benefits and the beneficiary should pay the difference.

Council President Smolinski asked Administrator Boyle if the payment to Atlantic Grinding is the last payment expected. Mr. Boyle stated that he expects there will be future payments because of a need for mulch. Council President Smolinski asked Administrator Boyle if Mr. Giacobbe's bill reflects the cost of one specific matter or if it encompasses an array of issues. Councilman Nolan gave Council President Smolinski a copy of Mr. Giacobbe's bill. Council President Smolinski asked Mr. Boyle if the Township receives free towing services noting that there were a number of accidents in the last few weeks. Mr. Boyle will research and get back to Council.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 2, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

Councilwoman Lichtenberg gave a thumbs up to six people who volunteered this year at Veteran's Park preparing for Memorial Day. She said they have agreed to do so again next year. She listed some upcoming community events and advised that she is available to meet with residents at Town Hall on Thursday from 10 a.m. to noon.

Councilman Jurkovic asked that staff be asked to review the Zoning Board annual report which includes a recommendation about pocket lots. He stated that he would like to see those properties back on the tax rolls. Councilwoman Lichtenberg stated that they are included in the open space plan and Mayor Bieri advised that she has asked the Township Planner to look into that matter and report back. Councilman Jurkovic asked Administrator Boyle to schedule a workshop discussion regarding the possible establishment of a green energy sub committee. Councilman Jurkovic stated that, in his opinion, it is insane that the State of new Jersey has dictated that West Milford and Ringwood operate under different rules than other municipalities because of the Highlands Act. Yet they give no concessions under COAH and affordable housing obligations. It is obscene that the municipality must donate land to affordable housing in a town where the State of New Jersey owns most of the land. West Milford residents, in addition to providing and protecting the water supply for the entire state, must now also provide affordable housing. He urged the Council to consider engaging the services of a lobbyist to state our unique case before the legislature. He asked the Administrator to schedule a workshop discussion of this topic and to reach out to Ringwood to determine if they would have any interest in joining us with the cost of hiring a lobbyist. The land in West Milford is our only asset and now we are being compelled to give it away because the State of New Jersey has failed to manage housing. This is another example of overregulation.

Councilman Weisbecker asked Mr. Boyle to check with all five municipalities located within the preservation zone to ascertain interest rather than limiting it to Ringwood. Councilman Jurkovic agreed adding that a lobbyist would have assisted us in the watershed aid restoration effort.

Council President Smolinski stated that the Township Attorney will be closing on the Random Woods acquisition tomorrow and that includes funding for a ball field in town. The funds will be dedicated to the construction of a ball field or the installation of a turf field either at the High School or at the CYO property. He reached out to members of the Board of Education (BOE) to get feedback and he broached the matter with the Recreation Advisory Committee (RAC). Members of the RAC expressed concern about access if the field were located at the High School. He asked for Council consensus to have Mr. Semrau reach out to the BOE to begin discussions about plans and concepts. Councilman Jurkovic stated that he favors having a subcommittee to work out the details.

Councilman Ramaglia sought and obtained Council consensus to have the Township Attorney draft a resolution opposing the teen decal legislation being considered in Trenton. He asked Mr. Boyle if it was confirmed that the CFO has found \$550,000 in the budget. Mr. Boyle advised that the CFO is currently on vacation but he will report back to Council. Councilman Jurkovic asked for a detailed written explanation on this matter clarifying how this happened and how these funds were found at the eleventh hour.

Councilman Nolan recalled that there was a \$650 bill on the last bill list for maintenance of the animal control software. He asked how this is tied into the new software used to track applications. Mr. Boyle stated that the Health Department has yet to tie into the new programs. He is meeting with the Health Officer and Network Administrator to discuss this matter and will report back to Council. Councilman Nolan stated that within a 23 week period since the beginning of the year, the Council has had 21 meetings. He advised that Passaic County will be spraying in town for mosquito control tomorrow. He urged residents to close windows & doors and turn off air conditioning. He also recommended that people stay indoors between 7 a.m. and 2 p.m. He advised that West Milford took second place today in the Senior Olympics held in Pequannock with Councilwoman Lichtenberg taking gold medals in soccer and softball.

Administrator Boyle advised that the Greenwood Lake BiState Commission has submitted their proposed amendments to the user fee legislation in an effort to have the law amended to address complaints about dock fees. They anticipate that the changes will be considered on both floors soon. Mr. Giacobbe has written to both the PBA and SOA requesting that they reopen negotiations but has not heard back as yet. He stated that he has placed an advertisement for a CFO either full time or part time and he has discussed shared services with a number of communities. The Diocese of Paterson has begun the repair work to the dam on the CYO property and he has had staff look at the Greene property to determine if it is suitable for a Passaic County Open Space grant application. He stated that he will be scheduling a conference call with various officials to discuss the Cable TV franchise renewal and televising Council meetings. He will be discussing fire department insurance coverage at the next Insurance Committee meeting in July. He stated that he is awaiting a response from WVT regarding their franchise renewal and whether or not they have an interest in light of their focus on direct TV. He will be meeting with staff and the CFO on Monday to update the status on the 2010 budget. He will also meet with staff to discuss the restructuring of DPW and Engineering and will report back to Council. Council President Smolinski stated that he would like to participate in that meeting so that he can hear all the ideas. Councilman

