

Township Attorney Fred Semrau explained the proposed resolution scheduled for the December 21, 2005 Regular Council Meeting and noted that the owner, Craig Haines, has received a new estimate of \$1,300.00 for the Township's portion of the fence. Township Administrator Richard Kunze reported that the Township Engineer's estimate of the fence was \$1,000.00. The increase requested by the owner was to coordinate the fence with the fence being installed on his property. Mr. Semrau noted that the Township was responsible for \$1,000.00.

Councilman Scangarello left the room at 7:50 p.m. and returned at 7:51 p.m.

After discussion, the Township Council agreed to reimburse Mr. Haines \$1,000.00 for the Township's portion of the fence installation. Councilman Joseph Elcavage stated that he wanted a written, filed agreement that the homeowner will make no claim for the Township property. Mr. Semrau noted that there would be an easement, but no claim to the property.

Councilman Bailey moved to close the Public Comments portion of the Workshop Meeting.

Moved: Scangarello Second: Nolan

Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.

Voted Nay: None.

Motion carried.

Action Items

The Township Council took action on the following items:

Agenda No. VI 1

RESOLUTION NO. 2005 - 317

**TOWNSHIP OF WEST MILFORD
PASSAIC COUNTY, NEW JERSEY
RESOLUTION REQUESTING EXTENDED SECOND ROUND
SUBSTANTIVE CERTIFICATION**

WHEREAS, THE Township of West Milford received substantive certification from the New Jersey Council on Affordable Housing (COAH) on October 6, 1999 for a period of six years, and this substantive certification will expire on October 6, 2005; and

WHEREAS, COAH adopted rules that permitted municipalities to request an extension of substantive certification upon filing a resolution committing to continue the implementation of second round plans and committing to petition for certification of a third-round plan within one year of the effective date of COAH's third-round rules; and

WHEREAS, the Appellate Division of the New Jersey Superior Court ruled on August 31, 2004 that while COAH has the authority to extend substantive certification, the process used to do so must be revised to include public notice and a principled review of municipal compliance; and

WHEREAS, pursuant to the Appellate Division order of August 31, 2004, COAH has adopted a rule at N.J.A.C. 5:95-15.2 permitting the extension of a municipality's second round substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

WHEREAS, N.J.A.C. 5:95-15.2 requires the Township of West Milford to request an extension by motion pursuant to N.J.A.C. 5:95-12 and to provide public notice thereof; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to provide a copy of its adopted current Housing Element and Fair Share Plan; and

WHEREAS, to be eligible for an extended grant of substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to commit to continue to implement the certified second round plan; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to commit to either file a newly adopted housing element and fair share plan addressing the third round obligation with COAH before December 20, 2005, or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to provide a proposed schedule for the submission of the filing or petition for third round substantive certification; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to provide a statement describing the progress of the municipality's compliance with the terms of its 1987-1999 substantive certification; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:95-15.2 requires the Township of West Milford to provide, and update as necessary, its current monitoring report and development fee monitoring report.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of West Milford, in the county of Passaic, State of New Jersey, that the Township of West Milford requests COAH, under its procedure at N.J.A.C. 5:95-15.2, to extend substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that the Township of West Milford hereby commits to continue to implement its certified second round plan and has attached hereto a statement describing the progress of the Township of West Milford's compliance with the terms of its second round certification ; and

BE IT FURTHER RESOLVED that the Township of West Milford shall leave all ordinances implementing its original substantive certification, true copies of which are attached hereto, in effect for the extended substantive certification, unless it can be demonstrated that there is good cause why the ordinances should not remain in effect; and

BE IT FURTHER RESOLVED that the Township of West Milford hereby commits to address its third round fair share obligation by filing a newly adopted housing element and fair share plan to address its third round obligation by or before December 20, 2005 according to the schedule attached hereto; and

BE IT FURTHER RESOLVED that the Township of West Milford's current monitoring report and development fee monitoring reports, true copies of which are attached hereto, have been forwarded to COAH for review; and

BE IT FURTHER RESOLVED that the Township of West Milford's adopted current Housing Element and Fair Share Plan, true copies of which are attached hereto, have been forwarded to COAH for review; and

BE IT FURTHER RESOLVED that the Township of West Milford shall either file the newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification that has been requested.

Adopted: December 15, 2005

Moved: Bailey Seconded: Elcavage
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.
Voted Nay:None.
Resolution adopted.

Councilman Warden made a motion to adopt the RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD IN APPRECIATION FOR THE WORK OF FRED SEMRAU.

Moved: Warden Seconded: Nolan

Mayor DiDonato asked for Council discussion on the resolution. Following discussion and comments, Councilman Bailey motioned to Table the resolution.

Moved: Bailey Seconded: Elcavage
Voted Aye: Bailey, Elcavage, Scangarello.
Voted Nay:Nolan, Warden
Resolution Tabled.

Agenda No. VI 3

RESOLUTION NO. 2005 - 318

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
WEST MILFORD AUTHORIZING THE SUBMITTAL AND
ACCEPTANCE OF A 2006 RECREATIONAL TRAILS PROGRAM**

GRANT FROM NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for hiking trail extensions; and

WHEREAS, the New Jersey Department of Environmental Protection will receive \$900,000 from the National Recreational Trail Program to develop trails and trail facilities; and

WHEREAS, these funds will be made available to local governments for the above uses.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby authorizes the submission and acceptance of the grant application for \$25,000 with a minimum 20% match for the West Brook Trail extension project.

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant.

Adopted: December 15, 2005

Moved: Elcavage Seconded: Bailey
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.
Voted Nay:None.
Resolution adopted.

Items For Discussion

The following items were discussed by the Township Council:

1. Codification of Land Use Ordinances

Township Administrator Kunze reviewed the Codification of Land Use Ordinances and recommended hiring General Code based on various services available for the most reasonable cost.

A consensus was reached by the Township Council to approve the Township Administrators solicitation of quotes for codification of ordinances from General Code.

2. Resolution to Amend Not To Exceed Amount - Professional Services Agreement with Johnson, Murphy

Township Administrator Kunze noted that this resolution may be ready for adoption at the next regular meeting, or if not, may have to be carried.

3. Repair Retaining Wall - 20 Mountainside Road

The Township Administrator explained the Right of Way with owner Jad Attal. He noted that the owner accepts the agreement.

There was a consensus by the Township Council to proceed with the resolution and agreement.

4. Adopting Changes to an Existing Deferred Compensation Plan Pursuant to the Internal Revenue Code Section 457

The Township Administrator reviewed the proposed resolution concerning deferred compensation scheduled for the December 21, 2005 Regular Council Meeting.

Councilman Scangarello left the meeting at 8:19 p.m. and returned at 8:21 p.m.

6. Interlocal Agreement with Ringwood for Services Related to Highlands MP3 Grants

The Township Administrator explained the interlocal agreement with Ringwood as it relates to Tourism; awaiting formal word from Ringwood.

Township Administrator's Report

Township Administrator Richard Kunze deferred his report until the next meeting due to the inclement weather conditions.

