
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 21

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

Adequate Notice 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 17, 2006 and January 7, 2007; 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, Salvatore Schimmenti, Robert Nolan, James Warden. Mayor Joseph DiDonato
Absent: Councilman Carmen Scangarello.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia and Township Attorney, Fred Semrau

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the August 22, 2007 Workshop Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the August 22, 2007 Executive Session as presented.

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

Councilman Weisbecker moved to adopt the minutes of the September 5, 2007 Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the September 5, 2007 Executive Session as presented.

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

Councilman Weisbecker moved to adopt the minutes of the September 12, 2007 Executive Session as presented.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Township Council
September 26, 2007
7:30 P.M.
Page 2 of 21

Presentations

West Milford Xtreme Girls Softball Teams

Mayor DiDonato noted that the Council is always delighted to recognize the accomplishments of the youth in our community and to honor them for bringing honor to West Milford. He asked coach Mark Mickens to come forward to recognize the West Milford Xtreme Girls softball teams. Coach Mickens thanked the Mayor and Council for this honor and he thanked all the parents to dedicate so much time and energy to these teams. The girls have had a wonderful year culminating with two state championships and a runner up.

Coach Mickens advised that the Xtreme Girls 12 & Under softball team were the Babe Ruth Champions this past year and were runner up in the State championship. He introduced the coaches who joined him at the podium while each player was called by name as they approached the dais to be congratulated by Mayor DiDonato.

Coach Mickens advised that the Xtreme Girls 10 & Under softball team is this year's state champions for the second year in a row. They also won the Babe Ruth Championship and many northern New Jersey tournaments. He introduced the coaches noting that the team traveled to Pennsylvania in late July to play in the mid-Atlantic tournament where they finished in 5th place. The under 10 team won fifty games this year. He introduced each girl as she approached the podium to be congratulated by Mayor DiDonato.

Agenda III

Proclamations

None.

Agenda IV

Unfinished Business, Final Passage of Ordinances

Agenda IV 1

~ Ordinance 2007- 023 ~

ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of West Milford are hereby amended and established to read as follows:

SECTION	SERVICE	FEE
ADMINISTRATION		
2.32.2(C)	Fee for CD's – Recording Manufacturer's Recommended Compact Disc (CD)	\$2.70
2.32.2(D)	Standard Quality Compact Disc (CD)	\$0.60
2.32.2(D)	The Township will only copy such information utilizing CD's purchased by the Township or CD's provided by the public that are in the original package.	
2.32.3	In the event the Police Department is requested to incur extraordinary expenditures of time and effort to accommodate a discovery request, the Township may charge a Special Service Charge based upon the cost of retrieving and producing such records.	
HEALTH		
8.2.3(A)	Dog License (neutered) (effective January 1, 2008)	\$10.00
8.2.3(A)	Dog License (un-neutered) (effective January 1, 2008)	\$20.00
8.2.3(C)	Replacement Tags (Dogs)	\$4.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council
 September 26, 2007
 7:30 P.M.
 Page 3 of 21

8.2.5	Late Fee (Dogs)	\$8.00
8.17.3	Cat License (neutered)	\$10.00
8.17.3	Cat License (un-neutered)	\$20.00
8.17.3	Late Fee (Cats)	\$8.00
8.17.3	Replacement Tags (Cats)	\$4.00
POLICE		
2.32.2(B)	Police Reports	First to tenth page- \$0.75/page Eleventh to 20 th page- \$0.50/page All pages over 20- \$0.25/page
24.2.6(B)	Audio Cassettes	\$1.00
24.2.6(C)	Fee for CD's – Recording Manufacturer's Recommended Compact Disc (CD) Standard Quality Compact Disc (CD)	\$2.70 \$0.60
24.2.6(D)	Video Tape Copy	\$2.85
24.2.6(E)	DVD Copy	\$1.95

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 shall take effect upon final passage and approval in accordance with law.

Mayor DiDonato noted that this Ordinance was introduced on September 5, 2007 and is scheduled for public hearing tonight. He opened the meeting to the public to speak on this issue only.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he has reviewed the ordinance briefly and questioned why the fees are being broken into three separate departments which, he said, simply causes confusion. He has several issues with this ordinance not the least of which is that there are two separate fees for CD's and he recommends that the Township offer one or the other. However, he found it favorable that the public can provide their own CD's in its original packet onto which audio of a meeting can be recorded at no charge. He questioned why this provision is not available with paper for photocopies. Charging \$0.75 for photocopies, he said, is unacceptable. The Council should reconsider this and revert to the 2003 ordinance which offered these paper records to the public at no charge.

Martin O'Shea, 10 Lakeshore Road East, Stockholm advised that he does not plan to speak about the cost of paper copies because of pending litigation. However, while the temptation may be to congratulate the Council on the reduced fees, successive Councils in West Milford, since July 7, 2002, have not complied with state law. There are still fees that are not actual fees and he encouraged the Council to address discrepancies. In his opinion, the fees for videotapes in the Police Department are either too high or someone should be looking at whomever is purchasing these supplies.

James Geist, 57 Bayonne Drive, Hewitt commended Mr. O'Shea for his commitment to open government. The internet, he said, is changing democracy and politics is about the art of compromise. He and others in West Milford attempted to enact the Sunshine Act in West Milford last year. Hearing the objections presented, they withdrew the petition. Now, he stated, there is room for compromise. He stated that he would like to see public records posted on the internet.

Jim Novack, Largemont Drive, West Milford stated that this ordinance allows the police department to charge for extraordinary expenses which, he said, is contrary to the law. This ordinance as written would allow for labor charges and he expressed concern that the West

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 21

Milford Police Department would not pass along those charges in an equal fashion to everyone who requested records.

Bob Pawlo, Wawayanda Road, Warwick, NY asked why no one is in jail if Mr. O’Shea’s contention that the law has been broken in West Milford for over five years. He stated that keeping information from people is not democratic and he recalled incidents in Germany where he readily received information from that government. However, he said, residents in West Milford cannot get information from the Planning Board and the MUA. If residents had not obtained information in the past on Valley Ridge and Eagle Ridge, there would be about 1,000 townhouses and additional structures in West Milford today. Open societies, he said, cannot charge \$0.75 for a document and he urged the Council to vote no on this ordinance.

There being no further comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Nolan, to close this public portion of the meeting. Approved by unanimous roll call vote.

Discussion: Councilman Warden stated that it is unreasonable to charge \$0.75 for a copy of a document when the proposed well testing ordinance is comprised of thirty pages and a concerned resident would be charged almost \$30 to obtain a copy of that ordinance. He stated that this must be changed. Mr. Semrau advised that one of the goals of this amendment was to take various charges and bring them in line with current market prices. He explained the measures that were taken to meet all the needs of the end users. These fees will require constant updates. However, the copy charges are currently being litigated and therefore he cannot recommend that Council address those fees at this time. The copy fees will not increase but, rather, will stay the same regardless of the vote on this ordinance. An affirmative vote tonight will cause the fees for other media to be significantly reduced. He advised that the provision for extraordinary charges is in accordance with the law and would only apply in instances where additional effort is required to retrieve the documents being requested. Councilman Warden recalled a time when copy fees were reduced to allow access to records. The fees were reinstated after the change in form of government. While he appreciates the work that went into this ordinance, most information requests pertain to paper records. Therefore, he cannot vote for this ordinance. He recommended changing the price for copies without regard for the pending lawsuit. Mr. Semrau advised that, if this ordinance is defeated, the old, higher rates for all other media will apply and fees for photocopies are not part of this amendment. If the Council wishes to amend the fees for photocopies he would request an opportunity to discuss the matter in executive session.

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

Agenda IV 2

~ Ordinance 2007- 024 ~

ORDINANCE APPROPRIATING \$65,000.00 FROM THE CAPITAL SURPLUS FOR THE PURCHASE OF FIRE TANKER TRUCK FOR GREENWOOD FOREST FIRE COMPANY (#3) BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY.

WHEREAS, the Township previously adopted Ordinance #2007-018 which provided for the issuance of \$3,309,676 in bonds or notes; and

WHEREAS, Section 3(G) of such Ordinance provided for an estimated cost of the acquisition of a fire truck and equipment in the amount of \$404,250; and

WHEREAS, after consultation with the Fire Department, the Township Administrator recommends that an additional amount of \$65,000 from Capital Surplus be utilized to attain the acquisition of the equipment.

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

Section 1. \$65,000 is hereby appropriated from the capital surplus toward the purchase of one fire tanker truck for the Greenwood Forest Fire Company (#3).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 21

Section 2. The capital budget of the Township of West Milford is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect immediately.

Mayor DiDonato noted that this Ordinance was introduced on September 5, 2007 and is scheduled for public hearing tonight. He opened the meeting to the public to speak on this issue only.

There being no comments from the public, Councilman Smolinski moved to close the public portion of the meeting, seconded by Councilman Weisbecker and carried by unanimous roll call vote.

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

Agenda IV 3

~ 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 noted that this Ordinance was introduced on September 5, 2007 and is scheduled for public hearing tonight. He opened the meeting to the public to speak on this issue only.

Jim Novack, Mount Laurel, West Milford asked who is represented by this union to which the Administrator replied that the members of this union are those persons who serve as supervisors in the Parks & Recreation Department and the DPW. Mr. Novack stated that, when the police chief in Englewood Cliffs makes more than the New York city police chief, there is clearly a problem in New Jersey. Other states pay a lot less money. He is related to a police chief in a large city in another state who earns \$65,000 and does not get a vehicle. Many employees in

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Township Council
September 26, 2007
7:30 P.M.
Page 6 of 21

West Milford, he said, including the police chief take Township vehicles home. That benefit should be considered a bonus.

There being no one else wishing to be heard, Councilman Weisbecker moved to close the public portion of the meeting, seconded by Councilman Schimmenti and carried by unanimous roll call vote.

Discussion: Administrator Kunze advised that there are many provisions in the contract that are not reflected in the salary ordinance. Changes in the contract include a changed policy on vehicle use. Councilman Nolan stated that the salary increases in this ordinance are in line with the increases received by the other unions in town.

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

Agenda V

Public Comments

Mayor DiDonato opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

Maryann Terresino, Bald Eagle Commons, West Milford stated that transportation has become a serious problem for seniors and residents of West Milford. A group has been formed to address these problems and a petition is being circulated. This committee met with Council President Smolinski and Freeholder Duffy yesterday and received assurances from these two elected officials that everything possible will be done to help resolve this matter. Mr. Duffy and Council President Smolinski asked for time to work on this matter and they have committed to get back to the committee. She thanked Council President Smolinski for his help and noted that this committee looks forward to hearing back from these two men.

Andrew Gargano, 45 Apshawa Crossroad, West Milford noted that Sussex County is being sued for records fees. However, despite the lawsuit and while it was pending, they amended their fees. He asked Mr. Semrau to research that. While the fee amendments adopted tonight was a positive step, he urged the council to revisit the costs for photocopies.

Jim Geist, 57 Bayonne Drive, Hewitt stated that he would like to see the proposed well testing ordinance fast-tracked. He recently read a letter in the newspaper that indicated that, at the current rate, this ordinance will not pass until the end of November. He read excerpts from the letter. He stated that this legislation is taking longer to review than it took to be drafted. He urged the Council to take action and protect residents. He stated that the Republican Party is a party of special interests. He asked that the well testing ordinance be fast-tracked so that residents do not lose their water.

Martin O'Shea, 10 Lakeshore Road East, Stockholm advised that he is working with the Ringwood Clerk to redraft their fee ordinance. Not only does Ringwood post the audio recordings of their meetings on-line immediately after the meeting but their meetings are telecast live. He stated that West Milford should do likewise. He noted that he filed an OPRA request last week in his town of residence and was subsequently advised that Hardyston charges \$100 for such a recording and a second tape would cost \$25.

Jim Novack, Mount Laurel, West Milford commended Ringwood for broadcasting their meetings live. He noted that Warwick Cable is not in attendance tonight and stated that such absences are contrary to their agreement with West Milford. He stated that when people request documents from the MUA, the documents are copied on Township equipment utilizing Township supplies, yet the MUA charges for the documents. The taxpayers of West Milford, he said, pay for heating, air conditioning, water, meeting rooms, etc. for the MUA.

Linda Connolly, 278 Wooley Road, West Milford expressed appreciation that action has begun on the well testing ordinance. However, she takes exception to the time being afforded for its review. She was told in August that she has Council support and that legislation would be introduced in September. At the last meeting, she said, the Council changed course and said that volunteers on committees need time to review the draft. She has been speaking before the planning board for five years about the water supply. While she appreciates the efforts of volunteers, she requested that all groups being asked for an opinion on this be advised to submit

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 21

their input within the week. Then, she said, she would like the Council to vote on this before the elections. Residents have waited too long already.

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

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

Agenda VI

Council Comments

Council President Smolinski advised that the transportation committee meeting recently was well attended. The requests from the committee are valid and they are looking for dependable reliable service. He attended the meeting as did Freeholder Duffy, the Recreation Director and a representative from New Jersey Transit. They devised a possible solution to assist those who use the system in West Milford and should be reporting back to the committee in January. Funding for transportation in West Milford is provided through the State, County and the municipality. He stated that he appreciates the Council support for the well ordinance that he requested be drafted. Nobody is dragging their feet on this. As with all legislation, this proposed ordinance requires proper review. He stated that he is committed to seeing this through and he will make every effort to ensure that it is done properly.

Councilman Nolan stated that he is prepared to introduce this ordinance on October 10th and adopt on October 24th as, he believes, is Councilman Warden. The legislation does not have to be perfect because it can be amended. He stated that it is disingenuous to sidetrack this ordinance.

Councilman Warden reiterated Councilman Nolan's sentiments. However, he said, they represent only two votes on this Council. He believes that the developer on Wooley Road was given the ability to circumvent the Highlands Act and they will probably get away with it. He is prepared to vote on this on October 10th and residents will see then who is protecting them and who wishes to sidetrack this further.

Agenda VII

New Business, Introduction of Ordinances, Resolutions

Agenda VII 1

~ Ordinance 2007 - 026 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CONCERNING THE HIRING OF ATTORNEYS FOR LEGAL SERVICES

WHEREAS, the Township Council of the Township of West Milford has determined that it is in the best interests of the Township and its citizens to ensure that the retained, appointed and reappointed licensed legal professionals are competent in their profession and are of good professional and ethical character.

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

1. Prior to being hired, any attorney who applies for a legal position within the Township of West Milford and/or its Boards, Committees or other agencies of the municipality, shall complete and execute both an "Attorney Ethics History Certification" and a "Disciplinary Authorization and Release" form, or other superseding form promulgated by the Supreme Court of New Jersey, Office of Attorney Ethics.
 - A) The "Attorney Ethics History Certification" form shall be a form adopted by the governing body of the Township of West Milford and shall cause the licensed legal professional to certify, under oath, the prior ethics history of that professional. The Certification shall also state that the professional understands that any discrepancy ultimately discovered between the Certification and the Release forms may constitute cause for removal from such position, as authorized by the governing body of the Township of West Milford. The Certification form shall be certified to and completed by the licensed legal professional during the application process and submitted to the Township Clerk

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 21

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, Hollowbrook Homes, (also known as Jack Wertz) has agreed to convey BLOCK 8002, LOT 1 consisting of 63 acres of vacant land to the Township in consideration of the payment of \$350,000; and

WHEREAS, Apple Valley Estates, LLC, has agreed to convey BLOCK 9901, LOTS 10, 11 and 12 consisting of ±105 acres of vacant land to the Township in consideration of the payment of \$800,000; and

WHEREAS, the Township has applied for and anticipates obtaining monies from both the County of Passaic and the State of New Jersey Department of Environmental Protection (Green Acres Program) to assist in the purchase of said lands; and

WHEREAS, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for open space purposes.

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

SECTION 1. The Township of West Milford hereby authorizes the acquisition of BLOCK 8002, LOT 1 for \$350,000; and BLOCK 9901, LOTS 10, 11 and 12 for \$800,000 for the purpose of preserving open space for the total sum of \$1,150,000, with approximately \$650,000 from the State of New Jersey Department of Environmental Protection and \$230,000 from the County of Passaic and the balance of the acquisition price and costs in the amount of approximately \$270,000 from the West Milford Township Open Space Trust Fund.

SECTION 2. The said land and the terms of the agreements for the acquisition of said properties is described in Exhibits A and B which are attached hereto and made a part hereof.

SECTION 3. The net sum of ±\$300,000 plus \$50,000 for the acquisition costs associated with the Township is hereby appropriated from the Open Space Trust Fund of the Township of West Milford, County of Passaic, State of New Jersey.

SECTION 4. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 5. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 6. 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 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 8. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Mayor DiDonato advised that this ordinance is scheduled for public hearing at the regular meeting of October 10, 2007 and this public hearing will be advertised pursuant to law.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 21

WHEREAS, the Township of West Milford re-advertised for the receipt of sealed competitive bids to be received on September 7, 2007 at 10:00 a.m. for Greenwood Lake Turnpike (C.R. 511) Stormwater Quality Treatment Retrofits; and

WHEREAS, the Township received one (1) bid as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Earthtec Associates, Inc.	\$71,375.00

WHEREAS, a review has determined that the bid submitted exceeds the amount appropriated through grant funding for the installation of Stormwater Quality Treatment Retrofits.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the bid received on September 7, 2007 at 10:00 A.M. for the installation of Stormwater Quality Treatment Retrofits on Greenwood Lake Turnpike (C.R. 511) is hereby rejected because it exceeds appropriations; and

WHEREAS, N.J.S.A. 40A-11-5 provides that if a bid has been advertised on two occasions and rejected both times as being unreasonable as to price, the contracting agent shall notify each responsible bidder on the second occasion, of its intention to negotiate a contract.

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford hereby authorizes and directs the Township Administrator to negotiate a contract for the installation of Greenwood Lake Turnpike (C.R. 511) Stormwater Quality Treatment Retrofits according to the statutory requirements of N.J.S.A. 40A:11-5(3) (i)(ii)(iii).

BE IT FURTHER RESOLVED that if said negotiations prove unsuccessful, the Township Administrator be and is hereby authorized to re-bid this project.

Adopted: September 26, 2007

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

Agenda VII 6

~ Resolution 2007- 331 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT FOR ROAD MATERIALS THROUGH THE 2007 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #9, TO WELDON QUARRY COMPANY, LLC

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MoCCP); and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #9, Crushed Stone, Gravel and Sand, for the 2007 year to Weldon Quarry Company, LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that, due to storm damage from an intense April rainstorm which necessitated the repair of additional Township roads, the Township of West Milford execute an additional contract for Road Materials through the Morris County Cooperative Purchasing Council, Contract #9, in an amount not to exceed \$45,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from accounts numbered C-04-04-943-624, C-04-05-943-624, and C-04-07-943-624;

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 21

1. The Township Council hereby authorizes the Mayor to execute the Road Materials contract, in an amount not to exceed \$45,000, through the Morris County Cooperative Purchasing Council, Contract #9, awarded to Weldon Quarry Company, LLC.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: September 26, 2007

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

Agenda VII 7

~ Resolution 2007- 332 ~

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF POLICE VEHICLES FOR THE TOWNSHIP'S POLICE DEPARTMENT

WHEREAS, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available in the 2007 budget for the purchase of police vehicles for the Township's police department; and

WHEREAS, said vehicles are available for purchase under state contract number A67129 at a cost of \$20,548.74 each; and

WHEREAS, a purchase order shall be executed for these purchases in accordance with the Township's policy in an amount of \$102,743.70; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number 7-01-25-240-900.

NOW THEREFORE, BE IT RESOLVED that the Township Council does hereby authorize the Township Administrator, the Chief of Police, and the Chief Financial Officer to execute and process a purchase order for the purchase of five (5) 2008 Ford Crown Victoria Police Interceptor vehicles in accordance with the state contract for same.

Adopted: September 26, 2007

Discussion: Councilman Nolan noted that this resolution was not distributed to Council in their meeting packets and he asked if the purchase is in accordance with the 2007 budget. Administrator Kunze advised that the 2007 budget appropriated \$170,000 for the purchase of six vehicles for the police department. This resolution authorizes the purchase of five of the six vehicles.

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

Agenda VII 8

~ Resolution 2007- 333 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO SCOTT HOLZHAUER, CTA, SCGREA FOR THE APPRAISAL OF THE HILLCREST SCHOOL PROPERTY IN AN AMOUNT NOT TO EXCEED \$6,500

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 14 of 21

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

Mayor DiDonato advised that the vendor has yet to submit an itemized proposal to the Administrator. They have indicated that the proposal will be received by the next meeting. Therefore, he asked for a motion to table this resolution to October 10, 2007.

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

Agenda VIII 1

~ Resolution 2007- 334 ~

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 2007 - 335** - Refund Of Overpayment Of Returned Check Fee
- b. **Resolution 2007 - 336** - Authorizing Cancellation Of Tax
- c. **Resolution 2007 - 337** - Authorizing Refund Of Overpayments
- d. **Resolution 2007 - 338** - Authorizing Refund Of Police Trust Account Monies
- e. **Resolution 2007 - 339** - Authorizing Reinstatement Of Taxes
- f. **Resolution 2007 - 340** - Authorizing Refund of Performance Bonds
- g. **Resolution 2007 - 341** - Authorizing Partial Refund of Performance Bonds

Applications:

- a. **Application** - Off Premise Draw Raffle by West Milford Heritage Quilters
- b. **Application** - On Premise 50/50 Raffle by Our Lady Queen of Peace Home School Assoc.
- c. **Application** - Tricky Tray by Our Lady Queen of Peace Home School Association
- d. **Application** - Off Premise Draw Raffle by Our Lady Queen of Peace Home School Assoc.
- e. **Application** - Tricky Tray by West Milford PAL
- f. **Application** - On Premise 50/50 by West Milford PAL
- g. **Application** - On Premise Draw by St. Joseph Church
- h. **Application** - Off Premise 50/50 by St. Joseph Church

Adopted: September 26, 2007

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution 2007- 335 ~

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF
RETURNED CHECK FEE**

WHEREAS, Jennifer Wisniewski paid a requisite returned check fee for insufficient funds to the Health Department Animal Control Office in the amount of \$40.00; and

WHEREAS, the return check fee was in fact a total of \$30.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a check in the amount of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
 Date of Meeting: September 26, 2007
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 15 of 21

\$10.00 to Jennifer Wisniewski, 60 Princeton Road, Hewitt, NJ 07421 to refund the overpayment of aforementioned return check fee.

Adopted: September 26, 2007

 Agenda No. VIII b

~ Resolution 2007- 336 ~

RESOLUTION AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

REASON: 100 % Totally Disabled Veteran

BLOCK/LOT	NAME	AMOUNT	YEAR
3903-9	Sande M. Hoffman	\$903.60	2006 2 nd Qtr.
3903-9	Sande M. Hoffman	\$5,856.99	2006 2 nd Half
3903-9	Sande M. Hoffman	\$11,832.24	2007 Full Year
3903-9	Sande M. Hoffman	\$5,916.00	2008 1 st Half
TOTAL		<u>\$24,508.83</u>	

Adopted: September 26, 2007

 Agenda No. VIII c

~ Resolution 2007- 337 ~

RESOLUTION 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
- 6. Totally Disabled Veteran
- 7. Over Billed Account

Block/Lot	Name	Amount	Year	Reason
2002-2	Mary Ellen Hallam 13 North Sailors Quay Brick, NJ 08723	\$70.00	2007	2
2004-14	Victor Aligo Jr. P.O. Box 217 Bethlehem, PA 18016	\$87.00	2007	2
2004-15	Victor & Sadie Aligo P.O. Box 217 Bethlehem, PA 18016	\$36.00	2007	2
2311-3	Cathy Pagano 117 Highview Drive	\$53.00	2007	2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council
 September 26, 2007
 7:30 P.M.
 Page 16 of 21

	West Paterson, NJ 07424			
4302-5	T. Oppelaar & D. Rader 267 Fourth Avenue Hawthorne, NJ 07506	\$496.00	2007	7
6605-19	Paul & Jean Marotta 296 Peconie Street Ronkonkoma, NY 11779	\$121.00	2007	2
8201-22Q	Paul Vander Veen 1855 Macopin Road West Milford, NJ 07480	\$27.00	2007	2
11001-1	John Larsen 9 Perky Road Key Largo, FL 33037	\$32.00	2007	2
11201-9	R. & L. Kelemen 100 Larsen Road West Milford, NJ 07480	\$150.24	2007	1
3903-9	Sande M. Hoffman 1582 Greenwood Lake Tpk. Hewitt, NJ 07421	\$6,760.59	2006	6
3903-9	Sande M. Hoffman 1582 Greenwood Lake Tpk. Hewitt, NJ 07421	\$8,764.00	2007	6
TOTAL		\$16,596.83		

Adopted: September 26, 2007

 Agenda No. VIII d

~ Resolution 2007- 338 ~

RESOLUTION AUTHORIZING REFUND OF POLICE TRUST ACCOUNT MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Police Chief, the following Police Trust Account monies be refunded:

Name & Address	Trust Account No.	Amount Refunded
Tilcon New York 625 Mt. Hope Road Wharton, NJ 07885	T-15-56-240-005	\$1,730.19

Adopted: September 26, 2007

 Agenda No. VIII e

~ Resolution 2007- 339 ~

RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the cancellation of receipt and reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

REASON: 1 INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
8706-4	John Gleason	\$1,007.87	2007	1
13301-27	J. & H. Siarek	\$1,346.69	2007	1
2608-9	M. Shand	\$1,030.00	2007	1
	TOTAL	\$3,384.56		

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Township Council
September 26, 2007
7:30 P.M.
Page 17 of 21

Adopted: September 26, 2007

Agenda No. VIII f

~ Resolution 2007- 340 ~

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Dariusl Baba 4 Rolling Ridge Rd. West Milford, NJ 07480	8706/14.02	\$100.00	73
Leigh Greene 865 Burnt Meadow Road Hewitt, NJ 07421	6401/8	\$2,000.00	76
Eagle Westbrook Inc. 99 Conklintown Road Wanaque, NJ 07465	5202/8	\$100.00	73
Eagle Westbrook Inc. 99 Conklintown Road Wanaque, NJ 07465	5204/1	\$600.00	73

Adopted: September 26, 2007

Agenda No. VIII g

~ Resolution 2007- 341 ~

RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be partially refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Carmen Bastante 425 Pine Brook Road Lincoln Park, NJ 07035	12901/56	\$900.00	76
Eagle Westbrook Inc. 99 Conklintown Road Wanaque, NJ 07465	5203/17	\$900.00	71

Adopted: September 26, 2007

Agenda IX

~ Resolution 2007- 342 ~

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:

<u>Acct #</u>	<u>Account Name</u>	<u>Amount</u>
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
 Date of Meeting: September 26, 2007
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 21

1	Current Account	\$1,076,847.65
2	Reserve Account	150,000.00
3	Animal Control Trust	1,335.00
6	Capital.	655,094.29
7	Grants.	8,394.63
8	Refuse.	106,995.91
9	Refunds.	16,606.83
12	General Ledger.	
16	Heritage Trust.	578.04
14	Open Space Trust	2,750.00
17	Trust	2,890.02
18	Development Escrow.	3,267.00
19	LOSAP	
20	Special Reserve	
Total		\$2,024,759.37
Less Refund Resolution		(16,606.83)
Actual Bill List		\$2,008,152.54
Other Payments		
Less Refund Resolution		
Total Expenditures		

Adopted: September 26, 2007

Discussion: Councilman Nolan requested a separate vote for two invoices payable to Hakim Associates on page 7 for \$2,700.

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained on the Valley Health invoice.
 Motion carried.

Councilman Weisbecker moved payment of the two invoices payable to Hakim Associates on page 7 for \$2,700.

Discussion: Councilman Nolan advised that these bills were submitted by the new landscape architect hired by the Planning Board. The larger invoice is for site visits, meetings and review of plans for a total of 19.50 hours. However, the invoice does not include any detail about dates, times, and whether travel is included. He stated that he would like to see the bills itemized. Administrator Kunze advised that he will look at the contract to determine what is required.

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

Agenda X

Reports of Administrator, Mayor and Members of the Council

Administrator Kunze advised that all department heads are required to submit their 2008 budget information to him by Monday. He will then review these submissions with the CFO and begin meeting with the department heads in early November. He advised that he attended a meeting with Dominic DiYanni, Bill Drew, the MUA Executive Director and the MUA Engineer with DEP representatives and Highlands Council representatives to review the Wastewater Management Plan (WMP) deadlines and funding. He will schedule this subject for a workshop discussion in the fall. The meeting, he said, was very positive and provided a clearer understanding of State goals and time lines. He sought Council authorization to allow ribbons to be tied around trees on Township property in recognition of breast cancer awareness. This is an annual program. The Council gave consent.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Township Council
September 26, 2007
7:30 P.M.
Page 19 of 21

Councilman Weisbecker read an article advising seniors of how they can apply for the property tax rebate program. This program is designed to assist seniors with property tax relief and applications must be submitted to the State by October 31, 2007. There are income and residency and income requirements and he provided toll free numbers for residents to call. He reviewed the recycling tonnage and income for August. He advised that brush and top soil are now available to residents. The home beautiful contest is underway and nominations should be submitted to Bill Schug in recycling. He stated that he took issue with a previous comment made by another Councilman. He stated that this Council is charged with protecting all residents. To that end, this Council takes legislative action in the most expeditious manner. The Planning Board and the Environmental Commission have received copies of the proposed well testing ordinance and are ready to work on this. It is important that the Council be fair and wise when considering legislation to ensure that all West Milford residents are protected. While the draft in question appears to be good legislation, it needs review. In the past, Councils have adopted ordinances without subjecting them to a review process and this has led to lawsuits. He urged the Council to do this right.

Councilman Smolinski noted that not every town offers a senior freeze and he is glad that West Milford does. He stated that he wishes to broach an issue tonight that affects all residents in West Milford knowing that this Township has limited ways to generate revenue. He stated that, in his opinion, it is important to protect open space. Tonight, however, he wishes to speak about taxes and tax relief. West Milford is responsible for New Jersey's water. The Township accepts this responsibility but should not be paying the tab. Every time the State of New Jersey purchases open space in West Milford the Township loses tax revenue. The sunset clause that is intended to repay the municipality for lost revenue is calculated on a decreasing scale for ten years. Thereafter, West Milford gets nothing. Earlier this year, Newark, the largest landowner in West Milford, sold property to the State of New Jersey for \$10 million. West Milford taxpayers bought those rights in 1996 when Newark had to be refunded for a tax appeal. Too many locks are being placed on this property. He asked why the State would pay millions of tax dollars to purchase this property. This purchase will have a negative impact on West Milford residents. Newark got a windfall from the State at West Milford taxpayer expense. He has met with some colleagues and they have devised a proposal to address these inequities. He proposes revaluing the Newark property. Newark sells water from that property yet they are tax exempt. He proposed reclassifying that property as an income-producing property and adjusting the taxes accordingly. While current efforts to maintain open space should continue, the Township must address the fact that Newark makes money from selling this water.

Councilman Schimmenti commended Council President Smolinski for doing his homework and expressed interest in hearing more on this topic.

Councilman Nolan told Ms. Connolly that she now knows where the Council stands on the proposed well testing ordinance. He stated that the Republicans on the Council seem to constantly beat up Newark even though one cannot expect to get taxes from the poverty-stricken Newark residents. He noted that the Township will receive \$140,000 from FEMA to repair damage caused by an April storm. Administrator Kunze thanked all the staff who worked to get this money especially Gerry Storms and Mike Woch. Councilman Nolan advised that there was a recent article in the Suburban Trends written by former Councilman Joseph Elcavage addressing the violence in our schools. He noted that Mr. Elcavage continues to serve on the WVRSA due to the Council majority. He advised that the museum will host a Jungle Habitat exhibit and a school exhibit on October 13th in conjunction with ALF. He also encouraged everyone to participate in the 5K that will be held that morning and he provided registration information.

Councilman Warden clarified that the \$1.6 million due from Newark is the result of a lawsuit filed by West Milford. His suggestion for tax relief would be to stop condemning the Highlands Act but thank god that it came in time to stop development which would have tripled the taxes. Republicans on Council, he said, should insist that the State Republicans actively support water surcharge tax relief. Trying to get money from Newark is wrong because Newark residents are among the poorest in the United States. He asked Mr. Semrau to explain how the houses on Wooley Road got built without final approvals. Mr. Semrau advised that he has done some research on this matter. There is an application pending before the Planning Board and he cannot comment or become involved in that. He has made enquiries of the Township Engineer and Planning Director. They have scheduled a meeting with the Administrator to research this further. Thus far, the information provided by the Engineer and Planner has been very helpful. Councilman Warden asked if the homes that have been constructed have any bearings on the Highlands Act. Mr. Semrau advised that those two homes have met the threshold. The remaining fifteen are questionable and it goes back to the Planning Board and the State Department of Environmental Protection (DEP). Councilman Warden stated that this Council has

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Township Council
September 26, 2007
7:30 P.M.
Page 20 of 21

an obligation to find out what happened and who dropped the ball with the Green Valley Estates application. He stated that he spoke with Administrator Kunze earlier today about an ordinance requiring background checks for coaches and persons involved with children. West Milford is not immune to something bad happening and he asked that Mr. Semrau be instructed to draft such an ordinance. Mayor DiDonato recommended that this matter be scheduled for a workshop discussion. Council President Smolinski stated that all the sports groups in West Milford currently require background checks for coaches, the Personnel Administrator and Recreation Director have begun the process of researching options to perform background checks on a broad base of people involved with kids, and the Board of Education requires background checks for coaches, bus drivers, and other personnel. Councilman Warden stated that he recently read a news article wherein a camp for underprivileged kids may be coming to West Milford. Background checks should not be limited to sports organizations. Administrator Kunze provided a synopsis of the work done by the Personnel Administrator and Recreation Director and advised that they plan to formalize a proposal for Council consideration when they have gathered all the information.

Township Clerk, Ms. Battaglia advised that the Passaic County Board of Elections will be at town hall from 6:30 p.m. to 7:30 p.m. on October 24 to educate people about the voting process. They will have a voting machine on site.

Township Attorney, Fred Semrau sought consensus from Council to proceed with returning a property to the Upper Greenwood Lake Property Owner Association. He has communicated with them and they have agreed to pay the taxes if the Township handles the foreclosure. The Council gave consensus to proceed. Mr. Semrau advised that the Chief of Police has been trying for about 1½ years to resolve a billing dispute with Verizon wherein the Township was over-billed for approximately \$6,000. He asked for and received Council consent to file a civil complaint if this matter cannot be resolved. Mr. Semrau advised that the purchaser of Block 11001, Lot 3 at the most recent public property sale has indicated that they do not wish to proceed with this contract. They have been advised that they will forfeit their \$1,550 deposit and have agreed to that if the Township will release them from the contract. The Council authorized Mr. Semrau to proceed with this matter.

Executive Session

Agenda XIII

~ Resolution No. 2007- 343 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 26th day of **September** 2007, 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.
 - (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.
 - Possible Acquisition of Block 2801, Lot 1
 - () 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
 - () 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).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 26, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 21 of 21

Adopted: September 26, 2007

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

The Council went into executive session at 9:37 p.m.
The Council reconvened in public at 10:00.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:00 p.m.

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

APPROVED: October 10, 2007

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK