
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 17

Mayor DiDonato invited Christopher Robert Asaro and his family to the podium while commenting that he was honored to attend Chris' court of honor. Chris advised that he built a storage shed for the gym mats that were previously stored in the hallway in front of the auto shop at the school. It took him about 8 weekends to complete the task and Ms. Burnstock helped him a great deal. The BOE funded the project and he thanked his parents and friends for all their help. Mayor DiDonato congratulated Chris.

Mayor DiDonato invited William H. Harrison IV and his family to the podium to recognize Bill for his accomplishments. Bill advised that he restored a dam and stream in Upper Greenwood Lake. He designed the floor plan, removed dead brush, rocks and boulders. He eliminated all the overgrowth and covered existing holes. He worked with his friends and family on this project. Mayor DiDonato congratulated Bill and his family.

Proposed Community Garden at Wallisch

David Watson-Hallowell approached the podium to make a presentation to the Council and the audience. He advised that he is the founder of Sustainable West Milford and wishes to present a concept, a vision for the Wallisch property. His concept envisions multiple uses including recreational, educational, farming, providing local jobs, enhancing a current asset, increasing prosperity, unity and pride within West Milford. He provided a power point presentation that gave an overview of the vision of the Wallisch property, explained the goals of Sustainable West Milford, their objectives and their proposal for the Wallisch property. He asked the Council for their support and endorsement of the proposal. Councilman Warden asked if any consideration had been given to the cost to repair the existing structures. Mr. Watson-Hallowell advised that his group proposes to rent out the structures and that the rent received would fund the restorations. Councilman Warden asked if the proposed shares would increase in value over time to which Mr. Watson-Hallowell replied that such aspects would be dependent on the local market. The details would be worked out as the project evolves and should the project dissolve at any time, the asset would return to the community. Councilman Warden noted that this is a very interesting concept given the history of this property and the angst it has caused. He thanked Mr. Watson-Hallowell. Mayor DiDonato advised that the Administrator will be speaking to the DEP to determine if there are any limitations that would impact this proposal and he thanked Mr. Watson-Hallowell for his presentation.

Proclamations

Mayor DiDonato advised that Kelly DeSentis had planned to attend tonight to accept the proclamation but cannot make it. He advised that the proclamation will be sent out to her.

~ Proclamation ~

WEST MILFORD MYASTHENIA GRAVIS AWARENESS MONTH

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limit to difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded, "to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care;" and;

WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey and;

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the month of

JUNE 2007

AS

MYASTHENIA GRAVIS AWARENESS MONTH

Unfinished Business, Final Passage of Ordinances

None.

Public Comments

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 17

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

Carla Horton, Bearfort Road, West Milford commended Mr. Watson-Hallowell on his presentation and commended the Council on their appointment of Mr. Spirko to the MUA. She noted that councilmen Nolan and Warden crossed party lines to make this appointment. She advised that the Democrats were not notified of the event at Bald Eagle scheduled for tomorrow and that in the future she hopes that the Republicans will engage in better bi-partisan communication.

Ada Erik, Macopin Road, West Milford advised that there are numerous signs on Township property that advertise private businesses. There is an ordinance against such offsite advertising and she asked that this ordinance be enforced. She advised that the contractor who is mowing the Township lawn has caused damage because of leaking oil from the machinery being used. There appears to be zero accountability for such contractors and she asked that the Township administration hold this contractor accountable for this damage. She advised that she is seeking volunteers for the adopt-a-spot program.

Bob Nicholson, 20 Hyde Road, Stockholm advised that he is a member of the Tourism Commission. In the Highlands report from Bill Drew, the Planning Director, it advised that the Tourism Commission must be involved in the decision-making process. He read an excerpt from State guidelines that dictate tourism support. Because the Council cut the Tourism Commission budget, they cannot meet those guidelines. He stated that the Tourism Commission has sent information to the Mayor & Council and have not received a response. Several members have submitted requests to serve on the Jungle Habitat sub committees and have invested time and effort in this Commission. With funding, tourists will come to West Milford. However, because of the budget cuts, there are no resources to let people know about the beauty and talent that can be found in West Milford. He asked the Council to restore the Tourism budget stating that his request is for a small investment from the taxpayers.

Doris Osterhoudt, Ridge Road, West Milford stated that she called Kathleen Caren on April 23rd to set up the event at Bald Eagle. With the exception of Councilman Nolan, the Democrats did not respond to her but she did notify them. She advised that the residents at Bald Eagle were very upset that the event will not happen, as it had to be cancelled because the Democrats did not respond. She urged the Council to be wary of the Garden State Trust fund noting that the situation is similar to fiasco that occurred with the state pension. The Garden State Trust fund includes selling or leasing state assets.

Doris Aaronson, 19 Bearfort Road, West Milford stated that the MUA wants the council to support their refusal to abide by a DEP mandate that they update the wastewater management plan. She urged the Council to withhold their support from the MUA. The MUA wants to use outdated standards that do not apply today. DEP has provided funding in the past and funding is expected to come in the near future. The MUA wants to expand the sewerage systems in West Milford and the Council should not support them. She advised that she has been working with the Township nurse and they will run a Lyme disease seminar on June 11th. She urged all residents to come out as 1/3 of West Milford ticks carry lyme disease. The papers will be notified and she left flyers for the Council.

Jim Novack, 53 Larchmont Drive, Hewitt stated that recently the MUA dug up a county and a town road that was previously repaired. As the engineer was in attendance tonight, he hoped he could provide an update on this situation. It is a waste of taxpayer funds to have a road repaired and subsequently dug up by another government entity. He noted that very few businesses appear on the recycling grant tonnage report. Shop Rite, A&P and Sears are not on the list and every deli and restaurant in town should appear on that list also. If this report was done correctly, West Milford would get more money. He expressed hope that the Engineer will report on the recycling bids that were opened on Friday last.

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

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

Council Comments

Councilman Weisbecker stated he has a lot of questions about the Tourism Commission. He asked where they were during budget discussions; where are the welcome stations they need to qualify for grants, how many businesses benefited from the paper they published? The Council, he said, cut their budget because they never heard from the Commission. There is an appropriation for the Autumn Lights Festival. He stated that there is an existing sign ordinance in West Milford and that offenders must be forced to adhere to the law. He asked the Administrator to have the zoning officer look into this problem.

Township Administrator, Richard Kunze stated that there are several businesses listed in the recycling grant report including Sears, A&P and Shop Rite. He thanked Ada Erik for the information on the signs and the grass and advised that he will follow up with staff tomorrow.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 17

Councilman Nolan expressed agreement with Councilman Weisbecker's comments about the Tourism Commission. He noted that he and Councilman Warden have their contact information available on the Township's website unlike some other Council members.

Councilman Warden thanked Mr. Watson-Hallowell and agreed with Councilman Weisbecker. He stated that nobody attempted to schedule the Bald Eagle event with the Democrats. He noted that the Council meeting will be aired tomorrow night and that residents watching know that he and Councilman Nolan have fought to keep Eagle Ridge out and to cut the budget.

2007 Municipal Budget Public Hearing

Agenda No. VII 1

~ Resolution 2007-170 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
READING OF THE MUNICIPAL BUDGET BY TITLE**

WHEREAS, pursuant to the Local Budget Law N.J.S.A. 40A:4-1 et seq., all provisions for the introduction and public hearing of the 2007 Municipal Budget for the Township of West Milford have been met.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the 2007 Municipal Budget shall be read by title at this public hearing for same.

Adopted: May 23, 2007

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

Mayor DiDonato opened the meeting to the public to speak on the 2007 municipal budget as introduced on April 11, 2007 by virtue of resolution 2007-140.

There being no comments from the public, Councilman Weisbecker made a motion to close the public hearing.

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

Administrator Kunze advised that, based on the special budget meeting held after introduction of the 2007 municipal budget, a budget amendment has been prepared. The Council is being asked to consider the amending resolution tonight, and not the municipal budget. Amendments before adoption require a public hearing and that hearing date has been set for June 6th. At that time, the Council can have the public hearing on the amendments, adopt the amending resolution and then adopt the 2007 budget. He thanked the department heads for attending tonight's meeting. Because State statute demands that the amendments be read in full, Mayor DiDonato instructed the Clerk to read this resolution into the record.

Agenda No. VII 2

~ Resolution 2007-171 ~

**Township of West Milford
Passaic County, New Jersey**

~ Resolution 2007-171 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC, STATE OF NEW JERSEY AUTHORIZING AMENDMENTS TO THE 2007 BUDGET AS
INTRODUCED**

WHEREAS, the local municipal budget for the year 2007 was approved on May 23, 2007; and

WHEREAS, the public hearing on said budget has been held as advertised; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
 Date of Meeting: May 23, 2007
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 5 of 17

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford, Passaic County, that the following amendments to the approved budget of 2007 be made:

CURRENT FUND BUDGET

| | <u>From</u> | <u>To</u> |
|--|----------------------|----------------------|
| ANTICIPATED REVENUES | | |
| 3. Miscellaneous Revenues – Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations | | |
| Clean Communities Program | 34,259.00 | 40,930.00 |
| Drunk Driving Enforcement Fund | 0.00 | 13,083.00 |
| Greenwood Lake Anti-Phosphorous Grant | 0.00 | 913,600.00 |
| Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues | 225,268.00 | 1,158,622.00 |
| TOTAL MISCELLANEOUS REVENUES | 8,831,486.00 | 9,764,840.00 |
| 5. SUBTOTAL GENERAL REVENUES (Items 1,2,3, and 4) | 11,651,486.00 | 12,584,840.00 |
| 6. Amount to be Raised by Taxes for Support of Municipal Budget: | | |
| (A) Local Tax for Municipal Purpose Including Res. For Uncollected Taxes | 16,516,724.00 | 16,511,224.00 |
| TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET | 16,516,724.00 | 16,511,224.00 |
| 7. TOTAL GENERAL REVENUES (Items 5 and 6) | 28,168,210.00 | 29,096,064.00 |

APPROPRIATIONS

| | <u>From</u> | <u>To</u> |
|---|----------------------|----------------------|
| 8. (A) Operations Within "CAPS" | | |
| Resource Development/Tourism Committee | | |
| Other Expenses | 8,500.00 | 3,000.00 |
| TOTAL OPERATIONS (Item 8(A) Within "CAPS") | 20,565,977.00 | 20,560,477.00 |
| TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS" | 20,565,977.00 | 20,560,477.00 |
| Detail: | | |
| Salaries & Wages | | |
| Other Expenses (Including Contingent) | <u>8,037,777.00</u> | <u>8,032,277.00</u> |
| (H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS" | 21,281,572.00 | 21,276,072.00 |
| Public and Private Programs Offset by Revenues | | |
| Clean Communities Program | 34,259.00 | 40,930.00 |
| Drunk Driving Enforcement Fund | 0.00 | 13,083.00 |
| Greenwood Lake Anti-Phosphorous Grant | 0.00 | 913,600.00 |
| Total Public and Private Programs Offset by Revenues | 305,234.00 | 1,238,588.00 |
| TOTAL OPERATIONS – EXCLUDED FROM "CAPS" | 2,525,356.00 | 3,458,710.00 |
| Detail: | | |
| Other Expenses | <u>2,511,140.00</u> | <u>3,444,494.00</u> |
| (H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS" | 5,116,638.00 | 6,049,992.00 |
| (0) TOTAL GENERAL APPROPRIATIONS EXCLUDED FROM "CAPS" | 5,116,638.00 | 6,049,992.00 |

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 17

Table with 3 columns: Description, Amount 1, Amount 2. Includes rows for (L) SUBTOTAL GENERAL APPROPRIATIONS, (M) Reserve for Uncollected Taxes, and 9. TOTAL GENERAL APPROPRIATIONS.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2007 Local Municipal Budget so amended.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 23rd day of May, 2007.

Adopted: May 23, 2007

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

New Business, Introduction of Ordinances, Resolutions

Agenda No. VIII 1

~ Resolution 2007-172 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARING A CONTRACT TO TOMARO CONTRACTING CO. INC. FOR RIDGE ROAD IMPROVEMENTS – SECTION 3 – CONTRACT 1

WHEREAS, the Township of West Milford solicited bids on April 27, 2007 for Ridge Road Improvements, Section 3, Contract 1; and

WHEREAS, in response to the "Notice to Bidders" the Township received seven (7) bids for this project; and

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

WHEREAS, the bids received have been found to be substantially 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 Township Engineer has submitted a written recommendation for the award of this contract to Tomaro Contracting Co., Inc. pursuant to the bid specifications and the work described in the bid; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for these services shall come from account number C-04-07-973-624; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Tomaro Contracting Co., Inc. for Ridge Road Improvements, Section 3, Contract 1.

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 awards a contract to Tomaro Contracting Co., Inc. in an amount not to exceed \$577,000.00 for Ridge Road Improvements, Section 3, Contract 1.
2. The Mayor be and is hereby authorized and directed to execute a contract with Tomaro Contracting Co., Inc. in accordance with its bid for Ridge Road Improvements, Section 3, Contract 1.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: May 23, 2007

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 17

Abstained: Smolinski.
Motion carried.

Agenda No. VIII 2

~ Resolution 2007-173 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING THE HISTORIC PROPERTIES REVITALIZATION ACT A896/S2030

WHEREAS, the historic buildings, neighborhoods and places in New Jersey villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the market "edge" enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhood contributes to the beauty, character and economic vitality of New Jersey communities; and,

WHEREAS, the labor intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to New Jersey and its communities by destroying the embodied energy present in each structure and adding significantly to landfills, whose makeup is estimated to be more than 40 per cent building materials and waste; and

WHEREAS, development and redevelopment within established villages, towns and cities is encouraged to help fulfill New Jersey's goals for Smart Growth; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, twenty-eight states have enacted state historic rehabilitation tax credit incentive programs to encourage and support private sector efforts to renovate, rehabilitate and revitalize historic buildings, places and neighborhoods; and

WHEREAS, many such states have measured the economic impacts of the state historic tax credit programs and seen significant positive direct impacts on neighborhood and community revitalization, affordable and market-rate housing preservation and creation, local skilled jobs creation and additional private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, those states have measured the fiscal impacts of the state historic tax credit programs on the relevant state treasuries and seen significant positive direct impacts on state tax revenues, with tax credits returning as much as \$3.00 to state treasuries for every dollar of credit given; and

WHEREAS, the New Jersey legislature is presently considering S-2030/A896, the Historic Properties Revitalization Act (HPRA), that would create a 25 per cent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties,

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the Township of West Milford endorses and supports the Historic Properties Revitalization Act (A896, S2030) and calls upon the New Jersey Legislature to pass this important legislation and Governor Corzine to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life our communities.

Adopted: May 23, 2007

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

Agenda No. VIII 3

~ Resolution 2007-174 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING RENEWAL OF THE GARDEN STATE TRUST FUND

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 17

WHEREAS, continued investment in open space and farmland preservation is vitally important to the State, as it enhances New Jersey's economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing nearly 50 acres of open space daily to new development projects; and,

WHEREAS, the Garden State Preservation Trust provides a match for open space taxes collected by all 21 counties and more than 225 municipalities; and

WHEREAS, protecting open spaces and improving urban natural areas stabilizes local property taxes and revitalizes communities; and

WHEREAS, the Township of West Milford supports the protection of open space and the preservation of sensitive lands to provide clean water for New Jersey and recognizes that such initiatives require a designation of adequate funding to offset the loss of potential revenue to watershed communities; and

WHEREAS, since its creation in 1998, the Garden State Preservation Trust has enabled the State of New Jersey, its local governments and nonprofits to acquire over 432,000 acres of parks, open space and farmland; and

WHEREAS, the Garden State Preservation Trust is essential, not only to the State's conservation programs, but also to the work of counties, municipalities, and nonprofit organizations by providing grants and low-interest loans to help preserve land while protecting natural resources and farmland for future generations; and

WHEREAS, even many of the places already protected, our state and local parks, are threatened by inadequate levels of funding for operation, maintenance, and stewardship; and

WHEREAS, the Garden State Preservation Trust is virtually depleted, with funds to be completely exhausted in 2007 despite the continued need for the programs it makes possible.

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

1. The Township of West Milford supports the renewal and strengthening of the Garden State Preservation Trust, to provide \$325 million annually for New Jersey to continue its programs to acquire open space and farmland and improve historic sites and preserved lands. This amount includes \$200 million per year for acquisition and \$100 million per year for capital projects, which could be provided by bonding an annual dedicated stream of approximately \$150 million.
2. The Township of West Milford supports the dedication of \$56 million annually to establish a stable source of funding for operation, maintenance, and stewardship for parks, recreation and natural areas.
3. The Township of West Milford requests and supports the dedication of \$25 million annually to establish a stable source of funding to provide property tax relief and additional financial aid to watershed host municipalities located 100% within the Highlands Preservation Area.

Adopted: May 23, 2007

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

Agenda No. VIII 4

~ Resolution 2007-175 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION AND THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, ON BEHALF OF THE TOWNSHIP OF WEST MILFORD FOR A GRANT UNDER THE FEDERAL TRANSIT ACT

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5311 of the Federal Transit Act, as amended; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 17

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5311 of the Federal Transit Act, as amended; and

WHEREAS, the grant for financial assistance will impose certain obligations upon the Township of West Milford, including the provision of the local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1965, that in connection with the filing of an application for assistance under the Federal Transit Act, as amended, the Recipient give an assurance that it will comply with Title VI and EEO requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, the Recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford as follows:

1. That the Recreation Director is authorized to execute and file an application on behalf of the Township of West Milford with the U.S. Department of Transportation to aid in the financing of administration, capital, and/or operating assistance projects pursuant to Section 5311 of the Federal Transit act, as amended.
2. That the Recreation Director is authorized to execute and file with such applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI and EEO requirements of the Civil Rights Act of 1964.
3. That the Recreation Director is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.
4. That the Recreation Director is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application.
5. That the Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford Transportation for aid in the financing of the administration, capital and/or operating assistance.
6. That the Township of West Milford hereby authorizes the amount of \$5,620.00 be obligated as the local share required under the provisions of the grant application.
7. That any of the following:

Township Administrator
Chief Financial Officer
Recreation Director and Transportation Coordinator

are hereby authorized to sign compliance reports as may be required from time to time during the course of this grant agreement.

Adopted: May 23, 2007

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

Agenda No. VIII 6

~ Resolution 2007-177 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF BALANCES TO THE CAPITAL SURPLUS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 23, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 17

WHEREAS, the Township of West Milford has on hand old funds from Funded Capital Ordinance and where such funds are no longer needed.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford cancel the balance of \$40,958.41 to the Capital Surplus.

Adopted: May 23, 2007

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

Agenda No. VIII 7

~ Resolution 2007-178 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2007-014 WHICH RESOLUTION AUTHORIZES CERTAIN STATUTORY PAYMENTS OF CLAIMS AND OTHER CLAIMS REGULAR IN NATURE

WHEREAS, all claims of payment by the Township of West Milford, County of Passaic, State of New Jersey, are required to be first submitted to the Township of West Milford Council for consideration before payment, and

WHEREAS, at the annual reorganization meeting held on January 3, 2007 the Township Council adopted resolution 2007-014 to allow certain claims to be paid when presented, which claims are statutory and regular in nature, rather than be held for the next council meeting of the Township of West Milford due to the nature of said claims.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford Council, that they do hereby amend resolution 2007-014 to include item "p)" as outlined herein:

- 1) The Township of West Milford does hereby approve the payment between meetings of the following encumbered claims for payment, when the same are presented to the Township of West Milford Council and Chief Financial Officer of the Township of West Milford.
 - a) Township of West Milford payroll obligations.
 - b) Township of West Milford required payments to the Board of Education.
 - c) Required County tax payments to the County Treasurer.
 - d) Banks for investment purposes, internal transfers, and debt service obligations.
 - e) State of New Jersey – Application Fees
 - f) Permit Fees
 - g) DEP Fees
 - h) License Fees
 - i) State Surcharges
 - j) Marriage License Fees
 - k) Rabies Control Fees
 - l) Miscellaneous disbursements approved by specific resolutions.
 - m) Reissue of lost or mutilated checks after stop payment has been enforced.
 - n) Ten percent (10%) Bid Bond Returns (Clerk's office).
 - o) Certain emergencies at only the discretion of the Township of West Milford Mayor or Administrator by the Mayor's designation.
 - p) Sales Tax Payments.
- 2) The Chief Financial Officer is hereby authorized and directed to prepare the proper vouchers for payment of the above recited accounts when same is properly presented to him/her for payment, and thereafter said claim shall be transcribed on the next scheduled Bill list to be approved by the Township of West Milford Council.

Adopted: May 23, 2007

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

Agenda No. IX

~ Resolution 2007-179 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
 Date of Meeting: May 23, 2007
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 12 of 17

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 2007-180** – Refund Recreation Fees
- b. **Resolution 2007-181** – Cancel Tax
- c. **Resolution 2007-182** – Refund Overpayments
- d. **Resolution 2007-183** – Reinstatement of Taxes

Applications:

- a. **Social Affair Permit** – Our Lady Queen of Peace Church HSA – October 13, 2007

Adopted: May 23, 2007

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

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

Agenda No. IX 1a

~ Resolution 2007-180 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING REFUND OF RECREATIONAL FEES

RESOLVED, that the following Recreational fees upon the report of the Recreation Director be refunded:

| <u>Name & Address</u> | <u>Reason</u> | <u>Amount Refunded</u> |
|---|---|------------------------|
| Laura Hoffman 1799 Macopin Road West Milford, NJ 07480 | Refund of enrollment in Clay Works for Little Hands | \$10.00 |
| Jennifer Metcalf 50 Stephens Road West Milford, NJ 07480 | Refund of enrollment in Create a Character Acting program | \$110.00 |
| Joyce Leinberger 125 Kitchell Lake Drive West Milford, NJ 07480 | Refund for cancellation of enrollment in Kidsafe Karate | \$55.00 |
| Roxanna Saltos-Banks 10 Vista Road West Milford, NJ 07480 | Refund for partial cancellation of enrollment in Day Camp | \$205.00 |
| Janice Lesch 5 Deer Path Trail West Milford, NJ 07480 | Refund for partial cancellation of enrollment in Day Camp | \$140.00 |

Adopted: May 23, 2007

Agenda No. IX 1b

~ Resolution 2007-181 ~

RESOLUTION AUTHORIZING CANCELLATION OF TAX

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

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

REASON: TOWNSHIP OWNED

| BLOCK/LOT | NAME | AMOUNT | YEAR |
|------------------|--------------------------|---------------|---------------------------------|
| 10806-2 | Township of West Milford | \$56.41 | 2006 4 th Quarter |

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council
 May 23, 2007
 7:30 P.M.
 Page 13 of 17

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 cancel as hereafter listed below:

Adopted: May 23, 2007

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 Agenda No. IX 1c

~ Resolution 2007-182 ~

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

**REASONS:**

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

| Block/Lot  | Name                                                                               | Amount     | Year | Reason |
|------------|------------------------------------------------------------------------------------|------------|------|--------|
| 1406-7     | Henry Hill<br>37 Riegler Road, Hewitt, NJ 07421                                    | \$1,720.00 | 2007 | 2      |
| 1504-1     | Michael & Lorraine Woch<br>838 Warwick Tpk, Hewitt, NJ 07421                       | \$100.00   | 2007 | 1      |
| 1809-9     | Michael J. Viola, Esq.<br>610 Franklin Avenue, P.O. Box 110127<br>Nutley, NJ 07110 | \$955.00   | 2007 | 2      |
| 2702-2     | Rockland Abstract Corp.<br>60 South Main St. Ste 8<br>New City, NY 10956           | \$1,425.00 | 2007 | 2      |
| 3001-1     | Tara Ziolo<br>43 Twin Oaks Trail, Hewitt, NJ 07421                                 | \$1,252.00 | 2007 | 2      |
| 4005-2.01  | Richard & Donna Harrison<br>35 Board Road,<br>Hewitt, NJ 07421                     | \$2,396.00 | 2007 | 2      |
| 5009-17    | Elvira Savio<br>1038 West Brook Road<br>West Milford, NJ 07480                     | \$60.00    | 2007 | 1      |
| 5316-2.17  | Laura Rivela<br>9217 Richmond Road,<br>West Milford, NJ 07480                      | \$1,333.00 | 2007 | 2      |
| 6404-14.03 | James Bolger<br>112 Lincoln Avenue,<br>West Milford, NJ 07480                      | \$569.00   | 2007 | 1      |
| 6603-22    | Loretta Burton<br>32 Madelyn Avenue,<br>West Milford, NJ 07480                     | \$600.00   | 2007 | 1      |
| 6803-10    | Scipione, Berg & Associates LLC<br>91 Clinton Road Ste 2B<br>Fairfield, NJ 07004   | \$1,706.00 | 2007 | 2      |
| 7303-13    | Anthony Farese<br>64 Terrace Road,<br>West Milford, NJ 07480                       | \$1,348.00 | 2007 | 2      |
| 7801-35.06 | Drew Murray, Esq.<br>230 West Parkway Ste 3A<br>Pompton Plains, NJ 07444           | \$1,623.00 | 2007 | 2      |
| 8101-32    | Vasil & Vasa Savov<br>1846 Macopin Road<br>West Milford, NJ 07480                  | \$75.00    | 2007 | 1      |
| 8601-9     | John Spingler & Lee Sang<br>117 Continental Road<br>West Milford, NJ 07480         | \$272.95   | 2007 | 1      |
| 8706-5     | Wendalyn & James Correll<br>14 Winding Way<br>West Milford, NJ 07480               | \$76.00    | 2007 | 1      |
| 9101-1     | Michele & Warren Ross<br>42 Vreeland Road                                          | \$2,400.00 | 2007 | 2      |

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

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

Township Council  
 May 23, 2007  
 7:30 P.M.  
 Page 14 of 17

|              |                                                                              |                    |      |   |
|--------------|------------------------------------------------------------------------------|--------------------|------|---|
|              | West Milford, NJ 07480                                                       |                    |      |   |
| 9404-15      | Bruce Gulbranson<br>10 Leslie Drive<br>West Milford, NJ 07480                | \$169.00           | 2007 | 1 |
| 9708-7       | Galante & Matthews Esq.<br>50 Galesi Drive<br>Wayne, NJ 07470                | \$1,692.00         | 2007 | 2 |
| 10402-7      | M. & S. Slufik<br>132 Maple Road<br>West Milford, NJ 07480                   | \$122.00           | 2007 | 1 |
| 10503-15     | Raymond & Pamela Titmas<br>107 Schofield Road<br>West Milford, NJ 07480      | \$1,824.00         | 2007 | 2 |
| 10817-11     | Doris Hogan<br>225 St Pauls Avenue<br>Jersey City, NJ 07306                  | \$50.79            | 2007 | 1 |
| 11202-6      | John & Lois Romeo<br>103 Larsen Road<br>West Milford, NJ 07480               | \$125.57           | 2007 | 1 |
| 12110-6      | Michael & Sherri Zupp<br>9 Martha Street<br>West Milford, NJ 07480           | \$2,025.00         | 2007 | 2 |
| 12307-1      | Ruth May Hunt<br>951 N.E. 27 <sup>th</sup> Avenue<br>Pompano Beach, FL 33062 | \$267.00           | 2007 | 1 |
| 13806-11     | Donald & Denise Wright<br>26 Highland Avenue<br>West Milford, NJ 07480       | \$1,146.00         | 2007 | 2 |
| <b>TOTAL</b> |                                                                              | <b>\$25,332.31</b> |      |   |

Adopted: May 23, 2007

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 Agenda No. IX 1d

~ Resolution 2007-183 ~

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

| <u>BLOCK/LOT</u> | <u>NAME</u> | <u>AMOUNT</u> | <u>YEAR</u> | <u>REASON</u> |
|------------------|-----------------------|-------------------|-------------|---------------|
| 1811-5 | K. Carroll & V. Lanza | \$401.00 | 2007 | 1 |
| 12110-5.01 | K. Carroll & V. Lanza | \$581.00 | 2007 | 1 |
| 12108-1 | K. Carroll & V. Lanza | \$716.00 | 2007 | 1 |
| 12110-5.03 | K. Carroll & V. Lanza | \$324.00 | 2007 | 1 |
| 4302-6 | Frances S. Lanza | \$2,647.00 | 2007 | 1 |
| | TOTAL | \$4,669.00 | | |

Adopted: May 23, 2007

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 Agenda No. X

**~ Resolution 2007-184 ~**

**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.

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

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

Township Council  
 May 23, 2007  
 7:30 P.M.  
 Page 15 of 17

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

| <u>Acct #</u>             | <u>Account Name</u>         | <u>Amount</u>       |
|---------------------------|-----------------------------|---------------------|
| 1                         | Current Account. . . . .    | \$68,541.46         |
| 2                         | Reserve Account . . . . .   | 2,884.84            |
| 3                         | Animal Control Trust        | 759.00              |
| 6                         | Capital. . . . .            | 169,495.87          |
| 7                         | Grants. . . . .             | 5,888.40            |
| 8                         | Refuse. . . . .             | 250.00              |
| 9                         | Refunds. . . . .            | 25,452.31           |
| 12                        | General Ledger. . . . .     |                     |
| 16                        | Heritage Trust. . . . .     |                     |
| 14                        | Open Space Trust            |                     |
| 17                        | Trust . . . . .             |                     |
| 18                        | Development Escrow. . . . . | 4,763.01            |
| 19                        | LOSAP                       |                     |
| 20                        | Special Reserve             |                     |
| Total                     |                             | \$278,034.89        |
| Less Refund Resolution    |                             | (25,452.31)         |
| <b>Actual Bill List</b>   |                             | <b>\$252,582.58</b> |
| Other Payments            |                             |                     |
| Less Refund Resolution    |                             |                     |
| <b>Total Expenditures</b> |                             | <b>\$252,582.58</b> |

Adopted: May 23, 2007

Councilman Weisbecker made a motion to move the bill list as presented. Seconded by Councilman Nolan.

Discussion: Councilman Nolan asked that the bills for Robert C. Kirkpatrick, Weiner Lesniak and Joseph J. Schwab be voted on separately. Councilman Weisbecker amended his motion to have bills from these three entities voted on separately.

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

**Robert C. Kirkpatrick, Weiner Lesniak and Joseph J. Schwab Bills**

Discussion: Councilman Nolan advised that the bills in question pertain to planning board and/or zoning board noting that he had previously requested that these boards review their bills and adopt resolutions memorializing those reviews. If these boards fail to adopt such practices, he will request that these bills be voted on separately. He asked Administrator Kunze why some of the escrow invoices appear to be quite dated questioning if there is a time limit by which bills must be submitted. Mr. Semrau advised that applicants should be notified of a bill within 30 days of the service being provided. Administrator Kunze explained the coding system, which distinguishes between Township accounts, and escrow accounts and he advised that he will address the timeliness with the planning department. Councilman Nolan questioned the time it takes for bills to be processed both by the vendor and in-house from department to department. Administrator Kunze advised that, in-house, bills are processed as quickly as possible but there are inherent delays that are more an exception than a rule. He explained the process.

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

**Reports of Administrator, Mayor and Members of the Council**

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

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

Township Council  
May 23, 2007  
7:30 P.M.  
Page 16 of 17

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Mayor DiDonato advised that yesterday he met with Assemblymen DeCroce and Pennachio along with other mayors from the 26<sup>th</sup> district. He made the Assemblymen aware of the impact municipalities are feeling from the State policy which shifts pension payments to municipalities advising them that it is very difficult to work with the budget when the State makes such mandates. He advised that Mr. Semrau has followed up with a letter to the Mayor of Wanaque with regard to their desire to dissolve the Wanaque Valley Regional Sewerage Authority. He will advise Council when and if a response is received. Mayor DiDonato advised that this coming Monday is Memorial Day and there will be a local ceremony to honor those who gave their lives for this country. It will start at 10:00 a.m. at Veteran's Park. He reviewed the program and encouraged everyone to attend.

Administrator Kunze advised that the bill for DVD's questioned at the last meeting was for players and not discs. He was contacted by Kathleen Caren to announce that Saturday June 2<sup>nd</sup> is national trails day and there are three hikes planned on trails in West Milford starting at 10:00 a.m. He advised that two vendors bid on the recent bid for curbside collection of recyclables. These bids are currently under review. He advised that he, Councilmen Warden and Schimmenti, and the Recreation Director met with the promoter for a proposed concert at Jungle Habitat who has been very receptive to the Council's ideas. He advised that, at the end of the day today, he received a letter from Wanaque to which he will reply next week.

Councilman Weisbecker urged his fellow Councilmen to be cautious when dealing with the promoter for the concert at Jungle Habitat noting that there are inconsistencies in comments he made before Council. He advised that the Association for Special Children & Families will be hosting a disabilities resource fair on June 9, 2007 at Hillcrest. Anyone seeking information should contact the recreation department. He stated that he has received e-mails expressing concerns about the intersection at Utopia Deli in Greenwood Lake and these concerns are warranted. Administrator Kunze advised that this intersection is scheduled for a traffic study. In response to Councilman Weisbecker, Administrator Kunze advised that Warwick Turnpike is expected to be completed before Memorial Day. Councilman Weisbecker apologized to residents for the inconvenience this work has caused and thanked them for their patience. He noted that the general condition of the property around Lake Melody is poor and he asked the Administrator to look into this. He urged residents to be diligent when hiking and camping to minimize the risk of forest fires.

Council President Smolinski advised that he recently attended a mock council meeting in Paterson where high school students from around the County debated two scenarios. The West Milford students behaved in an exemplary fashion and the event was very enlightening. He commended the girl's softball team who just won the Passaic County title. He asked residents to attend the parade on Monday to show support for our military.

Councilman Schimmenti thanked Councilman Weisbecker for his cautionary words and advised that the proposed concert is a very positive event for the West Milford community. He asked for Council consensus to have the Recreation Director submit the permit application to the State as the first step in making this event possible. Mr. Semrau noted that this is a preliminary step that must be taken for this to proceed any further but it does not commit the Township to the event. The Council gave consensus. Councilman Schimmenti stated that the meeting with Mr. Hutchinson, the promoter, and the state was very positive. The promoter will use local resources where possible. He advised that the Police Chief's Association at a non-partisan event recently honored a local resident, Mr. Bill Gervens, as man of the year.

Councilman Nolan asked everyone to take time on Monday to remember those who fought for our country. He echoed Councilman Smolinski's sentiments for the high school softball team, congratulated them, and wished them luck at the state tournament. He noted that the Highlander baseball team made it to the semi finals of the County league with Bryce Warden pitching two winning games recently. He noted that it is important that the Garden State Preservation Trust fund be funded because studies show that, within 25 years, all open space in New Jersey will be lost to development. He advised that Governor Corzine approved \$1.5 million in domestic shelter grant programs and SOS was awarded a \$144,000 grant. The governor will host a budget meeting in Clifton on May 31<sup>st</sup> from 7:00 p.m. to 8:30 p.m. He questioned the zoning board appointment for a substitute attorney and Mayor DiDonato advised that the zoning board met last night and tabled the appointing resolution so that the attorney can determine if there is a conflict with a lawsuit that has recently come to light. Councilman Nolan stated that, at the environmental commission meeting on April 2<sup>nd</sup>, the commission discussed the fertilizer ordinance where Mr. Ott stated that local businesses have not been made aware of this ordinance. Administrator Kunze responded that notices were sent out and the licensing process has begun. Councilman Nolan advised that the County-sponsored Hazardous Waste Day is scheduled for June 6<sup>th</sup> and he asked the Administrator to post this information on the Township website.

Councilman Warden stated that, yet again, West Milford is on the cutting edge of legislation. The DEP has recognized that phosphorous pollutes lakes and they will be looking to adopt rules for the use of fertilizers. He advised that the boating season in Greenwood Lakes begins this weekend and Sheriff's officers will patrol the lake. The stump removal process has curtailed the weeds. He stated that anyone operating powerboats in New Jersey must pass a course to have their licensed endorsed. Greenwood Lake supports a boater's fee to fund lake improvements. West Milford officials talk a lot about tourism but

