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

Minutes of: Township Council Workshop  
Date of Meeting: September 12, 2007  
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reviewed the files and has found that the agreement was previously authorized so action is not required tonight. The Council will have to adopt an assessment ordinance and enter into a co-borrower agreement in the future. He noted that Ms. Davis, the attorney for Mount Glen Lakes Association, is here tonight and advised that he has discussed this matter at length with her. Ms. Davis expressed appreciation for the time Council has spent on this matter. She advised that there is one association and two dams. This has not gone out to bid as yet. Mr. Semrau asked the Council for a motion to withdraw this resolution.

Councilman Nolan made a motion to withdraw this resolution because authorization was given in the past.

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

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Agenda No. VIII 2

~ Resolution 2007- 323 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A CONTRACT WITH THE WEST MILFORD TEAMSTERS LOCAL UNION 560**

**WHEREAS**, the Township of West Milford and the West Milford Teamsters Local Union 560 have concluded their negotiations, pursuant to the provisions of Chapter 123 P.L. 1974 of the State of New Jersey, and have arrived at an agreement for the employees of the West Milford Teamsters Local Union 560 for years January 1, 2006 through December 31, 2009; and

**WHEREAS**, said agreement has been approved by the Township Council; and

**WHEREAS**, the Township Council is advised that the West Milford Teamsters Local Union 560 has ratified and approved of said agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the aforesated agreement be and the same is herewith formally approved; the Mayor and Township Administrator are hereby authorized and directed to sign said agreement for and on behalf of the Township of West Milford, the Township Clerk is authorized and directed to attest to the same; sufficient copies are to be signed and/or attested, so that each of the parties shall receive a signed copy, and the Township Clerk shall cause one signed copy to be filed with the New Jersey Public Employment Relations Commission in accordance with the provisions of R.S. 34:13A-1 et seq., subject to adoption of the related salary ordinance.

This Resolution shall take effect immediately.

Adopted: September 12, 2007

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

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Agenda No. VIII 3

~ Resolution 2007- 324 ~

**RESOLUTION 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 a Professional Auctioneer 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:

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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 September 29, 2007 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 September 28, 2007 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.

**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 12, 2007

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

Agenda No. VIII 4

**~ Resolution 2007- 325 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW S. KRAUSER AND TO SCOTT HOLZHAUER FOR OPEN SPACE CONSULTING, ADVISING AND VALUATION SERVICES**

**WHEREAS**, on June 27, 2007, the Township of West Milford by way of Resolution 2007-217 previously authorized the services of Matthew S. Krauser to perform appraisal services not to exceed \$7,500; and

**WHEREAS**, on August 22, 2007, the Township authorized the services of Scott Holzhauer in an amount not to exceed \$12,000 by way of Resolution 2007-302; and

**WHEREAS**, the total of such appraisal services authorized by Resolutions 2007-217 and 2007-302 amounts to \$19,500; and

**WHEREAS**, the Township of West Milford has authorized the execution of contracts to purchase Block 8002, Lot 1, known as Hollowbrook Homes and Block 9001, Lots 10, 11 and 12, known as Apple Valley Estates; and

**WHEREAS**, both acquisitions are subject to Green Acres Funding which require two certified appraisal reports that conform to Green Acres guidelines; and

**WHEREAS**, after further discussion, the Township has received proposals from Scott Holzhauer and Matthew S. Krauser to provide said services in the amount of \$4,000 for each of the four appraisals that are necessary in order to comply with Green Acres requirements totaling \$16,000; and

**WHEREAS**, the previous amount authorized for services totals \$19,500.

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

1. Resolution 2007-302 authorizing Scott Holzhauer to perform appraisal services in an amount not to exceed \$12,000 be amended to an amount not to exceed \$8,000.
2. Resolution 2007-217 authorizing Matthew S. Krauser to perform appraisal services in an amount not to exceed \$7,500 be amended to an amount not to exceed \$8,000.

**BE IT FURTHER RESOLVED** that the funds certified for such services are not adjusted and shall apply to the terms of this Resolution.

This Resolution shall take effect immediately.

Adopted: September 12, 2007

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

Agenda No. VIII 5

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

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**~ Resolution 2007- 326 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A EXECUTION OF A CONTRACT FOR RADIO COMMUNICATION SERVICES**

**TABLED TO SEPTEMBER 26, 2007 BY UNANIMOUS ROLL CALL VOTE ON SEPTEMBER 5, 2007**

Discussion: Administrator Kunze advised that this matter had been placed on the agenda in anticipation of receiving a proposal from Royal Communications. However, the proposal has not come in as yet and he asked Council to table this matter to a future date. Councilman Scangarello moved to table this matter to September 26, 2007.

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Moved: Scangarello Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 6

**~ Ordinance 2007- 025 ~**

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR THE WEST MILFORD TEAMSTERS LOCAL UNION 560**

**WHEREAS**, by virtue of Resolution #2007-323, the Township of West Milford Mayor and Council authorized the execution of a contract with the West Milford Teamsters Local Union 560 for the years January 1, 2006 through December 31, 2009.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, Officers and Employees shall be classified by job title with the corresponding pay ranges set forth as follows:

1. The appropriate job title and salary grade shall be as indicated on Schedule A from the Agreement between West Milford Teamsters Local Union 560 and West Milford Township for the years January 1, 2006 through December 31, 2009. (The Agreement is on file with the Township Clerk and available for public inspection.)
2. The Teamster employees shall be compensated and receive benefits within the aforementioned Salary Range and according to the provisions of the current Agreement between West Milford Teamsters Local Union 560 and West Milford Township for the years January 1, 2006 through December 31, 2009.
3. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to such extent as they are in conflict or inconsistency.
4. This Ordinance shall take effect 20 days after its final passage by the Township Council.

Mayor DiDonato advised that a second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for September 26, 2007. Notice of this public hearing shall be published in the Herald News on or about September 16, 2007.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Payment of Bills**

Agenda No. IX

**~ Resolution 2007- 327 ~**

**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:



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	<p>September 30<sup>th</sup>. Councilman Warden reiterated Councilman Nolan's statements noting that the Council is drafting this ordinance because of the inaction of the planning director and planning board. Councilman Weisbecker cautioned that due diligence is necessary. The boards, he said, are comprised of volunteers who deserve the right to have sufficient time to review this proposed legislation. Requesting a response by the end of October affords the board members sufficient time while allowing for the Council to act swiftly on this matter. Councilman Warden stated that he is tired of hearing about volunteers. These board members are political appointees who have a responsibility to the residents of West Milford. Councilman Weisbecker took issue with inferences that board members do not protect residents to which Councilman Warden noted that the Planning Board Chairman has written political letters to the local newspapers. Mayor DiDonato stated that, regardless of political affiliation, all board members are volunteers. Eighteen days, he said, is not sufficient time to afford anyone the ability to adequately review legislation of this type. It is important to get this done right and to be practical about timelines. Past practice in West Milford has proven that rushing legislation through is not always advantageous. Councilman Nolan asked if Councilman Weisbecker could guarantee that the Planning Board will not rule on any final approvals before the Council acts on this legislation. Mr. Semrau noted that Councilman Weisbecker cannot provide such assurances on behalf of the board. Council President Smolinski, noting that there is Council consensus that this is an important matter, urged the Council to work together rather than making this a political issue. Asking for a response before the end of September is unreasonable, he said, and he recommended that the boards be given until the end of October to review and comment on this ordinance. Councilman Nolan recommended stressing to the boards that this is a priority. If a response is not received by the Council, they will act on the legislation without the input being requested. Councilman Warden stated that houses were constructed to circumvent the Highlands Act and asked if it is possible that the Planning Board would give final approval to a development before this ordinance is enacted. Given the time it takes to adopt an ordinance, this may be a waste of time for the proposed development on Wooley Road. Mr. Semrau advised that the Council cannot direct the application process but the Administrator can ask for a schedule from the Planning Board. Councilman Warden stated that residents from Wooley Road have come to Council expressing concerns about their water. If the Council delays action on this ordinance, this development may go forward. Mr. Semrau noted that the Planning Board is autonomous and the Council cannot interfere in the application process. He recommended that the Council authorize the Board's access to Mr. Mullhall if there are any technical questions during the review process. The Council stated no objection. The Council instructed Administrator Kunze to send the draft ordinance with a memo to the Planning Board and Environmental Commission advising them that comments must be submitted to the Administrator by October 19<sup>th</sup> for inclusion in the Council's packets for the October 24<sup>th</sup> workshop meeting.</p>
3)	<p>Request for Vacation of Ricker Street – Administrator Kunze advised that this request dates back to 2001. Township staff have reviewed the request and have some questions pertaining to the rights of other property owners to this paper street. He requested Council approval to delay action as staff is not ready to make recommendations at this time. He advised that he will seek clarification and answers from the requester.</p>
4)	<p>Goals and Priorities – Councilman Nolan advised that the first suggested discussion of this topic because he senses that the Administrator is not sure about the Council's priorities. He is hoping that this discussion will narrow the priority list down so that outstanding issues can be brought to conclusion. He and Councilman Warden are only one vote, the other Council members are the majority. He questioned how effectively the fertilizer ordinance is being enforced. Councilman Weisbecker stated that he has prioritized dangerous intersections and wishes to have local issues designated as priority. He stated that he is proud of this Council for working on Green Acres funding for purchases and would like to reach out to Newark to see if they would donate property for a park in West Milford. He asked for an executive session discussion of possible acquisition of the property at the intersection of Warwick Turnpike and Lakeshore Drive North. Mr. Semrau advised that if the discussion pertains to possible litigation or acquisition, there can be limited discussion. However, if it is a discussion about goals and priorities it cannot be addressed in executive. Council President Smolinski noted that there are many commendable issues on the list but would like to see each Council member focus on property tax relief as a priority. Administrator Kunze reviewed each item on the list and provided updates on the status of items currently being addressed.</p>
5)	<p>Attorney Accountability Ordinance – Mr. Semrau advised that he made the changes suggested and discussed at the last workshop meeting noting that it includes a provision in the certification that an applicant would complete which would acknowledge that the applicant is acknowledging that the document is public. The updated ordinance also includes a provision wherein any attorney in a given practice that performs work for West Milford would be required to submit an ethics disclosure form. Council President Smolinski asked the Clerk if the Attorney General's office responds in a timely fashion to the request for disclosure and was answered in the affirmative. In response to Councilman Weisbecker, Mr. Semrau advised that the Clerk is not liable under this ordinance because each applicant</p>

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Table with 2 columns: Item number and Description. Item 6) Bid - Greenwood Lake Storm water Retrofits - Administrator Kunze advised that the Township re-bid this project after changing the scope of the project from two filters to one.

Reports

Agenda No. XI

Mayor Di Donato stated that, with great sadness he must advise that Mr. James O'Bryant passed away on Monday September 10, 2007. Mr. O'Bryant began volunteering in West Milford about thirty years ago to prevent development in town.

Richard Kunze, Township Administrator thanked all the volunteers and Township staff who worked so hard on the 9/11 memorial service held at Town Hall yesterday. He noted that it was a nice, well-attended service.

Councilman Weisbecker stated that James O'Bryant was a great asset to the Planning Board. He often challenged professionals and was a defender of West Milford. He was a very interesting man who will be missed.

Councilman Nolan commended Council President Smolinski. He stated that he doubted that the attorney accountability ordinance would become a reality after the former version was repealed. He advised that, about one month ago, he wrote a letter to Administrator Kunze seeking an update on COAH.

Councilman Warden stated that he had previously asked Administrator Kunze to contact David Watson Hollowell to discuss Sustainable West Milford and he requested an update. Administrator Kunze advised that he and Mr. Hollowell have been communicating by e-mail and will be meeting soon.

Councilman Scangarello reiterated sentiments already expressed about the memorial for Sergeant Butkus and the 9/11 memorial service. He commended everyone for their hard work and noted that memorial neglect is community failure.

Township Attorney Fred Semrau advised that Castle Rock has filed a petition to be heard by the Supreme Court. He plans to file a response. The Township, he said, is moving along with the open space acquisitions and there was a letter in the Council packets from Green Acres.

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**Executive Session**

Agenda No. XII

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 12<sup>th</sup> day of **September, 2007**, 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.
  - (X) 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.
    - Hillcrest Property
    - Jungle Habitat
    - Warwick Turnpike & lakeshore Drive South Intersection
  - ( ) 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.
    - Dissolution of the Wanaque Valley Regional Sewerage Authority (WVRSA)
  - ( ) 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 12, 2007

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

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The Council went into executive session at 9:17 p.m.  
The Council reconvened in open session at 9:55 with all present as before.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:55 p.m.

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

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Approved:

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MAYOR JOSEPH DiDONATO  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK