

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE NOVEMBER 2,
2011 REGULARLY SCHEDULED WORKSHOP MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford, New Jersey
Township Council
WORKSHOP AGENDA

November 2, 2011
7:30 P.M.

MEETING

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of December 19, 2010 and January 9, 2011; copies were provided to the Suburban Trends, the Record and Star Ledger 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.

Please also make note of all fire and emergency exits - located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. MINUTES

None.

III. MEETINGS

November 9, 2011 Regular Meeting
December 7, 2011 Workshop Meeting
December 21, 2011 Regular Meeting

IV. PRESENTATIONS

Public Hearing - Person to Person transfer of 2010 - 2011 Plenary Retail Consumption License No. 1615-33-020-006 presently held by LaRocca Inc. to Harris, Dion B. & Minikus, Mary Ann t/a The Inn at Farm Crest LLC as a pocket license with no sited premises

V. PROCLAMATIONS

None.

VI. UNFINISHED BUSINESS, FINAL PASSAGE OF ORDINANCES

None.

WORKSHOP AGENDA

November 2, 2011

VII. PUBLIC COMMENTS

VIII. COUNCIL COMMENTS

IX. DISCUSSION ITEMS

1)	Warwick Valley Telephone (WVT)
2)	Paperless Agenda and Back-up Documentation
3)	Ordinance 2011-016 – Amending Chapter 110 of the Uniform Construction Codes, Section 110-7 for Residents of Lake Communities and Ordinance 2011-017 – Amending Chapter 300, Sewers, Article 1, Individual Subsurface Sewage Disposal Systems for Properties located in Lake Communities
4)	Ordinance Amending Chapter 271 – Police Service Charges
5)	Ordinance Amending Chapter 141 Filming and 135-15 Fees for Filming
6)	Ordinance Amending Chapter 414-6 and 500-36.1 – Temporary Outdoor Commercial Sales Event and Seasonal Farmer Market
7)	Ordinance - Amending & Supplementing chapters 67, 195, 263, and 274, Various Licenses of the Township Code
8)	Resolution – Supporting S-3062 “Telecommunications – Cable Television Deregulation Ensuring Consumer Protection Act”
9)	Contract – Professional Services for Princeton Hydro for Engineering Design, Construction Oversight and the like to Construct Vegetated Filter Strips in an amount not to exceed \$44,871.89
10)	Contract – Professional Services for Princeton Hydro to provide Engineering and Environmental Services in Connection with Non-Point Source Pollution Project in an amount not to exceed \$167,000
11)	Contracts – Award of 2011-2012 Snowplow Services

X. ACTION ITEMS

1) **Ordinance 2011 – 016**

Ordinance of the Township of West Milford, County of Passaic, State of New Jersey Amending and Supplementing Chapter 110, Construction Codes, Uniform, Section 110-7, Additional Requirements for Residents of Lake Communities of the Revised General Ordinances

This Ordinance was introduced on August 17, 2011 and the Notice of Public Hearing was published in the Herald News on August 24, 2011. On September 21, 2011 the Council tabled discussion, public hearing and action of this ordinance to this meeting. The Council will open the meeting to the public to speak to this ordinance only

2) **Ordinance 2011 – 017**

WORKSHOP AGENDA

November 2, 2011

Ordinance of the Township of West Milford, County of Passaic, State of New Jersey Amending and Supplementing Chapter 300, Sewers, Article I, Individual Subsurface Sewage Disposal Systems of the Revised General Ordinances to Add Additional Requirements for Properties Located in Lake Communities

This Ordinance was introduced on August 17, 2011 and the Notice of Public Hearing was published in the Herald News on August 24, 2011. On September 21, 2011 the Council tabled discussion, public hearing and action of this ordinance to this meeting. The Council will open the meeting to the public to speak to this ordinance only

- 3) **Resolution 2011-383** – Resolution of the Township of West Milford, County of Passaic, State of New Jersey Authorizing Purchase of 2 Covert Video Systems Using the Buffer Zone Protection Plan Grant (BZPP)
- 4) **Resolution 2011-384** – Resolution of the Township of West Milford, County of Passaic, State of New Jersey Awarding Contracts for Snow Plowing Services
- 5) **Resolution 2011-385** – Resolution of the Township of West Milford, County of Passaic, State of New Jersey for the Cancellation of Receivable and Appropriation Balances
- 6) **Resolution 2011-388** – Resolution of the Township of West Milford, County of Passaic, State of New Jersey Seeking Any Legal Means to have a Receiver Appointed to Manage the Operations of the West Milford Municipal Utilities Authority (WMMUA)

XI. APPROVAL OF EXPENDITURES

Resolution 2011 - 386

Resolution Approving The Payment Of Bills

XII. REPORTS OF MAYOR, ADMINISTRATOR, COUNCIL MEMBERS, ATTORNEY AND CLERK

- 1) Mayor Bieri
- 2) Township Administrator
- 3) Council Reports
- 4) Fred Semrau, Esq.
- 5) Township Clerk

WORKSHOP AGENDA

November 2, 2011

XIII. APPOINTMENTS AND RESIGNATIONS

None.

XIV. EXECUTIVE SESSION

Resolution 2011 - 387

Motion for Executive Session

- Brian Giblin - Contract Negotiations
- Dave Corrigan - Litigation

XV. ACTION ITEMS

1) Resolution 2011 - 361

Resolution of the Township of West Milford, County of Passaic, State of New Jersey Approving the Terms of a Successor Collective Bargaining Agreement with AFSCME Council 52, Local 2275 for the Period January 1, 2010 through December 31, 2013

XVI. ADJOURNMENT

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2011 - 016 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 110, CONSTRUCTION CODES, UNIFORM, SECTION 110-7, ADDITIONAL REQUIREMENTS FOR RESIDENTS OF LAKE COMMUNITIES, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 110, Construction Codes, Uniform, Section 110-7, Additional Requirements for Residents of Lake Communities, of the Revised General Ordinances of the Township of West Milford, is hereby amended and supplemented to read as follows:

"§110-7 Additional Requirements for Properties Located in Lake Communities.

- A. Applicability. All applicants for zoning, building and/or construction permits for a property located within the boundaries of a lake community in the Township of West Milford shall, in addition to the requirements for obtaining zoning, building and/or construction permits through the Township Planning and Building Department ("Department"), and pursuant to the Uniform Construction Code and/or the Land Development Ordinances of the Township of West Milford, provide proof to the Department that they have provided notice to the respective Property Owners Association of the filing of an application for a zoning, building and/or construction permit. For purposes of this Section, "properties within the boundaries of a lake community" shall be defined as those properties (consisting of blocks and lots) contained on the Township's "Lake Community Master List" which is on file with the Township's Building Department.
- B. Proof of the notice required by paragraph A., above, shall be the submission of a Lake Communities Release Form signed and dated by the applicant and by an officer of the Property Owners Association for the respective lake community acknowledging receipt of a copy of the application. The applicant shall be responsible to obtain and return the signed Lake Communities Release Form to the Department.
- C. Applications for zoning, building and or construction permits in lake for properties located in lake communities which are not accompanied by the proof of notice required pursuant to paragraphs (A) and (B) of this section will be deemed incomplete and will not be considered until such proof of notice has been provided.
- D. The provisions of subsections (A) and (B) above shall include, but not be limited to, applications for a permit to construct a deck, wall, fence, shed or any other structure or improvement on a lot but shall not otherwise apply to those applications for zoning, building and/or construction permits which do not, in any manner, involve the construction or erection of a structure or improvement or increase the lot coverage or impervious coverage of a lot.
- E. Enforcement. The provisions of this Section shall be enforced by the Township Construction Code Official, the Zoning Official and/or his or her respective designee.
- F. Violations and penalties. Any person or persons, firm, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties imposed in Chapter 1, Article III, General Penalty, of the Township Code. For the purposes of this Ordinance, failure to provide the required proof of notice for each application for a zoning, building or construction permit for a property subject to the terms of this Ordinance shall be considered a separate offense." *

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 may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: August 17, 2011

ADOPTED:

EFFECTIVE DATE:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

Antoinette Battaglia, Township Clerk

By: _____
Bettina Bieri, Mayor

* The statutory penalty set forth in Chapter 1, Article III, of the West Milford Code is a maximum fine of \$2,000, imprisonment for a term not to exceed ninety days, a period of community service not to exceed 90 days, or any combination of the above.

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2011 - 017 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300, SEWERS, ARTICLE I, INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, OF THE REVISED GENERAL ORDINANCES TO ADD ADDITIONAL REQUIREMENTS FOR PROPERTIES LOCATED IN LAKE COMMUNITIES

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

SECTION 1. Chapter 300, Sewers, Article I, Individual Subsurface Sewage Disposal Systems, of the Revised General Ordinances of the Township of West Milford, is hereby amended and supplemented by the addition of a new Section, 300-5A, Additional Requirements for Properties located in Lake Communities, to read as follows:

“§300-5A. Additional Requirements for Properties Located in Lake Communities.

- A. **Applicability.** All applicants for a permit to construct, alter, repair or replace an individual subsurface sewage disposal system on a property located within the boundaries of a lake community in the Township of West Milford shall, in addition to the requirements of N.J.A.C. 7:9A and the Ordinances of the Township of West Milford, provide proof to the Health Department that notice has been provided to the respective Property Owners Association of the filing of the application. For purposes of this Section, “properties within the boundaries of a lake community” shall be defined as those properties (consisting of blocks and lots) contained on the Township’s “Lake Community Master List” which is on file with the Township’s Building Department.
- B. **Proof of the notice** required by paragraph A., above, shall be the submission of a Lake Communities Release Form signed and dated by the applicant and by an officer of the Property Owners Association for the respective lake community acknowledging receipt of a copy of the application. The applicant shall be responsible to obtain and return the signed Lake Communities Release Form to the Health Department.
- C. **Applications for permits** to construct, repair, alter or replace an individual subsurface sewage disposal system for properties located in lake communities which are not accompanied by the proof of notice required pursuant to paragraphs (A) and (B) of this section will be deemed incomplete and will not be considered until such proof of notice has been provided.
- D. **Enforcement.** The provisions of this Section shall be enforced by the Director of the Health Department and/or his or her respective designee.
- E. **Violations and penalties.** Any person or persons, firm, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties imposed in Chapter 1, Article III, General Penalty, of the Township Code. For the purposes of this Ordinance, failure to provide the required proof of notice for each application for a permit for a property subject to the terms of this Ordinance shall be considered a separate offense.” *

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 may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: August 17, 2011

ADOPTED:

EFFECTIVE DATE:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

Antoinette Battaglia, Township Clerk

By: _____
Bettina Bieri, Mayor

* The statutory penalty set forth in Chapter 1, Article III, of the West Milford Code is a maximum fine of \$2,000, imprisonment for a term not to exceed ninety days, a period of community service not to exceed 90 days, or any combination of the above.

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011 - 383 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING PURCHASE OF 2 COVERT VIDEO SYSTEMS USING THE BUFFER ZONE PROTECTION PLAN GRANT (BZPP)

WHEREAS, the West Milford Township Police Department has been awarded funding for a project under the Federal Homeland Security Administration Buffer Zone Protection Plan Grant Program (BZPP) in the amount of \$109,700.00; and

WHEREAS, the BZPP Grant is a Federal Homeland Security Grant with funds being 100% reimbursed through the State's Office of Homeland Security and Preparedness; and

WHEREAS, the State 2004 Appropriations Act, P.L.2004, c.71, and as described by the Division of Local Government Services in Local Finance Notice 2009-20 allows local units to purchase goods from a federal General Services Administration or other federal contractor without the requirement for public bidding pursuant to the Local Public Contracts Law, and, through this resolution and properly executed contracts, the West Milford Police Department plans to use such contracts to purchase goods to meet the requirements of the grant; and

WHEREAS, the West Milford Township Police Department has a need to acquire 2 covert video systems and accessories under the 2009 BZPP Grant for a combined price of \$20,271.42 from Tactical Technologies Inc.; and

WHEREAS, Tactical Technologies Inc. is a federal General Services Administration contractor under contract #GS-07F-5981R; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number G-02-41-775-240.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the purchase of the 2 covert video systems from Tactical Technologies Inc. in the amount of \$20,271.42 is hereby authorized.

Adopted: November 2, 2011

Adopted this 2nd day of November 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 - 384 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 30, 2011 for Snow Plowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works and the Township Attorney; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, noting Special Rates for trucks and equipment to be used if an when needed per rates bid; and

WHEREAS, the Township Attorney has rendered an opinion

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account numbers 1-01-26-294-364, T-15-56-850-294 and 2-01-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for snow plowing services pursuant to the Engineer's recommendation and in accordance with the following outline:

<u>CONTRACTOR</u>	<u>TRUCKS</u>
1. John Monteleone Enterprises	1
2. Kershaw Construction LLC	1
3. Mountain Top Auto	1
4. Savage Equipment Co., Inc.	2
5. Joseph A. Padham, Jr.	1
6. J.D. Ragonese, Jr. Excavating	2
7. P&W Excavating	7
8. GRW Enterprises LLC	1
9. Lee Excavating Co.	11
10. Tom Buske & Son Construction, Inc.	10
11. Bruce Corbett Excavating, Inc.	3
12. Decker & Decker Const. Co.	6
13. Lanzo Trucking Co. LLC	3
14. W & W Contracting LLC	3
15. Longstaff Paving LLC	8
19. Albert Christman, Inc.	4
TOTAL TRUCKS	66

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Municipal Clerk.

Adopted: November 2, 2011

Adopted this 2nd day of November, 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011 - 385 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE CANCELLATION OF RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable in the amount of \$100.16 and an appropriation in the amount of \$100.16 from the NJ Health Officers Association for the Emergency Notification System Mini Grant and

WHEREAS, this receivable is no longer collectible as revenue and the remaining appropriation will not be expended

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriation be cancelled to current fund balance.

Adopted: November 2, 2011

Adopted this 2nd day of November 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011 - 388 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SEEKING ANY LEGAL MEANS TO HAVE A RECEIVER APPOINTED TO MANAGE THE OPERATIONS OF THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY (WMMUA)

WHEREAS, the Township of West Milford did establish a utilities authority to provide safe and healthy water and sewerage treatment to certain residents within the Township; and

WHEREAS, in May 2011 the State of New Jersey Department of Environmental Protection (DEP) notified the Township of West Milford and the West Milford Municipal Utilities Authority (WMMUA) of health concerns linked to the lack of operational oversight and mismanagement in day-to-day operations; and

WHEREAS, since such time, the DEP did provide the WMMUA with multiple opportunities to correct deficiencies, establish safeguards, and provide assurances about their ability to effectively operate the water and sewerage treatment plants within their jurisdiction; and

WHEREAS, agents from the DEP have been professional, resourceful, and diligent in meeting with various elected and appointed officials throughout the State who represent the residents of the Township and the WMMUA to facilitate compliance and improved conditions; and

WHEREAS, on September 29, 2011 representatives of the DEP conducted a follow up visit to the WMMUA facilities; and

WHEREAS, as a result of that visit the Township received a letter on October 27, 2011 from the DEP finding that "substandard conditions and inoperable process units still exist at WMMUA water treatment facilities"; and

WHEREAS, the DEP further noted that, "Given these conditions, we question whether capital improvements, without associated technical, managerial and financial capability, can overcome the failure to plan and the lack of maintenance at these systems;"

WHEREAS, the DEP, residents of the Township, users of the WMMUA facilities and the Mayor of the Township have consistently for the past five months pleaded for change at this authority in an effort to protect the health, safety and well-being of the residents of the Township to no avail.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that they do hereby join with Mayor Bettina Bieri seeking intervention and the appointment of a receiver to operate the WMMUA. The receiver shall be appointed in any legally permitted manner including, but not limited to, the filing of a complaint to the BPU, DCA, NJDEP, and/or a request to the Governor of the State of New Jersey that the severe health conditions are immediately addressed in the following manners:

1. To oversee the daily operations of the WMMUA and address immediate DEP operational and health concerns.
2. To protect the tangible and intangible assets of the WMMUA.
3. To protect the tangible and intangible rights of those served by the WMMUA.
4. To operate these systems in accordance with DEP regulations.
5. To prepare an asset management plan and a capital improvement plan for the WMMUA.
6. To assist, service and protect the customers of the WMMUA

BE IT FURTHER RESOLVED that such outside intervention is intended to ultimately lead to the WMMUA's ability to provide clean water and effective sewerage treatment for the benefit of the users and the protection of our environment.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the West Milford Municipal Utilities Authority, the Greenwood Lake Bi-State Commission, the Pequannock River Coalition, the Highlands Coalition, the Highland's Council, Governor Chris Christie; US Congressman Scott Garrett; US Senator Robert Menendez; US Senator Frank Lautenberg; NJ Senator Joseph Pennacchio; NJ Assemblymen Alex DeCroce and Jay Webber; NJBPU, NJDCA, NJDEP.

Adopted: November 2, 2011.

Adopted this 2nd day of November 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-03

Division of Water Supply & Geoscience
Water System Operations Element

Bureau of Safe Drinking Water

401 E. State Street - P.O. Box 420

Trenton, New Jersey 08625-0420

Tel #: (609) 292-5550 - Fax #: (609) 292-1654

<http://www.nj.gov/dep/watersupply/>

CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LT. GOVERNOR

BOB MARTIN
Commissioner

October 19, 2011

West Milford Township Municipal Utilities Authority
179 Cahill Cross Road
Suite 202
West Milford, New Jersey 07480

Attention: Kelly L. Love, Administrator

Re: West Milford MUA
West Milford Township, Passaic County
PWSID# 1615002 et al.
Response to September 10, 2011 Correspondence

Dear Ms. Love,

We are in receipt of the above referenced correspondence regarding West Milford MUA (WMMUA). A September 29, 2011 Bureau of Safe Drinking Water (BSDW) visit to the Bald Eagle, Olde Milford Estates, Greenbrook and Awosting water systems indicates that, despite assertions to the contrary, substandard conditions (e.g. lack of chlorine injection at Olde Milford Estates) and inoperable process units (e.g. Awosting iron removal treatment plant) still exist at WMMUA water treatment facilities.

The overall condition of all the water facilities makes imperative that WMMUA demonstrate the technical, managerial and financial capacity to operate these systems in accordance with regulations. We have not yet received a description of qualifications for the managers of this utility, including any training and experience relating to owning, managing and/or operating a water system. The description should include a list of other water systems previously owned and/or operated.

Of particular note is the letter's indication that the WMMUA does not now, nor did ever, have an asset management plan and/or capital improvement plan. Given these conditions, we question whether capital improvements, without associated technical, managerial and financial capability, can overcome the failure to plan and the lack of maintenance at these systems.

Whatever your objections to the characterization of WMMUA's operation, no one who has witnessed the stewardship of this utility can ignore the evident disrepair. BSDW's focus on the

protection of public health requires a frank presentation of these shortcomings and supports concerns regarding proper facility operation and maintenance.

BSDW welcomes any open forum to help resolve deficiencies in WMMUA operations. We do agree that future cooperation is needed and welcome your phone calls at (609) 292 – 5550.

Sincerely,



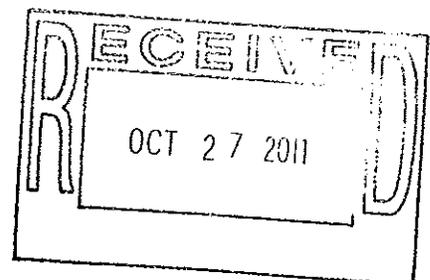
Alan S. Dillon
Section Chief
Bureau of Safe Drinking Water

c: West Milford Mayor and Council

~~Kevin Boyle, Township Administrator~~

Marcedius Jameson, Administrator, Water and Land Use Enforcement
Northern Regional Office of Water Compliance & Enforcement
Paul Smith, BSDW

NJEMS\sd_10-19-11 Response to 9-10-11 Correspondence



Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 - 386 ~

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.	\$187,634.70
2	Reserve Account	242.50
3	Animal Control Trust	308.00
6	Capital.	440,465.51
7	Grants.	2,062.80
8	Refuse.	323,966.25
9	Refunds.	0.00
12	General Ledger.	4,946,234.10
16	Heritage Trust.	0.00
14	Open Space Trust	2,801.00
17	Trust	800.00
18	Development Escrow.	0.00
19	COAH	0.00
20	Special Reserve	0.00
Total		\$5,904,514.86
Less Refund Resolution		
Actual Bill List		\$5,904,514.86
Other Payments Check		
Total Expenditures		\$5,904,514.86

Approved: November 2, 2011

Adopted this 2nd day of November, 2011 and
certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011 - 387 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 2nd day of November, 2011 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.
 - (X) b. (4) A collective bargaining agreement including negotiations.
 - Labor Counsel Brian Giblin to update Governing Body on the status of all bargaining unit 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.
 - Labor Counsel David Corcoran to update Governing Body on the status of litigation.
 - Paul Costello v. Township of West Milford
 - Robert Sparkes v. Township of West Milford
 - () 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: November 2, 2011

Adopted this 2nd day of November, 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011-361~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH AFSCME COUNCIL 52, LOCAL 2275 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2013

WHEREAS, the Township of West Milford ("Township") and the AFSCME Council 52, Local 2275 have been conducting negotiations for successor Collective Bargaining Agreements; and

WHEREAS, the members of AFSCME Council 52, Local 2275 have ratified the terms of the tentative agreement; and

WHEREAS, the Mayor and Council desires to approve the terms of the agreement as recommended by the Township Administrator.

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

1. The Parties have reached a tentative Agreement; and
2. The members of AFSCME Council 52, Local 2275 have ratified the tentative terms of the Agreement; and
3. The Township desires to ratify the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, ratifies the terms contained in the Agreement with AFSCME Council 52, Local 2275 as recommended by the Township Administrator for inclusion in successor Collective Bargaining Agreements and directs the Township's Labor Counsel to incorporate said terms into the parties' Collective Bargaining Agreement and authorize the Township Administrator to execute said Collective Bargaining Agreement when completed.

Adopted: November 2, 2011

Adopted this 2nd day of November 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk