
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: November 8, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 9

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

Adequate Notice Statement

Mayor DiDonato advised that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issues of January 23 and January 30, 2006; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski, Robert Nolan, James Warden (arrived @ 7:40 p.m.), Carmelo Scangarello (arrived @ 8:10 p.m.), Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Township Attorney Fred Semrau.

Reading of or Approval of Unapproved Minutes

None.

Presentation

None.

Proclamations

None.

Unfinished Business, Final Passage of Ordinances

None.

Public Comments

Mayor DiDonato opened the meeting to the public.

Karl Danckwerth, West Milford stated that November 11th is Veteran's Day. Since the Dwight D. Eisenhower administration, Veteran's Day celebrations have been held on the 11th day of the 11th month at 11 minutes past the 11th hour. West Milford is a community that is very supportive of veterans and he encouraged everyone to attend this year's ceremony to listen to the prayers and the speeches. He acknowledged those vets in attendance at tonight's meeting including Councilman Nolan, Jim Novack, and Council President Gervens.

Doris Osterhoudt, West Milford thanked all those who voted at the recent General Election. She asked the Council to carefully consider the proposal to cease membership in the Wanaque Valley Regional Sewerage Authority (WVRSA) opining that it is important that we remain a member. She stated that we have already paid for our seats. She asked that each Councilperson explain his position on this subject to the residents.

Jim Novack, Mount Laurel, West Milford expressed agreement with Ms. Osterhoudt on the WVRSA. He stated that the Township spent about \$400,000 and paid about ten years of legal fees on matters relating to the WVRSA and he sees no reason for the Township to get out. He stated that someone dropped papers in his mail box that indicate that certain counties throughout the state have settled a lawsuit wherein they must now appropriate funds to repay persons who were overcharged for documents. He stated that towns will be next and that a local resident, Martin O'Shea, will surely bring a similar suit against West Milford. He asked that a Martin O'Shea holiday be created as soon as Mr. O'Shea moves out of town and before he sues the Township for this. He encouraged the Council to reduce the cost for photocopies.

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Councilman Warden arrived at the meeting at this time.

There being no more speakers, the Council closed the public portion of the meeting.

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

Council Comments

Council President Gervens stated that he thinks the Township should sever their ties to the WVRSA because West Milford will never send any sewerage to that plant which is now at capacity. The WVRSA has had on-going problems with odor and discharge and he believes that at some point West Milford will be dragged into those issues and there will be associated costs and liability.

Councilman Nolan expressed agreement with Council President Gervens about the WVRSA. He stated that he spoke with Tom Bigger on this subject and agrees that we should get out because of potential future liability.

New Business, Introduction of Ordinances, Resolutions

The Mayor and Township Council proceeded to take Action on the following resolutions:

Agenda No. VII 1

~ Ordinance 2006-019 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY DISSOLVING THE WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY, COUNTY OF PASSAIC, STATE OF NEW JERSEY

WHEREAS, the Wanaque Valley Regional Sewerage Authority (“WVRSA”) was formed and created under the New Jersey Municipality and County Sewerage Authority Law, N.J.S.A. 40:14A-1 et seq. (P.L. 1946, c. 138); and

WHEREAS, WVRSA was created by parallel ordinances of its constituent members, to wit: the Township of West Milford pursuant to Section 2.31 of the West Milford Township Code,, the Borough of Ringwood and the Borough of Wanaque; and

WHEREAS, the Mayor and Council of the Township of West Milford has determined that it is in the best interests of the residents of the Township of West Milford and of the municipalities which formed the WVRSA to dissolve the WVRSA pursuant to the requirements of the Local Authorities Fiscal Control Law (N.J.S.A. 40A:5a-1 et seq. and N.J.S.A. 40A:5A-20, both of which establish the statutory requirements for such dissolution); and

WHEREAS, the above noted statutory authority for dissolution is conditioned upon approval by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, prior to the ordinance’s final adoption by the Mayor and Council of the Township of West Milford and the governing bodies of the aforesaid Borough of Ringwood and Borough of Wanaque.

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

SECTION 1. Upon satisfaction of the statutory requirements for dissolution of the Wanaque Valley Regional Sewerage Authority as set forth in N.J.S.A. 40A:5A-20, together with such requirements as may be imposed by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, and requirements of N.J.S.A. 40:14A-4 et seq., providing such dissolution shall not obligate the Township of West Milford to incur and/or assume any outstanding debt and/or financial obligations of the WVRSA, and further conditioned upon the concurrence by the

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WHEREAS, the legislative package was released by the General Assembly and presently awaits Senate committee consideration.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of West Milford does fully support the "Fighting Gangs, Protecting Our Youth" package as the first significant step at curbing gang violence.

Adopted: November 8, 2006

Discussion: Councilman Weisbecker stated that adopting this resolution is evidence that the Township officials are proactive rather than reactive to gangs in our community. Such measures will help prepare our youth and all our citizens.

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

Agenda No. VII 3

~ Resolution 2006-375 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2006-354, PROFESSIONAL SERVICES CONTRACT WITH BETH HINSDALE-PILLER, ESQ.

WHEREAS on October 25, 2006 the Township Council did adopt resolution 2006-354 awarding a professional services contract to Beth Hinsdale-Piller, Esq. of Grotta, Glassman & Hoffman, PC to represent the Township in the matter of Harry Shortway v. Township of West Milford, United States District Court Docket No. 06-2933 (FSH); and

WHEREAS, the firm of Grotta, Glassman & Hoffman, PC recently merged with another law firm and their firm is now known as Fox Rothschild, LLP.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby amend Resolution 2006-354 to change the name of the law firm therein from Grotta, Glassman & Hoffman, PC to Fox Rothschild, LLP.

BE IT FURTHER RESOLVED that all other terms and conditions in the contract executed with Beth Hinsdale-Piller, Esq. and in Resolution 2006-354 shall remain in full force and effect.

Adopted: November 8, 2006

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

Agenda No. VIII 1

~ Resolution 2006-376 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications; and

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

Resolutions:

- a. Resolution 2006-377 - Authorizing Refund Of Overpayments
- b. Resolution 2006-378 – Authorizing Refund of Building Use Fee

Applications:

- a. Application No. 2007-03 for an Instant Raffle License by the West Milford Elks for 2007.

Adopted: November 8, 2006

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Discussion: Councilman Smolinski asked for an explanation of Resolution 2006-365. Mr. Semrau explained that this is a cancellation of property tax for a disabled veteran.

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

 Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. VIII 1a

~ Resolution 2006-377 ~

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

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
601-10	Michael J. Filippis Esq. 502 Hamburg Turnpike, Suite 208 Wayne, NJ 07470	\$1,076.97	2006	2
3001-7	Robert & Diana Regan 19 Twin Oaks Trail Hewitt, NJ 07421	\$1,322.03	2006	2
3509-5	W. & C. Romeo 24 DeHart Avenue Hewitt, NJ 07421	\$2,446.46	2006	2
3510-2	W. & C. Romeo 24 DeHart Avenue Hewitt, NJ 07421	\$31.18	2006	2
5502-8	Steve Berryman 498 Ridge Road West Milford, NJ 07480	\$1,760.12	2006	2
5903-6	Landel, Bernstein & Kalosieh LLP 801 Franklin Avenue Franklin Lakes, NJ 07417	\$1,775.02	2006	2
8702-9	Masessa & Cluff 1524 Route 23 North Butler, NJ 07405	\$2,343.59	2006	2
9201-12	Chancellor Title Agency, Inc. 353 C Route 46 West Suite 211 Fairfield, NJ 07006	\$2,092.77	2006	2
10808-32	William R. Lindsley 117 Hudson Street Hackensack, NJ 07601	\$2,413.43	2006	2
14113-11	Charles Jones, Tax Search Division 7 Foster Avenue Gibbsboro, NJ 08026	\$1,339.31	2006	2
15508-5	James H. Cleary, P.A. 71 Kip Avenue P.O. Box 127 Rutherford, NJ 07070	\$2,505.44	2006	2
15804-12	J.T. Mase Properties LLC	\$5,607.79	2006	5

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	35 Greenpond Road Rockaway, NJ 07866			
TOTAL		\$24,714.11		

Adopted: November 8, 2006

 Agenda No. VIII 1b

~ Resolution 2006-378 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND BUILDING USE FEE

WHEREAS, payment was made for use of the Township Building for a meeting to be held on November 4, 2006; and

WHEREAS, said meeting was subsequently cancelled; and

WHEREAS, the Township received a request for a refund of the \$10.00 Building Use Application Fee.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue a check refunding such Building Use Fee as follows:

<u>Check Payable To:</u>	<u>Amount</u>
Doris Aaronson	\$10.00
19 Bearfort Road, West Milford NJ 07480	

Adopted: November 8, 2006

Payment of Bills

 Agenda No. IX

~ Resolution 2006-379 ~

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:

<u>Acct #</u>	<u>Account Name</u>	Amount
1	Current Account.	\$346,054.22
2	Reserve Account	2,678.16
3	Animal Control Trust	310.73
6	Capital.	39,645.52
7	Grants.	13,591.07
8	Refuse.	324.00
9	Refunds.	24,749.11
12	General Ledger.	4,740,975.32
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	1,111.25
18	Development Escrow.	
19	LOSAP	700.00
20	Special Reserve	
	Total	\$5,170,139.38
	Less Refund Resolution	<u>-24,749.11</u>

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	Actual Bill List		\$5,145,390.27
	Other Payments		95,600.36
	Less Refund Resolution		
	Total Expenditures		\$5,240,990.63

Adopted: November 8, 2006

Discussion: Councilman Nolan asked if the services provided by Accu Weather for snow advisories are necessary. Administrator Kunze advised that this subscription allows the Township to pinpoint storms to a greater extent afforded by accessing information on-line without a subscription. This enables the DPW to plow and sand roads more efficiently and provides for the safety of our residents. It is more accurate than standard services and it more than pays for itself when man-hours are saved. Councilman Weisbecker noted that this bill list contains the 4th quarter taxes to the County in an amount of \$4,614,534.29 and noted that he will announce such payments in the future so that residents realize how much money West Milford sends to the County of Passaic. Mayor DiDonato noted that, of the \$5.2 million on this bill list, \$4.6 million is going to the County and \$90,000 to Open Space funds in Passaic County.

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

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato thanked everyone for coming out to vote yesterday. This process, he stated, distinguishes Americans from those who do not have that freedom. He thanked the poll workers who put in a long day. He advised that he and Councilmen Warden and Scangarello met with three candidates who were called back to re-interview for the judge's position. He expects to have a recommendation at the next meeting. He congratulated Mr. Smolinski and Dr. Schimmenti on their election victory.

Administrator Kunze stated that he attended a meeting last week that was hosted by Vernon Township on the Route 23 corridor. The goal of the meeting was to solicit input from municipalities affected by the congestion on this highway. The result was a desire to form a group to lobby for improvements and mass transit options. Another meeting will be scheduled in January to formalize the group. Three bids were received last week for the bear-proof garbage cans. Two of the three were within the grant funding. He expects to have a recommendation at the November 22nd meeting with an award at the December 6th meeting. Budget meetings with department heads have been scheduled for November 29th and 30th and the public notice is going out. He thanked the poll workers and the staff in the Clerk's office for their work during the election.

Councilman Weisbecker thanked residents for coming out to vote noting that it is their right and duty to do so. He thanked the poll workers and the Clerk for their hard work and congratulated Mr. Smolinski and Dr. Schimmenti on their wins. He noted that the Recycling Center received 3.16 tons of electronics in November, 272 car tires, and 11 truck tires. Trinity Recycling generated over \$8,000 for August 2006 and the Township received \$3,000 of those funds. He advised that there is an opening on the Beautification and Recycling Committee because John Fletcher has left. He noted that cablevision has just gotten the camera rolling and he asked if Mr. Danckwerth could be given an opportunity to repeat his earlier statements for the benefit of those watching at home.

Councilman Weisbecker made a motion to allow Mr. Danckwerth to repeat his earlier statements.

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

 Mayor DiDonato stated that the Council may complete their reports first.

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Councilman Smolinski thanked everyone for coming out to vote. He noted that the process was smooth and voter turnout was good. He thanked his supporters and assured residents that, regardless of how they cast their votes, he and Dr. Schimmenti will work to serve all residents. He stated that, while he is driving to work during the early morning hours, he has noticed that people leave bear resistant garbage cans out for collection without the lids on. He stated that the cans are no good without the lids. He stated that the questions on yesterday's ballots were very poorly written and voters had difficulty understanding their options. He asked what can be done to help clarify the questions for our residents. Noting that the County had dedicated \$3 million to continue road-resurfacing programs in West Milford, he commented that this is an insignificant amount when one considers how much money they receive from this town.

Council President Gervens thanked the voters for coming out to vote, noting that it is a very important process. He congratulated the people who will be joining the Council and cautioned them that it is a lot of work. He advised that the Township's garbage hauler has agreed not to raise our fee based on the bear cans but he is concerned about the impact this program may have on our next garbage contract.

Councilman Nolan thanked Mr. Danckwerth for his invitation to the Veteran's Day activities noting that it is easier for residents to attend when this holiday falls on the weekend as it does this year. He noted that the blood drive will be held on November 19th. He congratulated Mr. Smolinski and Dr. Schimmenti and commended Mr. Geist and Mr. Rauth for their campaign efforts. He stated that the election results indicated that, on local issues, voters are okay with business as usual. He stated that he is thrilled that the democrats have regained control of the house and maybe the senate, and for the first time in American history we have a woman president of the house and likely will see a female candidate for the presidency.

Councilman Scangarello arrived at the meeting at this time.

Township Clerk

Ms. Battaglia stated that the election process went very well with minimal complaints or incidents. The poll workers worked very hard, as did the challengers, and voter turnout was impressive.

Report of Township Attorney

Mr. Semrau advised that he sent the Mayor and Council a memorandum yesterday advising that Hovnanian is exiting from Eagle Ridge. The property is turning back to the original property owner who may proceed with the DEP process. There appears to be a dispute between Hovnanian and the property owner and he will brief Council tonight in Executive Session. He advised that he will have a draft version of the underage drinking ordinance ready for the next meeting. He further advised that he and the Clerk closed on 14 property sales today.

Karl Danckwerth, West Milford approached the podium and reiterated his comments made during the earlier public portion of the meeting for the benefit of the television cameras.

Appointments, Resignations, Terminations

None.

Executive Session

Agenda No. XIII

~ Resolution 2006-380 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 8th day of **November**, 2006, that:

1. Prior to the conclusion of this **Regular 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.

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- () 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.
 - Shortway vs. West Milford (Docket No.: 06-2933)
 - K. Hovnanian v. West Milford (Docket No. A6031-04T3)
- () 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 8, 2006

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

The Council reconvened in public at 8:33 p.m. with all present as before.

Township Attorney, Mr. Semrau, advised the Council that he and the Clerk met today to review Executive Session minutes for release to the public. They will have recommendations for subjects to be released at the next meeting and may seek a motion from Council to that effect at that time. Mayor DiDonato reminded everyone to attend the Veteran's Day observances on Saturday.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:35 p.m.

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

APPROVED: December 6, 2006

JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK