
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: June 28, 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 Township Clerk, Antoinette Battaglia.

Adequate Notice Statement

Ms. Battaglia 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

The Council led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Robert Nolan, James Warden, Carmelo Scangarello. Mayor Joseph DiDonato (arrived @ 8:40 p.m.).

Absent: Councilman President William Gervens.

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

Councilman Scangarello made a motion that Councilman Weisbecker should chair the meeting until the Mayor's arrival. Councilman Nolan seconded the motion. Councilman Weisbecker was selected to chair the meeting until the Mayor's arrival by unanimous voice vote.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the May 24, 2006 Regular Meeting as presented.

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

Councilman Scangarello moved to adopt the minutes of the June 7, 2006 Special Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the June 14, 2006 Special and Workshop Meetings as presented.

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

Township Attorney, Fred Semrau, explained that executive session minutes are approved for release to the public when the matters discussed have been concluded. He advised that he and the Clerk reviewed the minutes and are presenting the listed minutes, as redacted, for release to the public pending Council approval.

Councilman Nolan moved to adopt release the following list of Executive Session Minutes as redacted:

June 01, 2005	September 21, 2005
June 15, 2005	November 10, 2005
July 06, 2005	December 21, 2005
July 14, 2005	January 25, 2006
September 07, 2005	

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

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

Presentation

Tourism Commission

Councilman Weisbecker invited the Tourism Commissioner, Paul Bailey, to come forward to address the Council. Commissioner Bailey stated that he is presenting the promotional newspaper, *The Highland Source*, to the Council for review. He stated that this is the culmination of a lot of work since 2004. He reviewed the newspaper, its contents, and its layout. He advised that the articles were written mostly by members of the Commission. The centerfold includes a map of West Milford divided into regions with a listing of resources in each region. He advised that this centerfold could be removed for easy transport for visitors to our town. He explained that this is the first volume and advised that people can call the telephone number listed therein to get updates of current events. The distribution will be handled in the following manner – 60% of the newspapers will be distributed within a fifty-mile radius of West Milford by a company who has experience in distribution and knowledge of the best locations for such placement. That company will provide a list of the actual placement locations so that we can continue to service them as necessary. Approximately 1,000 newspapers will be distributed locally so that people passing through can have access to them. The balance will be held for distribution in April 2007. The next volume will be in 2007 with similar content and commercial entities will pay for advertisements.

Commissioner Bailey advised that he has set up the tourism website thanks to a generous donation. The site is visitwestmilford.org and visitwestmilford.com. They are working with Parks and Recreation to update the schedule of events regularly. He advised that the historic map begets an historic tour. The Tourism Commission is researching the possibility of having a cell-phone guided tour of historic sites in West Milford. Commissioner Bailey will report back to the Council as this research progresses. The Commission is also researching the possibility of having literature distributed at various shows throughout the state.

Commissioner Bailey asked the Council to consider restoring the Tourism Commission's budget. He stated that funding is necessary to apply for and obtain grants. He noted that the grants they want to apply for are matching grants. The Council had no questions and Councilman Weisbecker thanked Commissioner Bailey for his presentation.

Weiner Lesniak

Councilman Weisbecker directed the Council to a letter in their packets from the Planning Board attorney, Weiner Lesniak. He asked Mr. Semrau to speak on this matter. Mr. Semrau advised that, at last week's meeting Councilman Nolan presented a resolution that would authorize the Council to investigate Weiner Lesniak and their conflict of interest in the Valley Ridge matter as well as the transfer of the file to succeeding counsel. At that meeting, the Council instructed Mr. Semrau to notify the planning board attorney of the Council's intent to pursue this matter and invite them to attend tonight's meeting to address this subject. Mr. Semrau spoke with the attorney from Weiner Lesniak who advised that he was unable to attend tonight. Therefore, they sent a letter dated June 27th which Mr. Semrau received this morning and distributed to Council. He directed Council to that letter which was sent by Weiner Lesniak in response to the Council's queries. Mr. Semrau read the letter which indicated that Weiner Lesniak had provided a full explanation to the planning board at their meeting on May 25, 2006. The letter further stated that Weiner Lesniak had assumed that this explanation would have been relayed to the Council through either the Mayor's representative or the Council's representative. They further enclosed an audio CD of that meeting. The letter also stated that Weiner Lesniak feels that they acted responsibly and appropriately in this matter. Mr. Semrau advised the Council that the Township Clerk had prepared a verbatim transcript of that portion of the May 25th planning board meeting that pertains to this matter and that was also distributed to Council. Mr. Semrau further advised that he had received a telephone call from the Planning Board Chairman, Mr. Tfank, wherein he advised that the intention at the May 25th meeting was to bring this to the public's attention. Mr. Semrau advised that, during the transition process, he spoke with the Township Planner, Mr. Drew, the Planning Board Attorney, Mr. Kienz, and the substitute attorney, Mr. Glatt. Subsequently, the substitute of attorney was withdrawn in the court and ultimately Mr. Glatt was appointed by the Planning Board. Mr. Semrau read portions of the verbatim transcript of the May 25th planning board meeting. The Council determined that they would discuss this matter further in the agenda when they are scheduled to act on the resolution.

Proclamations

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Councilman Weisbecker noted that he is honored to be presenting a Certificate of Appreciation tonight to Ms. Doris Aaronson on behalf of the Council. Councilman Weisbecker invited Ms. Aaronson to join him at the podium. He presented her with a certificate of appreciation from the Council and thanked her for hard work for the Township of West Milford. Ms. Aaronson expressed her appreciation and provided a brief overview of her experiences in West Milford. She expressed her determination to remain focused on local environmental issues.

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1
~ Ordinance 2006-005 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING CERTAIN BUILDING SUBCODE FEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Revised General Ordinances of the Township of West Milford are amended to provide for modifications to Chapter 12, Section 2.1. Fees, to increase certain fees under the Construction Code as follows:

1. The following underlined subsections of Section 2.1, Fees, shall be amended or added in pertinent part to read as follows:

A. BUILDING SUBCODE FEES:

1. Fees for new construction shall be based on the volume of the structure. The new construction fee shall be in the amount of \$.034 per cubic foot of volume with a minimum of \$1,000.

- a. Use group U shall be a minimum fee of \$70.00
- b. Residential utility sheds under 150 square feet shall be a minimum fee of \$50.00.
- c. Use groups U, S1, S2 for agricultural use as defined under N.J.A.C. 5:23-3.2(d) shall be a minimum fee of \$75.00 and \$.020 per cubic feet of volume.
- d. Use group S1 and S2 for commercial; and use group F1 and F2 shall be charged .025 per cubic foot of volume with a minimum fee of \$250.00.
- e. Residential roof R-3/R-4 flat fee of \$60.00.
- f. Residential siding R-3/R-4 flat fee of \$60.00.

2. For renovations, alterations and repairs or minor work as defined \$27.00 per \$1,000.00 of estimated cost of the work, provided that the minimum fee shall be \$60.00.

3. Additions for all use groups \$.034 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150.00.

4. For combinations of renovations and additions the sum of the fees computed separately as renovations and additions.

5. Swimming pools will be a flat fee of \$100.00 for above ground and inground pools.

6. For residential elevators, dumb waiters or hoists in R-3 or R-4 use group shall be \$60.00.

7. For structures of temporary uses \$60.00 for a period up to ninety (90) days.

8. Asbestos abatement a flat fee of \$65.00.

9. Lead Hazard a flat fee of \$65.00.

10. Application for Variation \$100.00.

11. Retaining Walls - Permits

- a. 550 sq ft or less associated with a Class III Residential Structure-\$100.00
- b. 551 sq ft and over associated with a Class III Residential Structure-\$200.00
- c. Other than Class III Residential Structures shall be based on cost of construction.

12. Annual Construction Permits. The annual fee to be charged for an Annual Construction Permit shall be a Flat fee based upon the number of maintenance workers employed by a facility, and who are primarily engaged in work that is governed by a Subcode. Managers, engineers and clerical personnel shall not be considered maintenance workers for the purpose of establishing the Annual Construction Permit fee. Permits may be issued for building protection, electrical and plumbing sub-codes.

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Prior to the issuance of an Annual Construction Permit, a training registration fee of \$100.00 per Subcode shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the Construction Permit (form F-170). Fees shall be made payable to "Treasurer, State of New Jersey".

- a. 1 to 25 maintenance workers-----\$425.00 per worker.
- b. For each additional worker over 25-----\$165.00 per worker.
- c. Training Registration-----\$100.00 per worker.

13. Demolition Permit fee.

- a. The fee for a permit for demolition of a building or structure shall be \$100.00 for structures of all use groups.
- b. Demolition of all flammable or combustible storage tanks residential shall be \$70.00.
- c. Demolition of all flammable or combustible storage tanks commercial shall be \$200.00.

14. The fee for a permit to construct a sign shall be \$2.00 per square foot of the surface area of the sign, provided that the minimum fee shall be \$60.00. In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.

15. Certificate of Occupancy Fees

- a. Certificate of Continual Occupancy \$140.00(Upon request only). The fee for a letter requesting that No Certificate of Continual Occupancy is required is \$10.00.
- b. Certificate of Occupancy granted pursuant to change of use \$100.00.
- c. Certificate of Occupancy \$100.00.
- d. Certificate of Occupancy for Asbestos Abatement \$100.00.
- e. Temporary Certificate of Occupancy-There shall be no fee for the first issuance of a Temporary Certificate of Occupancy provided that a Certificate of Occupancy fee was paid. Each renewal after the first issuance shall be a fee of \$50.00.

B. PLUMBING SUBCODE FEES:

- 1. The fee shall be in the amount of \$25.00 per fixture, piece of equipment or appliance connected to the gas piping or oil piping system.
- 2. The fee shall be \$75.00 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventors, steam boilers, hot water boilers, active solar systems, sewer pumps and interceptors. There shall be no inspection fee charged for gas service entrances.
- 3. The Plumbing Subcode fees shall be a minimum of \$60.00.

C. ELECTRICAL SUBCODE FEES

- 1. Electrical fixtures and devices:
 - a. Receptacles and Fixtures- First 25 fixtures \$60.00.
 - b. Each additional 25 will be \$20.00.
- 2. Each motor or electrical device greater than one (1) HP and less than or equal to 10 HP and for transformers and generators greater than 1 KW and less than or equal to 10 KW fee is \$25.00 each.
- 3. Each motor or electrical device greater than 10 HP and less than or equal to 50HP for each service panel, service entrance or sub panel less than or equal to 200 amperes and for all transformers and generators greater than 11 KW and less than or equal to 45 KW and for each utility load management devices the fee is \$65.00.
- 4. Each motor or electrical device greater than 50 HP and less than or equal to 100 HP for each service panel, service entrance or sub panel greater than 200 amperes and less than or equal to 1,000 amperes and for each transformer or generator greater than 45 KW and less than or equal to 112 KW fee is \$125.00 each.

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5. Each motor or electrical device greater than 100 HP, for each service panel, service entrance or sub panel greater than 1,000 amperes and for each transformer or generator greater than 112 KW fee is \$550.00.

6. The fee for the annual electrical inspection of swimming pools spas or hot tubs shall be 60.00.

7. Each pool bonding inspection shall be a flat fee of \$60.00.

8. MINIMUM fee shall be \$60.00.

D. FIRE SUBCODE FEES

1. ALARM/SUPERVISORY/SIGNALING (smoke, heat, pulls, water/flow)

1 - 6 \$60.00

Each Additional 5 \$10.00

2. Fire Suppression System. For the installation of either a wet or dry suppression system:

A.	1-20 sprinkler heads	\$75
B.	21-100 sprinkler heads	\$130
C.	101-200 sprinkler heads	\$250
D.	201-400 sprinkler heads	\$625
E.	401-1,000 sprinkler heads	\$900
F.	1,001 & over sprinkler heads	\$1,200

3. Stand Pipe \$200.00

4. Pre-Engineered Systems

a.	Wet Chemical	<u>\$125.00</u>
b.	Dry Chemical	<u>\$125.00</u>
c.	CO2 Suppression	<u>\$125.00</u>
d.	Foam Suppression	<u>\$125.00</u>
e.	FM 200 Suppression	<u>\$125.00</u>

5. Commercial Hood Exhaust System \$100.00.

6. Smoke Control System \$70.00.

7. Gas & Oil Fired Appliance which is not connected to a Plumbing system \$80.00.

8. Central air conditioning unit or ducts \$60.00.

9. Incinerators \$500.00.

10. Crematoriums \$500.00

11. The fees for the issuance of a permit for a flammable or combustible storage tank installation shall be as follows:

a.	1 - 1,000 gallons	<u>\$75.00</u>
b.	1,001 - 3,000 gallons	<u>\$150.00</u>
c.	3,001 - 5,000 gallons	\$300.00
d.	5,001 and over gallons	\$400.00

12. The fee for each solid fuel-burning appliance such as a fireplace, wood stove or pellet stove shall be \$75.00

13. The fire sub-code fees minimum fee \$60.00.

E. Any Change of Contractor shall be \$60.00 per subcode.

F. Section 12-2.1 (E) of the Revised General Ordinances of the Township of West Milford entitled "Elevator Subcode Fees." The Elevator Subcode inspection fees shall be the actual costs incurred by the Township in accordance with the State fee schedule as set forth in N.J.A.C. 5:23-4.20, plus an administration fee of fifteen percent (15%).

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

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

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

Introduced: May 24, 2006
Adopted: June 28, 2006
Effective Date: July 22, 2006

Administrator Kunze advised that this review of building fees is conducted each year.

Councilman Weisbecker noted that this Ordinance was introduced on May 24, 2006 and the Notice of Public Hearing was published in the Herald News on May 28, 2006. He opened the meeting to the public to speak to this issue only. There being no comments from the public, Councilman Weisbecker closed the public portion of the meeting.

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

Agenda No. V 2
~ Ordinance 2006-006 ~

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X,
TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

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

SECTION 1. Chapter X, Traffic, Section 10-5, Speed Limits, Schedule V, is hereby amended in regard to the speed limit for both directions of traffic along Doremus Road as follows:

<u>NAME OF STREET</u>	<u>DIRECTION</u>	<u>SPEED</u>	<u>LOCATION</u>
Doremus Road	Both	a. 35 mph	From Route US 23 to Old Hoop Hole Road
		b. 35 mph	From Old Hoop Hole Road to Route US 23

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect as required by law and upon the posting of appropriate signs and the approval of the Commissioner of Transportation.

INTRODUCED: May 24, 2006

Administrator Kunze provided a history of this ordinance and the locations of the proposed speed reductions. He advised that there are differences between the engineering and police surveys regarding the proposed reduced speed limits.

Councilman Weisbecker noted that this Ordinance was introduced on May 24, 2006 and the Notice of Public Hearing was published in the Herald News on May 28, 2006. He noted that we are awaiting an updated report from our police department and thus, the Council may table the adoption of this ordinance to July 26, 2006. He opened the meeting to the public to speak to this issue only. There being no comments from the public, Councilman Weisbecker closed the public portion of the meeting.

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Councilman Nolan made a motion to table adoption of this ordinance to the July 26, 2006 meeting.

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

Agenda No. V 3
~ Ordinance 2006-007 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION, PROPER ADMINISTRATION AND REPAYMENT OF THE LOAN MONIES TO THE 2003 DAM, LAKE AND STREAM REVOLVING LOAN FUND AND/OR NJDEP PURSUANT TO DAM REHABILITATION LOAN

WHEREAS, the Gordon Lakes West dam was severely damaged in September of 1999 during Hurricane Floyd; and

WHEREAS, the New Jersey Department of Environmental Protection, Dam Safety Division, determined that said dam was unsafe and was in need of repair; and

WHEREAS, on March 6, 2002, the Mayor and Township Council passed a resolution authorizing the execution of an agreement between the Township and the Gordon Lakes Property Owners Association; and

WHEREAS, pursuant to such Agreement, the Township of West Milford would take title to the properties known as Block 12307, Lot 49 and Block 12307, Lot 16, by way of a tax foreclosure action and subsequently convey same properties back to the Gordon Lakes Property Owners Association upon the completion of the Dam Rehabilitation Project; and

WHEREAS, the Agreement further stated that the Township of West Milford would make reasonable efforts to obtain grants for repairs of the dam; and

WHEREAS, the 2003 Dam Bond Act, allocated ninety-five million (\$95,000,000.00) dollars to the 2003 Dam, Lake, and Stream Revolving Loan Fund, a revolving, non-lapsing fund ("2003 Fund") to provide loans, subject to the regulations set forth in Dam Restoration and Inland Waters Loan Program N.J.A.C. 7:24A-1.1 et seq., payable over twenty years (20), at two percent (2%) interest, to private lake associations, such as the Gordon Lakes Property Owners Association to accomplish dam rehabilitation projects; and

WHEREAS, subsequently the Township of West Milford and the Gordon Lakes Property Owners Association applied for a low interest loan under the 2004 Dam Restoration Loan Program; and

WHEREAS, pursuant to the submitted loan application, the State of New Jersey has estimated the cost of the actual work on the dam to be approximately \$800,000; and

WHEREAS, the 2003 Dam Bond Act specifically provides:

The cost of payment of the principal and interest on any loan made to the owner of a private dam, or to a private lake association, as a co-applicant with a local government unit, **shall be assessed**, in the same manner as provided for the assessment of local improvements generally under chapter 56 of Title 40 of the Revised Statutes, **against the real estate benefited thereby in proportion to and not in excess of the benefits conferred**, and such assessments shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the municipality where they are imposed, and from the date of confirmation shall be a first and paramount lien upon the real estate assessed to the same extent, and be enforced and collected in the same manner, as assessments for local improvements. P.L.2003, Chapter 162, 5f(1), and;

WHEREAS, the final costs of the project will not be determined until the Dam Rehabilitation Project is complete.

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

SECTION 1. The assessments levied under this Ordinance shall include any and all of the reasonable and necessary costs incurred in connection with the Gordon Lakes Dam Rehabilitation Project, including but not limited to the repayment of the Loan monies, the interest thereon, any

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associated penalties, late payments and other charges imposed in connection therewith, as provided under **P.L.2003, Chapter 162, 3**. An estimate of costs relating to this project is attached hereto as Exhibit A.

SECTION 2. The Township Clerk shall cause a notice of this proposed assessment to be mailed to the owner(s) of real estate impacted by the special assessment prior to the commencement of the Gordon Lakes Dam Rehabilitation Project. The notice shall contain a description of the property impacted sufficiently to identify it. Such notice shall be served in accordance with the law and proof of service shall be filed with the tax office within ten (10) days after such service. A copy of the list of affected property owners is attached to this Ordinance as "**EXHIBIT B.**"

SECTION 3. The special assessment assessed against each impacted property shall constitute a first and paramount lien as provided for in **P.L.2003, Chapter 162, 5f(1)**.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: May 24, 2006
ADOPTED: June 28, 2006
EFFECTIVE DATE: July 22, 2006

Mr. Semrau advised that this relates to the Gordon Lakes Dam project. All affected residents were notified of this ordinance. He reviewed the reason for the ordinance. Subsequent to this, the Township will execute an agreement with the Gordon Lakes Homeowners Association for a low-interest loan to facilitate this project. He also asked for Council approval to invite Ms. Davis, the Property Owner's Association attorney, to speak about this matter. Ms. Davis thanked the Township for all their help in rectifying this situation. She reviewed the problems which necessitated the need for the dam rehabilitation. The assessment ordinance will allow for the funding and advancement of this project. She stated that, by enacting this ordinance, the Township is being proactive in addressing health issues that not only affect Gordon Lakes residents but all West Milford residents.

Councilman Weisbecker noted that this Ordinance was introduced on May 24, 2006 and the Notice of Public Hearing was published in the Herald News on May 28, 2006. He opened the meeting to the public to speak to this issue only.

Paul Major, President of the Gordon Lakes Homeowners Association thanked the Council for their work on this ordinance. He stated that it has been six years and we're finally going to get a dam. He recognized that this process demanded a lot of time and effort from both the Council and Township staff and he thanked them for that.

There being no further comments from the public, Councilman Weisbecker closed the public portion of the meeting.

Councilman Weisbecker expressed his delight that this ordinance and this project is moving forward. He recalled the series of events that brought about the need for this project. He commended everyone for their hard work.

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

Public Comments

Councilman Weisbecker opened the meeting to the public.

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Eleanor Decker, 15 Lincoln Avenue, West Milford stated that the seniors in Lincoln Hill Village would like a sidewalk installed from the back gate toward the Shoprite in town. She stated that, when seniors visit the doctors, they are consistently told to walk. However, because of the dangers on the roads surrounding their homes, they cannot walk. A sidewalk would resolve that problem. She stated that many people speed through their streets and she presented the Council with a petition for a sidewalk.

Ada Erik, Macopin Road, West Milford advised the Council that the bike paths in town are not being swept regularly. This year, the paths have only been swept once and recently a child on his bike skidded and fell off his bike. She asked the Council to have the bike paths swept regularly.

Renee Alessio, Upper Greenwood Lake, West Milford listed a host of natural and man-made disasters that have recently occurred and stated that we are all affected by global warming. She stated that we need to cut down on greenhouse emissions as soon as possible. On February 16, 2005 the Kyoto protocol was ratified by 141 countries. Mayors are being challenged to take local action to reduce global warming. She stated that, in 2005, the conference of Mayors unanimously passed the US Mayors Climate Protection Agreement. She enumerated the number of Mayors who have accepted the challenge. Tonight, she presented to the Mayor and Council the US Mayors Climate Protection Agreement and asked that the Mayor consider signing this agreement. She stated that the agreement gives us a plan of action. The key elements are already in place by virtue of many of our commissions and committees. The school has already begun implementing energy saving strategies. She stated that we must all work together to conserve and save energy. She thanked the Council for their leadership on this important issue.

Martin O'Shea, 22 Greenbrook Drive, West Milford distributed three sets of papers to the Council. He stated that he will address one of those documents tonight. He stated that he had created a timeline of the Weiner Lesniak conflict with regard to Trammel Crowe. He reviewed the timeline he had created. He stated that, regardless of what other entities may say, he has just read a factual timeline. As of today, the planning board has no legitimate representation in this litigation.

Bob Brady, Zoning Board Chairman, West Milford stated that he has served on the zoning board for sixteen-plus years. He stated that last night the zoning board could not proceed with their regularly scheduled meeting because they could not get an attorney. The regular attorney was on vacation, a contract was drawn up for a substitute attorney but, because of recent events in West Milford, that lawyer did not want to represent us without the senior partners in her firm reviewing her contract. As a result, eight applicants had to be turned away last night. He stated that, because of the intimidating actions of pseudo legal eagles in West Milford to undermine the boards and commissions, eight applicants were disappointed last night. He stated that the boards and commissions cannot do their jobs if these conditions continue in West Milford.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she attended the Greenwood Lake Commission meeting recently. She heard that all the weed harvesters have been moved to New York because the MUA sewerage is polluting Greenwood Lake and thus West Milford does not deserve the harvester. She stated that the Commission stated that they have DEP non-compliance reports showing that the MUA is out of compliance. They are especially concerned about the proposed Valley Ridge development. She stated that she was shocked that the Council did not insist at the last meeting that grant applications to the DEP include monitoring of the MUA. She stated that without testing of the MUA effluent, the testing done with those grant funds is flawed. She asked that the Council find a way to monitor the MUA and private sewerage plants and their effluent.

Kathleen Caren, Quince Tree Lane, West Milford stated that she is very concerned about the planning and zoning boards not having legal representation. She asked when the Valley Ridge application was heard by the planning board. In 2002, the request for an extension was denied by the planning board. How did it reappear? She stated that she was at Bald Eagle Village last week and there were bad odors emanating from the MUA. She stated that it is scary that 109 townhouses could be pushed through because someone did not do the right thing. She asked that the lines of communication between the planning board and the Council be improved.

Mayor DiDonato arrived and Councilman Weisbecker turned the meeting over to him. Mayor DiDonato apologized for his late arrival. He continued with the public portion of the meeting.

Andrew Gargano, 45 Apshawa Cross Road, West Milford stated that he is concerned about the earlier statements by the zoning board chairman. He stated that he has always been relieved that so many residents care and are active in our town. He stated that there was mismanagement by the planning board and zoning board. Therefore, he said, it is no surprise that people in the audience suspect that something is wrong. It is a positive thing that people take an interest in ensuring that we do things right. He asked when the zoning board found out that Mr. Glatt was taking vacation. He stated that this should

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have been planned for and provisions made in advance. He stated that he takes exception to people stating that we must accept the status quo.

Battina Bieri, 17 Bearfort Road, West Milford advised that she has seen seniors attempting to walk to Shoprite on Lincoln Avenue with great difficulty. She asked the Council to install a sidewalk as requested by an earlier speaker. Ms. Bieri stated that all the lakes in West Milford have weed problems having two distinct causes. The first is nature and the second is the MUA's continued non-compliance and sewage discharge. Somebody needs to something to resolve this problem at its source. Then, we won't need weed harvesters.

Arthur McQuaid, Moorestown Road, West Milford thanked Councilman Weisbecker for chairing the earlier portion of the meeting and congratulated Ms. Aaronson on her award. He also thanked the Council for their efforts to support the Tourism Commission in the hopes of increasing revenue in West Milford. He stated that we must take action to become fiscally responsible. He noted the fiscal responsibility displayed by Congressman Scott Garrett and encouraged the Council to follow suit and show fiscal responsibility. He noted that the Council is only responsible for a minor portion of our budget and commended them on the time they have spent on the budget. He stated that, in the past, we fired legal counsel representing us with tax appeals and foreclosures for minor flaws in the execution of paperwork. He cautioned that this was a bad decision and encouraged the Town to continue efforts to generate revenue through tax appeals.

Jim Geist, Upper Greenwood Lake, West Milford stated that members of the Democratic Club have been collecting signatures on a petition for the West Milford Sunshine Act. He explained that this act would force every committee to post their minutes on our website and thus keep the public informed. He stated that many people have signed the petition especially when they learned that Valley Ridge was voted down three times but the planning board continued to push it through. He said that, in the course of collecting signatures, he met three CPAs who expressed interest in serving on a finance committee to help the Township make educated budget decisions. He expressed gratitude for the funding we have received from the County on many projects.

Frank Hannan, Krattigher Court, West Milford thanked the County for fixing Deadman's Curve. He referred to an article he read in the Trends newspaper about the recent tax increases in Pompton Lakes. He stated that the article was somewhat confusing and misleading in that it erroneously blamed the tax increase on the downtown redevelopment project. He stated that he spoke with the Pompton Lakes auditor, Chuck Ferraioli, who stated that the increases have nothing to do with the grants. He stated that, given the Highlands Act and our need to update our Master Plan in the near future, we should not downsize or eliminate our planning department. While other towns do not have planners, we do not know how much they pay on consultants. We need people who know the specifics about our town. We may have to downsize this department in the future, but now is not the time. He stated that West Milford will soon have problems retaining good attorneys.

Bob Pawlo, 7 Madelyn Avenue, West Milford stated that our planning department submitted plans as part of the Town Center plan in 1999 to the State, despite the wishes of residents, to convert West Milford into a suburb including developments and infrastructure. He outlined some of the specifics of the plan which residents saw when they drove to Trenton to discover this for themselves. He stated that Valley Ridge was also included in this plan. In 2001 and again in 2002, the Council instructed the planning board of their policy including the rescinding of the Town Center idea. However, the planning department never relayed this information to Trenton. He stated that ignoring the instruction of the Council is grounds for dismissal. He stated that the Planning Director failed to inform the Council in 2004 of the ramifications involved in getting a Town Center exemption from the State. He stated that most municipalities hire consultants for planning and the applicants pay the consultants. He stated that this Governing Body has disappointed the voters by their inaction on the defeated school budget. Now, when discussing our municipal budget only the democratic Councilmen are posing questions.

Michael Tfank, 53 Bradrick Lane, West Milford stated that the smart growth report was based on regulations that were thrown out by the courts. The planning board had nothing to do with the Town Center designation plan submitted by the Council to the State. The Town Center plan was tied to the COAH plan which would have left West Milford vulnerable to a builder's remedy if we did not have COAH protection. He stated that he serves as the Chairman of the Planning Board. He advised that the speaker who mentioned the ethics complaint filed against the Zoning Board attorney is the very person who filed that complaint. He opined that the previous speaker is the cause of many problems in West Milford. He stated that the Planning Board has consistently had legal representation. Valley Ridge has been remanded back to the Planning Board by the Judge for an open public meeting. He stated that the Planning Board does not make decisions about applications without holding public meetings. He encouraged everyone to attend that meeting because it does have an impact on our Township.

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RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF A PROPERTY TAX REFORM CONVENTION

WHEREAS, all political power is inherent in the people and government exists for the protection, security and benefit of the people; and

WHEREAS, the people of the State of New Jersey have reserved to themselves, as part of their intrinsic sovereignty, the right to alter or reform the State Constitution and the statutes when the public good may require it; and

WHEREAS, the current system of property taxation in this State is unfair because it is not based on the ability to pay and is applied in an inequitable and non-uniform manner; and

WHEREAS, there is a need to revise and amend the State Constitution and the statutes to lessen the dependence of local government on property taxes, reduce property taxes as a share of overall public revenue, and find alternative means of funding local government services; and

WHEREAS, the legislature, when considering proposals for broad restructuring of revenue sources, recognizes that there is great political risk in making recommendations which the general public might perceive as increasing taxes; and

WHEREAS, it is therefore essential that the citizens of New Jersey are fully engaged in the effort to restructure taxes; and

WHEREAS, the most effective way to have maximum participation is a public vote on whether or not to proceed with a tax reform process and, if this question is approved, another vote by the public to ratify the recommendations for tax reform; and

WHEREAS, the convening of a special convention for the purpose of recommending amendments to the New Jersey Constitution and changes to the statutes is the most appropriate method for building a consensus for, and implementing reform.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby express its strong support for the convening of such a convention; and

BE IT FURTHER RESOLVED that we do call upon our State Senator, Robert J. Martin and our Representatives in the General Assembly, Alex De Croce and Joseph Pennacchio, that they support with their voice and vote A-1858 and ACR-107/S-756 and SCR-68, legislation that would empower the people to express their will concerning the convening of such a convention; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Senator Robert J. Martin and Assembly members Alex De Croce and Joseph Pennacchio, to Governor Corzine and to the New Jersey State League of Municipalities.

Adopted: June 28, 2006

Discussion: Mayor DiDonato expressed concern that the convention only focuses on revenue and those people who attend the convention do not look at costs. He stated that, without looking at both costs and revenue, the taxpayers cannot be fully represented. He also expressed concern about provisions therein that may block the water surcharge that we are trying to get. Councilman Nolan stated, that while this is not perfect, it is a step in the right direction to address New Jersey's property tax issues.

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

Agenda No. VIII 4

~ Resolution 2006-219 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF AMENDMENTS TO THE STATE OF NEW JERSEY BINDING ARBITRATION STATUTE

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WHEREAS, the Police and Fire Interest Arbitration Act of 1995 provided for interest arbitration to be the final step in the collective bargaining process for Police and Fire; and

WHEREAS, this Act;

- a. Requires the arbitrator to determine the "net economic change" to be awarded, thereby encouraging arbitrators to select compromises from the final positions of the employers and unions for numerous economic issues;
- b. Amends criteria to be used by the arbitrators to include two references to the State CAP Law; and
- c. Expands criteria concerning the impact of the arbitrators award on the ability of the governing body to maintain or expand the existing programs or initiate new ones; and

WHEREAS, the Binding Arbitration Process is intended to support local government by arriving at award decisions equitable to all involved parties, including Police and Fire, Municipal Officials, taxpayers, and other municipal employees; and

WHEREAS, despite the economic constraints suggested in the guidelines noted above, for the ten-year period from January 1996 through December 2005, arbitration awards exceeded both the CAP Law limitation and the Consumer Price Index (CPI) by 50%; and

WHEREAS, excessive Binding Arbitration awards are clearly a major factor causing the rapidly increasing municipal property taxes throughout New Jersey; and

WHEREAS, the New Jersey State League of Municipalities has proposed that the State Legislature amend the Interest Arbitration Law to limit awards to the amount of the annual CAP limitation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford supports the N.J.L.M.'s position on this matter and requests the New Jersey State Legislature to amend the Police and Fire Interest Arbitration Act to limit binding arbitration awards for all economic issues combined to an amount on a department basis that does not exceed the annual CAP Law limitation.

BE IT FURTHER RESOLVED that municipalities throughout the State are requested to pass a similar resolution and forward it to our legislators.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Senator Robert J. Martin and Assembly members Alex De Croce and Joseph Pennacchio, to Governor Corzine and to the New Jersey State League of Municipalities.

Adopted: June 28, 2006

Discussion: Mayor DiDonato stated that the arbitration process in New Jersey right now is very tightly regulated. There are certain areas that arbitrators cannot even consider. This legislation would urge that the Arbitrator can look at all pertinent information to make his/her determination. It would also allow the Arbitrator's to take CAP laws into consideration during the process.

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

Agenda No. VIII 5

~ Resolution 2006-220 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXEUCION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND THE COUNTY OF PASSAIC AUTHORIZING REPAIRS TO CLINTON ROAD

WHEREAS, Clinton Road, a Township roadway, contains Culvert #172 which is owned and maintained by the County of Passaic; and

WHEREAS, both the roadway and the Culvert are in need of repair; and

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WHEREAS, the Township of West Milford and the County of Passaic, in an effort to obtain cost savings by coordinating the respective projects; and

WHEREAS, the parties desire to enter into an agreement pursuant to the "Interlocal Services Act", N.J.S.A. 40:8A-1 et seq. for the provision of such repairs; and

WHEREAS, the Township Engineering Department has reviewed the proposed responsibilities in this Agreement and finds same to be acceptable and in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor is hereby authorized to execute an Interlocal Services Agreement between the Township of West Milford and the County of Passaic authorizing repairs to Clinton Road which would be the responsibility of the Township of West Milford in conjunction with the County's construction project relating to Culver #172 adjacent to Clinton Road.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to take any other necessary action to comply with the terms of this Agreement.

This Resolution shall take effect immediately.

Adopted: June 28, 2006

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

Agenda No. VIII 6

~ Resolution 2006-221 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A MUTUAL AID AGREEMENT FOR PUBLIC HEALTH EVENTS

WHEREAS, the Township of West Milford along with other municipalities of the County of Passaic and the Passaic County Department of Health have discussed a Mutual Aid Agreement for Public Health matters; and

WHEREAS, the municipalities of Bloomingdale, Clifton, Little Falls, City of Passaic, Borough of Pompton Lakes, Borough of Ringwood, Borough of Wanaque and Township of Wayne have discussed entering into a Mutual Aid Agreement for the benefit of each other's residents to render supplemental public health resources and work force in the event of a public health emergency; and

WHEREAS, the Township has been presented with the attached Mutual Aid Agreement which permits the Township of West Milford to participate at its own discretion to assist other municipalities in the event of such a health emergency; and

WHEREAS, this Agreement is separate and apart from the reciprocal mutual aid agreements established pursuant to N.J.S.A. 26:2K-61 pertaining to first aid, ambulance or rescue squad assistance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor is hereby authorized to execute an agreement entitled "Passaic County, Mutual Aid Agreement for Public Health Events".

This Resolution shall take effect immediately.

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Adopted: June 28, 2006

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

Agenda No. VIII 7

~ Resolution 2006-222 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

WHEREAS, the Township of West Milford, County of Passaic, State of New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for funding in the amount of \$37,840 State share, with \$7,570 local share, for a total contract of \$45,410 for 2007 to carry out Comprehensive Recreation Programs for Individuals With Disabilities.

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

1. The submittal of the grant application to the Department of Community Affairs is hereby authorized.
2. The Township Council recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount and, therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, they hereby authorize the execution of any such grant agreement.
3. Upon receipt of the fully executed agreement from the Department, the Township Council authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Joseph DiDonato, Mayor

Richard Kunze, Administrator

Adopted: June 28, 2006

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

Agenda No. VIII 8

~ Resolution 2006-223 ~

RESOLUTION AUTHORIZING APPLICATION OF AN NJDEP NPS GRANT (FY2007 SECTION 319h) FOR INSTALLATION OF STRUCTURAL BMPs RECOMMENDED BY THE NJ DEP APPROVED STORMWATER IMPLEMENTATION PLAN FOR THE NEW JERSEY END OF THE GREENWOOD LAKE WATERSHED, TOWNSHIP OF WEST MILFORD, PASSAIC COUNTY, NEW JERSEY

WHEREAS, the Township Council of the Township of West Milford is dedicated to the preservation and protection of Greenwood Lake and the surrounding watershed; and

WHEREAS, the Greenwood Lake Bi-State Commission and the West Milford Environmental Commission have identified a continued need to reduce pollutants that adversely affect Greenwood Lake through the recommendations of the Stormwater Implementation Plan; and

WHEREAS, Township Council of the Township of West Milford supports the efforts of both organizations; and

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WHEREAS, the New Jersey Department of Environmental Protection, Division of Watershed Management, in conjunction with the EPA, has announced its intention to fund non-point source pollution prevention projects in certain watershed management areas through Section 319(h) grants.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Township Administrator be authorized and directed to arrange for the preparation and submission of a grant application in the amount of \$929,800, including a letter of resource commitment of in-kind services, for the purpose of developing and installing Structural BMPs recommended by the NJ DEP approved Stormwater Implementation Plan to address non-point source pollution in the Greenwood Lake watershed.

Adopted: June 28, 2006

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

Agenda No. VIII 9

~ Resolution 2006-224 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO RESOLUTION 2006-103 FOR THE EXECUTION OF A 604(B) WATER QUALITY MANAGEMENT PLANNING GRANT AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$108,217 to fund the Development of an Onsite Wastewater Treatment Systems (OWTS) Management Plan for the New Jersey End of the Greenwood Lake Watershed, Passaic County, New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township Administrator is authorized

- a. To make application for such a grant
- b. If awarded, to execute a agreement with the State for a grant in an amount of approximately \$108,217, and
- c. To execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Township of West Milford authorizes and hereby agrees to match \$39,200 of the Total Project Amount, in compliance with the match requirements of the agreement. \$39,200 of the match will be made up of in-kind services as allowed by grant program requirements and the agreement.

BE IT FURTHER RESOLVED that the Township of West Milford agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance pursuant to the agreement.

Adopted: June 28, 2006

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

Agenda No. VIII 10

~ Resolution 2006-225 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND

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WHEREAS, the Township's Recreation Department has recommended to the Township Council the submission of an application for funding the rehabilitation of Bubbling Springs Park for this calendar year; and

WHEREAS, the Township's Recreation Department has recommended that this application be approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program; and

WHEREAS, the Township's Recreation Department submitted the following application for consideration to the Township Council:

Project:

Bubbling Springs Park Rehabilitation
1468 Macopin Road, West Milford
Block 9001 Lots 12 & 13

Total Project Funding: \$825,000.00
County Funds Requested: \$412,500.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the Township advertised a Public Notice on June 4, 2006 for the public hearing to be held on June 19, 2006 on the application; and

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the Township did mail by Certified Mail a letter notifying property owners within 200 feet of the site being considered for rehabilitation of the scheduled hearing of June 19, 2006; and

WHEREAS, a public hearing was held on June 19, 2006, at which time public input was solicited on the application;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials as prepared by the West Milford Township Recreation Department to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Rehabilitation of Bubbling Springs Park.

Adopted: June 28, 2006

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

Agenda No. VIII 11

~ Resolution 2006-226 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES (NJDHSS) GRANT FOR PANDEMIC INFLUENZA PREPAREDNESS

WHEREAS, the New Jersey Department of Health and Senior Services (NJDHSS) has made \$7,335.00 available to West Milford Township and Pompton Lakes to assist in efforts preparing for a possible influenza pandemic; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds; and

WHEREAS, pursuant to the terms of the grant application, the funds will be dispersed based on population with West Milford receiving 71.28% (\$5,228.39) and Pompton Lakes receiving 28.72% (\$2,106.61).

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Pandemic Influenza Preparedness to the NJDHSS in the amount of \$7,335.00.

BE IT FURTHER RESOLVED that the Township Administrator be authorized and directed to approve acceptance of said grant, should it be awarded.

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Adopted: June 28, 2006

Discussion: Administrator Kunze advised that these funds would be used to determine what health areas we should address. Funds would be used for supplies, costs and consultants to prepare for a pandemic. A percentage of these funds will go to Pompton Lakes because we provide their health services.

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

Agenda No. VIII 12

~ Resolution 2006-227 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH PRINCETON HYDRO, LLC TO ASSIST THE TOWNSHIP OF WEST MILFORD IN THE DEVELOPMENT OF AN ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) MANAGEMENT PLAN

WHEREAS, the West Milford Environmental Commission has recommended that Princeton Hydro LLC be retained to assist in the development of an onsite wastewater treatment plant systems (OWTS) management plan in connection with a 604(b) grant that was received by the Township; and

WHEREAS, Princeton Hydro LLC has submitted a Proposal for Services in connection with the above referenced services; and

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number G-02-41-742-200.

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

1. The Mayor be and is hereby authorized to execute a contract with Princeton Hydro, LLC for professional services to assist in the development of an onsite wastewater treatment plant systems (OWTS) management plan in connection with a 604(b) grant that was received by the Township in an amount not to exceed \$92,230.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law and all associated documents have been on file in the Administrator's office for at least ten (10) days.
3. The Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: June 28, 2006

Discussion: Mr. Semrau advised that the term "non-fair and open" is a DCA term used to indicate that such a contract has been awarded without going out to bid. The contractor is required to file related disclosure documents indicating whether or not contributions have been made to political entities.

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

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~ Resolution 2006-228~

RESOLUTION OF THE TOWNSHIP COUNCIL OF TH E TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A TRAFFIC STRIPING CONTRACT TO DENVILLE LINE PAINTING, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #36

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 #36, Traffic Striping, to Denville Line Painting, Inc. 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 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 award a contract in an amount not to exceed \$55,000.00, under the Morris County Cooperative Pricing Council contract #36 to Denville Line Painting, Inc.; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account numbers C-04-05-290-623 and 6-01-26-290-623.

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:

The Township Council hereby authorizes the Township Administrator to execute a contract for Traffic Striping to Denville Line Painting, Inc. through the Morris County Cooperative Purchasing Council, Contract #36, in an amount not to exceed \$55,000.00.

Adopted: June 28, 2006

Discussion: Administrator Kunze explained that the funding for this project is coming from both operational and capital accounts.

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

Agenda No. VIII 14

~ Resolution 2006-229~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A PROFESSIONAL SERVICES CONTRACT WITH SCOTT HOLZHAUER, CTA, SCGREA, TO ASSIST THE TOWNSHIP OF WEST MILFORD WITH OUTSTANDING STATE TAX APPEALS CURRENTLY FILED IN THE TAX COURT OF NEW JERSEY

WHEREAS, the West Milford Tax Assessor has recommended that the Township of West Milford retain professional real estate appraisal and consulting services to assist the Township of West Milford with an outstanding tax appeal matter in the Tax Court of New Jersey; and

WHEREAS, Scott Holzhauer of Holzhauer & Holenstein, LLC has submitted a Proposal for Services in connection with the above referenced matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 6-01-46-886-667.

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

5. The Mayor be and is hereby authorized to execute a contract with Holzhauer & Holenstein, LLC for professional services to assist the Township with outstanding State Tax appeals currently filed in the Tax Court of New Jersey in an amount not to exceed \$6,000.00.

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6. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law and all associated documents have been on file in the Administrator's office for at least ten (10) days.
7. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: June 28, 2006

Discussion: Mr. Semrau advised that we have utilized the services of Mr. Holzhauer in the past to assist in tax appeals and have been satisfied with his work. This contract will provide the Township with assistance with pending appeals and Mr. Holzhauer will bill at an hourly rate.

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

Agenda No. VIII 15

~ Resolution 2006-230~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
CHANGE ORDER NO. 2 TO VMG GROUP TO INSTALL A PARAPET TO FACILITATE THE
INSTALLATION OF A ROOF ON THE JOHNER BUILDING**

WHEREAS, the Township Engineer has recommended approval of a change order to the Johner Building Roof installation; and,

WHEREAS, the increased cost recommended in the approval of the change order is \$3,680.00; and,

WHEREAS, the change is recommended due to unforeseen repair to a parapet on the existing roof which flaw could not be determined during the design and bidding phase of this project; and

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-04-55-932-209 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 VMG Group in an amount not to exceed \$3,680.00 representing an increase to the previously amended contract amount of \$144,100.00.
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: June 28, 2006

Discussion: Councilman Smolinski asked if this is the last change order for this project. Administrator Kunze noted that we will be presenting a change order for design work for the changes. However, we do not expect any other change orders either for the work or the design. He further advised that the work involved in these change orders could not be detected during the inspection of the roof during the bid process because the deficiencies could not be detected until the old roof was removed.

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

Agenda No. VIII 16

~ Resolution 2006-231~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN INVESTIGATION OF THE PLANNING BOARD ATTORNEY'S WITHDRAWAL FROM A TOWNSHIP LEGAL ACTION IDENTIFIED AS PAS-1429-06

Councilman Nolan made a motion to place this resolution on the table. Councilman Warden seconded the motion.

Discussion: Councilman Weisbecker stated that the members of the Zoning and Planning Boards are doing a good job and they rely on the attorneys hired to assist them. There are often times where attorneys have conflicts and must recuse themselves. This is a standard occurrence that does not warrant an investigation. He does not see any value to investigating the attorney as asked for in this resolution because, based on the response from the attorney, he sees no wrongdoing. He asked the Council to show support and respect for those people who devote so much time and effort to serve on our Planning and Zoning Boards. Councilman Smolinski stated that we have received answers from the attorney who has served our Township for fifteen years. The members of these boards are dedicated volunteers and he sees no benefit to proceeding with this resolution. Councilman Nolan advised that he just received the transcript tonight and has not had sufficient time to review it. However, at first look it does not appear to answer the questions posed, primarily, when did the conflict occur. He stated that he is not satisfied with the answers provided. Councilman Warden recapped a series of events that ended when the Planning Board attorney indicated that they had a conflict of interest in a matter that our Planning Board has been working on for some time. He stated that the answers provided tonight do not address the Council's concerns. He also stated that this is a back-door attempt to approve this development. Furthermore, he stated that there is a problem here and the Council is negligent if they do not demand answers from this firm. Councilman Scangarello commended our volunteers for all their work on our boards. He asked Mr. Semrau to give an opinion on this matter. Mr. Semrau stated that he has read the transcript provided. He stated that, if there is a conflict, it is important to know when that occurred. Mr. Kienz has responded and the Council must decide if the answers provided are sufficient. Mayor DiDonato stated that Mr. Glatt was asked to assist us in this matter and it is a shame that, after working with us for eighteen years and agreeing to help when we need it, he is subjected to these actions by the Council.

Councilman Smolinski made a motion to table this resolution to the July 26, 2006 Regular Meeting.

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

Agenda No. VIII 17

~ Resolution 2006-232~

2006 TEMPORARY BUDGET Extension (Through September 30, 2006)

Whereas, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2006 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

Whereas, said temporary appropriations are extended and now limited to 78.75% of the total appropriation in the 2005 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2005 budget,

Now, Therefore, Be It Resolved, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

APPROPRIATION	ACCOUNT NUMBER	2005 BUDGET	TEMPOARY BUDGET
ADMINISTRATION			
ADMINISTRATOR			

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Administrator S&W	01-20-100-100	\$186,000	\$146,475
Administrator O.E.	01-20-100-200	\$46,000	\$36,225
TOTAL		\$232,000	\$182,700
PERSONNEL			
Personnel S&W	01-20-105-100	\$67,000	\$52,763
Personnel O.E.	01-20-105-200	\$8,100	\$6,379
TOTAL		\$75,100	\$59,141
MAYOR & COUNCIL			
Township Mayor & Council S&W	01-20-110-101	\$39,000	\$30,713
Township Mayor & Council O.E.	01-20-110-200	\$5,000	\$3,938
TOTAL		\$44,000	\$34,650
INFORMATION TECHNOLOGY			
Information Technology S&W	01-20-140-100	\$64,000	\$50,400
Information Technology O.E.	01-20-140-200	\$45,900	\$36,146
TOTAL		\$109,900	\$86,546
Legal O.E.	01-20-155-200	\$277,500	\$218,531
GENERAL SERVICES			
General Services S&W	01-20-161-100	\$9,000	\$7,088
General Services O.E.	01-20-161-200	\$137,700	\$108,439
TOTAL		\$146,700	\$115,526
INSURANCE			
Insurance, Other	01-23-210-200	\$616,500	\$485,494
Insurance, Other, Less Library Charge Back	01-23-210-200		\$0
Insurance, Group	01-23-220-506	\$2,810,000	\$2,212,875
Insurance, Group - Less Library Chargebacks	01-23-220-506		\$0
TOTAL		\$3,426,500	\$2,698,369
Heritage O.E.	01-20-173-200	\$2,000	\$0
CLERK'S OFFICE			
CLERK			
Clerk S&W	01-20-120-100	\$243,000	\$191,363
Clerk O.E.	01-20-120-200	\$23,200	\$18,270
TOTAL		\$266,200	\$209,633
ELECTIONS			
Elections S&W	01-20-146-101	\$12,000	\$6,300
Elections O.E.	01-20-146-101	\$19,600	\$10,290
TOTAL		\$31,600	\$16,590
FINANCE			
TREASURER			
Treasurer S&W	01-20-130-100	\$253,000	\$199,238
Treasurer O.E.	01-20-130-200	\$18,750	\$14,766
Treasurer O.E. - Less Library Chargebacks	01-20-130-200		\$0
TOTAL		\$271,750	\$214,003
ANNUAL AUDIT			
Annual Audit	01-20-135-200	\$40,000	\$31,500
Annual Audit Additional Services	01-20-135-201	\$10,000	\$7,875
TOTAL		\$50,000	\$39,375
TAX COLLECTOR			
Tax Collector S&W	01-20-145-100	\$245,000	\$192,938
Tax Collector O.E.	01-20-145-200	\$9,500	\$7,481
TOTAL		\$254,500	\$200,419
ASSESSOR			
Tax Assessor S&W	01-20-150-200	\$287,000	\$226,013
Tax Assessor O.E.	01-20-150-200	\$4,500	\$3,544
TOTAL		\$291,500	\$229,556

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PLANNING AND BUILDING			
PLANNING BOARD O.E.	01-21-180-200	\$42,100	\$33,154
COMPREHENSIVE PLANNING			
Planning, Comp. S&W	01-21-181-100	\$375,000	\$295,313
Planning, Comp. O.E.	01-21-181-200	\$8,400	\$6,615
TOTAL		\$425,500	\$335,081
ZONING ADMINISTRATION S&W	01-21-185-100	\$61,000	\$48,038
BOARD OF ADJUSTMENT O.E.	01-21-186-200	\$19,300	\$15,199
HISTORIC PRESERVATION			
Historic Preservation S&W	01-20-175-101	\$600	\$473
Historic Preservation O.E.	01-20-175-200	\$1,000	\$788
TOTAL		\$1,600	\$1,260
TOURISM COMMITTEE (Formerly R/D)	01-20-171-200	\$24,000	\$6,000
BUILDING / CODE ENFORCEMENT			
Building S&W	01-22-195-100	\$344,000	\$270,900
Building O.E.	01-22-195-200	\$11,900	\$9,371
TOTAL		\$355,900	\$280,271
ENVIRONMENTAL COMMISSION			
Environmental Commission S&W	01-22-196-101	\$1,000	\$788
Environmental Commission O.E.	01-22-196-200	\$1,000	\$788
TOTAL		\$2,000	\$1,575
PUBLIC SAFETY			
POLICE DEPARTMENT			
Police Patrol S&W	01-25-240-100	\$3,482,000	\$2,742,075
Police Patrol O.E.	01-25-240-200	\$67,800	\$53,393
Police Patrol-Purchase of Police Vehicles	01-25-240-201	\$165,000	\$0
Police Detective S&W	01-25-241-100	\$712,000	\$560,700
Police Administration S&W	01-25-242-100	\$420,000	\$330,750
Police Communication S&W	01-25-243-100	\$267,000	\$210,263
Police Comm. O.E.	01-25-243-200	\$30,000	\$23,625
Police Specials S&W	01-25-244-100	\$27,000	\$21,263
Police Specials O.E.	01-25-244-200	\$3,000	\$2,363
TOTAL		\$5,173,800	\$3,944,430
EMERGENCY MANAGEMENT O.E.	01-25-252-200	\$23,000	\$18,113
FIRST AID SQUADS			
First Aid Organization Contributions	01-25-260-200	\$96,000	\$50,400
First Aid - UGL 1st Aid Squad	01-25-261-200	\$0	\$25,200
TOTAL		\$96,000	\$75,600
FIRE DEPARTMENT			
Aid To Vol. Fire Co.	01-25-255-200	\$90,000	\$70,875
Fire Prevention Bureau S&W	01-25-265-100	\$181,000	\$142,538
Fire Prevention Bureau O.E.	01-25-265-200	\$7,100	\$5,591
Fire Co. Admin. S&W	01-25-266-100	\$9,000	\$7,088
Fire Co. Admin. O.E.	01-25-266-200	\$345,250	\$271,884
LOSAP	01-25-267-100	\$100,000	\$0
TOTAL		\$732,350	\$497,976
ENGINEERING AND PUBLIC WORKS			
ENGINEERING			
Engineering S&W	01-20-165-100	\$408,000	\$321,300
Engineering O.E.	01-20-165-200	\$19,100	\$15,041
TOTAL		\$427,100	\$336,341
DPW			
DPW Streets & Roads S&W	01-26-290-100	\$1,431,000	\$1,126,913
DPW Streets & Roads O.E.	01-26-290-200	\$315,000	\$248,063
DPW Buildings & Grounds S&W	01-26-291-100	\$84,000	\$66,150

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DPW Buildings & Grounds O.E.	01-26-291-200	\$61,500	\$48,431
DPW Johner Building O.E.	01-26-293-200	\$0	\$0
DPW Snow Removal S&W	01-26-294-100	\$300,000	\$113,000
DPW Snow Removal O.E.	01-26-294-200	\$670,500	\$528,000
DPW Vehicle Maintenance S&W	01-26-315-100	\$278,000	\$218,925
DPW Vehicle Maintenance O.E.	01-26-315-200	\$205,500	\$161,831
TOTAL		\$3,345,500	\$2,511,313
HEALTH DEPARTMENT			
HEALTH DEPARTMENT			
Public Health S&W	01-27-330-100	\$273,000	\$214,988
Public Health O.E.	01-27-330-200	\$56,100	\$44,179
Vital Statistics S&W	01-27-331-100	\$63,000	\$49,613
Vital Statistics O.E.	01-27-331-200	\$1,200	\$945
Housing Standard Bureau O.E.	01-27-332-441	\$3,000	\$0
Environmental Health S&W	01-27-335-100	\$230,000	\$181,125
Environmental Health O.E.	01-27-335-200	\$22,700	\$17,876
Animal Control S&W	01-27-340-100	\$71,000	\$55,913
Animal Control O.E.	01-27-340-450	\$13,400	\$10,553
TOTAL		\$733,400	\$575,190
PARKS AND RECREATION			
RECREATION			
Recreation Programs S&W	01-28-370-100	\$148,000	\$116,550
Recreation Programs O.E.	01-28-370-200	\$158,000	\$124,425
Recreation.-Bubbling Springs S&W	01-28-371-100	\$150,000	\$150,000
Recreation.-Bubbling Springs O.E.	01-28-371-200	\$60,000	\$60,000
Recreation.-Admin. S&W	01-28-372-100	\$337,000	\$265,388
Recreation.-Admin. O.E.	01-28-372-200	\$11,600	\$9,135
Recreation.-Westbrook Park O.E.	01-28-373-200	\$5,000	\$0
Recreation.-Hillcrest S&W	01-28-374-100	\$72,000	\$56,700
Recreation.-Hillcrest O.E.	01-28-374-200	\$22,700	\$17,876
Recreation.-Parks Maintenance S&W	01-28-375-100	\$221,000	\$174,038
Recreation.-Parks Maintenance O.E.	01-28-375-200	\$115,800	\$91,193
Senior Citizen Services S&W	01-28-376-100	\$137,000	\$107,888
Senior Citizen Services O.E.	01-28-376-200	\$13,000	\$10,238
TOTAL		\$1,451,100	\$1,183,429
VETERAN'S BUREAU			
Veteran's Bureau S&W	01-20-172-100	\$1,250	\$984
Veteran's Bureau O.E.	01-20-172-200	\$200	\$158
TOTAL		\$1,450	\$1,142
PUBLIC ASSISTANCE			
Public Assistance S&W	01-27-345-100	\$7,000	\$0
Public Assistance O.E.	01-27-345-200	\$1,900	\$0
TOTAL		\$8,900	\$0
Celebration of Public Events O.E.	01-30-420-200	\$41,000	\$32,288
Mass Transportation	01-30-421-200	\$66,507	\$34,916
LIBRARY			
LIBRARY			
Library S&W	01-29-390-100	\$510,000	\$401,625
Library O.E.	01-29-390-200	\$439,900	\$346,421
TOTAL		\$949,900	\$748,046
MUNICIPAL COURT			
MUNICIPAL COURT			
Municipal Court S&W	01-43-490-100	\$250,000	\$196,875
Municipal Court O.E.	01-43-490-200	\$12,900	\$10,159
Municipal Court Prosecutor S&W	01-43-491-101	\$23,000	\$18,113

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Municipal Court Public Defender Fees	01-43-495-450	\$0	\$0
TOTAL		\$285,900	\$225,146
UTILITY EXPENSES & BULK PURCHASES			
UTILITIES & FUELS			
Utilities-Electricity	01-31-430-200	\$115,000	\$90,563
Utilities-Street Lights	01-31-435-200	\$40,000	\$31,500
Utilities-Telephone	01-31-440-200	\$139,000	\$109,463
Utilities-Natural Gas	01-31-446-200	\$110,000	\$65,000
Utilities-Fuel	01-31-460-200	\$200,000	\$157,500
TOTAL		\$604,000	\$454,025
MISCELLANEOUS AND STATUTORY EXPENDITURES			
PENSION & FICA			
PERS	01-36-471-532	\$49,000	\$125,000
PERS - Less Library Chargebacks	01-36-471-532		\$0
Social Security	01-36-472-533	\$732,000	\$576,450
Less Library Charge backs - Social Security	01-36-472-533		\$0
PFRS	01-36-473-534	\$250,000	\$425,000
TOTAL		\$1,031,000	\$1,126,450
Salaries & Wages Adjustment Account	01-37-480-501	\$246,000	\$50,000
Compensated Absences	01-46-887-529	\$50,000	\$0
CAPITAL BUDGET			
CURRENT YEAR CAPITAL			
Capital Improvements Fund	01-44-900-200	\$313,200	\$0
Cap Improvements Fund Down Payments	01-44-900-200	\$149,050	\$0
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	\$0	\$0
TOTAL		\$462,250	\$0
GRANTS			
MASS TRANSIT GRANTS			
Grants-Mass Trans. State Share	02-41-702-100	\$22,833	\$0
Grants-Mass Trans. Federal Share	02-41-702-200	\$45,670	\$0
Grants-Mass Trans. Local Share	02-41-702-201	\$22,834	\$0
TOTAL		\$91,337	\$0
C.A.S.A. GRANTS			
Grants-C.A.S.A. County Share	02-41-705-200	\$47,200	\$0
Grants-C.A.S.A. - Local Share	02-41-705-201	\$12,300	\$0
TOTAL		\$59,500	\$0
INDV. WITH DISAB. GRANT			
Grants-Indv. with Disabilities-State	02-41-707-200	\$20,000	\$0
Grants-Indv. with Disabilities-Local	02-41-707-201	\$3,000	\$0
TOTAL		\$23,000	\$0
PUBLIC HEALTH PRIORITY GRANT			
DDEF GRANT	02-41-715-109	\$0	\$0
CLEAN COMMUNITIES GRANT			
CULTURAL HERITAGE GRANT			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	\$1,518	\$0
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	\$1,100	\$0
TOTAL		\$2,618	\$0
JUV ACCT INCENT BLK GRANT			
Grants-Juvenile Acct. Incent. Blk -State	02-41-728-669	\$0	\$0
Grants-Juvl Acct. Incent. Blk - Local	02-41-728-670	\$0	\$0
TOTAL		\$0	\$0
STORM DRAIN INFSTR GRANT			
Grants-Storm Drain Infstrctr. Inventory	02-41-730-330	\$0	\$0
Grants-Storm Drain Infstrctr. Inventory	02-41-730-331	\$0	\$0

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TOTAL		\$0	\$0
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200		\$0
NJDEP ESP MAPPG GRANT			
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$2,500	\$0
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$2,500	\$0
TOTAL		\$5,000	\$0
PASSAIC COUNTY TOBACCO GRANT	02-41-739-331	\$0	\$0
NJ DCJ BODY ARMOR GRANT	02-41-742-331	\$5,000	\$0
POST BROOK S.W. STUDY GRANT			
Grants - NJDEP- Pst Brk S.W. Study	02-41-744-330	\$20,619	\$0
Grants - NJDEP- Pst Brk S.W Study Local	02-41-744-331	\$0	\$0
TOTAL		\$20,619	\$0
NJDEP GREENWOOD LK GRANT			
Grants - NJDEP-Greenwood Lake-State	02-41-745-331	\$0	\$0
Grants - NJDEP-Greenwood Lake-Local	02-41-745-332	\$0	\$0
TOTAL		\$0	\$0
BELCHERS CREEK FECAL TESTING		\$0	\$0
Grants - NJDEP-Belchers Creek -State	02-41-749-331		\$0
Grants - NJDEP-Belchers Creek -Local	02-41-749-332		\$0
		\$0	\$0
NJDEP BEAR PROOF GARBAGE CAN STUDY GRANT - CONTINGENT. LOCAL MATCH	02-41-750-331		\$0
	02-41-745-999	\$25,000	\$0
TOTAL		\$279,290	\$0
DEBT SERVICE			
Debt Service Total	01-45-000-000	\$1,825,000	\$0
DEFERRED CHARGES AND RESERVE FOR UNCOLLECTED TAXES			
Judgments - Banker Road	01-37-480-503	\$0	\$0
Deficit in Assessment Cash	01-46-886-000	\$4,000	\$0
Cancelled Assessments	01-46-886-648	\$0	\$0
Reserve for Tax Appeals	01-46-886-667	\$25,000	\$0
Prior Years Bills	01-46-887-528	\$5,000	\$0
Def Charges - Bond Ordinance Unfunded	01-46-875-528	\$0	\$0
Spec Emerg - Storm Water Mgmt Plan	01-46-877-000	\$10,000	\$0
Reserve for Uncollected Taxes	01-50-899-200	\$1,825,000	\$0
TOTAL		\$1,869,000	\$0
TOTAL OPERATING BUDGET		\$26,113,097	\$16,840,021
SOLID WASTE DISTRICT			
Solid Waste S&W	26-55-500-100	\$227,000	\$178,763
Solid Waste O.E. All Other	26-55-500-200	\$74,350	\$58,551
Contractual Services	26-55-500-202	\$1,212,000	\$954,450
Disposal Fees	26-55-500-203	\$1,000,000	\$787,500
Grants - Recycling County of Passaic	26-41-753-336	\$30,709	\$0
Prior Year's Bills	26-55-900-900	\$0	\$0
Commercial Pick Up	26-55-500-201	\$290,000	\$0
TOTAL		\$2,834,059	\$1,979,263

Adopted: June 28, 2006

Discussion: Administrator Kunze advised that this will allow us to continue operations until the 2006 Municipal Budget is adopted. Councilman Nolan questioned the Planning Board o/e noting that thus far we have received very few bills from Weiner Lesniak. Administrator Kunze advised that the temporary budget simply appropriates a percentage of last year's budget. Councilman Nolan stated he is not comfortable approving this resolution which appropriates \$33,000 on this line, nor is he comfortable approving \$6,000 for the Tourism Commission.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Agenda No. VIII 18

~ Resolution 2006-233~

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 – BLOCK 11001, LOT 52.01

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of James & Diane Fisher to acquire by assignment the following tax lien certificate, held by the Township of West Milford:

<u>Lien Certificate</u>	<u>Date of Sale</u>	<u>Block/Lot</u>	<u>AMOUNT DUE</u>
89-94	10/5/1989	11001/52.01	\$1,385.09

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-114, including due publications in the Herald News; and

WHEREAS, a public hearing has been held with no one appearing to contest the above application;

NOW, THEREFORE, BE IT RESOLVED, that the assignment from the Township, to the said James & Diane Fisher, be and the same are hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: June 28, 2006

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

Agenda No. VIII 19

~ Resolution 2006-234~

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 – BLOCK 903, LOT 11

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</u>	<u>Date of Sale</u>	<u>Block/Lot</u>	<u>AMOUNT DUE</u>
97-17	5/15/1997	903-11	\$ 2,667.10

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-114, including due publications in the Herald News; and

WHEREAS, a public hearing has been held with no one appearing to contest the above application.

NOW, THEREFORE, BE IT RESOLVED, that the assignment from the Township, to the said Fred Fuller, be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: June 28, 2006

Moved: Weisbecker Seconded: Nolan

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Attorney, Fred Semrau, advised the Council that, if they so desired, they could vote on the next three (3) resolutions as a block. The Mayor asked the Council for consensus to vote on these three resolutions as one. The Council agreed.

Agenda No. VIII 20

~ Resolution 2006-235~

RESOLUTION AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES AND CLUB LICENSES FOR THE 2006 - 2007 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2006 - 2007 License year have been received and reviewed; and

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

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners upon satisfactory completion of outstanding requirements within one month of date of renewal of license, as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford.

**2006 - 2007 PLENARY RETAIL CONSUMPTION LICENSES
 TOWNSHIP OF WEST MILFORD**

NO REQUIREMENTS

NORMTRA LLC t/a Big John's Pub 49 Old Rt 23 N Newfoundland, NJ 07435 1615-33-027-007	WINE IN THE WOODS LLC t/a Wine in the Woods c/o Vincent Paragano, Esq. 5 Seney Drive Bernardsville, NJ 07924 1615-33-023-003
LONGSTAFF'S OAK RIDGE PUB & LIQUORS t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-006	736 LLC t/a Cafe Amore P.O. Box 1093 Hewitt, NJ 07421 1615-33-032-008
AMERICAN LEGION POST #289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	GUSTAV KOHLE CORP. t/a Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002
BRUCO CORPORATION t/a Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002	2236 CORPORATION t/a W.M. Elk's Lodge 2236 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001

NO REQUIREMENTS

PMS L.L.C. t/a The Huntsman Restaurant	LA ROCCA INC. t/a Larocca
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1745 Macopin Road West Milford, NJ 07480 1615-33-029-007	3219 Rt. 23 Oak Ridge, NJ 07438 1615-33-034-006
NEW VINELAND CORP t/a Uncorked Wines & Liquors 9 Marshall Hill Road West Milford, NJ 07480 1615-33-003-005	2 MOMENTO 2, INC. Momento Restaurant 374 Morsetown Road West Milford, NJ 07480 1615-33-012-005

**2006 - 2007 PLENARY RETAIL CONSUMPTION LICENSES
TOWNSHIP OF WEST MILFORD**

REQUIREMENTS TO BE COMPLETED WITHIN ONE MONTH OF DATE OF RENEWAL OF LICENSE

574 MACOPIN, INC. t/a S & S Pub & Liquors 574 Macopin Road West Milford, NJ 07480 1615-33-009-004	E141A Cross outs Clerk not on list No application Cases on floor	LAKESIDE BAR & LIQUORS t/a Neil's Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-002	Cases on floor E141A not up to date
ALO INC. t/a Village Square Inn P.O. Box 590 Newfoundland, NJ 07435 1615-33-005-003	E141A not up to date Expired license displayed 6/05	JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Tpk. Hewitt, NJ 07421 1615-33-021-003	E-141-A list not up to date
SABANI BASKIM t/a Le Bistro 9 Lakeside Road Hewitt, NJ 07421 1615-33-017-006	Application not on premise. E-141-a is not updated.	JESSIE'S COUNTRY KETTLE INC. t/a Jessie's Country Kettle 1603 Greenwood Lake Tpk Hewitt, NJ 07421 1615-33-013-008	E-141-A list not up to date
WEST MILFORD BAR & LIQUORS, INC. t/a West Milford Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-001	Application not on premises. License not displayed.	SHARON A MCKEAGE TAVERN INC. t/a McKeages Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007	New Amusement Game License must be applied for.

Adopted: June 28, 2006

Agenda No. VIII 21

~ Resolution 2006-236~

RESOLUTION AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2006 - 2007 License year have been received and reviewed; and

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

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).
4. Special Ruling to Permit Renewal of Inactive License Pursuant to N.J.S.A. 33:1-12.39 has been received from Jerry Fisher, Director Division of Alcoholic Beverage Control for License No. 1615-33-028-004.

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

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WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with Conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

<u>LICENSE/LICENSEE/T/A</u>	<u>CONDITIONS</u>
THOMAS J. MCGURR 1555 Greenwood Lake Tpk. Hewitt, NJ 07421 1615-33-024-011	1. Food Handlers License must be current before issuance of License. 2. Premises must be inspected and approved by the Police Department before opening. 3. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.
RICHARD FARHAT 606 7th. Avenue Belmar, NJ 077719 License No. 1615-33-028-004	1. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate. 2. Food Handlers License must be current before issuance of License. 3. Premises must be inspected and approved by the Police Department before opening.

Adopted: June 28, 2006

Agenda No. VIII 22

~ Resolution 2006-237~

RESOLUTION AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2006 - 2007 License year have been received and reviewed; and

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

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with conditions, and upon satisfactory completion of outstanding requirements within one month of date of renewal of license as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

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- a. Resolution 2006-241 – Resolution Authorizing Refund of Overpayments
- b. Resolution 2006-242 – Resolution Authorizing Refund of License Fees
- c. Resolution 2006-243 – Resolution Authorizing Refund of Other Liens
- d. Resolution 2006-244 – Resolution Authorizing Refund of Radon Fee
- e. Resolution 2006-245 – Resolution Authorizing Reinstatement of Taxes
- f. Application for Off Premise Draw Raffle by the West Milford Heritage Quilters.
- g. Application for Off Premise Draw Raffle by Apshawa Volunteer Fire Company.

Adopted: June 28, 2006

Moved: Smolinski Seconded: Weisbecker
 Voted Aye: Weisbecker, Smolinski, 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 2006-241 ~

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
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate
- 5. Tax Appeal
- 6. 100% Total Disabled Veteran

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
1815-1	Wade & Mary Jane Beicht C/O Mary Beicht 17 Sullivan Trail Tannersville, PA 18372	\$21.15	2006	2
2402-33	Fumiye & Edward Ken Furuya 81-47 261 st Street Floral Park, NY 11004	\$45.54	2006	1
4401-31	Robert Kent Henderson 765 East Shore Road Hewitt, NJ 07421	\$28.46	2006	1
4801-8	John & Ellen Gonzalez 45 Skyview Road West Milford, NJ 07421	\$13.40	2006	1
5402-1	Pat & Heidrun Mastricola 442 Ridge Road West Milford, NJ 07480	\$562.24	2004	6
5402-1	Pat & Heidrun Mastricola 442 Ridge Road West Milford, NJ 07480	\$6,650.32	2005	6
5402-1	Pat & Heidrun Mastricola 442 Ridge Road West Milford, NJ 07480	\$1,663.00	2006	6
7611-5	John & Mary Kelly 1 Orchard Lane West Milford, NJ 07480	\$276.26	2006	1
7801-46.08	Karen Hand 46 H Manchester Lane West Milford, NJ 07480	\$84.40	2006	1
8101-20	John Pinto & Frances Carlo 31 Locust Court West Milford, NJ 07480	\$27.00	2006	1

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8201-3	Robert Horowitz 4 Fairview Court West Milford, NJ 07480	\$21.00	2006	1
8602-9	Todd & Kathleen Pierce 5 Orleans Lane West Milford, NJ 07480	\$101.00	2006	1
10502-15	Joseph & Phillis Barbaro 38 Osage Drive West Milford, NJ 07480	\$19.41	2006	1
	TOTAL	\$9,513.18		

Adopted: June 28, 2006

 Agenda No. IX 1b

~ Resolution 2006-242 ~

**RESOLUTION AUTHORIZING REFUND OF AMUSEMENT GAME AND
 POOL TABLE LICENSE APPLICATION FEES**

WHEREAS, applications were received for an Amusement Game and a Pool Table License by the Township Clerk for premises located at 399 Lakeshore Drive, Hewitt, New Jersey; and

WHEREAS, the applicant, Robert Filippo, Filippo Enterprises LLC, submitted the Amusement Game and Pool Table applications in expectation of re-opening the premises and the activation of his Plenary Retail Consumption License; and

WHEREAS, the applicant, Robert Filippo, Filippo Enterprises LLC has been advised by the Planning Department of the need for major renovations to be completed prior to reopening the premises, and those required renovations to the premises are not anticipated to be completed before the end of this year; and

WHEREAS, the Applicant has requested by letter to the Township Clerk a return of the Amusement Game application fee in the amount of \$100.00 and the Pool Table application fee in the amount of \$25.00; and

WHEREAS, the Township Clerk recommends the refund of the above referenced fees to the applicant;

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 refund the amount of \$125.00 to Flip Ent L.L.C, 6 Roome Road, Towaco, New Jersey 07082 for licenses for two amusement games and one pool table.

Adopted: June 28, 2006

 Agenda No. IX 1c

~ Resolution 2006-243 ~

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:

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
04-052	04/05/2004	7801-018.06	\$18,197.58	Wachovia cust for Plym PK Tax Srv P.O. Box 2288 Morristown, NJ 07962

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05-022	03/9/2005	2004-001	\$38,534.92	Alfred Machetto P.O. Box 213 Hewitt, NJ 07421
05-067	03/9/2005	6605-012	\$16,310.41	ATF LLC Harris Nesbitt Corp as Sec. P.O. Box 862658 Orlando, FL 32886-2658
06-029	04/11/2006	3503-030	\$93.55	Chun T Li 9 Maljim Court Wayne, NJ 07470
06-030	04/11/2006	3503-035	\$17,961.03	PAM Investors C/o Patrick Carabellese 127 South Washington Avenue Bergenfield, NJ 07621
06-037	04/11/2006	4301-009	\$182	Park Finance LLC P.O. Box 109 Cedar Knolls, NJ 07927
			\$91,280.13	

Adopted: June 28, 2006

Agenda No. IX 1d

~ Resolution 2006-244 ~

RESOLUTION AUTHORIZING REFUND OF A RADON REMEDIATION PERMIT

WHEREAS, the Construction Official has reported receiving \$101.00 for a Radon Remediation Permit in error from the contractor Alpha Concepts for premises located at 5 Lenape Trail, Jefferson Township; and

WHEREAS, the Construction Official requests that this fee be refunded to the contractor;

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 refund the Radon Remediation Permit fee to the contractor as follows:

<i>Reimbursement Amount</i>	<i>Pay to the Lien Holder</i>
\$101.00	Alpha Concepts A Division of Radiation Data 132 Landing Road Landing, NJ 07850 Attn: Thomas Hatton

Adopted: June 28, 2006

Agenda No. IX 1e

~ Resolution 2006-245 ~

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.

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

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
5314-4.02	Barbara Marshall	\$2,297.00	2006	1
6604-1	Rosemary Agostinho	\$1,424.00	2006	1
5402-2	Ronald Nager	\$1,472.00	2006	1
9501-5	D. & G. Vallaro	\$1,922.00	2006	1

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	TOTAL	<u>\$7,115.00</u>		
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Adopted: June 28, 2006

Payment of Bills

Agenda No. X

~ Resolution 2006-246 ~

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.	\$87753.81
2	Reserve Account	6882.05
3	Animal Control Trust	
6	Capital.	496356.40
7	Grants.	22039.05
8	Refuse.	1562.48
9	Refunds.	100894.31
12	General Ledger.	
16	Heritage Trust.	513.12
14	Open Space Trust	
17	Trust	2200.00
18	Development Escrow.	1830.00
19	LOSAP	
20	Special Reserve	
	Total	725031.22
	Less Refund Resolution	-100894.31
	Actual Bill List	\$619136.91
	Other Payments	10000.00
	Less Refund Resolution	
	Total Expenditures	\$629,136.91

Adopted: June 28, 2006

Discussion: Administrator Kunze advised that the bill list was revised because there was a change to the Garden State Fireworks contract wherein they agreed to accept payment in full after the event. Therefore, the Council will see a bill for the full amount some time in July. Councilman Nolan, recalling that two bills had been pulled at the last meeting, asked why those bills are not on this bill list. Administrator Kunze advised that both of those will be on the next bill list. He explained why these bills were pulled at the last meeting and provided answers to the questions posed by Council at that meeting.

 Moved: Weisbecker Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained on the Valley Health bill only.
 Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato stated that he is hoping to see everyone at the fireworks on Saturday and expressed his wish that the weather will cooperate.

Administrator Kunze advised that the Thunder-in-the-Highlands event will be held this Saturday at Jungle Habitat. The gates will be open at 4:00 p.m. and the fireworks will be at 9:30 p.m. Admission will be \$10 per car, \$3 per person. He expressed pleasure to be able to report that the repaving project on Warwick Turnpike has been completed. He stated that he had reached out to a representative from Orange County Electric to ask if they would donate poles for banners as requested by Councilman Weisbecker. He is awaiting her response.

Councilman Weisbecker stated that the MUA is an autonomous operation that is governed and ruled by the DEP. He stated that he has seen reports in the past that indicate that the MUA has been out of compliance but the DEP has repeatedly found that they do not have any violations. He strongly recommended that the Council send a strong letter to the DEP Commissioner asking for a complete accounting of their accounting and their finances. He stated that many municipalities in New Jersey are experiencing trouble as a result of flooding. He asked that the Township offer assistance to surrounding communities who might need our services. He stated that the lakes committee met on Monday night. They reviewed the proposed global warming resolution and they support it. They will review the fertilizer ordinance and report back to the Council. They discussed many issues at the initial meeting. He also advised that the energy committee also had a very productive first meeting and each member has direction to research certain issues. He will report back to Council. He asked the Administrator to find out when the annual audit can be expected.

Councilman Smolinski stated that the senior tax freeze deadline has been extended to August 15th. He stated that volunteers are needed to help out with parking for the Thunder-in-the-Highlands event on Saturday. He asked any interested parties to contact the recreation department. He stated that he would like to see all the information available on the MUA because, thus far, he has heard a lot of references to violations but has not seen the substantiating data. He stated that the people who serve on our boards and commissions are dedicated residents who volunteer their time to the Township. He encouraged everyone to choose their words carefully when they speak at the meetings so that those volunteers do not feel they are being attacked. He stated that everyone is on board with eliminating the weed problem on Greenwood Lake. He suggested that we look at the possible need to dredge the lake and to determine if we can get funding for such a venture. He asked that the septic and fertilizer ordinances be considered by Council to address the associated problems with runoff in our lake communities.

Councilman Nolan stated that the Heritage Committee's tennis tournament was held at the end of May and into the beginning of June and that it was a very successful event again this year. He thanked the members of the Committee who worked so hard on this event and all those who sponsored this event. He advised that, on a trial basis, the Heritage Committee has decided to open the museum on the third Sunday of each month for the months of July, August, and September. He reminded everyone that the planning board hearings on the Valley Ridge development will begin on Thursday July 6, 2006 at Town Hall. He encouraged everyone to attend. He also expressed interest in obtaining the audit report. He stated that global warming is a serious issue. He asked that the Administrator schedule discussion at a future workshop for the Wanaque Sewerage Authority and Pay-to-Play. He stated that, if the State does not adopt its budget by Friday, all non-essential departments will be closed. He asked the Administrator if this will have any impact on expected payments from the State. The Administrator answered that we do not expect any payments in the beginning of July.

Councilman Warden commended Dr. Aaronson and thanked her for the hours she has spent doing research on important issues for the Township. He advised that the Greenwood Lake bi-State commission has received almost \$300,000 in a grant to study the pollution on the New Jersey side of the lake. Consequently, this study will include, to some extent, Belchers Creek so answers will be coming. Some of the funds will be used to develop a plan to be presented to the DEP for dredging of the lake. They hope that this will lead to state funds for the actual dredging. He stated that the weed-harvesting program was never presented as the solution or answer to the weed problem in Greenwood Lake. He stated that the answer to the pollution problem is to stop the pollution at its source. This grant is the first step.

Councilman Scangarello stated that the Township Library has a very busy summer schedule which includes evening programs. He encouraged everyone to stop by. He thanked all the staff and volunteers who are working so hard to make Thunder-in-the-Highlands a success. He asked about pending issues relative to the redevelopment property to which Mr. Semrau responded that most of the contingent property owners who have structures to be removed have responded and removed their property. Letters

