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

Minutes of: Township Council Workshop  
Date of Meeting: September 27, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 16

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The Workshop Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

**Adequate Notice Statement**

Mayor DiDonato read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issues of December 26, 2005 and January 8, 2006; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, William Gervens,  
Robert Nolan, James Warden.  
Mayor Joseph DiDonato.  
Absent: Carmelo Scangarello.  
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau.

Mayor DiDonato advised that Councilman Scangarello had contacted him to advise that he will not be attending tonight's meeting because he is sick.

**Reading of or Approval of Unapproved Minutes**

Councilman Gervens moved to adopt the minutes of the August 23, 2006 Regular Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the September 6, 2006 Workshop Meeting as presented. Councilman Weisbecker noted that there was an error in the minutes as presented. They indicated that he spoke with a member of the Long Pond Ironworks when he in fact had spoken with a member of the West Milford Parent Association. Councilman Nolan amended his motion to make the change as indicated by Councilman Weisbecker.

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

**Meetings**

Mayor DiDonato noted the future meeting schedule:

October 4, 2006 Regular Meeting  
October 11, 2006 Workshop Meeting  
October 25, 2006 Regular Meeting  
November 1, 2006 Workshop Meeting

**Proclamations**

None.

**Public in Attendance**

Mayor DiDonato asked the Clerk to provide an overview of the presentation scheduled for tonight's meeting. Clerk Battaglia advised that an application was received, reviewed by each department, and approved for the transfer of a retail consumption liquor license. Mr. Bruno Walczak of 26 Batania Court, Linden Park and Mr. Joe Naumoski of 8 Rosenberg, Linden Park approached the podium to discuss their plans for this license with the Council. Councilman Weisbecker noted that this facility was once a deli and now it is a pool hall. He asked the prospective licensees about their plans. The prospective licensees advised that they wish to operate this facility as a pub and a bar, keep one pool table, not shift the focus from it being a pool hall.

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There will be a pre-packaged section and no entertainment. The license allows for use of the deck but they do not plan to have outdoor music. The Council conveyed their best wishes and thanked the prospective licensees for attending tonight's meeting.

Clerk Battaglia advised that the next person to speak before the Council is Mr. Farhat, the current owner of a retail consumption license in town. She advised that, in effect and for business reasons, Mr. Farhat is transferring ownership from himself to himself. She stated that her office has been advised that the owner plans to sell the license to an outside party in the near future. Mr. Farhat approached the podium to speak to the Council about his plans for this license. Councilman Weisbecker noted that the Planning Board had enumerated requirements for this premises before the establishment could open. He asked if Mr. Farhat is addressing those issues. Mr. Farhat responded that he has an appointment scheduled for this coming week with the Township Engineer. There will be no live entertainment at the premises and there are no current plans for outdoor use. He will keep Township officials apprised of their plans as they progress. He advised that he is working with a group who may purchase the license in the future. They will manage the license at first and will work for Mr. Farhat. Mr. Semrau advised Mr. Farhat that he must update his license application to reflect this when it is about to occur. Mr. Farhat agreed and advised that, when the establishment is operating, it will be transferred again.

**Agenda Change**

Mayor DiDonato noted that discussion items 1 and 2 required having people in attendance to speak to the Council. He asked if the Council had any objection to altering the agenda to allow for discussion of these two items at this time. The Council agreed. Noting that Mr. Moshman and Mr. Hadley are not here as yet, he asked Mr. Ferraioli to come forward to discuss the audit.

**Audit Report for Year Ended December 31, 2005**

Charles Ferraioli, Township Auditor came to the podium to address the Council. Councilman Nolan asked Mr. Ferraioli if the Township had received grant money for the bear-proof garbage cans as reflected on page 7 of the audit. Mr. Ferraioli replied that he would have to check into that and advised that the funds have not been expended as yet. Administrator Kunze advised that bids have been received and are being reviewed by the Engineer and the Attorney. The Council should be receiving a recommendation in the near future and the cans will be purchased and distributed next year. Councilman Nolan commented that various deposits and reserves have large balances. Mr. Ferraioli explained that the largest are premiums on tax sales, which are really other people's money. He referred the Council to page 95 of the audit where these items are spelled out. He explained that improvement guarantees are relative to projects in town and the entity doing the improvement must put money down which is then held in escrow. He advised that developer's escrow is basically the same thing. Mr. Ferraioli stated that the record-keeping of escrow accounts is clear and accurate. He explained the reserve for unemployment and the process wherein the State allows individual municipalities to self-insure. He explained that the proceeds are put in a trust account which fund pays unemployment benefits if needed. Reducing the amount appropriated is a very difficult process. The Council instructed the CFO to contact the State of New Jersey Department of Unemployment to determine if we can reduce the funding in this account. The Auditor reminded the Council that the money comes from employees pay and that he believes that the State may have legislated that these funds cannot be touched.

Mr. Ferraioli read his comments with regard to receipts in the Recycling Department. He noted that this is revenue received from recycling tonnage. He noted that the easiest way to streamline the process of receipts and cash deposits is to have a central cashier. However, this cannot work in West Milford because of the configurations of the buildings. The CFO, Mr. Magnotti referred to the Corrective Action Plan noting that he has assigned an employee to reconcile cash receipt books for each department. Mr. Ferraioli noted that it is not uncommon for municipalities to receive comments in the audit about failure to deposit funds pursuant to statute. However, there are some cases in West Milford where it is taking too long between a department receiving funds and those funds being deposited in the bank. Mr. Magnotti advised that he has sent a letter of warning demanding compliance to all departments. Mr. Kunze interjected that the Township has a policy that requires all departments to bring their funds to the finance department on a daily basis and most departments are compliant. The Council asked Mr. Ferraioli to explain his comments about the Recycling Center and their cash receipts process. Mr. Ferraioli advised that these comments are relative to the Recycling Center and the amount of money is not large. However, the money is being handled almost like a petty cash fund and the process of using a change fund might work better. He explained the difference between a change fund and petty cash and the CFO advised that he will research this matter and set up a change fund to process these receipts.

Mr. Magnotti advised that there is a comment in the audit that has recurred for a few years and expresses the need for the Township to maintain an inventory of fixed assets and update the list annually. Mr. Magnotti advised that he has interviewed a professional firm who will inventory the equipment, create a spreadsheet, and make annual additions. The cost would be about \$6,000 to \$8,000 for the initial inventory and approximately \$1,000 per year thereafter to maintain it. He will seek more quotes. He advised that this is a

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monumental task and that it may be more feasible and cost-effective to hire outside professionals to do this. Mr. Kunze noted that the Township had such an inventory some years ago but it was not maintained. Mr. Ferraioli stated that the Township should consider canceling old and outstanding checks, some of which date back six years. He recommended clearing anything that is more than one year old. The Council instructed Mr. Magnotti to prepare a report for the Administrator. Mr. Ferraioli also recommended that the Township start paying off cash deficits for awards over five years old and to continue making annual payments. He further recommended that individual escrow accounts with a balance over \$5,000 be maintained in a separate account because the law not mandates that municipalities pay interest back on accounts with balances above \$5,000. Mr. Magnotti advised that he has contacted the Township's bank who has agreed to handle this accounting for the Township without charging any fees; it will be a master account with sub-accounts for escrow accounts that have balances over \$5,000. Mr. Ferraioli advised that some escrow and trust reserves are old and should be cancelled to surplus. Additionally, because West Milford is active in pursuing grant monies, we must look at old receivables to see that we are getting all the funds. He noted that the Tax Collectors surety bond must be increased to meet state requirements; we must increase the bond when the tax levy goes up. Mr. Magnotti advised that he will take the estimate on the increased levy in January and contact the bond company.

Mayor DiDonato thanked Mr. Ferraioli for discussing the audit with the Council this evening.

Wanaque Valley Regional Sewerage Authority

Mayor DiDonato invited Mr. Moshman and Mr. Hadley to the podium to speak to the Council on this subject. He noted that Mr. Moshman is a former Mayor for West Milford and he serves as the Township's representative to the Authority. Mr. Hadley is the Chairman of the Authority. Mr. Moshman noted that he has served on the Authority for three years and, in that time, he has been approached numerous times by the same group of people requesting that West Milford withdraw from the Authority. Wanaque residents, he said, want home rule even though, in its history, there has never been a vote by Ringwood or West Milford that interfered with Wanaque doing anything. He stated that the Authority is well run and financially stable. He stated that West Milford put money into this Authority and there is value to staying a member. He advised that, once out, the municipality cannot rejoin. He advised that this is the only operating plant in this area, it has facilities, professionals and equipment. Our future is not certain, but we will certainly face septic and sewer issues in the future. Wanaque is almost at capacity right now and when it is at complete capacity, septic trucks will be turned away. We can use this regional authority for assistance from their professionals and resources. We could also get priority as a customer in the future if we needed it. If West Milford ever had to build a plant or hire staffing, it would be cost-prohibitive.

Mr. Hadley advised that he served on the original Authority board. He noted that, right now, septic companies bring their waste at a good price to Wanaque. He stated that West Milford needs representation because the state could demand at any time that we install sewers. It costs nothing to remain a member and have a vote and we may need the advantage of membership some day. He stated that there is a lab on site for testing.

Council President Gervens greeted Mr. Moshman and Mr. Hadley, noting that he has known both these gentlemen for years. He stated that it is important for West Milford and Ringwood to be viewed separately for the purposes of this discussion because the Monksville reservoir was non-existent when the Sewerage Authority was built. The chance of West Milford sending any sewerage to the plant is almost nil. The Authority has a long-term debt of about \$17 million which is shared jointly between the three member municipalities. He asked what impact this has on our bond rating and further expressed concern about our liability. In August this year the Authority bonded for \$1.5 million to meet its debts and the plant is at capacity. He recommended that the Council obtain professional opinions about the financial impact membership has on our municipality as well as our projected liability in the future. Mr. Moshman stated that the Authority is independent and therefore its liability stays upon itself, not West Milford. He advised that the Auditor is content with the current debt level, and overall the Authority is in good financial state with net assets of about \$9 million. There is no negative impact on West Milford's rating. While it seems improbable that we will ever sent waste to Wanaque, there is room for some capacity in the future due to remediation of infiltration of stormwater. Mr. Hadley interjected that the Authority owns adjacent property that was donated to them for the express purpose of expansion. A municipality, he said, only incurs liability if that municipality is a user.

Councilman Warden asked Mr. Moshman if he had any knowledge of the West Milford MUA's plans for Valley Ridge. Mr. Moshman replied that he remembers that the application was rejected by the Planning Board some years ago. Councilman Warden asked what guarantees West Milford has that a plan to pump sewerage for a development does not happen. Mr. Moshman stated that cost and lack of capacity make such a scenario almost impossible. Such a plan would require pumping the sewerage under the Monksville reservoir. It seems more logical to consider membership as a resource to assist West Milford in a catastrophe. Mr. Hadley noted that haulers from West Milford and Ringwood get a good rate at the Authority and it is users, not members, who guarantee bonds. Councilman Nolan questioned the bonding versus the revenue and capital assets. Mr. Moshman noted that the rates have not been raised for 12 years.

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Revenues have offset anticipated costs for expansion and ratepayers are responsible for revenue even while maintenance is ongoing. Councilman Nolan asked about the possibility of Wanaque reimbursing West Milford's investment if they want us out. Mr. Hadley stated it is unlikely because, to the best of his knowledge, Wanaque has no intention of refunding the money; they have told Ringwood this. He further stated that a buy out would not be sufficient to compensate for the membership. Membership benefits provide West Milford with many services by virtue of the facility. If West Milford ever had a problem, we could truck waste to the facility and there is existing room for expansion.

Mr. Semrau, noting that recent developments in Wanaque have resulted in additional funding for the Authority. He asked if these funds were used for expansion or upgrades. Mr. Hadley advised that the money from the developer paid for upgrades that increased capacity as well as the developer donating the adjoining land for future expansion of the plant. He advised that Ringwood appears to be split on deciding whether to divest themselves of this relationship or not.

Councilman Warden noted that if there were a problem in West Milford it would be the MUA's problem. He noted that Mr. Elcavage sits on the MUA and on the Authority which, he said, is a conflict. Councilman Smolinski stated that we cannot use the facility and Wanaque is not willing to reimburse our investment. Perhaps West Milford should consider disengaging from this relationship and negotiating a long-term agreement to use their services for free or for a nominal fee in exchange for our investment. Councilman Weisbecker stated that he does not favor giving up taxpayer money when there is a possibility that we might need this facility in the future. There could be future mandates that particular lakes must be sewerred and this facility can be expanded. He favors remaining a member of the Authority. Councilman Nolan asked Mr. Moshman and Mr. Hadley to provide the Council with three years worth of financial statements. Councilman Warden noted that Mr. Moshman and Mr. Hadley are admittedly in favor of maintaining membership in the Authority and he asked that the Township Attorney prepare a list of the pros and cons of membership as well as outlining potential future liability. Council President Gervens cautioned against seeking input from Ringwood because we must do what is best for West Milford while Ringwood officials must choose the course that is best for their town. Mayor DiDonato encouraged the Council to have the research done and then the Council can vote for West Milford's interests in a public forum. On behalf of the Council, he thanked Mr. Moshman and Mr. Hadley for attending tonight.

**Public Comments**

Mayor DiDonato opened the meeting to the public after advising that there is a five-minute limit for each speaker. He invited interested parties to raise their hand and come forward when called upon.

Ann Marie Grady, 15 Lafayette Street, West Milford stated that she had written a letter to the Mayor, Council and Administrator expressing her concerns about ATV's and motorized vehicles operating behind Bald Eagle Commons. The noise ordinance says it is illegal and riding on private property is illegal. She spoke with Chief Costello and Captain Hardin came out to meet with her. However, they could provide no solution as this is a difficult law to enforce. However, she said, it must be enforced. These vehicles are more than an occasional nuisance and the noise is having a negative impact on resident's ability to get needed rest. Motorists have been impacted because these vehicles often illegally cross the roads causing traffic to come to a stop. The resident's are concerned about their liability. With this community comprising 502 units and 700 taxpayers and voters, the Council and police must work to find a solution to this problem.

James Ross, 134 Richmond Road, Bald Eagle Commons stated that water, people, and sewerage is the perfect trifecta; each needs the other. He noted that Eagle Ridge is back before the planning board and is scheduled for discussion in executive session tonight. He hopes the DEP Commissioner's disapproval will stand and that the previous rejection from the planning board will stand. This development is not good for West Milford.

Gregory Machler, 43 Lafayette Street, Bald Eagle Commons stated that there is noise pollution at the end of Lafayette Street and it emanates from the Ligus' property. Mr. Ligus has ATV's and heavy machinery that start-up at any time, day and night, on his property. The ATV's are constant. The excavating, mulching, digging equipment and heavy trucks are having a negative impact on the quality of life and show a blatant disregard for people's rights. He stated that the Council should adopt an ordinance prohibiting ATV's in residential areas. He further stated that Mr. Ligus is operating a retail mulch business in a residential neighborhood and has a tree farm on his property. The operation is noisy and one must question the impact the mulching matter is having on our environment.

Jim Geist, 57 Bayonne Drive, Hewitt stated that many young people on his street drive their ATV's too fast and they do not wear helmets. Noting that he is an avid huntsman who frequents Wawayanda State Park, he has found that ATV's are posing problems there too. He recently spoke with a conservation officer who patrols Waywayanda and was told they cannot identify owners of these vehicles because plates are not required and with a staff of 2 officers, any enforcement is difficult.

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Dr. Sal Schimmenti, 72 Vreeland Road, West Milford encouraged the Council to take a positive stance and deal with Township business. As a CASA member, he recently recommended that a speaker come in to this town to speak to parents, educators, and coaches about steroid use among young athletes. A meeting has been arranged at Momento's on October 24<sup>th</sup> and he encouraged the Council to attend. These programs are paid for through grants and serve to help our citizens and our children. Sports enhancement drugs are becoming a big problem.

Ada Erik, Macopin Road, West Milford stated that, although the bike path was recently swept, it was not well done. She advised that there is a pothole appearing on the newly-paved Ridge Road. She noted that the Bald Eagle well went down 2½ feet when Eagle Ridge did the test and it took weeks to recover. She urged the Council to remember that we paid for our membership on the Wanaque Sewer Authority so we should keep the seats. She said that the Council cannot draft an ordinance prohibiting use of ATV's in residential zones as she and many horse owners use them on their own properties. She stated that something must be done about the storm grates in town that have large holes which are dangerous. She volunteered to ride through the many roads and report the location of these problems. She said that Ridge Road is only one year old and it is starting to cave in already.

Jim Novack, Mount Laurel, West Milford reiterated that the bike path was not properly swept. Perhaps the machine needs new brushes. Noting that companies must post bonds when working in town, he said that a developer who worked along Random Woods planted grass in a drought and never watered it. The result is that it is all weeds. He asked why taxpayers should be asked to pay for Highcrest Lake to get an upgrade when there was an easement done in the 1960s.

Wayne Gottlieb, 20 South Richfield Road, West Milford stated that he is taking a proactive reaction to the West Milford Sunshine Act. He referred to a recent AIM article that spoke about transparency in government. He researched "transparent" in the constitution and in state statutes. There are references in statutes pertaining to transparency on objects and he provided examples. However, transparency as described in the Sunshine Act and in the article is not required in our constitution or by statute. The notion that someone has a moral obligation to do something is not part of our constitution. Rather, our founders chose to establish laws instead. Our moral obligation is to obey those laws. One advocate of the Sunshine Act stated at this podium that he had engaged in back room deals some years ago while on Council. Someone should turn a person like that in to the authorities.

Councilman Weisbecker moved to close the Public Comments portion of the meeting.

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

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**Council Comments**

Mayor DiDonato stated that the Township of West Milford is engaged in litigation on the Eagle Ridge matter. Mr. Semrau added that the Township has hired a hydro-geologist to represent our interest in Trenton by virtue of his technical expertise so that we can continue the challenge to get proper testing and results.

Councilman Weisbecker advised that the Council did take the ATV issue at Bald Eagle very seriously. He asked the Administrator to follow up with the Police Department. He thanked Wayne Gottlieb for his comments.

Councilman Smolinski thanked the residents from Bald Eagle for coming out tonight to discuss the issues of concern to them. He noted that it is an unfortunate situation because, some time ago, kids in town were promised that they would have a place to ride their ATV's, but that has not happened yet. However, no resident should be subjected to constant noise as a result of these vehicles. He asked the Administrator to reach out to the Police Chief again on this subject.

Councilman Nolan advised that the Council did discuss Ms. Grady's letter at the last meeting. He asked the Administrator to send letters in the future to residents who bring issues to the attention of the Council but cannot attend on the night those issues are discussed.

Administrator Kunze stated that the Police Department is looking into the ATV issue. Township staff is also looking into the matter at the Ligus property. He stated that the DPW is spread very thin. At current staffing levels, we are simply not capable of addressing all the problems being brought forward without sacrificing in other areas. He noted that special details are going out on weekends to make repairs necessary to conform with stormwater regulations.

**Presentations**

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None.

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1

**~ Ordinance 2006-016 ~**

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND APPROPRIATING \$488,800 THEREFOR.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:**

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$488,800, to the extent of \$138,800, from moneys available in the Capital Improvement Fund of the Township and, to the extent of \$350,000, from monies received or expected to be received by the Township from the County of Passaic, New Jersey, or the State of New Jersey, the Federal Government, or agencies of either thereof, as a grant in aid of financing said improvements or purposes (and, in particular, the improvement to Union Valley Road).

The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: for the Administration and Finance Departments of the Township, acquisition by purchase of furniture and computer equipment; for the Volunteer Fire Companies, acquisition by purchase of various fire fighting equipment; for the Parks and Recreation Department of the Township, acquisition by purchase of one (1) trailer; for the Police Department of the Township, acquisition by purchase of body armor; and Union Valley Road by the improvement to the streetscape thereof, including, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

This ordinance shall take effect after publication after final adoption, as provided by law.

Introduced: September 27, 2006

Mayor DiDonato noted that second reading and public hearing for this ordinance is set for the Workshop Meeting of the Township Council scheduled for October 11, 2006. Notice of this public hearing shall be published in the Herald News on or about October 1, 2006.

Discussion: Administrator Kunze advised that this ordinance approves funding for all the items in the Capital Budget for direct purchasing. He listed the items listed in the ordinance and reviewed them. Councilman Nolan noted that the reference to \$350,000 in the ordinance incorrectly states that those funds will come from the State or County when those grant funds are actually coming from the federal government. He asked the Administrator what the Township is doing with the streetscape. Administrator Kunze advised that staff is reviewing conceptual plans and the subject will become before the Council for decision-making.

Councilman Weisbecker made a motion to adopt the ordinance as introduced and Councilman Gervens seconded the motion. Councilman Weisbecker moved to amend the ordinance to include the words "the Federal Government" in paragraph one.

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

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**~ Ordinance 2006-017 ~**

**BOND ORDINANCE APPROPRIATING \$3,459,500, AND AUTHORIZING THE ISSUANCE OF \$3,055,135 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$3,459,500 including the aggregate sum of \$154,365, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also (i) in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$250,000 received by the Township from the New Jersey Department of Transportation, as a grant in aid of financing the improvement to Warwick Turnpike and (ii) in the case of the improvement or purpose described in paragraph (c) of said Section 3, the sums of \$130,000 received and \$125,000 expected to be received by the Township from the Passaic County Open Space Trust Fund, as grants in aid of financing the improvement to the municipal tennis courts.

For the financing of said improvements or purposes and to meet the part of said \$3,459,500 appropriations not provided for by application hereunder of said down payments and a portion of said NJDOT grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,055,135 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,055,135 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) dump truck with plow and one (1) excavator for use by the Department of Public Works of the Township, and one (1) tractor and one (1) dump truck for use by the Parks and Recreation Department of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	\$341,000	\$324,760
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Airport Road, Bushwick Lane, a portion of Camelot Drive, Center Street (from Melody Lane to O'Leary Road), Cliff Road, Echo Lane, Edgescumb Road, Fremont Terrace, Glencross Road, Gwyneth Road, Lindsay Road, Melody Lane, Moore Road, Neilson Place, Newland Drive, Park Lane, Paradise Road (north and south of Route 23), Quarry Avenue, Stephens Road, Terrace Road, Vista Road, Warwick Turnpike, Weaver Road, Winetka Lane, Woodridge Drive and Wooley Road, together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on	1,503,000	1,193,330

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and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$1,503,000 appropriation hereby made therefor being inclusive of the amount of \$250,000 received by the Township from the New Jersey Department of Transportation as a grant in aid of financing said improvement to Warwick Turnpike		
(c) Improvement of municipally-owned facilities and grounds in and by the Township, including the municipal tennis courts located on Nosenzo Pond Road by the rehabilitation thereof, the Day Camp by the replacement of walls thereat, the Municipal Court by the installation of bullet proof security glass and security cameras, the Police Department headquarters by the renovation of interior walls and other areas, and the Upper Greenwood Lake First Aid Squad building by the renovation thereof, together with for all the aforesaid all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$602,300 appropriation hereby made therefor being inclusive of the amounts of \$130,000 received and \$125,000 expected to be received by the Township from the Passaic County Open Space Trust Fund as grants in aid of financing said improvement to the municipal tennis courts	602,300	573,600
(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including an emergency generator for use by the Apshawa Fire Company, Scott packs and other equipment for use by various volunteer fire companies, computer equipment for use by the Police Department of the Township, communication equipment and pagers for use by various first aid squads of the Township, postage equipment and shelving for use by the Administrative and Finance Departments of the Township, and one (1) trailer, one (1) wood chipper, one (1) roller and a fuel management computer system for use by the Department of Public Works of the Township, together with all appurtenances, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	411,000	391,420
(e) Initial costs associated with the rehabilitation of the Bubbling Springs and Westbrook Park dams, the said \$52,200 appropriation hereby made therefor being an initial appropriation for preliminary studies, planning, design, architectural and engineering expenses associated with said improvement	52,200	49,700
(f) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the Apshawa Volunteer Fire Company, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	550,000	522,325
<b>Totals</b>	<b>\$3,459,500</b>	<b>\$3,055,135</b>

Except as otherwise stated in paragraph (b) with respect to the \$250,000 grant in aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

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

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The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.12 years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,055,135, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

The funds from time to time received by the Township on account of the \$505,000 grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in paragraphs (b) and (c) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

INTRODUCED: September 27, 2006

Discussion: Administrator Kunze advised that this ordinance deals with the bonding portion of the capital ordinance; he reviewed the specifics and listed the improvement projects. Councilman Nolan asked if we had received the anticipated grant funds in the amount of \$475,000 from the State for the bike path. Administrator Kunze responded in the negative and advised that this would be Section 3 of the bike path that was approved in the budget. Councilman Nolan recommended that we pull funding for this project from this ordinance pending receipt of the state funds and, if those funds do not come in, he recommended using half of this appropriation to build a sidewalk from Lincoln Hill to the Shop Rite. Administrator Kunze advised that this section of roadway is in poor condition and will have to be repaired next year. Councilman Weisbecker cautioned against pulling this because it will limit our ability to perform the needed work on this road. Mayor DiDonato asked that the Engineer be instructed to advise the Council on this matter.

Councilman Weisbecker made a motion to have this ordinance adopted as presented and Councilman Smolinski seconded the motion. Councilman Weisbecker amended his motion to reduce the bond amount by \$646,190 by eliminating funding for the bicycle path.

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

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Moved: Weisbecker Seconded: Smolinski  
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
 Voted Nay: None.  
 Abstained: None.  
 Motion carried.  
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Agenda No. IX 3

**~ Resolution 2006-321 ~**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-015-007 COUNTRY GOURMET WINES LLC FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS**

**WHEREAS**, an application for renewal of Plenary Retail Consumption License No. 1615-33-015-007 Country Gourmet Wines LLC for the 2006 - 2007 License year has 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 application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

**WHEREAS**, The Township Council was advised by the Police Department of investigations on this license; and

**WHEREAS**, the Police Department has recommended that the license be renewed to the current owner as inactive with Conditions as noted below; and

**WHEREAS**, at this time, this license has no sited premises;

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

<b>POCKET LICENSE</b>	<b>CONDITIONS</b>
COUNTRY GOURMET WINES LLC c/o April Stearns 26 Freemont Terrace Oak Ridge, NJ 07438 1615-33-015-007	1. Food Handlers License must be current before issuance of License. 2. Premise 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. 4. License will not be operated as a "Go Go Bar".

Adopted: September 27, 2006  
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Moved: Weisbecker Seconded: Gervens  
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
 Voted Nay: None.  
 Abstained: None.  
 Motion carried.  
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Agenda No. IX 4

**~ Resolution 2006-322 ~**

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

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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN EXTENSION OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-015-007 COUNTRY GOURMET WINES LLC TO ROBERT B. WASSERMAN, ESQ., CHAPTER 7 TRUSTEE**

**WHEREAS**, an application has been received for an Extension of License of 2006 - 2007 Plenary Retail Consumption License No. 1615-33-015-007 presently held by Country Gourmet Wines LLC, c/o April Stearns, 26 Freemont Terrace, Oak Ridge, NJ 07438 to Robert B. Wasserman, Chapter 7 Trustee, P.O. Box 1029, 225 Millburn Avenue, Suite 207, Millburn, NJ 07041; and

**WHEREAS**, the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The license should be extended as applied for according to all statutory, regulatory and local governmental A. B.C. laws and regulations.

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

1. Food Handlers License must be current before issuance of License Certificate.
2. Premise 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.
4. License will not be operated as a "Go Go Bar".

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

Adopted: September 27, 2006

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. IX 5

~ Resolution 2006-323 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PUBLIC SALE OF MUNICIPALITY-OWNED PERSONAL PROPERTY AT A PUBLIC AUCTION TO BE HELD IN THE TOWNSHIP OF SPARTA PURSUANT TO N.J.S.A 40A:14-157**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:14-157, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

**WHEREAS**, Sparta Township has secured the services of Peter Costanzo Auctioneers to organize and conduct all aspects of the Surplus Vehicle and Equipment Auction.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford as follows:

1. The Sparta Municipal Clerk be and is hereby authorized to publish the notice of public sale of the vehicles and property shown on the attached Schedule "A" for two consecutive weeks, the last publication to be not earlier than seven (7) days prior to the sale date which is fixed as Saturday October 7, 2006 at 10:00 A.M.
2. The auction will be held at the Sparta Township Public Works Garage at 15 Price's Lane, Sparta, New Jersey. Prospective buyers will have an opportunity to preview the items on Friday October 6, 2006 between the hours of 11:00 A.M. and 2:00 P.M. and from 8:00 A.M. to 10:00 A.M. on the day of the auction.
3. All property shall be offered in an "as is" condition, without any express or implied warranties of any nature whatsoever.
4. The terms of sale shall be as set forth on the notice of public sale.

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

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**BE IT FURTHER RESOLVED** by the Mayor and Council of the Township of West Milford that the associated costs be and are hereby authorized as follows:

1. An Auctioneer and Administrative fee of 12% based on total gross receipts.
2. Advertising costs of \$1,500.00 will be divided among participants based on percentage of gross receipts.

Adopted: September 27, 2006

**SCHEDULE A**

YEAR	MAKE	MODEL	CONDITION	VIN NUMBER OR SERIAL NUMBER
1997	JEEP	CHEROKEE	RUNS-RUSTED	1J4FJ68S4VL572995
1992	CHEVY	CAPRICE	RUNS-RUSTED	1G1BL5372NW154177
1996	CHEVY	CAPRICE	RUNS-RUSTED	1G1BL52P5TR139394
1996	CHEVY	CAPRICE	RUNS-RUSTED	1G1BL52PXTR109694
1995	CHEVY	CAPRICE	RUNS-RUSTED	1G1BL52P7SR154929
1995	CHEVY	CAPRICE	RUNS-RUSTED	1G1BL52P1SR156076
1995	FORD	E-350 BUS	RUNS-RUSTED	1FDKE30F5THA49129
1988	FORD	B-600 BUS	RUNS-RUSTED	1FDNB60HXJVA43317
1990	BLUE BIRD	BUS	BAD ENGINE	1BAAGCSA1LF036508
1998	FORD	CROWN VICTORIA	STRIPPED FOR PARTS	2FAFP71WOWX152250
1998	FORD	CROWN VICTORIA	BAD TRANS	2FAFP71W2WX152251
2002	FORD	CROWN VICTORIA	ENGINE NOISY	2FAFP71W83X132615
1998	FORD	CROWN VICTORIA	BAD REAR	2FAFP71W2WX152248
1998	FORD	CROWN VICTORIA	RUNS	2FAFP71W4WX152252
1992	CHEVY	SUBURBAN	RUNS	1GN GK26K1NJ355216
2002	FORD	CROWN VICTORIA	STRIPPED FOR PARTS	2FAFP71W33X132618
1991	CHEVY	CAPRICE	NOT RUNNING - RUSTED	1G1BL5378MR120161
1986	INTERNATIONAL	LOADER	RUNS	34103
1988	BEUTHLING	B100 ROLLER	STRIPPED FOR PARTS	

Discussion: Administrator Kunze advised that the items being auctioned are primarily old police cars that are out of service. Councilman Weisbecker reminded the Administrator that he was to obtain costs for transporting the vehicles to and from the auction and Mayor DiDonato referred him to the back-up documentation which contained that data. Mr. Kunze advised that the Township would have to realize \$15,350 to break even on the sale of this equipment. He advised that the Sparta auction has become quite large in recent years and other municipalities have been pleased with the results.

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

Agenda No. IX 6

~ Resolution 2006-293 ~

**Agreement with Highcrest Lodge**

Discussion: Mayor DiDonato and Councilman Warden abstained from discussion and vote on this matter. Mr. Semrau advised that Highcrest is constructing their lodge and part of the work resulted in the need to upgrade the Highcrest Drive roadway. They approached the town and discussion began on who is responsible for this work. There is a common need to address this concern. Highcrest has proposed that they will do the labor and asked the Township to provide the materials to a point where the Township's contribution will not exceed 50% of the cost of the project. The estimate for materials and asphalt is \$9,795

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and, under the agreement, Highcrest would have to certify labor costs at the end of the project. The Township will provide police oversight of traffic when they are working on the drainage. The Township Engineer has reviewed the easements and has determined that this work must be done and each party is equally responsible. Councilman Nolan questioned if we would be doing this project if Highcrest had not brought it to our attention. Mr. Kunze replied that, while we may not have chosen the time, we would eventually be working on this road and the drainage issue because this is a public storm drain owned by the Township. Councilman Weisbecker stated that this is a private lake and questioned if the taxpayers of West Milford should be footing the bill for work being done in a private community. Administrator Kunze stated that this is a public facility but a private entity is paying for a portion of the repairs.

From the audience, Mr. Novack interjected and approached the podium. He accused Mayor DiDonato for writing and passing notes even though he had recused himself from this discussion. Mayor DiDonato stated, for the record, that Mr. Novack's accusations are false. He stated that he is writing notes on other issues and has not participated in the discussion. Councilman Weisbecker asked if Highcrest Lake Association property fronts this drainage work. Mr. Kunze replied that he would have to review the map to answer that question and Councilman Weisbecker asked that the Council assess Highcrest if review proves that their property fronts the project.

Councilman Nolan moved to table this resolution to the October 11, 2006 Workshop Meeting. Councilman Weisbecker seconded the motion.

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 Moved: Nolan Seconded: Weisbecker  
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.  
 Voted Nay: None.  
 Abstained: Warden.  
 Motion carried.  
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Agenda No. X

~ Resolution 2006-324 ~  
**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account. . . . .	\$105,073.75
2	Reserve Account . . . . .	33,000.00
3	Animal Control Trust	290.00
	Capital. . . . .	126,281.39
6	<b>Capital Amended</b> . . . . .	109,618.89
7	Grants. . . . .	3,522.08
8	Refuse. . . . .	439.00
9	Refunds. . . . .	38,722.01
12	General Ledger. . . . .	150,000.00
16	Heritage Trust. . . . .	
14	Open Space Trust	
17	Trust . . . . .	3,255.74
18	Development Escrow. . . . .	15,497.40
19	LOSAP	
20	Special Reserve	
	<b>Total</b>	<b>\$476,081.37</b>
	<b>Total Amended</b>	<b>\$459,418.87</b>
	Less Refund Resolution	-38,722.01
	<b>Actual Bill List</b>	<b>\$437,359.36</b>
	<b>Actual Bill List Amended</b>	<b>\$420,696.86</b>
	Other Payments	
	Less Refund Resolution	

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<b>Total Expenditures</b>	<b>\$437,359.36</b>
<b>Total Expenditures Amended</b>	<b>\$420,696.86</b>

Adopted as Amended: September 27, 2006

Discussion: Councilman Weisbecker questioned two payments on page 17 for top soil for Farrell Field noting that they are both for the same amount even though the quantities are different. He asked for an explanation of a payment on page 13 to NUCOM Consulting, LLC. Administrator Kunze advised that this is the consultant retained for the radio communications study and that Phase I of that study has been completed. He further advised that the consultant would be reporting to the Council at the October 11<sup>th</sup> Workshop Meeting.

Councilman Nolan made a motion to amend the payment of bills to exclude the Top Soil Depot payments in the amount of \$16,662.50 pending an explanation from the Administrator. Councilman Weisbecker seconded the motion.

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

**Items For Discussion**

The Township Council discussed the following items:

1) and 2)	Mayor DiDonato noted that items 1 and 2 had been discussed earlier in the evening.
3)	Foreclosures - Administrator Kunze noted that the Tax Collector had provided an update, which was distributed, to the Council in their packets. Foreclosure list #25 is complete, #27 is almost complete, #26 is on hold pending a resolution, and there are two more lists to be worked on. The Council must select an attorney to whom they will assign these lists. Johnson Murphy has submitted a proposal and Dorsey Semrau has offered to do this work pursuant to the terms of their current contract. Councilman Nolan stated that he would like to see this work go out to bid. Administrator Kunze advised that Johnson Murphy had provided an estimate of between \$4,000 and \$5,000 for foreclosure lists #28 and #29. List #26 has already been assigned to Johnson Murphy. He stated that we could seek informal quotes for these services because of the estimated cost.
4)	Contract resolutions for Litigation and Foreclosure Matters – Administrator Kunze advised that the Township should adopt resolutions for outstanding issues from last year. He reviewed 2005 outstanding legal costs and Councilman Nolan interjected an objection that the Council is being forced to adopt a resolution to pay someone for work that has been done without authorization. He stated that it is incumbent upon the attorneys to police themselves so that they do not exceed the amounts authorized. Mayor DiDonato noted that, in the past, that was not clearly relayed to the professionals as it is now. Administrator Kunze noted that this action will correct this issue and he assured the Council that this will not recur going forward. Council gave consent.
5)	Mutual Aid Agreement – Administrator Kunze noted that, as part of response standards, we must have mutual aid agreements with surrounding municipalities for firefighting services. An agreement has been prepared which outlines support circumstances and the agreements apply to contiguous communities. The Council instructed the Administrator to proceed.
6)	Salaries and Part-time compensation – Administrator Kunze advised that a request was made earlier in the year to increase the compensation for custodians. Research has indicated that their titles were never included in the salary ordinance and he recommended that this be corrected by inserting the title of “Building Service Worker” with a range of \$9 to \$14 per hour. Councilman Nolan instructed the Administrator to check that people who are paid an annual stipend and those on an hourly rate are being paid in conformance with the new minimum wage rate of \$7.15 per hour.
7)	MUA Testing – Administrator Kunze gave an overview of the Council’s previous discussions on this matter. As a result of those discussions, the Administrator has solicited updated quotes from companies which include testing for seven compounds. The lab would take the samples on any schedule the Council determines and the samples will come from the outflow pipes. Councilman Warden stated that the frequency should be kept confidential. Mayor DiDonato suggested that the Council may want to form a committee to decide when to test and to relay those instructions to the Administrator. The Council gave consensus to nominate a committee of 2 (Councilmen Warden and Scangarello) and they will decide on the frequency of the tests next week.
8)	Gangs – Councilman Weisbecker stated that he has a lot to talk about on this subject and

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	he advised that the Sheriff's Department has a special gang unit that is available to make presentations in local communities. He stated that there has been evidence of gang activity in Upper Greenwood Lake where there is graffiti on the walls that are identical to gang slogans. He stated that the Sheriff's office has confirmed that there were eleven arrests made in Bloomingdale that were gang related. He has spoken with local school bus drivers who have indicated that they have seen evidence of gang activity. He asked that the Council discuss this further at a future workshop and schedule a joint meeting with the school board where the Sheriff's office could make a presentation. Councilman Gervens stressed that the Council must observe protocol and inform the Township's Police Department of this discussion.
9)	Pfeiffer Dam – Mr. Semrau asked that this discussion be carried because he has not received a response to his recent correspondence as yet. The Council agreed.
10)	Pay-to-Play Ordinance – Mr. Semrau advised that the Council had instructed him to draft a resolution to plug the loopholes in the state legislation. The local ordinance would limit contributions at County as well as local levels so that such funds cannot filter back to the local level. The draft ordinance also addresses services in-kind. Contributions over \$300 will preclude any person or entity from being awarded a contract in West Milford. This ordinance would apply to any entity doing business with the Township and we would reference the ordinance in all specifications. He noted that the NJLM recommends excluding Open Space from this process. The Council requested further time to review this important legislation and requested that it be scheduled for discussion at a future Workshop Meeting.
11)	Mayor DiDonato instructed the Clerk to draft a resolution appointing Robert Nicholson to the Tourism Commission.

**Mayor's Report**

None.

**Township Administrator's Report**

Administrator Kunze advised that he, the Township Attorney and the Township Clerk had conducted a property sale earlier in the evening. All but two properties on the list sold and it generated an expected revenue of \$65,300 for the town. Two more sales will be scheduled. He advised that the State would no longer be providing deer carcass removal for municipalities effective October 1<sup>st</sup>. He has sought quotes for this service from a couple of vendors and will start the service with Space Farms. Information will be updated with the Police Department and residents will use the existing procedure to report incidents. He reminded everyone that the Autumn Lights Festival is scheduled for October 7<sup>th</sup> with a rain date of October 8<sup>th</sup>.

**Township Council Reports**

Councilman Weisbecker stated that the Energy Committee met with a representative from Honeywell and he asked for Council consensus to instruct the Administrator to sign a letter of authorization so that Honeywell can conduct an audit, which they will do gratis. When the audit is complete, Honeywell is to make a presentation and the Council will then hire someone to enact the recommendations, if appropriate. The Council gave consensus. Councilman Weisbecker advised that the Lakes Committee reviewed the fertilizer ordinance and opined that it is too ambiguous. They were hoping that West Milford would mirror Jefferson's ordinance which had more penalties. Mr. Semrau agreed to meet with the Lakes Committee to explain the Council's position. Councilman Weisbecker asked the Administrator when the Council will be meeting with the Board of Education to discuss the Hillcrest/Wallissh properties. Administrator Kunze provided an update and noted that the joint meeting will be scheduled in the near future. Councilman Weisbecker advised that the Beautification and Recycling Committee is considering offering local landscapers an opportunity to beautify and maintain all intersections in town.

**Township Attorney**

Mr. Semrau advised that the Township is wrapping up the encroachments on the Redevelopment Property and the Construction Official will go out to look at it. He advised that the Council will be discussing Eagle Ridge and SOS in Executive Session tonight and he stated that he also wishes to add discussion on a small matter in State Tax Court known as Petracka v. West Milford, Block 806, Lot 7. The court will hear this subject very soon.

**Township Clerk's Report**

None.

**Executive Session**

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

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Agenda No. XIII

~ Resolution 2006-325 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 27<sup>th</sup> day of **September**, 2006, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Hovnanian v. West Milford (Eagle Ridge Water Allocation Permit #5083)
    - Strengthen Our Sisters (SOS) matters
    - Petracka v. West Milford – State Tax Court – Block 806, Lot 7
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
  
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: September 27, 2006

Discussion: Councilmen Nolan and Warden stated that, in executive session, they would recuse themselves from any discussion on the SOS matters.

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

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:44 p.m.

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Approved: October 25, 2006

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK