
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: November 7, 2007
Time of Meeting: 7:30 P.M.
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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 Joseph Smolinski, Phil Weisbecker, Salvatore Schimmenti, Robert Nolan, James Warden, Carmen Scangarello. Mayor 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

Councilman Weisbecker moved to adopt the minutes of the October 10, 2007 Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the Executive Session minutes of October 24, 2007 as presented.

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

Presentations

West Milford Bears Ice Hockey Mite Team

Mayor DiDonato welcomed those in attendance and advised that tonight the Council will take some time to celebrate the accomplishments of young people in West Milford. He invited Mark Crevina to the podium. Mr. Crevina thanked the Mayor and Council for acknowledging the achievements made this year by the West Milford Mites who play ice hockey at the Skylands Ice Arena. This year the Mites took the championship for the second consecutive season. He introduced the team's coaches who joined him at the podium. The head coach invited each player forward and presented each with a certificate signed by Mayor DiDonato. Mr. Crevina advised that the West Milford Mites is comprised of players of all ages. Mayor DiDonato stated that these children couldn't accomplish such distinction without the dedication of their parents and coaches. On behalf of the Council and West Milford residents, he thanked the parents and coaches.

Beautification & Recycling Committee House Beautiful Contest

Mayor DiDonato invited Mr. Jeff Simmers, Beautification & Recycling Committee Chairman, to the podium. Mr. Simmers advised that the house beautiful competition began about six years ago to recognize those people who keep their properties beautiful and thus enhance our beautiful town. In recent years, he has noted that more and more people appear to be taking such pride in their properties. He invited the members of the Beautification & Recycling Committee to join him in honoring this year's award recipients. He explained that throughout the summer months neighbors nominate neighbors. In the fall, the committee tours the properties and select those that best meet the criteria for award. Three properties are being recognized tonight and he thanked each family for all their efforts. While showing photographs of each property, Mr. Simmers presented the respective owners with a gift, plaque and certificate. He described the individual properties outlining the characteristics that set them apart from one another.

Proclamations

None.

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Mayor DiDonato congratulated Mayor-elect Bettina Bieri and Council-elect Marilyn Lichtenberg on their recent election victories. He noted that there is a long-held tradition in West Milford wherein newly elected officials sit behind current elected officials at the dais until they are sworn into office. He introduced Mayor-elect Bieri and Council-elect Lichtenberg. He thanked them for attending tonight's meeting and for running for elected office.

Unfinished Business, Final Passage of Ordinances

Agenda VII 1

~ Ordinance 2007 - 028 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE, CHAPTER XVII ENTITLED "LAND SUBDIVISION AND SITE PLAN REVIEW", ESTABLISHING SECTION 17-4.3.1, ENTITLED "WATER SUPPLY AND WATER QUALITY REQUIREMENTS"

WHEREAS, much of West Milford Township is dependent upon private wells for residential drinking water. The use of private wells depends, in turn, upon the maintenance of a certain quantity and quality of groundwater; and

WHEREAS, the Township is underlain by bedrock aquifer systems that range from marginal yielding aquifer systems in terms of water supply potential to moderate yielding aquifer systems; and

WHEREAS, the primary purpose of this Ordinance is to ensure that adequate water supply is available for whatever development or use of land is proposed without adverse impact on neighboring wells, and that groundwater quality will be acceptable for drinking water purposes.

NOW, THEREFORE, BE IT ORDAINED, that the Township Council of the Township of West Milford that Chapter XVII of the Land Development Ordinance is hereby amended, supplemented and revised to establish Section 17-4.3.1 entitled "Water Supply and Water Quality Requirements" as follows:

SECTION 1:

WATER SUPPLY AND WATER QUALITY REQUIREMENTS

Purpose and Intent. The purpose and intent of this Section is to ensure that:

A. All Preliminary Subdivision Approval or Final Subdivision Approval Applications, Residential developments that at any time consist of four or more new lots or dwelling units and all applications for nonresidential uses that will result in total groundwater withdrawals greater than 800 gallons per day and all non-exempt agricultural uses shall demonstrate that adequate water supply is available for the existing and proposed use(s) on site without adverse impacts on neighboring wells and other resources including but not limited to wetlands and streams.

B. Groundwater quality is acceptable for drinking water purposes (or other intended use in the case of a nonresidential or agricultural application).

C. The impacts of the proposed withdrawal of the groundwater resource will not interfere with use of the resource by existing proximate users.

Definitions. In addition to the Definitions of terms set forth in Chapter XVI, Section 16-6 the following additional definitions shall apply to the enforcement and implementation of this Section:

Abandoned well: Any well which is not in use, has been illegally installed or improperly constructed, has been improperly maintained or is damaged, has not been maintained in a condition that ensures that the subsurface or percolation waters of the State are protected from contamination, has been replaced by another well or connection to a public supply, is contaminated, is nonproductive, or no longer serves its intended use pursuant to the State Act.

Abandonment or Decommissioning of a Well: The permanent closure or sealing of a well in accordance with N.J.A.C. 7:9D-3 *et seq.*

Act, State: Refers to the Private Well Testing Act, P.L. 2001, c. 40; N.J.S.A. 58:12A-26 *et seq.*, which applies to buyers, sellers and lessors of certain real property as follows:

A. All contracts of sale for any real property in which the potable water supply is a private well located on the property, or for any other real property in which the potable water supply is a well that has less than 15 service connections or that does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year, shall include a provision requiring the testing of that water supply for certain parameters as set forth in the Act.

B. The lessor of any real property in which the potable water supply is a private well for which testing of the water is not required pursuant to any other State law shall test that water supply for certain parameters as set forth in the Act. Testing of the water is required at least once every five years. In addition, within 30 days after receipt of the test results, a written copy of the results must be provided to each rental unit and each new lessee.

Acute Parameter: A parameter in drinking water that has significant potential to have serious and adverse effects on human health as a result of short-term or limited exposure.

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Alter: To enlarge, deepen, replace or in any other way change any portion of an existing water supply system. The terms "alteration" and "altered" shall be construed accordingly.

Aquifer: A formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield economic quantities of water to wells and springs.

Aquifer, Confined: An aquifer that is overlain by a confining bed (aquitard). The confining bed has a significantly lower hydraulic conductivity than the aquifer. Artesian aquifer is a synonym.

Aquifer, Semi-Confined: An aquifer overlain by a low-permeability layer that permits water to slowly migrate through to the aquifer. Also termed leaky artesian or leaky confined aquifer.

Aquifer, Unconfined: An aquifer in which there are no confining beds between the zone of saturation and the ground surface. Water-table aquifer is a synonym.

Aquifer Test: A three-part test conducted to obtain background, pumping, and recovery data/information from a pumping well and observation wells in order to determine aquifer hydraulic characteristics and assess potential water-level drawdown (well interference) to nearby wells.

Aquifer Test Location: A location(s) most representative of site geologic conditions where the aquifer test shall be conducted to evaluate potential impacts to proximate users of the groundwater resource.

Aquitard: A low-permeability unit that can store groundwater and also transmit water slowly from one aquifer to another (also see Aquifer, Confined).

Applicant: A developer or property owner submitting an application for development or permit to locate, construct or alter a water supply.

Application for Development: The application form and all accompanying documents required by the West Milford Township Land Development Ordinance for approval of a subdivision, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

Application for Well Permit: The application form and all accompanying documentation required by the NJDEP for approval to locate, construct or alter a water supply.

Board: The West Milford Township Planning Board or Board of Adjustment, whichever land use body has jurisdiction to hear the application for development.

Certified Laboratory: Any laboratory, facility, consulting firm, government or private agency, business entity or other person that the NJDEP has authorized pursuant to the Regulations Governing The Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, to perform analysis in accordance with the procedures of a given analytical method using a particular technique as set forth in a certain methods reference document, and to report the results from the analysis of environmental samples in compliance with a NJDEP regulatory program.

Community Water Supply System, Public: A source and distribution system for potable water subject to the requirements of N.J.S.A. 58:12A-1.1 *et seq.* and N.J.A.C. 7:10-1.1 *et seq.*

Cone of Depression: The area around a pumping well in which the head (water level) in the aquifer has been lowered by pumping action.

Confining Bed: A body of low hydraulic conductivity material that is stratigraphically adjacent to one or more aquifers.

Contaminant: Any physical, chemical, biological, or radiological substance or matter that has an adverse affect on air, water or soil quality.

Department: The New Jersey Department of Environmental Protection.

Developer: As used in this Section, the legal or beneficial owner or owners of a lot or of any land which is the subject of an application for a permit to locate, construct or alter a water supply or the subject of a development application regulated by this Section, and shall include the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Drawdown: The lowering of the water table of an unconfined aquifer or the potentiometric surface of a semi-confined or confined aquifer caused by pumping of groundwater from a well or wells. Drawdown is determined by subtracting the depth to water during pumping from the static water level determined prior to the start of pumping.

Drinking Water Quality Standard: A standard that applies to a constituent or contaminant that is required to be tested pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 *et seq.* including a maximum contaminant level, recommended limits, or in the case of lead, an action level.

Exceedance: The concentration of a constituent or contaminant that is greater than a maximum contaminant level (MCL), action level, standard or recommended upper limit for that given constituent or contaminant.

Fracture Trace: The surface representation of a fracture zone as determined from an analysis of aerial photographs in stereo pair.

Groundwater: Water in the ground that is in the zone of saturation from which wells, springs and stream baseflow (dry weather streamflow) are supplied.

Head, Static: Static head is the height above a standard datum of the surface of a column of water that can be supported by the static pressure at a given point. In a groundwater system, it is composed of elevation head and pressure head.

Hydraulic Conductivity: The capacity of a geologic formation to transmit water. It is expressed as the volume of water at the prevailing density and viscosity that will move in unit time under a unit hydraulic gradient through a unit area measured at right angle to the direction of flow.

Hydraulic Gradient: The change in static head per unit of distance measured in a given direction.

Hydrogeology: The study of groundwater with particular emphasis given to its chemistry, mode of migration, and relation to the geologic environment.

Infiltration: The flow of water downward from the land surface into and through the upper soil layers.

Irrigation System: Equipment including but not limited to pumps, piping, and sprinkler heads used to distribute water to grasses, landscape materials, crops, and other vegetation.

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Lot or Lot in Question: For the purposes of this Section, any designated parcel, tract or area of land, whether established by plat or otherwise permitted by law, to be used, developed or built upon as a unit, regardless of the nature of the use contemplated, which is the subject of an application for a permit to locate, construct or alter a water supply or the subject of an application for development that is regulated by this Section.

Maximum Contaminant Level (MCL): The maximum permissible concentration of a constituent or contaminant in drinking water. Maximum contaminant levels shall apply to public and non-public water systems, in accordance with the New Jersey Safe Drinking Water Act, N.J.S.A.58:12A-1 *et seq.* and implementing rules at N.J.A.C. 7:10.

NJDEP: The New Jersey Department of Environmental Protection.

Observation Well (Monitoring Well): A non-pumping well used to observe the elevation of the water table or the potentiometric surface. An observation well is generally constructed similar to a pumping well. Observation wells are also referred to as monitoring wells. Observation wells are required to measure water-level drawdown during the aquifer pumping test and also for the calculation of aquifer hydraulic characteristics. The specific requirements for observation wells are provided in **Appendix VI - Observation Well Requirements – Well Testing** of this Ordinance.

Parameter: A general standard or scope that includes other terms such as contaminant, constituent, substance, metal, organic/inorganic chemical, and characteristics that are used to designate an analyte, group of analytes, attribute, or physical property.

Point-of-Entry Treatment (POET) Device: A water treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed to the entire house or building. Examples of POET include devices such as calcite filters and ion exchange (water softeners).

Porosity: The voids or openings in rock and soil. Porosity may be expressed quantitatively as the ratio of the volume of openings in a rock or soil to the total volume of the rock or soil.

Porosity, Primary: The porosity that represents the original pore openings when a rock or sediment was formed.

Porosity, Secondary: The porosity that has been caused by fractures or weathering in a rock or sediment after it has been formed.

Porosity, Effective: The amount of interconnected pore space available for fluid transmission.

Potable Water: Any water used, or intended to be used, for drinking and/or culinary purposes which is free from impurities in amounts sufficient to cause disease or harmful physiological effects, and complies with the bacteriological and chemical quality standards of the New Jersey Safe Drinking Water Act rules at N.J.A.C. 7:10.

Private Well: A potable water well that serves or will serve a dwelling unit or nonresidential or agricultural use and is located on the same real property as the dwelling unit or nonresidential or agricultural use.

Property Owner Notification – Nearby Wells and Springs: **Appendix VII** of this Ordinance outlines the notification requirements and procedures for owners of existing wells and springs within 500 feet of any boundary of the Lot in Question.

Public Notification: A general notice of private well test failures sent by the appropriate local health authority to surrounding and/or neighboring owners of real property. The notification can include recommendations to test for the parameters of concern to the owners of surrounding or neighboring properties served by wells.

Pumping Test: A test made by pumping a well for a period of time and observing the change in water levels (hydraulic head) in pumping and observation wells in the aquifer.

Pumping Test, Constant Rate: A pumping test during which the discharge rate from the pumping well is maintained at a constant rate for the duration of the test.

Pumping Test, Step Drawdown: A pumping test that involves pumping at sequentially increasing rates for fixed time periods.

Qualified Hydrogeologist: An individual who has received a minimum of a Bachelor's degree in Geology at an accredited institution or has completed an equivalent of thirty (30) semester hours of geological education (including at least 2 accredited courses in hydrogeology) while obtaining a Bachelor's or Master's degree in a related field of engineering or science at an accredited institution. Such a person must also demonstrate eight years of professional work experience in the practice of applying geologic and hydrogeologic principals to interpretation of groundwater conditions and in the running of aquifer tests and the analysis of aquifer test data. The individual shall provide a resume or curriculum vitae to document education and experience requirements.

Recharge Area: An area in which there are downward components of head (water levels) in an aquifer. Infiltration moves downward to deeper parts of an aquifer in a recharge area.

Recharge, Aquifer: The volume of water that infiltrates to an aquifer, often expressed in million gallons per year per square mile or gallons per day per acre.

Recovery: The rate at which the water level in a well rises after the pump has been shut off. Recovery is the inverse of drawdown.

Reporting Laboratory: The certified laboratory responsible for reporting to the New Jersey Department of Environmental Protection a complete set of required information related to the analysis of a private well sample

Secondary Parameter: A drinking water parameter regulated for aesthetic purposes rather than health effects under the Safe Drinking Water Act (hereinafter "SDWA") rules at N.J.A.C. 7:10. Secondary parameters include pH, iron and manganese.

Specific Capacity {Q/s}: The specific capacity of a well is the rate of discharge of water from the well divided by the drawdown of water level within the well. Specific capacity will vary with the duration of

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pumping. Specific capacity should be described on the basis of the number of hours pumping prior to measurement of drawdown. Specific capacity will generally decrease with increased time of pumping.

Saturated Zone: The zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric. The water table is the top of the saturated zone in an unconfined aquifer.

Static Water Level: The depth from ground surface to water in a well prior to the commencement of pumping.

Storage Coefficient (Storativity): The volume of water an aquifer releases or takes into storage per unit surface area of the aquifer per unit change in head. It equals the product of specific storage and aquifer thickness. Also known as storativity.

Tract: See definition of **Lot or Lot in Question**.

Transmissivity: The rate at which water of a prevailing density and viscosity is transmitted through a unit width of an aquifer under a unit hydraulic gradient. Transmissivity equals hydraulic conductivity times aquifer thickness.

Unsaturated Zone: The zone between ground surface and the water table. Pore spaces in the unsaturated zone contain water at pressures less than atmospheric. Also referred to as "zone of aeration" and "vadose zone".

Water Table: The surface in an unconfined aquifer or confining bed at which the pore water pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing water.

Water Quality Test Failure: An exceedence of an applicable drinking water quality standard of a required test parameter under the Private Well Testing Act. This term includes all applicable maximum contaminant levels or recommended limits, or an action level for lead analysis.

Water Treatment System: A device applied to the drinking water at a house or building for the purpose of reducing contaminants in the drinking water distributed in the house or building. Examples: point-of-entry devices and point-of-use devices.

Well: A hole or excavation larger than four inches in diameter or a hole or excavation deeper than 10 feet in depth that is drilled, bored, cored, driven, jetted, dug, or otherwise constructed for the purpose of removal or emplacement of, or investigation of, or exploration for, fluids, water, oil, gas, minerals, soil, or rock.

Well Interference: The result of two or more pumping wells, the drawdown cones of which intercept. At a given location, the total well interference is the sum of the drawdown due to each individual pumping well.

Well Permit: Refers to a written approval issued by the NJDEP, pursuant to the Well Construction and Maintenance Act Regulations at N.J.A.C. 7:9D, to a licensed well driller which authorizes a licensed well driller of the proper class to construct a well or wells in accordance with the permit.

Well Record: The form provided by the NJDEP that depicts the construction details of a well, which is completed by the well driller subsequent to well permit issuance and well installation.

Applicability. The provisions of this Section are applicable to:

A. All residential developments of four or more new lots or dwelling units and all applications for nonresidential uses involving either the creation of a new water use or a total projected water use or consumption greater than 800 gallons per day.

B. The provisions of this Section shall not apply to any agricultural wells that do not trigger either a water allocation permit pursuant to NJAC 7:19-2.2 or a water usage certification for agriculture, aquaculture or horticulture pursuant to NJAC 7:20A-2.

C. Where New Jersey Department of Environmental Protection approval is required for a water allocation permit pursuant to NJAC 7:19-2.2 or a water usage certification for agriculture, aquaculture or horticulture pursuant to NJAC 7:20A-2, the Board's approval shall be contingent upon receipt of the permit or certification, as applicable, as well as compliance with this Section.

D. All terms and conditions contained in this ordinance are consistent and in accordance with New Jersey Department of Environmental Protection guidelines. Wherever there is a conflict of such terms then pursuant to N.J.S.A. 40:55D-38(b)(13), the DEP guidelines shall apply.

Aquifer Test and Hydrogeologic Evaluation.

A. The purpose of undertaking an aquifer test and hydrogeologic evaluation is to:
1. Determine if sufficient water is available to supply a proposed residential or commercial development or expansion thereof.

2. Assess the magnitude of water-level drawdown (well interference) impacts on existing and future nearby residential, institutional and commercial wells/springs.

3. Predict the effect of long-term pumping on water levels in existing and future wells.

4. Determine the potability of the proposed well source(s) through laboratory testing.

B. Where applicable pursuant to Section 17-4.3.1, the requirements for aquifer testing and hydrogeologic evaluation are as follows:

1. The hydrogeologic evaluation shall include the review of available information including but not limited to published maps and reports, stereo pairs of aerial photographs, New Jersey Geological Survey (NJGS) Reports, and other applicable documents.

2. An evaluation of the bedrock structure/structural characteristics shall be conducted which shall include an evaluation of the strike and dip of the bedding planes, orientation of faults, joints and fractures, plunges, and trends of folds. Published geological literature may be used, if appropriate and sufficient. The results of this evaluation along with the locations of the proposed observation well(s) in relation to the test well(s) shall be submitted with the aquifer test plan report required below.

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3. In addition, the hydrogeologic evaluation shall include a report of the recommended design, execution and analysis of the aquifer test(s). The data collection shall be designed and evaluated by a qualified hydrogeologist. A geologic and hydrogeologic report containing appropriate maps, well logs, aquifer test data and observation well data shall be prepared and submitted.

4. The aquifer test shall consist of at least one constant-rate pumping test conducted at a sufficient rate and duration to be able to determine aquifer characteristics such as transmissivity and storage coefficient. As part of the aquifer test, observation wells are to be monitored to determine and evaluate water-level drawdown in these wells (the cone of depression) and aquifer parameters, and predict the effect of long-term pumping on water levels in existing and future wells.

5. Prior to conducting any aquifer test, a preliminary hydrogeologic evaluation and the aquifer test plan shall be submitted for review and approval by the municipality's consulting hydrogeologist of which the applicant shall reimburse the Township for such services by way of an escrow account.

C. The procedures for aquifer testing and hydrogeologic evaluation shall be as follows:

1. Submit a "Preliminary Hydrogeologic Evaluation and Aquifer Test Plan" for review and approval by the municipality's consulting hydrogeologist, with copies to the Board.

2. Following the approval of the "Preliminary Hydrogeologic Evaluation and Aquifer Test Plan" by the municipality's consulting hydrogeologist, conduct notification of proximate well/spring owners and prepare selected wells/springs as observation points, as necessary. Proof of notification of proximate well/spring owners shall be provided to the municipality's consulting hydrogeologist and to the Board Secretary and Attorney.

3. Perform the "Three Phases of Aquifer Test", specifically:

- a. Background Monitoring
- b. Pumping Test
- c. Recovery Monitoring

4. Conduct water quality sampling and analysis for required parameters on representative wells.

5. Prepare and submit the "Preliminary Hydrogeologic Report" for review by the municipality's consulting hydrogeologist.

6. Respond to comments from reviewers, finalize report and submit "Final Hydrogeologic Report" to the municipality's consulting hydrogeologist with copies to the Board.

D. The requirements for the aquifer test plan and aquifer test shall be as follows:

1. Prior to conducting an aquifer test, the applicant shall submit to the municipality's consulting hydrogeologist the design of such aquifer test and the qualifications of the persons and firm who will be performing the test.

2. The design of the aquifer test shall be developed based on the required hydrogeologic evaluation, using applicable guidance from "Guidelines for Preparing Hydrogeologic Reports for Water Allocation Permit Application with an Appendix on Aquifer Test Analysis Procedures" NJGS GSR 29 (1992 or most recent edition) or successor document.

3. The aquifer test shall be conducted in three phases: the background phase, the pumping phase, and the recovery phase. Appendix V - Aquifer Test Procedures of this Ordinance outlines the procedures for aquifer test design, data collection and reporting.

4. If the Lot in Question is underlain by two or more geologic formations, then an aquifer test will be required for each portion of the Lot in Question underlain by each formation. The test requirements for each formation will depend on the number of lots and anticipated water usage per formation.

5. The aquifer test(s) shall be required to be conducted at the location(s) most representative of site geologic conditions and also most effective for evaluating the potential impacts to proximate users of the groundwater resource. Where it is not possible to meet both objectives, then a location shall be chosen to optimize the two.

6. Observation wells shall be required to measure water-level drawdown during the aquifer pumping test and also for the calculation of aquifer hydraulic characteristics. The specific requirements for observation wells are provided in Appendix VI - Observation Well Requirements – Well Testing of this Ordinance.

7. Appendix VII of this Ordinance outlines the notification requirements and procedures for notification of owners of existing wells and springs within 500 feet of the boundaries of the Lot in Question. Inadequate notification will require the aquifer test to be repeated after new notice. A form of Notice and Access Agreement are included in Appendix VIII.

8. In the event that the preliminary hydrogeologic evaluation indicates that a surface-water and/or groundwater divide separates the Lot in Question, an aquifer test will be required for each side of the divide.

E. The requirements for the submission of the hydrogeologic report and the evaluation of the results of the aquifer test shall be as follows:

1. A hydrogeologic report must be submitted with each application to which this Section 17-4.3.1 is applicable. This report shall document the design and implementation of the aquifer test and include the following data, information and analysis:

a. An evaluation of the bedrock structure/structural characteristics, including an evaluation of the strike and dip of the bedding planes, orientation of faults, joints and fractures, plunges, and trends of folds.

b. Calculations of aquifer characteristics such as transmissivity and storage coefficient, calculations of the cone of depression, potential impacts to adjacent well owners, and an evaluation of the long-term sustained yield for the wells.

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c. All water-level and precipitation measurements obtained during the three phases of the aquifer test in electronic format acceptable to the municipality.

d. A detailed hydrogeologic description of the aquifers encountered beneath the Lot in Question and adjacent properties.

e. A detailed evaluation of the water-supply demand for an average and peak day. This demand should be supported with information on anticipated population, expected unit density, size of units, lawn and garden irrigation needs, pool filling requirements, and other anticipated water uses.

f. An inventory of all wells within 1,000 feet of the Lot in Question appended and placed on a base map of the entire Lot. This inventory must be submitted in electronic format acceptable to the municipality.

g. Figures depicting site geology, topography, surface water bodies, water-level elevations, groundwater flow, and development plans.

h. All laboratory water-quality sampling data tabulated and summarized. A copy of the laboratory reports shall be provided to the municipality's consulting hydrogeologist with one complete copy to the Board. The laboratory reports can be submitted to the municipality's consulting hydrogeologist electronically in PDF format.

i. A detailed evaluation of potential impacts from subsurface sewage disposal systems on groundwater quality. A site plan or survey of the Lot in Question depicting topography, actual and planned well locations, septic leach field locations, and fracture trace locations at a minimum scale of 1-inch equals 200 feet should be included. For any and all locations where a fracture or set of fractures intersects one or more wells and/or septic leach fields, a detailed assessment of treatment technologies should be included. The treatment technologies should provide adequate assurances that any and all groundwater pumped from the wells will satisfy Federal and New Jersey Drinking Water Standards (MCLs) and will not be degraded by the septic leach field discharges.

j. The hydrogeologic report shall be prepared and signed by a qualified hydrogeologist using applicable sections of GSR 29 (New Jersey Geologic Survey, Guidelines for Preparing Hydrogeologic Reports for Water Allocation Permit Applications, with an Appendix on Aquifer Test Analysis Procedures) or successor document as a guide.

k. The hydrogeologic report shall include the name and license number of the well driller and pump installer. The report shall include the names of the persons and firm responsible for collecting the water-level measurements. In addition, the report shall include copies of the completed NJDEP Well Records. Appendix IX provides a checklist of all items that must be addressed in the hydrogeologic report.

2. The evaluation of the hydrogeologic report and test results shall include consideration of the following, any or all of which will result in a requirement that the test be repeated:

a. Precipitation. A test conducted during a period in which 0.5 inches or more of precipitation are recorded at or near the Lot in Question must be repeated or technical documentation provided that the precipitation event had no impact on water levels 24 hours before, during, and 24 hours after the test.

b. Background Phase. Antecedent influences (from recent precipitation events, changes in barometric pressure, outside pumping influences, etc.) must be determined, and, if necessary, water-level data from the pumping phase and recovery phase must be corrected. Insufficient data to assess these influences will require repetition of all three phases of the aquifer test.

c. Pumping Phase.

(1) If the pumping rate does not exceed the average daily demand by 120 percent or the peak-day demand cannot be pumped within a 24-hour period, the aquifer beneath the Lot in Question may be deemed insufficient to meet the anticipated demands, and the applicant shall review and adjust the proposed demand and/or extent of development proposed. Some of the alternatives may include:

(a) Conducting two or more aquifer tests at discrete locations within the Lot in Question. The total volume of water pumped during the two or more aquifer tests must equal or exceed the proposed 24-hour peak-day demand. This may be particularly applicable where large withdrawals are proposed in low yielding bedrock aquifer systems. Each test must be conducted individually and at no time should two wells be pumped simultaneously.

(b) Decreasing the number of proposed lots/dwelling units or amount of nonresidential development proposed or otherwise reducing the amount of groundwater to be withdrawn.

(c) Re-arranging the development layout to better fit the availability of groundwater resources.

(2) If the pumping rate varies by more than 10 percent of the average flow rate, the entire test shall be repeated.

(3) If the pump shuts down during the pumping phase, the entire test must be repeated.

(4) If water levels in the pumping and/or observation wells exceed the measurement capacity of the devices used for measuring changes in water levels and measurements are not recorded with other devices in accordance with the schedule listed in Appendix V, the test must be repeated.

(5) If the pumping data indicate a change in aquifer transmissivity as a result of fracture dewatering, all analyses of the potential radius of influence and impacts to neighbors, streams, and wetlands must be conducted using the lower value of aquifer transmissivity. If this lower aquifer transmissivity indicates that the anticipated demand cannot be supported by the aquifer beneath

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the site, the applicant will need to review and adjust the proposed demand and/or extent of development as outlined in c(1) above.

d. Recovery Phase.

(1) For purposes of evaluating water-level recovery, the recovery phase duration will be equal to the pumping phase duration. For example, if the pumping phase is 8 hours in duration, water levels 8 hours after the pump has been turned off will be compared to the pre-pumping static water level to assess recovery magnitude and degree of recovery.

(2) If water-level recovery is less than 90% of full recovery at the end of a recovery phase of similar duration as the pumping phase, the applicant must show through standard/recognized aquifer test analytical methods and calculations that the well or wells are capable of full recovery. If full recovery cannot be shown or groundwater mining/dewatering has occurred, the applicant will need to review and adjust the proposed demand and/or extent of development as outlined in c(1) above.

e. Neighboring Wells.

(1) If the drawdown is measured or projected to be more than 1 foot at any existing adjacent property well or along a boundary of the Lot in Question, the applicant's hydrogeologist must evaluate long-term potential impacts to adjacent properties based on the actual operating condition of wells in that zone or along that portion of the boundary of the Lot in Question.

(2) If a drawdown of 5 feet or more (Note: This may be adjusted at the recommendation of the municipality's consulting hydrogeologist taking into account existing lot sizes adjacent to the Lot in Question and the lot sizes/extent of development/amount of demand proposed) is noted in any existing adjacent property well, or is projected at any boundary of the Lot in Question, then the aquifer will be deemed to have insufficient transmissivity and capacity to support the proposed demand and/or extent of development. The applicant will be required to review and adjust the proposed demand and/or extent of development and well locations to ensure that drawdown will not exceed 5 feet at any boundary of the Lot in Question as outlined in c(1) above.

f. Impacts to Streams and Wetlands. If drawdown is measured or projected to induce leakage from streams or wetlands such that base flow in these streams will be directly reduced or wetlands partially or entirely dewatered, then the proposed demand and/or extent of development must be reduced to prevent adverse impacts to stream flow and wetlands.

g. Additional Testing. Any test that must be repeated, restarted, or re-conducted at a reduced demand, must satisfy all the requirements of this Ordinance including but not limited to re-notification of all property owners within 500 feet of the Lot in Question and resubmission of an aquifer test plan for Board approval prior to implementation of the test.

h. Sealing of the Observation Wells. Pursuant to N.J.S.A. 58:4A, all observation wells installed as part of the aquifer testing shall be properly abandoned. A certified and licensed well driller shall abandon the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1, et seq. The well abandonment forms shall be completed and submitted to the New Jersey Department of Environmental Protection, Bureau of Water Allocation (call 609-984-6831 for forms and information).

Water Quality Evaluation.

A. The purpose of the water quality evaluation is to determine that the groundwater used to supply a proposed use or development does not contain more than the maximum contaminant levels established by the NJDEP for drinking water quality. In the event that one or more constituents do not meet the applicable MCLs, standard treatment systems need to be readily available.

B. Determination of water quality shall be in accordance with the following:

1. Water quality shall be determined for each pumping well and on-site observation well as part of this program. Water samples from a pumping well used for the aquifer pumping test shall be collected during the pumping phase of that test. Water samples from the on-site observation wells shall be collected either 3 days in advance, or 3 days after, the pumping test has been completed. The samples must be collected in accordance with the NJDEP Field Sampling Procedures Manual.

2. At a minimum, the samples shall be analyzed by an NJDEP-certified laboratory for: hardness, gross alpha particle activity, arsenic, iron, manganese, copper, lead, nitrate, e coli bacteria, and total and fecal coliform bacteria as well as any other element determined under the Private Well Testing Act, as may be amended or expanded by the West Milford Township Board of Health or Passaic County Health Department. The samples shall also be analyzed for volatile organic compounds for which the USEPA or NJDEP has determined maximum contaminant levels using USEPA Method 524.2.

3. During the pumping test, field measurements of pH, conductivity/total dissolved solids and temperature shall be made with calibrated instruments.

4. If conditions on the Lot in Question or the history of the Lot in Question indicate the potential historic use of materials containing heavy metals, pesticides, herbicides, or other volatile or semi-volatile organic compounds at or near the Lot in Question, these analyses must also be conducted.

5. Based on past historical operations at the Lot in Question or at nearby properties, the Board, in its discretion, may require additional analyses of the groundwater to assess current and potential future impacts. The results of the water sample analyses will be used to assess background (pre-development) water quality conditions.

C. Water quality analyses shall be undertaken within 160 days of submission of an application for development or application for a permit.

Fees. The fees to the Township of West Milford Planning Board or Board of Adjustment shall be covered by the development application fees and escrow requirements set forth at Article XV. Fees to

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the Township of West Milford Board of Health and the Passaic County Health Department shall be as required by those entities.

Other Requirements for Major Subdivisions.

A. If a Lot is proposed to connect with a public or community water system, the applicant shall present proof of permission to connect with that system.

B. If a Lot or Lots will utilize individual wells, the aquifer testing and hydrogeologic analysis and water quality requirements of this Section 17-4.3.1 shall be met, where applicable. Moreover, 25 percent of the proposed wells shall have been constructed in accordance with all requirements of the Local and State Health Department as a condition of preliminary approval of any major subdivision and/or before submission of a final major subdivision application, at the discretion of the Planning Board. The wells shall be constructed on every fourth lot following the grant of preliminary approval so that in the event it is found that adequate water supply cannot be provided to a particular lot, that lot may be merged at the time of final approval with an adjoining lot that already has a dependable well. The applicant shall submit a letter from the Passaic County Health Department stating that all constructed wells meet County standards.

SECTION 2: The Appendices to the Land Development Ordinance shall be amended and supplemented by the addition of the following Appendices, which shall be enumerated as Appendix V through Appendix IX and shall follow existing Appendices I through IV.

APPENDIX V - Aquifer Test Procedures

1. The first test phase will involve the collection of background water levels prior to the start of the test. The second test phase will involve the pumping of water from the well and the monitoring of water-level drawdown in the observation and pumping wells. The third test phase will involve the measurement of water-level recovery in the observation and pumping wells after the pump has been shut down. This third phase of the test must, at a minimum, be the same length as the pumping phase.

2. The aquifer test (all three phases) shall not be conducted during a precipitation event or events in which total precipitation equals or exceeds 0.5 inches. Precipitation must be recorded with a National Weather Service acceptable rain gauge on site during all phases of testing and measurements for each day must be included in the hydrogeologic report. If precipitation occurs during the test, the applicant shall provide precipitation amounts and sufficient data to show that the precipitation did not recharge the aquifer during the test and impair the test results. If precipitation amounts exceeding 0.5-inches are recorded, the test may have to be repeated unless adequate data can be provided to assure the municipality's consulting hydrogeologist and the Board that the precipitation did not affect the water-level data collected during the aquifer test. The requirement to repeat the test will be at the Board's discretion.

3. The pumping equipment must be installed in the pumping well at least 24 hours prior to the start of the background phase.

4. Prior to starting the background phase, water levels in the test well and observation wells must be permitted to stabilize for a minimum of three days after all drilling activities are completed.

5. During the background phase, water levels should be collected at a minimum of one measurement per hour for the 24-hour period prior to the start of the pumping test. It is the applicant's responsibility to collect sufficient data to determine background conditions and to ensure that antecedent influences can be fully characterized. Barometric measurements and additional water-level measurements can be made by the applicant to evaluate the change in water levels resulting from barometric pressure changes and/or influences from off-site pumping.

6. On the day of the pumping phase, water levels shall be collected from the pumping and observation wells to determine static water level conditions prior to the start of pumping. Water levels in wells on neighboring properties should be allowed to stabilize to at or near static prior to the start of pumping. For any observation well which has been pumped within the 24 hours preceding the test, two depth-to-water measurements, at least 1 hour apart, shall be collected to assess if the well has fully recovered prior to the start of pumping.

7. When the aquifer test is started, the pumping flow rate shall be adjusted, within the first several minutes of pumping, to a uniform (constant) pumping rate as required for a constant-rate test and in accordance with the approved aquifer test plan. The flow rate shall not vary by more than 10 percent throughout the test. If the flow rate fluctuates more than 10 percent, the test may be deemed invalid and the applicant will be required to repeat the notification and testing process.

8. Water-level measurements during the pumping phase of the test shall be collected in accordance with Table V-1. This same schedule shall be followed for the recovery phase of testing upon shut down of the pump in the test well.

Table V-1: Minimum Frequency of Water-Level Measurements in Wells During Pumping and Recovery Phases of Aquifer Test		
Time Since Pumping Began or Stopped	Test Well	Observation Wells
0 to 5 minutes	0.5 minutes	0.5 minutes
5 to 10 minutes	1 minute	1 minute
10 to 30 minutes	2 minutes	2 minutes
30 to 60 minutes	5 minutes	5 minutes
60 to 120 minutes	10 minutes	10 minutes

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2 to 24 hours	30 minutes	30 minutes
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Aquifer Pumping Test Rate and Duration:

The rate and duration of the aquifer test will depend upon the size of the proposed development and/or the expected average and peak daily demands for water.

1. The average daily and average yearly water demand for human consumption within the Lot in Question must be determined according to the guidelines in N.J.A.C. 7:10-12.6. Demand calculations must further include irrigation systems, if proposed, and water usage for filling of swimming pools and all other demands. The peak-day demand is twice the average daily demand. For non-residential developments, peak-day demand must include seasonal factors.
2. The pumping phase must simulate peak-day demand and therefore, the pumping phase duration is not to extend more than 24 hours. The minimum pumping rate is calculated by dividing the peak-day demand by 1440 minutes per 24-hour period. If the well yield is sufficient, shorter pumping periods can be used, but should be not less than 8 hours in duration.
3. If the demand exceeds 100,000 gallons per day, a New Jersey Water Allocation Permit or Agricultural Water Use Certification, as applicable, must be obtained from the New Jersey Department of Environmental Protection.
4. For mixed use developments containing two or more of the following components: residential, nonresidential and agricultural, each component shall be tested separately. Wells installed for the residential portion must be used as observation wells for the nonresidential and/or agricultural well testing and wells installed for nonresidential use must be used as observation wells for the residential and/or agricultural well testing.
5. The pumping rate will be determined by equipping the discharge pipe with a calibrated flow meter to measure flow rate and determine total volume pumped from the well. The calibration certification for the meter must be submitted to the Board. If the meter has not been calibrated within one year of the testing date, the test must be repeated.

The discharge shall be directed so that it leaves the Lot in Question without infiltrating to the aquifer. The pumped water discharge location must be at least 200 feet from the pumping well. Any and all permits required by the NJDEP and/or local authorities for the discharge of pumped water must be obtained prior to starting the test.

APPENDIX VI - Observation Well Requirements - Well Testing

1. The number of observation wells required per aquifer test will depend on the proposed number of new lots or dwelling units and/or proposed nonresidential or non-exempt agricultural water demand. New and existing observation wells may be located such that they can be used as future water-supply wells but they shall be located in such a manner that they will yield the most accurate information concerning the aquifer.
2. Observation wells shall be completed to similar depths as the pumping well.
3. During all three phases of the aquifer test, water must not be withdrawn from an observation well. Observation wells cannot be pumped during the aquifer test. Therefore, if an existing well is to be used as an observation well to satisfy the requirements listed below, the pump in the well must remain off during all three phases of testing.
4. Observation wells must be located parallel and perpendicular to strike of the primary regional fractures and those intersected by the tested well. Additional observation wells should be located to evaluate potential secondary fractures and impacts to adjacent properties.
5. A fracture trace analysis showing the location and orientation of fracture lineaments must be included with the Aquifer Test Plan. This same analysis with additional information regarding septic system locations must be included in the Final Hydrogeologic Report. The fracture trace analysis must be used to identify all observation wells on the Lot in Question and to identify neighboring property owner's wells to be monitored during the test.
6. All wells must be located in accordance with the minimum distances required by N.J.A.C. 7:10-12.12.
7. One observation well shall be located within 200 feet of the test well and at least one observation well shall be located along a fracture trace or preferential fracture direction between 200 and 500 feet from the pumping well.
8. For residential developments of four or more new lots or dwelling units, the number of observation wells shall be as shown in Table VI-1. Although water levels will be measured and recorded in the pumping well, and these data must be submitted with the hydrogeologic report, the pumping well shall not serve as one of the observation wells required below.

Table VI-1: Observation Well Requirements for Residential Developments	
Number of Proposed New Lots or Dwelling Units	Number of Observation Wells
2 to 5	2 (minimum of 1 new well within Lot in Question)
6 to 25	3 (minimum of 2 new wells within Lot in Question)

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26 to 49	5 (minimum of 4 new wells within Lot in Question)
50 or more	Test proposal submitted to Board for review and approval

9. For nonresidential developments or expansions thereof leading to a total anticipated daily demand exceeding 800 gallons per day on the Lot in Question, or for non-exempt agricultural uses, the number of observation wells shall be as shown in Table VI-2. Although water levels will be measured and recorded in the pumping well, and these data must be submitted with the hydrogeologic report, the pumping well shall not serve as one of the observation wells required below.

Average Demand (gallons per day)	Number of Observation Wells
800 to 1,999	2 (minimum of 1 new well within Lot in Question)
2,000 to 9,999	3 (minimum of 2 new wells within Lot in Question)
10,000 to 99,999	5 (minimum of 2 new wells within Lot in Question)
100,000 or more	Obtain NJDEP Water Allocation Permit or Water Usage Certification. All aquifer testing plans to be submitted to both NJDEP and the Board for review and approval.

10. The observation wells and the pumping well must have a geologic log describing the depth and types of soils and rocks encountered and the depth and yields of all water-bearing fracture zones. The logs must include static water-level measurements and total yield estimates for each well.

11. Pursuant to N.J.S.A. 58:4A, all observation wells installed as part of the aquifer testing shall be properly abandoned. A certified and licensed well driller shall abandon the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1, et seq. The well abandonment forms shall be completed and submitted to the New Jersey Department of Environmental Protection, Bureau of Water Allocation (call 609-984-6831 for forms and information).

APPENDIX VII - Nearby Well/Spring Owners - Notification Requirements and Procedures

Notification:

1. Owners of existing wells and springs on lots located within 500 feet of a boundary of the Lot in Question shall be given an opportunity to have their wells/springs monitored during the aquifer test.
2. Such opportunity shall be given by the applicant by notice via certified mail and shall state the time and place of the aquifer test. A notice acceptable to the municipality is included in Appendix VIII – Notice of Aquifer Test - Time and Place.
3. The notice shall indicate that such existing well may be monitored, if agreed to by the well owner, provided the well is readily accessible. Such notice shall indicate that the existing well owner must respond within seven (7) days of notice receipt and the applicant's responsibility is to monitor up to three (3) wells on properties located within 500 feet of the boundaries of the Lot in Question.
4. The applicant shall provide a certificate of insurance for itself and all contractors utilized and pay all costs associated with the monitoring of any existing residential well.
5. Prior to monitoring, all buried wells must be raised to a minimum of twelve inches above grade to allow access and retrofitted with pitless well adapters etc. per N.J.A.C. 7:10-12.20 well head requirements.
6. All wells shall be chlorinated each time they are opened for service or monitoring, unless the owner specifically waives the requirement of chlorination in writing.
7. The costs of extending, restoring or replacing a well damaged as a result of testing shall be the responsibility of the applicant.
8. The applicant shall indemnify and hold the Township and its consultants and representatives harmless from any liability in connection with these testing requirements.

Response:

1. If the owner of a lot within 500 feet of a boundary of the Lot in Question decides to participate by agreeing to have his/her existing well monitored, such owner shall notify the applicant by certified mail.
2. Such response shall be provided within 7 days of receipt of the certified notice from the applicant.
3. If the applicant receives no response within the time provided, the response shall be deemed to be negative.

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- 4. Protection of Monitored Wells and Selection of Wells for Monitoring.
 - (a) All reasonable efforts must be made to protect the potability of water from the monitored well.
 - (b) In the case when more than three property owners within 500 feet of the boundaries of the Lot in Question decide to participate and to have their existing wells monitored, only three must be monitored.
 - (c) However, if any of the property owners requesting monitoring have wells completed to a depth less than 100 feet, these wells must also be monitored in addition to three other wells.
 - (d) A map depicting the location of all wells to be monitored and a list of all property owners within 500 feet of the boundaries of the Lot in Question that requested monitoring is to be submitted to the Board's hydrogeologist for review and approval prior to implementing the test.
 - (e) The observation wells on neighboring properties should be selected to assess whether water-level drawdown impacts from the pumping well will extend beyond the boundaries of the Lot in Question in any direction.
 - (f) The Board reserves the right to retain a qualified hydrogeologist to review the proposed monitoring locations and to make recommendations to revise the locations to be monitored.

APPENDIX VIII - Notice of Aquifer Test

Date

John and Mary Smith

_____, NJ _____

**Re: Aquifer Testing for Block ____, Lots _____
_____ West Milford Township
Passaic County, New Jersey**

Dear Mr. and Mrs. Smith,

Aquifer testing for proposed groundwater withdrawals of up to _____ gallons per day from Block ____, Lots _____, has been tentatively scheduled for the week of _____, 20__.

_____ new wells are/will be located on Block ____, Lots____, the Lot in Question. The purpose of the wells is _____. One of these wells will be pumped and the remaining _____ wells will be monitored to determine aquifer coefficients and interference effects as per Chapter XVII, Section 17-4.3.1 of the West Milford Township Land Development Ordinance. All aquifer test activities will be conducted in accordance with this Ordinance.

Your property is located within 500 feet of a boundary of the Lot in Question, and, in accordance with the West Milford Township Land Development Ordinance, you are hereby notified of the pending aquifer test. Based on West Milford Township's Land Development Ordinance, you may request that the water level in your well be monitored during the aquifer test.

If your well is monitored, the water-level measurements will be used to directly determine water-level drawdown interference effects from the proposed new wells and/or increased groundwater withdrawals on your well. If your well is not monitored, then the applicant's hydrogeologist and the Township's appointed hydrogeologist will calculate potential water-level drawdown interference effects on your well from the data obtained from other wells observed during the test, however such calculation will only be a hypothetical calculation.

If you would like to participate in the monitoring of water levels during the aquifer test, please sign and return the enclosed Access Agreement form. The Access Agreement form should be returned to _____ on or before _____, 20__. In addition, please include copies of all well construction details and a geologic log that you may have for your well. Based on the level of response to this request and the well details/geologic log, not all well owners that request monitoring may be included in the test. The Township's Land Development Ordinance requires that the developer select three of the nearest wells for monitoring. However, if your well is completed to a depth of 100 feet or less then the developer must also monitor your well, if you so request.

If your well is selected for monitoring during the aquifer test, the applicant's hydrogeologist will conduct the following activities on your well:

- 1. Collect a pre-test water sample from a tap such as at your kitchen sink. The water sample will be analyzed for the presence/absence of bacteria in your well water.
- 2. Remove the top of your well to gain access. All equipment placed into your well for the test will be cleaned with a disinfectant to prevent the introduction of bacteria into your well.
- 3. Install access tubing (dip tube) into the well, if necessary, to prevent the accidental entanglement of measuring equipment with pump discharge piping and pump wiring.

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- 4. Install a pressure transducer with a data logging device in the dip tube. This instrumentation will be used to measure water level changes in your well and will be installed at least 24-hours before the start of pumping.
5. Install a temporary cover over your well to prevent rainwater or foreign matter entering your well.
6. Periodically check your well, during the aquifer test, to directly measure water levels with an electronic measuring device or to download data from the pressure transducer.
7. Remove the pressure transducer and dip tube installed in your well for the aquifer test.
8. Add sufficient chlorine to your well to disinfect your well prior to replacing and securing the cap on your well. The water in your house should be run at all taps to ensure adequate disinfection of the entire water supply system. After chlorine is noted at each tap, an outside tap can be used to further pump the well and dissipate the chlorine. The addition of chlorine will most likely result in a chlorine odor for one or more days.
9. Collect a post-test sample from the tap sampled prior to the test and analyze the sample for the presence/absence of bacteria.

If you require additional information regarding the aquifer test, please contact _____, Township _____ at _____.

Sincerely,

Access Agreement

All expenses related to the performance of the aquifer test will be borne by the applicant (owner/developer) for Block ____, Lot(s)____. However, access to neighboring wells must be provided by the owners of those properties. All reasonable precautions will be observed by the applicant, the applicant's hydrogeologist, and the well driller to avoid damage to any adjacent residential property including both the well itself and its surroundings.

The owner of the neighboring well, who signs below, agrees to provide access to a commonly used tap for the collection of water samples prior to and after testing for bacteria analysis. After the initial water sample is collected, the well will be opened to permit access to measure water levels and the well will remain unsealed during the testing process which will be a maximum of 72 hours. A dip tube may be installed within your well to facilitate the measurement of water levels.

All equipment placed in your well will be cleaned to minimize the potential introduction of bacteria. However to ensure that no bacteria are accidentally introduced into your well during the testing process, chlorine will be added to your well at the conclusion of the testing procedures. If you would prefer that chlorine not be added to your well, please check the box below the signature line.

With your signature and submittal of this form, you request participation in the monitoring of water levels during the aquifer test on the Lot identified as Lot ____, in Block ____, in accordance with the West Milford Township Land Development Ordinance, Chapter XVII, Section 17-4.3.1, and that you have read and accept the requirements of this form.

Property Owner

Date

___ Please do not add chlorine to my well at the conclusion of testing. I understand and will accept responsibility that bacteria may have been accidentally introduced into my well.

APPENDIX IX - Final Hydrogeologic Report Check List

1. Water Level Data from Three Phases of Testing

Electronic _____
Hand-Held _____

2. Aquifer Hydraulic Characteristics Calculations

Transmissivity _____
Storativity _____

Pumping Cone of Influence _____

Long Term Sustained Yields of Wells _____

Potential Impacts to Nearby Wells _____

Water-Level Recovery Analysis _____

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3. Description of Aquifer

4. Detailed Evaluation of Water Supply Demand (Average and Peak Demand for all anticipated uses)

5. 1000- foot Well Inventory

6. Figures Showing:

Geology and Hydrology (including mapping of bedrock structural characteristics) _____

Topography _____

Groundwater Flow _____

Development Plans _____

7. Water Quality Testing Results

Summary Tables _____

Laboratory Analytical Reports _____

8. Sewage Disposal Impact

Site Plan Showing Septic Field, Well, and Fracture Trace Locations

Nitrate Dilution Analysis _____

Leach Field Locations _____

Map at 1 inch = 200 feet _____

9. Well Drilling Contractor

Name: _____

License Number _____

10. NJDEP Well Records

SECTION 3: Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 4: Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: Effective Date. This Ordinance shall take effect following final adoption and publication in accordance with applicable law.

Mayor DiDonato advised that this Ordinance was introduced on October 24, 2007. Notice of this public hearing was published on October 28, 2007. He opened the meeting to the public to speak on this matter only.

Joseph Elcavage stated that there is confusion in section 1A wherein the language is flawed. He read the section into the record and asked that the language be reworked and the ordinance be stayed until corrected.

Linda Connolly noted that this ordinance has been a long time in coming. She does not recommend a stay at this time noting that the ordinance makes perfect sense to her. It states that any development, new or existing, with four or more lots proposed would be subject to the well testing outlined in the ordinance. She wishes to see this ordinance approved tonight because it is urgently needed. She urged the Council to vote in the affirmative.

Richard Randazzo stated that he would like to see this ordinance passed. While minor revisions may be needed in the future, there is an existing need to have this approved now. He asked if a developer can circumvent this ordinance by applying to develop 3-4 lots at a time. He thanked the Council for this ordinance.

Celeste Byrne stated that this is a chance for the Council to do something positive for West Milford. The water problems in this municipality are very real and the history of this town has been linked to water for over 200 years. She commended Mr. Semrau for his work on this legislation. The Planning Board unanimously voted to recommend that this ordinance be adopted by Council.

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

Discussion: Mr. Semrau advised that the error referenced by Mr. Elcavage is a typographical error where in one sentence some words are repeated twice. This has been corrected. With regard to Mr. Randazzo's question, he stated that the wording in the ordinance would prohibit somebody from withdrawing an application and resubmitting it with fewer homes.

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

Agenda IV 2

~ Ordinance 2007 - 029 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 17, "LAND SUBDIVISION AND SITE PLAN REVIEW", SECTION 17-17.1 "PRELIMINARY SITE PLANS, PROCEDURE FOR SUBMISSION" AND SECTION 17-18.1 "FINAL SITE PLANS, PROCEDURE FOR SUBMISSION" OF THE LAND DEVELOPMENT ORDINANCE WITH THE ESTABLISHMENT OF SUBSECTION (D) "WATER SUPPLY AND WATER QUALITY REQUIREMENTS"

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

SECTION 1. Chapter 17, Section 17-17, "Preliminary Site Plans," Subsection 17-17.1 "Procedure for Submission," of the aforesaid Land Development Ordinance for the Township of West Milford is hereby amended and supplemented with the establishment of Subsection 17-17.1(D) "Water Supply and Water Quality Requirements" to read as follows:

§17-17.1 Procedure for Submission

D. Water Supply and Water Quality Requirements. For those applications for non-residential uses that will result in total groundwater withdrawals greater than eight hundred (800) gallons per day, the applicant must comply with the requirements of Chapter 17, Section 17-4.3.1 of the West Milford Township Land Development Ordinance.

SECTION 2. Chapter 17, Section 17-18, "Final Site Plans," Subsection 17-18.1 "Procedure for Submission," of the aforesaid Land Development Ordinance for the Township of West Milford is hereby amended and supplemented with the establishment of Subsection 17-18.1(D) "Water Supply and Water Quality Requirements" to read as follows:

§17-18.1 Procedure for Submission

D. Water Supply and Water Quality Requirements. For those applications for non-residential uses that will result in total groundwater withdrawals greater than eight hundred (800) gallons per day, the applicant must comply with the requirements of Chapter 17, Section 17-4.3.1 of the West Milford Township Land Development Ordinance.

SECTION 3. 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 4. 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 5. This ordinance shall take effect upon final passage and approval in accordance with law.

Mayor DiDonato advised that this Ordinance was introduced on October 24, 2007. Notice of this public hearing was published on October 28, 2007. He opened the meeting to the public to speak on this matter only.

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

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

Agenda V

Public Comments

Mayor DiDonato opened the meeting to the public after advising that there is a five minute time limit for each speaker.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Joseph Elcavage stated that he is here to address the Council about their failure to live up to their fiduciary responsibility to the Township. There is an Ordinance scheduled for introduction tonight that will authorize the selling of a West Milford asset worth millions of dollars for \$150,000. This Ordinance to dissolve the WVRSA is terrible legislation which will rob West Milford taxpayers of their share of a \$7 million asset. Some people who don't understand water and wastewater management will say that no sewers equates to no development. However, current development in West Milford has already begun to over-saturate the ground. The WVRSA has the ability to serve the Township's future needs. This independent agency does not cost West Milford taxpayers any money and the debt of the authority is not a West Milford responsibility. Wanaque took West Milford to court years ago and the result was that West Milford had to pay \$500,000 toward construction costs. Last year Mayor DiDonato vetoed a similar Ordinance adopted by the Council because it is bad for West Milford taxpayers. He urged that the Township have the facility appraised, establish a real market value and seek a purchaser for the facility. He stated that any Council member who votes in favor of dissolving the WVRSA is not being responsible. He urged the Council to vote no to this Ordinance adding that Councilmen who vote yes are doing a bad job.

Linda Connolly thanked the Mayor and Council for passing the well testing Ordinance noting that they invested a lot of time and work in this legislation.

Richard Randazzo thanked the Mayor and Council for the well testing Ordinance and for working on something that the residents appreciate.

Celeste Byrne stated that she is incredulous at the statements made by Mr. Elcavage. The voters in New Jersey just approved additional funds for preservation of open space, some of which will come to West Milford. The Federal Government, she said, recognizes West Milford as an area with no secondary water supply. If there was a water crisis in this municipality, there would be no recourse. The MUA pipe dream is simply a pipe dream. The Federal Government will not allow high density development in West Milford. New Jersey is densely populated and water is critical. There are five reservoirs in West Milford and the Township's future is linked to water preservation. The WVRSA has no value to West Milford and she urged the Council to proceed with the Resolution to dissolve the WVRSA. She welcomed the feminine power coming to the dais and stated that she is looking forward to that influence. She congratulated Mr. Nolan on his reelection to office.

Bob Moshman, 40 Pondview Drive, West Milford complimented West Milford voters as this recent election saw a higher voter turnout in West Milford than in any other town in Passaic County. He complimented the six candidates who ran for office noting that all six have great credentials. The results indicate that each candidate had a lot of support as each came close to garnering 3,000 votes.

There being no other persons wishing to be heard, the Council closed the public portion of the meeting.

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

Agenda VI

Council Comments

Councilman Weisbecker stated that the well testing Ordinance is good legislation and he thanked the Council for working together to fast track this important Ordinance. It was necessary for the Planning Board and Environmental Commission to comment on the draft and those comments strengthened the Ordinance. He thanked everyone involved in the process.

Mayor DiDonato apologized to those in attendance in the audience advising that the Council will convene into Executive Session at this time. He stated that there are action items on the agenda that require Executive Session discussion. Mr. Semrau advised that Mr. Moshman will address the Council in Executive Session about the potential legal ramifications of dissolving the WVRSA.

Agenda XIII

Executive Session

~ Resolution No. 2007 - 392 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 7th day of **November** 2007, that:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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.
 - () 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.
 - Assessment of Land Owned in West Milford Township known as Newark Watershed
 - Dissolution of Wanaque Valley Regional Sewerage Authority (WVRSA)
 - Contract with Crossroads Construction
 - () 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).

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

The Council went into Executive Session at 8:15 p.m.
The Council reconvened in public at 9:16 p.m.

Mayor DiDonato advised that Councilman Scangarello had to leave the meeting during Executive Session and that he did not attend nor participate in the Executive Session discussion.

Agenda VII

New Business, Introduction of Ordinances, Resolutions

Agenda VII 1

~ Ordinance 2007 - 030 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

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

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of West Milford of a general and permanent nature adopted by the Township Council of the Township of West Milford, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 500, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of West Milford," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force. The 1976 Revised General Ordinances of the Township of West Milford, as amended, is hereby specifically superseded by the Code of the Township of West Milford.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of West Milford by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of West Milford" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of West Milford, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of West Milford to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 9-26-2007.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.

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- J. The dedication of property or approval of preliminary or final subdivision plats.
 - K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
 - L. Any ordinance adopting or amending the Zoning Map.
 - M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- § 1-14. Changes in previously adopted ordinances.**
- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
 - B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

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 December 5, 2007. Notice of this public hearing shall be published in the Herald news on or about November 11, 2007.

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

Agenda VII 2

~ Ordinance 2007 - 031 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY DISSOLVING THE WANAUKE 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 introduction and passage of similar ordinances by the Borough of Ringwood and the Borough of Wanaque, the parallel ordinances of the constituent municipalities aforesaid shall be repealed and thus shall no longer be of any legal force or effect, and upon the final adoption of the Ordinance and of companion ordinances by the aforesaid Borough of Ringwood and Borough of Wanaque, the Wanaque Valley Regional Sewerage Authority shall be dissolved and deemed to be non-existent.

SECTION 2. This Ordinance is expressly conditioned upon the Township of West Milford executing a tripartite Agreement with the Borough of Ringwood and the Borough of Wanaque pertaining to the dissolution of the Wanaque Valley Regional Sewerage Authority and the Township of West Milford receiving compensation from the Borough of Wanaque in the amount of \$150,000.

SECTION 3. In addition, the Agreement of dissolution must hold the Township of West Milford harmless and indemnify the Township of West Milford for any and all claims and/or liability that involve the Wanaque Valley Regional Sewerage Authority and/or its successors and/or assigns.

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- SECTION 4. 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 5. 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 6. This Ordinance may be renumbered for purposes of codification.
SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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 December 5, 2007. Notice of this public hearing shall be published in the Herald news on or about November 11, 2007.

Discussion: Councilman Weisbecker asked Mr. Semrau if the Council has asked him to look into the merits of a possible lawsuit. Mayor DiDonato stated that Mr. Semrau is precluded from answering such a question as that would disclose information that is confidential in nature. Mr. Semrau advised that, if the Council does not adopt this Ordinance, this matter could be ongoing and therefore he cannot answer that question at this time. Councilman Weisbecker asked if the merits of this case have been examined to which Mr. Semrau replied that there is no case pending. There have been discussions and negotiations including discussions about potential claims. Councilman Weisbecker stated that West Milford has been threatened with potential litigation in order to force the Township to accept a payment from a neighbor. He stated that this Council is being governed by a leap of faith rather than by facts. For years, lawyers have said there is no liability to being involved with the WVRSA but West Milford is not in harms way by being involved with this authority. Membership in the WVRSA offers more pros than cons. High density is here now around our lake communities. He expressed fear that the EPA will, in the future, force the installation of sewers as they did in Lake Hopatcong. There is concern that if the flow of effluents cannot be controlled, sewers will be mandated. Because the lake is overseen by a bi-state commission, it is subject to federal standards. Wanaque has said that they will continue to accept septic trucks from West Milford. If West Milford does not have representation on the authority, that advantage could be lost. If we surrender the seats, homeowners with septic systems will see an increase of about \$20 to have their septic pumped. The Council is currently discussing a septic maintenance Ordinance which would increase the burden for these homeowners. He stated that he cannot govern on leaps of faith and he needs to know the merits of potential litigation.

Moved: Nolan Seconded: Warden
Voted Aye: Smolinski, Schimmenti, Nolan, Warden.
Voted Nay: Weisbecker.
Motion carried.

Agenda VII 3

~ Ordinance 2007-032~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING ORDINANCE 2005-28 CONCERNING SALARIES AND COMPENSATION FOR TEMPORARY, SEASONAL AND PART-TIME EMPLOYEES

BE IT ORDAINED by the Township Council of the Township of West Milford, in the County of Passaic, State of New Jersey, that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the township of West Milford, New Jersey, 1976 the following employees herebelow stated shall be classified by job title with the corresponding pay ranges:

1. TEMPORARY, PART-TIME AND SEASONAL EMPLOYEES

Effective January 1, 2008 (Hourly Wage)

Table with 4 columns: Job Title, Jan. 1, 2008, Jan. 1, 2009, Jan. 1, 2010. Rows include Special Police Officer - Class I, Special Police Officer - Class II (with 200 hours of training & firearm qualified), Night Rate (additional per hour) (12:00 midnight to 7:00 a.m.), and Municipal Court Attendant.

2. CLOTHING ALLOWANCE - Special officers qualify for a clothing and maintenance allowance of up to \$350.00 annually. \$175.00 payable on or about December 1 of each year for those officers working a minimum of 35 hours since January 1 of that year, with an additional payment of \$2.50 each hour worked in addition to the minimum 35, with the total allowance not exceeding \$350.00 regardless of the number of all hours worked.

3. HOLIDAY PAY - Officers shall be entitled to time and one-half pay for all hours worked on New Year's Day, Memorial Day, July 4th and December 25.

4. CALL-OUTS - All callouts are payable for time worked, with a minimum of two hours pay.

5. GENERAL PROVISIONS - 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 inconsistent.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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6. EFFECTIVE DATE – This ordinance shall take effect upon final passage and approval in accordance with law.

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 December 5, 2007. Notice of this public hearing shall be published in the Herald news on or about November 11, 2007.

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

~ Resolution 2007- 393 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH DEWBERRY-GOODKIND, INC. FOR THE CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES PERFORMED IN CONNECTION WITH THE REHABILITATION OF MOUNT LAUREL PARK

WHEREAS, the Mayor and Council of the Township of West Milford authorized the award of a professional services contract to Dewberry-Goodkind, Inc. for construction administration and inspection services in connection with the rehabilitation of Mount Laurel Park, by way of Resolution adopted on April 14, 2005; and

WHEREAS, the Resolution authorizing such award of professional services to Dewberry-Goodkind, Inc. was for an amount not to exceed \$26,250.00 with \$24,500.00 being allotted for construction phases services; and

WHEREAS, as a result of unforeseen circumstances, there is a need to amend the not to exceed amount for the construction phase services from \$24,500.00 to \$34,500.00, an overall increase in this amount of \$10,000.00; and

WHEREAS, funds are available for this purpose as such amendment to the professional services contract shall not cause the overall project costs for the rehabilitation of Mount Laurel Park to be increased as subsequent offsets to the overall project will be factored in by the Township.

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

1. The Professional Services Agreement entered into by the Township with Dewberry-Goodkind, Inc. for construction administration and inspection services performed in connection with the rehabilitation of Mount Laurel Park be and is hereby amended to reflect an additional \$10,000.00 in the not to exceed amount for construction phase services performed, with the new not to exceed amount for said services being \$34,500.00.
2. All other terms of the Professional Services Agreement entered into by the Township with Dewberry-Goodkind, Inc. for construction administration and inspection services performed in connection with the rehabilitation of Mount Laurel Park shall remain in full force and effect.
3. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Dewberry-Goodkind, Inc., 600 Parsippany Road, 3rd Floor, Parsippany, New Jersey, 07054, for their information and guidance.

Adopted: November 7, 2007

Discussion: Mr. Semrau read the resolution by title and explained that the approval of these monies is for additional inspection costs. He advised that the Township is confident that they will recoup these funds at the end of the project.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY REJECTING BIDS FOR A 50KW GENERATOR**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on October 12, 2007 at 10:00 a.m. for a 50 KW Generator as per the Bid Specifications; and

WHEREAS, the Township received eight (8) bids ranging in price from \$43,500.00 to \$55,500.00; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

WHEREAS, said review has determined that the bids submitted exceed the amount of available funding appropriated for this item.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that all bids received on October 12, 2007 at 10:00 a.m. for the 50 KW Generator are hereby rejected because the amounts bid exceed the available funding for this item.

Adopted: November 7, 2007

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

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~ Resolution 2007 – 377 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF
NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE LAND LEASE OF
REAL PROPERTY SPACE FOR THE CONSTRUCTION AND INSTALLATION OF A SIGN ON
MUNICIPALLY OWNED PROPERTY KNOWN AS
BLOCK 6002, LOT 18.03**

WHEREAS, the Township of West Milford is the owner of Block 6002, Lot 18.03; and

WHEREAS, the Mayor and Township Council authorized and received bids for the lease of the property space for the construction and installation of a sign on the premises; and

WHEREAS, Greenwood Lake Airport Management, LLC submitted a conforming, responsive and responsible bid in the amount of \$300 rent per year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the bid submitted by Greenwood Lake Airport Management, LLC for the lease of Block 6002, Lot 18.03 is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute a Lease Agreement in accordance with the terms of the bid for the property with Greenwood Lake Airport Management, LLC.

Adopted: November 7, 2007

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

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~ Resolution 2007-378~

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

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 26, 2007 at 10:30 a.m. for Snow Plowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

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WHEREAS, the Township Engineer has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 7-01-26-294-364 & 8-01-26-294-364.

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

<u>CONTRACTOR</u>	<u>TRUCKS</u>	<u>SPECIAL RATES</u>
1. Bearfort Mountain Outdoors	1	1 loader
2. Ray's Landscaping LLCA	2	1 loader
3. Albert Christmann Inc.	6	2 loaders, 2 bulldozers
4. GW Excavating	2	
5. Lee Excavating	9	2 tandems, 1 loader

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

Adopted: November 7, 2007

Discussion: Councilman Nolan asked if this Resolution is a result of the second bid for these services to which the Administrator answered in the affirmative. Councilman Nolan asked if the bid amounts were comparable to the first round of bidding. Ms. Battaglia advised that the amounts bid were in line with the first bid and that two bids were not accepted. This provides the Township with the number of trucks needed to address the needs of the municipality.

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

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~ Resolution 2007- 379 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO LAN ASSOCIATES TO CONDUCT A STUDY FOR THE POLICE DEPARTMENT DISPATCH CENTER UPGRADES AND ENTRANCE RENOVATIONS IN AN AMOUNT NOT TO EXCEED \$12,400.00

WHEREAS, the Township of West Milford requested proposals for architectural services to conduct a study for the police department dispatch center upgrades and entrance renovations; and

WHEREAS, the Township Administrator has recommended that LAN Associates be retained to perform this work in accordance with their proposal for same; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, LAN Associates has submitted a Business Entity Disclosure Certification which certifies that their firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of LAN Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account # C-04-07-946-252; and

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with LAN Associates to perform Architectural Services to conduct a Study for the police department dispatch center upgrades and entrance renovations in accordance with their proposal for same in an amount not to exceed \$12,400.00.

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2. This contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$12,400.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: November 7, 2007

Discussion: Mayor DiDonato advised that this Resolution and recommendation was not in the packets distributed to Council on Friday. There is a report and memo on the dais this evening from the Administrator. Mr. Kunze advised that this project includes renovations to the police dispatch center which will expand into the current lobby area creating a new entrance. Two bathrooms will be converted to equipment rooms. Six proposals were received and reviewed by himself and the Chief of Police. They recommend award to LAN Associates in an amount of \$12,400 and this Resolution would authorize the award of such a contract.

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

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~ Resolution 2007-380 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY amending a PROFESSIONAL SERVICES contract WITH CIVIL DYNAMICS incorporated FOR WORK RELATED TO THE WESTBROOK TENNIS COURTS

WHEREAS, the Township of West Milford awarded a contract to *Civil Dynamics Incorporated* for engineering services for the Rehabilitation of Westbrook Tennis Courts on April 11, 2007 by virtue of Resolution No. 2007-130; and

WHEREAS, said resolution awarded a contract to *Civil Dynamics Incorporated* in the amount of \$54,570.00; and

WHEREAS, it has been recommended that electric service be provided at an existing utility pole on site, consisting of one outlet; and

WHEREAS, Civil Dynamics Incorporated will engage the services of an electrical engineer to collect the necessary information to effectuate the design for such electric service at a cost not to exceed \$1,500; and

WHEREAS, the Chief Financial Officer certified as to the availability of funds and encumbrances for this purchase shall come from account numbers C-04-06-945-500.

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:

1. The Township Council hereby authorizes an amendment to the contract with *Civil Dynamics Incorporated*.
2. The Mayor or Administrator be and is hereby authorized and directed to execute the amendment with *Civil Dynamics Incorporated* to increase the not to exceed amount of said contract from \$54,570.00 to \$56,070.00, an increase of \$1,500.00.
3. All other terms and conditions in the contract shall remain in full force and effect and are in accordance with the bid specifications.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: November 7, 2007

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

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~ Resolution 2007 -381~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING A PROFESSIONAL SERVICES CONTRACT WITH WILLIAM BOWKLEY TO INCREASE THE NOT TO EXCEED AMOUNT BY \$2,000

WHEREAS, by virtue of Resolutions 2007-026 and 2007-062, the Township of West Milford authorized execution of a contract with William Bowkley to act as a hearing officer in a disciplinary matter involving Captain David Hardin of the West Milford Police Department in an amount not to exceed \$3,000; and

WHEREAS, said resolutions were amended by virtue of Resolution 2007-267 adopted on August 8, 2007 and authorizing an increase in the contracted amount from \$3,000 to \$6,000; and

WHEREAS, this matter has not yet been resolved and it is estimated that the hearing officer will need to work at least another ten hours on this hearing at \$150 per hour; and

WHEREAS, this additional work by the hearing officer assigned to this case thus requiring an amendment to the not-to-exceed amount in resolution 2007-267; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 5-01-20-155-200.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby amend not to exceed amount in resolutions 2007-267 from \$6,000 to \$8,000.

Adopted: November 7, 2007

Discussion: Councilman Nolan expressed concern that the original contract was awarded for \$3,000. These expenditures are now up to \$8,000. Administrator Kunze advised that this matter is coming to a conclusion. All testimony has been taken and this money will fund the report and determination.

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

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~ Resolution 2007 – 382~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING RENEWAL OF THE TOWNSHIP'S MEMBERSHIP IN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the *North Jersey Municipal Employee Benefits Fund*, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the Township Council of the Township of West Milford, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby agrees as follows:

- 1) Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- 2) Will participate in the following type (s) of coverage (s):
 - a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
 - b)
- 3) Adopts and approves the FUND's Bylaws.
- 4) Execute an application for membership and any accompanying certifications.

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BE IT FURTHER RESOLVED that the Mayor and/or Township Administrator of the Township of West Milford is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

1. Approval of the LOCAL UNIT by the FUND.
2. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
3. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Adopted: November 7, 2007

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

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~ Resolution 2007 -383~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES (NJDHSS) GRANT FOR HEPATITIS INOCULATION

WHEREAS, the New Jersey Department of Health and Senior Services (NJDHSS) has made funding available to offset costs associated with protecting emergency medical technicians, firefighters and police officers against hepatitis B; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds; and

WHEREAS, pursuant to the terms of the grant application, the funds will be made available through a lottery with preference given to municipalities with volunteer EMTs and volunteer firefighters.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Hepatitis Inoculation Fund to the NJDHSS in the amount of \$5,000.00.

BE IT FURTHER RESOLVED that the Township Administrator be authorized and directed to approve acceptance of said grant, should it be awarded.

Adopted: November 7, 2007

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

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~ Resolution 2007 -384~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2008

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for cultural events for residents of all ages and abilities; and

WHEREAS, the Passaic County Cultural and Heritage Council has grant monies available that may be used to assist the Township in realizing this goal; and

WHEREAS, the West Milford Recreation Department has developed a series of cultural programs that could benefit from these funds.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of

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\$5,000.00 with a cash match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2008.

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be and is hereby authorized and directed to accept said grant in the amount of \$1,782.00; and arrange for the execution of a contract between the Passaic County Cultural and Heritage Council and the Township of West Milford.

BE IT FURTHER RESOLVED that one originally executed copy of the above referenced contract be filed in the office of the Township Clerk.

Adopted: November 7, 2007

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

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~ Resolution 2007 -385~

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 - 386** Refund Escrow Monies
- b. **Resolution 2007 - 387** Refund Other Liens
- c. **Resolution 2007 - 388** Refund Other Payments
- d. **Resolution 2007 - 389** Reinstatement of Taxes
- e. ~~**Resolution 2007 - 390** Cancellation of Taxes~~

Applications:

- a. **Application 2007-39-** On Premise Draw Raffle by Our Lady Queen of Peace HSA
- b. **Application 2007-40-** On Premise 50/50 Raffle by Our Lady Queen of Peace HSA
- c. **Application 2008-08-** On Premise 50/50 Raffle by Our Lady Queen of Peace HSA
- d. **Application 2008-09-** On Premise 50/50 Raffle by Our Lady Queen of Peace HSA

Adopted: November 7, 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:

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~Resolution 2007- 386~

RESOLUTION AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the recommendation and request of the Township's Planning Director, the following Escrow monies be refunded to applicant requesting his application be withdrawn:

<u>Name & Address</u>	<u>Application No.</u>	<u>Amount of Escrow</u>	<u>Amount Refunded</u>
Apple Valley Estates, LLC C/o Steve Olson 505 Knollwood Road Ridgewood, NJ 07450	0410-1968	\$2,411.68	\$2,411.68

Adopted: November 7, 2007

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~ Resolution 2007 - 387~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
05-042	03/09/2005	02801-001	\$13,459.37	CRUSADER SERVICING CORP 179 WASHINGTON LANE JENKINTOWN, PA 19046
06-069	04/11/2006	11302-008	\$14,777.42	WACHOVIA CUST/PLYM PK TAX SRVS P.O. BOX 2288 MORRISTOWN, NJ 07962
07-020	04/03/2007	02306-007.01	\$23,995.58	USBANK-CUST/SASS MUNI V DTR 2 LIBERTY PLACE 50 SOUTH 16TH ST. STE 1950 PHILADELPHIA, PA 19102
07-023	04/03/2007	02510-001	\$21,580.97	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
07-049	04/03/2007	07801-015.08	\$3,210.77	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
07-059	04/03/2007	08802-014	\$4,528.53	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
07-074	04/03/2007	12307-015	\$16,589.59	USBANK-CUST/SASS MUNI V DTR 2 LIBERTY PLACE 50 SOUTH 16TH ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$98,142.23	

Adopted: November 7, 2007

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~ Resolution 2007- 388~

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 | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | 6. N. J. Saver Rebate |

Block/Lot	Name	Amount	Year	Reason
2402-31	N. & M. Johnson 353 Lakeshore Drive Hewitt, NJ 07421	\$117.00	2007	1
2402-33	Furuya,K., & Furuya, D., & A. & M. 23 Winthrop Street Williston Park, NY 11596	\$1,123.77	2007	2
11701-4	Caroline Szymansky 12 Lake Isle Drive West Milford, NJ 07480	\$2,615.68	2005	5
Unallocated	Countrywide Home Loans P.O. Box 5012 Woodland Hills, CA. 91365	\$2,739.36	2007	1

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TOTAL	\$6,595.81
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Adopted: November 7, 2007

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~ Resolution 2007 -389~

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
3403-4	P. & C. Brandon	\$1,942.60	2007

Adopted: November 7, 2007

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~ Resolution 2007 - 390 ~

REMOVED FROM CONSENT AGENDA

 Agenda IX

Payment of Bills

~ Resolution 2007- 391 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$372,349.49
2	Reserve Account	5,019.28
3	Animal Control Trust	732.00
6	Capital.	255,079.29
7	Grants.	4,432.32
8	Refuse.	472.08
9	Refunds.	104,738.04
12	General Ledger.	4,703,116.69
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	1,745.00
18	Development Escrow.	6,008.67
19	LOSAP	
20	Special Reserve	
	Total	\$5,453,692.86
	Less Refund Resolution	(104,738.04)
	Actual Bill List	\$5,348,954.82

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Other Payments	
Less Refund Resolution	
Total Expenditures	\$5,348,954.82

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Discussion: Councilman Weisbecker noted that there is a payment on page 4 of \$4,602,04.58 to the County of Passaic in payment of taxes.

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

Agenda X

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato advised that last Thursday Mr. Semrau was advised by the Morris Land Conservancy that the state had green acres funding available for municipalities. Mr. Semrau acted immediately, drafted a letter, obtained Council consent, had that letter sent to the Mayor for signing and delivered by courier service to Trenton to meet the deadline. The letter requests an additional \$1 million in green acres funding. It describes the purchases being made in 2007 and outlines the priorities in 2008. He commended Mr. Semrau and the Morris Land Conservancy for their on-going diligence.

Administrator Kunze advised that this Sunday is Veteran's Day and the Township will have a ceremony by the monument at 11:00 a.m. The details are posted on the Township website. He and the CFO have met with each department head to review their budget and original budget proposals. He will prepare a draft document later this month. He thanked the Clerk and her staff for a job well done during yesterday's general election.

Councilman Weisbecker thanked everyone who voted yesterday noting that turnout in West Milford was almost 40%. He congratulated Mayor-elect Bettina Bieri noting that she is the second lady to hold such office in West Milford. He congratulated Marilyn Lichtenberg for being the highest vote-getter and Councilman Nolan on his reelection to office. He stated that he would like to schedule a discussion of West Milford Lake at a future workshop meeting. He stated that this is a private lake and the town is talking about expending public funds on this private property. He asked the Administrator to instruct the Tax Assessor and Tax Collector to determine how many homes are in that community and the possible effect disposing of the lake will have on the tax revenue for the Township. He provided details on the recycling program for September and October 2007 opining that the new contractor is doing a great job. The Energy Committee has arranged for Honeywell to make a presentation to Council at the December 12th workshop. They have conducted an inspection of heating and cooling systems at Town Hall and have enumerated items that could improve energy systems. He asked that the Council schedule a discussion of regulating massage parlors in town noting that Butler adopted an Ordinance relating to massage therapists.

Council President Smolinski advised that the Environmental Commission met with West Milford Lakes residents this past Monday to discuss possibilities for this lake. Some residents asked to revisit the possibility of starting an association and possibly rebuilding the dam. Concerns were expressed that residents do not have sufficient information about aquatic parks. A follow up meeting is being scheduled to provide residents with additional information and a conceptual plan. He congratulated Ms. Bieri, Ms. Lichtenberg and Mr. Nolan on their election victories. He stated that he is unable to attend the Veteran's ceremony on Sunday because he will be visiting his daughter in South Carolina for the last time before she is deployed with her unit to Afghanistan. He asked that everyone keep her in their prayers.

Councilman Nolan conveyed condolences to the Gervens family on the loss of Bill Gervens' mother this past weekend. There will be a blood drive on November 18th and he encouraged everyone to give blood. He thanked everyone who voted yesterday and commended all those who worked on the elections especially those who worked the long hours required at the polls. He congratulated Ms. Bieri and Ms. Lichtenberg and thanked those who voted for him. He acknowledged Councilman Warden for the work he has done on Council and thanked him for being a friend and mentor.

Councilman Warden congratulated Ms. Lichtenberg on her election victory. He stated that it has been his pleasure to work on the Council especially with Bob Nolan. He hopes that the Township is as excited as he with the new Mayor-elect who will be wonderful in that role. Noting that Bill Gervens is a personal friend, he conveyed condolences to him and his family on their recent loss. Such things, he said, put things in perspective.

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Township Attorney, Fred Semrau advised that the Administrator has reached an agreement for reimbursement for damages caused at Creative Playground recently. He asked for a motion from Council to accept \$400 to cover the repairs. Councilman Nolan made a motion, seconded by Councilman Weisbecker and carried by unanimous roll call vote, the Council agreed to accept \$400 for repairs to Creative Playground. He stated that the environmental and appraisal reports for the open space purchases are almost complete and he expects that the closings will be on schedule. He also expects to have information on the Hillcrest appraisal in the near future. He advised that his firm conducted classes for Township employees this week addressing harassment in the workplace.

Council President Smolinski asked the Administrator for an update on the new boiler at Hillcrest. Mr. Kunze advised that staff is still reviewing costs and labor. He will follow up with them tomorrow.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:04 p.m.

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

APPROVED:

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK