
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 6, 2007
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 13

The Workshop Meeting of the West Milford Township Council was called to order by Mayor DiDonato.

Adequate Notice Statement

Mayor DiDonato read the following statement:
Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issues of December 17, 2006 and January 7, 2007; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Mayor DiDonato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker (arrived @ 7:34 p.m.), Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the April 11, 2007 Regular Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the April 23, 2007 Special Meeting as presented.

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

Meetings

Mayor DiDonato noted the future meeting schedule:
June 13, 2007 Regular Meeting July 11, 2007 Regular Meeting
June 27, 2007 Workshop Meeting July 25, 2007 Workshop Meeting

Proclamations

None.

Presentations

Big John's Pub Place-to-Place Transfer (Expansion) Tracey Bennett
Mayor DiDonato invited Ms. Bennett to the podium and asked the Clerk for an explanation of this transfer. Ms. Battaglia reminded the Council that the Division of ABC treats expansion of premises in the same manner the treat transfers thus requiring a public hearing. The licensee has submitted an application to expand the licensed premises onto an existing deck. All departments have reviewed the application and the police department has requested some conditions which will appear in the resolution. No other objections were noted. Mayor DiDonato asked Ms. Bennett if she had anything to add and was answered in the negative. The Council had no questions for the licensee and they instructed the Clerk to schedule the resolution for the next meeting.

Municipal Utilities Authority (MUA) Wastewater Management Plan (WMP) Update

Mayor DiDonato invited representatives from the MUA to the podium to address the Council. Mr. George Dusenberry approached the podium. He advised Council that he has served as Chairman of the MUA since 1994 and is currently serving the last year of a three-year term. He is retired from the postal service, resides in Awosting, and is not politically connected. Personally, he does not favor development

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in West Milford. He stated that the MUA follows all regulations when reviewing any application that comes before them. He advised that the WMP had been sent out to Council in their packets. Prior to 1987, such a plan did not exist for West Milford and the original plan was prepared by the planning department and sent to the state. In 1996 and 1997, the Township applied for town center designation for which the MUA conducted a study and an update to the WMP. Subsequently, the Council changed their position and the WMP was withdrawn. The Highlands master plan has not been adopted yet the DEP insists that those municipalities not in the preservation area must adopt a WMP. The DEP will not review site-specific applications without a WMP in place but the MUA contends that they cannot accurately update the WMP without approved master plans from the Highlands Council and the Township.

Noting that Councilman Schimmenti was a member of the MUA until some time last year, Mr. Semrau advised the Council that Councilman Schimmenti is recusing himself from this discussion. Councilman Schimmenti vacated his seat for the duration of this discussion.

Mr. Dusenberry invited MUA professionals to join him at the podium. Mr. Robert Baum introduced himself as the MUA attorney and Mr. Dennis Karakas introduced himself as the MUA engineer.

Mayor DiDonato asked Mr. Karakas about the WMP. Mr. Karakas advised that new WMP regulations were published in the New Jersey Register on May 21st. The document is quite voluminous and he has not fully completed his review. However, there will be a 60-day public comment period and it may be the end of the year before the regulations are finally adopted. Without the formal adoption of the regulations, he does not recommend drafting a new WMP because the DEP, in the past, has wanted the regulations at time of submission adhered to. If the Township were to start drafting the WMP now, it may not be viable when the regulations are adopted. Mr. Dusenberry advised that the MUA has 1,700 users and this is a town project. The original plan was prepared by the Township's planning department and paid for with Township funds. Mr. Baum stated that the MUA is not, and never has been, a planning agency in West Milford. Applications always originate in other departments and the planning and zoning departments determine those areas where development may occur. The MUA is responsible to ensure that water and sewer for such development plans meet state requirements. Mr. Karakas stated that he has looked at the proposed WMP regulations and they address responsibilities and address situations like that faced by West Milford. The new regulations are proposing that counties will be responsible for preparing the WMP but municipalities will supply the information and advise the county agencies of their planning visions. In response to queries posed by Mayor DiDonato, Mr. Karakas reviewed the process of preparing a WMP. He noted that grant funds may become available. He stated that the Township may want to meet with the DEP to request that the preparation of the WMP be delayed until the Highlands master plan and new WMP regulations are adopted so that the Township understands what is required.

Mr. Semrau asked what properties and/or applications in West Milford currently need DEP approvals. Mr. Karakas stated that, under the new proposed rules, there is a provision wherein municipalities may seek an extension which contradicts the letters received from the Division of Watershed Management asking that West Milford update the WMP. The new regulations also state that they do not recommend the formulation of updated WMPs until the Highlands master plan is adopted. In reply to Mr. Semrau's question, he advised that there are two applications that may be affected. The Valley Ridge Plaza project has Highlands exemption. Eagle Ridge and the Brown's Point project both need DEP approvals.

Mr. Karakas stated that the MUA is seeking the Township's assistance in approaching the DEP to ask for an extension. If the WMP were drafted now, it would take 6-12 months to complete. Because the regulations have not been adopted, any work done now may be obsolete or may need updating when the new regulations are adopted thus wasting the money and manpower utilized to draft the WMP prior to the adoption of the regulations. In addition to the WMP addressing septic and sewers it would deal with streams, wetlands, threatened & endangered species, and water deficit areas. Steep slopes and zoning impact the process.

Council President Smolinski thanked the MUA representatives for attending tonight. Noting that there cannot be much development in West Milford, he noted that it would be beneficial to meet with DEP representatives to discuss the WMP. Councilman Weisbecker asked the MUA representatives why they are here tonight. He asked why they have not sought clarification from the DEP directly and why they need the Council to intervene. Mr. Karakas stated that the WMP is really a Township planning matter. While the MUA has assisted in this process, it is the Township that determines the direction for the municipality. Councilman Weisbecker stated that the MUA is asking the Council to express written support of delaying submittal of a WMP to the DEP. Mr. Baum replied that this is not so. He stated that, irrespective of who is responsible for drafting the WMP, the MUA is asking that the Council and the MUA be unified in approaching the DEP to ask for a delay until the Highlands and municipal master plans are adopted.

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Mr. Semrau advised that executive session discussion of this matter will be necessary before Council makes any decision. Two applications are in litigation, the Township is in the preservation area, and there are no surprises left for West Milford. Trenton may not agree to an extension because there are no opt-in/opt-out questions. This exchange, he said, is helpful because planning must be consistent. He clarified that the Council's goal with Eagle Ridge is simply to ensure that there is sufficient water to accommodate the proposed development and the existing homes. The Council is committed to protecting the interests of all residents. The testing plan, if fully complied with, has inherent protections for residents. To that end, the Council has invested thousands of dollars and a number of requests have been sent to the MUA asking for information about the MUA permit. The MUA has not participated in the appeals. Despite forwarding information obtained from the DEP to the MUA and following-up with a letter to the MUA seeking information, nothing has been forthcoming. Earlier this month, the DEP issued a letter saying that, as an applicant, the MUA can withdraw or amend the application at any time if the plan is not sufficient. The Bureau has indicated that they welcome any and all comments from the MUA. The Council needs to know why the DEP, the courts, and the Council have not received any response from the MUA in their efforts to protect affected residents. The MUA should have a mutual interest in protecting these residents. Mr. Baum interjected by referring to and reading an excerpt from a DEP letter that states that the Township can be fully involved in this process. He stated that the MUA believes that the Township is asking them to second-guess the DEP. Mr. Semrau replied that the Council is seeking an explanation from the MUA. The Township has taken a proactive position toward water and they are asking the MUA to do likewise. Mr. Baum stated that the MUA's concern is that the application is in conformance with the rules and criteria. They have no interest in this project and the DEP has allowed the Township to be involved. The DEP agrees that the testing plan submitted by the applicant is okay. The MUA takes no position. The only disagreement the MUA has had with the DEP pertains to the DEP's indication that the MUA must conduct tests for the developer. That is the basis of the MUA appeal. He stated that he has answered Mr. Semrau's query and called his office twice without receiving a return call.

Mr. Semrau stated that the Township has never sought to have the MUA expend money. Rather, they have asked that certain residents be included in the testing plan. Mr. Karakas stated that, if the Highlands Act were repealed, there would be development in West Milford. When that perspective is considered, it is clear that the MUA's approach is sensible. He reiterated that it is in the best interests of the municipality to wait until the Highlands master plan is adopted. He stated that the MUA and the DEP only pointed out that most of the questions raised by M² have already been answered. The Township, he said, had the same opportunities as the MUA to provide input. The DEP still allowed the water-testing plan. Mr. Semrau stated that the Township has offered the residents assistance to request inclusion in the water testing. The Council is now asking that the MUA send these residents down to the DEP and ask that their wells be included in the testing. Because the MUA is the applicant, it is only through this avenue that the residents can have their wells tested. Mr. Karakas, on behalf of the MUA, agreed to send the names down and request their inclusion.

Mayor DiDonato asked for clarification or expansion of the statement made earlier that the county may be responsible for drafting the WMP and asked why it was never done. Mr. Karakas stated that it was attempted in 1999 and that WMP included sewer service in the center of town when the Township had applied for town center designation. However, the Township's vision changed and the MUA altered the plan submitting an alternative in 2000 or 2001. That plan required that the Township purchase some land in Random Woods to which the Township was opposed. At that juncture, all planning ceased. That plan was exempted from executive order 109.

Councilman Warden asked if the WMP is needed for Valley Ridge to which Mr. Karakas answered in the negative stating that Valley Ridge would be exempt. Councilman Warden asked Mr. Semrau to confirm if that is indeed the case. He asked the MUA why executive session minutes were not released to the Government Records Council (GRC) when they were ordered. Mr. Baum stated that this matter was a misunderstanding and that he is addressing it with the GRC. The minutes, he said, are public. Some discussions, however, cannot be disclosed. There was confusion by all entities involved. Councilman Warden asked how much the MUA will benefit if Valley ridge is developed. Mr. Baum replied that the MUA may not benefit at all. The MUA must apportion its cost among all users and they are not charged with making a profit. Councilman Warden questioned if would be better to operate the utility without an MUA stating that it is obvious that the MUA is financially restricted. Mr. Karakas stated that the MUA is not restricted. The WMP, he said, would be an inappropriate burden on 1,700 users. The Township reaps the benefit and it is accepted practice for municipalities to assume the financial burden. Councilman Warden stated that he continuously hears that the MUA is autonomous. If that is so, why are they coming to Council now? Mr. Baum replied that the Council has been ignoring the MUA for thirty years. The MUA has responded to every inquiry and provided requested information. He stated that he is offended by Mr. Semrau. Councilman Warden stated that Mr. Semrau was simply asking the MUA to consider the investment that has been made by this Council.

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Councilman Nolan stated that it appears to him that the MUA is asking for the Mayor to send a letter to the DEP seeking postponement of the WMP until after the Highlands Council adopts their master plan. Now, the MUA is saying that it is the Township's responsibility. West Milford is in the preservation zone. Before a house can be built, it must be proven that there is sufficient water and that the ground can absorb treated wastewater. The MUA is seeking to put the cart before the horse. Mr. Karakas stated that the DEP would only stop a project of 200 gallons or more. Councilman Nolan stated that, if the DEP considered the WMP to be the Township's responsibility, why have they not contacted the Township. The MUA executive director, Diane Paretti, stated that the Mayor and Council have been copied on letters received from the DEP to which Councilman Nolan replied that the DEP has not contacted the Township directly. Ms. Paretti stated that, in 1999, the Township asked the MUA to submit a feasibility study to the DEP. Since that time, the DEP has considered the MUA the contact entity for the Township. However, the MUA only has as-builts for the MUA, not for the entire Township. She stated that the MUA does not do planning, they simply review plans. They do not know what is being planned for West Milford outside of the MUA service area.

Mr. Semrau asked if there is a contact person at the DEP with whom the Township and MUA can meet to discuss the parameters. Mr. Karakas recommended meeting with Larry Beyer. Such a meeting, he said, would help the MUA in resolving the issue and then there would be subsequent follow-up correspondence documenting the meeting. Mr. Semrau noted that the Council will discuss this matter further in a future executive session.

Mayor DiDonato thanked the MUA representatives for attending tonight's meeting.

Bob Urian – Phase II Report (NUCOM Consulting) Telecommunications System

Mayor DiDonato invited Mr. Urian to the podium to speak to the Council. Mr. Urian reminded the Council that he attended a meeting in October last year where he provided them with a review of West Milford's communication system. That presentation completed phase I of his study and he is here tonight to present phase II to the Council. He directed the Council to his report which comprised an complete engineering study of the Township's communication needs, how to acquire those needs, and an estimate of the associated costs. He stated that the Township's current provider, Royal Communications, has a solid reputation and provides good service. The heart of the entire system is the central dispatch center and West Milford's current center is obsolete. In today's environment, 70% of 911 calls come in by cell phone. With the current system, the dispatcher cannot determine the location of such calls which negates the original concept of 911. The current system is so outdated that there are no repair parts available. The proposed new system will provide 95% coverage because of upgrades and new receiver sites. Connections will be point-to-point links which will eliminate the use of phone lines at an annual savings of approximately \$6,000. Vehicles will have mobile repeaters to allow better communications.

Mr. Urian stated that the Morris County Cooperative has consistently provided these systems at a cost savings over other vendors. Purchasing through them also saves on the bidding process and associated costs. He recommended that the Council approve the budget as recommended and guaranteed that he will provide detailed and in-depth oversight. All existing equipment that can be used and will be used. He recommends purchasing through the Morris County Coop and staying with Royal Communications. The Council asked some specific questions about various options in Mr. Urian's report and he, the police chief, and fire department volunteers provided answers.

Councilman Nolan noted that the estimate does not include architectural costs for the dispatch center. Administrator Kunze replied that he is currently in the process of writing an RFP for that service and estimates the cost to be about \$100,000. The total amount being estimated for the communications, including all contingencies, is \$1.8 million. Mr. Urian stated that the proposed system is as future-proof as possible today meaning that it can be upgraded as necessary. Councilman Scangarello asked if there will be any interruption to our current service during the construction and installation process. Mr. Urian replied that there will be no interruptions to this seamless transition because of the changes being made to the dispatch center. The entire process is expected to take about 90 days. Administrator Kunze advised that funds for the down payment are available due to the capital balances that have been cancelled. The Council gave consensus to proceed with the bond ordinance to move forward with the communication system.

Public Comments

Mayor DiDonato opened the meeting to the public after advising that there is a five-minute limit for each speaker. He invited interested parties to raise their hand and come forward when called upon.

Robin O'Hearn, Skylands Clean, Ringwood thanked and commended the Council for hiring Matt Mullhall as the Township's hydro-geologist. Ringwood, she said, does have a WMP because they belong to the Wanaque Valley Regional Sewerage Authority. She expressed agreement with comments made about

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the MUA drafting a wastewater management plan stating that, in her opinion, the Highlands Act has made it easier to do so. The sewer service area is limited to those pipes that are currently in the ground and there will be no more major development in West Milford. An associated environmental study should prove easier than in the past because environmental constraints have already been identified. The MUA is asking for the regional master plan to be adopted but the only questionable item in the current draft is the purple blotches. She stated that West Milford has no choice but to comply with this state mandate and grants may be available through the Highlands Council and/or the DEP. The bottom line, she said, is that the DEP is saying that they will not approve any amendments without an updated WMP.

Doris Aaronson, 19 Bearfort Road, West Milford stated that the MUA wants the Mayor & Council to support their violation of DEP regulations and she urged the Governing Body not to do so. She stated that the DEP has stated that to await the approval of the Highlands and municipal master plans before development of a local WMP is putting the cart before the horse. She stated that the MUA's goal is to circumvent current environmental standards. She questioned why the 80% of West Milford taxpayers who are not serviced by the MUA should be asked to fund this when grants are available but the MUA has not applied. She urged the Council to withhold support of the MUA's goals of sewer expansion in West Milford. She advised that there will be an educational initiative on Lyme disease next Monday at Town Hall at 7:30 p.m.

Ada Erik, Macopin Road, West Milford commended Mr. Semrau for his professionalism when dealing with the MUA representatives. She stated that there are many signs being posted all over town advertising businesses and this is a violation of local ordinances. She stated that the bicycle helmet ordinance is no longer being enforced. She stated that the children in West Milford need to have this law enforced for their own safety and every adult bears responsibility for ensuring that children wear helmets.

Jim Novack, Mount Laurel, West Milford stated that he was stuck in traffic the other day on the mountain. Someone knocked down an electric pole and there was a significant police presence on site. He saw, with all those police in attendance, a kid riding a bike with another kid on the wheel bars and neither was wearing a helmet. He asked that all political candidates remove their political signs now that the primary election is over. People who erect illegal signs should receive violation notices.

Robert Pawlo, 7 Madelyn Drive, West Milford noted that the MUA has a very interesting history in West Milford and there have been many problems through the years. The MUA was formed in the 1960's and they proposed a sewer expansion in 2000. Both the planning department and the MUA advised residents at that time that it would not be mandatory to hook up to the sewerage connections. When the plan was obtained by interested residents, including himself, there was clearly a provision on the first page that mandated that anyone who owned a property in the sewerage area would be mandated to hook up. In July and August of that year, there was a \$3.1 million appropriation which the then-Clerk said was for the purchase of seventeen acres for a MUA sewerage project. Through the years the MUA has drafted various plans which do not adequately reference development in town. They have repeatedly denied or ignored requests from the Council but now that they need the Council, they show up at a meeting.

Wayne Gottlieb, 27 Ridgfield Road, Hewitt stated that he is speaking tonight as a resident and not as a BOE member. He noted that the MUA said earlier that they are not a planning agency and for twenty years that has been evident in their actions. They said they are here to present a united front; the last time they presented a united front, they did so in this very building with Trammel Crowe. The applicant said that they had an arrangement with the MUA. He stated that Mr. Baum's rationale for taking on more customers is interesting. Ultimately he stated that the rates for MUA customers will be reduced when they get more customers. That statement would indicate that there is an incentive for the MUA to get more customers.

Councilman Weisbecker moved to close the Public Comments portion of the meeting.

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

Council Comments

Township Attorney, Fred Semrau stated that tonight's exchange with the MUA was very beneficial because the MUA has committed to get interested residents included in the test. Tonight, he also obtained answers he needs for the legal matters he is involved with.

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Councilman Warden thanked Mr. Semrau for his professionalism and stated that he did not consider him to be out of line in any way. On behalf of West Milford, he thanked him for his hard work to protect residents and the water supply.

Action Items

Agenda No. VIII 1

~ Resolution 2007- 188 ~

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 (PUBLIC HEARING & SECOND READING)

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

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

ANTICIPATED REVENUES

	<u>From</u>	<u>To</u>
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

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2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Adopted: June 6, 2007

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

Agenda No. VIII 3

~ Resolution 2007- 190 ~

TOWNSHIP OF WEST MILFORD SECTION 2 - UPON ADOPTION FOR YEAR 2007
 (Only to be Included in the Budget as Finally Adopted)

Be It Resolved by the Township Council of the Township of West Milford of the County of Passaic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$16,511,224.00 (Item 2 below) for municipal purposes, and
- (b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of the following summary of general revenues and appropriations.

SUMMARY OF REVENUES			
1. General Revenues			
	Surplus Anticipated	08-100	2,050,000.00
	Miscellaneous Revenues Anticipated	40004-10	9,764,840.00
	Receipts from Delinquent Taxes	15-499	770,000.00
2. AMOUNT TO BE RAISED BY TAXATION MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	16,511,224.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
	Item 6, Sheet 42	07-195	
	Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
	Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		16,511,224.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			

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	Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
	Total Revenues	40000-00	29,096,064.00
SUMMARY OF APPROPRIATIONS			
5. GENERAL APPROPRIATIONS:		XXXXXX	XXXXXXXXXX XXXX
	Within "CAPS"	XXXXXX	XXXXXXXXXX XXXX
	(a&b) Operations Including Contingent	30001-00	20,560,477.00
	(e) Deferred Charges and Statutory Expenditures - Municipal	30004-00	715,595.00
	(g) Cash Deficit	46-885	
	Excluded from "CAPS"	XXXXXX	XXXXXXXXXX XXXX
	(a) Operations - Total Operations Excluded from "CAPS"	60023-00	3,458,710.00
	(c) Capital Improvements	60002-00	506,874.00
	(d) Municipal Debt Service	60003-00	2,036,000.00
	(e) Deferred Charges - Municipal	60024-00	48,408.00
	(f) Judgements	37-480	
	(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A:48-17.1 & 17.3)	29-405	
	(g) Cash Deficit	46-885	
	(k) For Local District School Purposes	60008-00	
	(m) Reserve for Uncollected Taxes (Include Other Reserves if any)		1,770,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)		60010-00	
Total Appropriations		30000-00	29,096,064.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 6th day of June 2007. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2007 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

TOWNSHIP OF WEST MILFORD SECTION 2 - UPON ADOPTION FOR YEAR 2007
 (Only to be included in the Budget as Finally Adopted)

Be it Resolved by the Governing Body of the Township of West Milford, County of Passaic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$2,468,291.00 (item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

SUMMARY OF REVENUES and APPROPRIATIONS	
1. General Revenues	
Surplus Anticipated	
Miscellaneous Revenues Anticipated	230,709.00
2. AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT	2,468,291.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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TOTAL REVENUES	2,699,000.00
3. General Appropriations	
Operations	2,699,000.00
Deferred Charges	
Statutory Expenditures	
Judgement	
Deficit in Operations in Prior Years	
Surplus (General Budget)	
TOTAL APPROPRIATIONS	2,699,000.00

IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 6th day of June 2007. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2007 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: June 6, 2007

Discussion: Councilman Nolan stated that, before the vote is taken, he would like to advise that he will be voting no for this resolution because it provides for three new employees who will be paid through the collection of taxes. It also includes funding for the planning and zoning boards yet neither board will approve the bills they incur. The budget includes an appropriation for a planning director whose salary equates to half the appropriation for the planning department. This budget, he said, is higher than it needs to be. Councilman Weisbecker stated that, while he understands the concerns expressed by Councilman Nolan, all bills are subjected to a review process and the planning and zoning board members consistently work with various departments to provide layers of oversight of all bills. The additional employees being funded in this budget are needed because the Township is currently understaffed and these employees will assist in the Township's ability to provide services to residents and in providing for their safety. Councilman Warden stated that he will also vote no for this budget. The Council, he said, again ignored the gorilla in the room. Subsequently, the Council will be faced with a 1,000 lb gorilla next year. The planning budget is not necessary because there has been no planning in this town. No hard decisions were made this year and he will not vote for a tax increase because this Council did not address the important issues affecting this town.

Council President Smolinski stated that he sat through many budget meetings as did all Council members. The additional staff member is needed in the recreation department. Certain Council members have chosen to make this a political issue. However, this appropriation will benefit all residents. The road department needs the additional staff because they cannot meet the Township's needs at the current levels of staffing. The Council is now considering reinstating a road assessment program. During the budget meetings he did not hear Council members object to these additions nor did he hear them propose viable options. Councilman Weisbecker stated that the Council has agreed to form a committee to determine the future of the planning director position. However, the new hires are needed. Councilman Schimmenti stated that residents deserve municipal services and to provide those services, the Township needs manpower.

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

Agenda No. VIII 4

~ Resolution 2007- 191 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PLACE TO PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-021-003

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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JAMES ANTHONY DELI & RESTAURANT INC., T/A GREENWOOD LAKE DISCOUNT LIQUORS FOR PREMISES LOCATED AT 2019 GREENWOOD LAKE, HEWITT

WHEREAS, an application for the place to place transfer (Expansion of Premises) of Plenary Retail Consumption License 1615-33-021-003 James Anthony Deli & Restaurant Inc. t/a Greenwood Lake Discount Liquors has been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Mayor and Township Council has determined as follows:

- 1. The submitted application is complete in all respects.
- 2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).
- 4. There are no departmental objections to the Expansion of the License to include storage area in the basement.

WHEREAS, the Police Department has recommended that the license be transferred as an expansion of premises to include storage in the basement as depicted on a sketch in the Office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is authorized to endorse the license certificate for the Township Council of the Township of West Milford.

Adopted: June 6, 2007

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

Agenda No. VIII 5

~ Resolution 2007- 192 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE MORRIS LAND CONSERVANCY FOR OPEN SPACE CONSULTING AND ADVISORY SERVICES

WHEREAS, with the creation of a dedicated source of tax revenue ("Open Space Trust Fund") and an Open Space Committee for the acquisition of open space, there exists a need to retain the services of an open space preservation consultant whose staff members have the technical expertise and experience in the field of open space and farmland preservation and stewardship; and

WHEREAS, the Morris Land Conservancy is a nonprofit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

WHEREAS, the Township wishes to retain the Morris Land Conservancy for the purpose of assisting the West Milford Township Council and the West Milford Township Open Space Committee with a variety of open space services and landowner negotiations, including, but not limited to, the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland and other various related services as outlined in its proposal dated January 11, 2007; and

WHEREAS, the total amount of the contract for the twelve (12) month term shall not exceed \$11,000.00; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, funds are available for this purpose through the Township's Open Space Trust Fund; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; 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 bid and the contract itself must be made available for public inspection.

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 the Morris Land Conservancy, with offices located at 19 Boonton Avenue, Boonton, New Jersey, 07005, as open space preservation consultant to assist the Township in the area of open space acquisition, preservation and stewardship in an amount not to exceed \$11,000.00 in accordance with its proposal dated January 11, 2007.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$11,000.00 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.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and the Morris Land Conservancy, 19 Boonton Avenue, Boonton, New Jersey, 07005, for their information and guidance.

Adopted: June 6, 2007

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

Payment of Bills

None.

Items For Discussion

Mayor DiDonato advised that, because of the late hour, some discussion items will be deferred to a later date.

The Township Council discussed the following items:

1)	Traffic Striping Bid – Administrator Kunze advised that the Engineer has recommended having this service provided through the Morris County Coop. The Council gave consensus to continue.
2)	Hydraulic Excavator Bid – Administrator Kunze directed the Council to a memo from the Township Engineer and the DPW Director. The lowest bid received contained exceptions to the specifications many of which were de minimus in nature. However, some of the exceptions varied the intent of the specs. The Township Attorney reviewed the bid and deemed that some of the exceptions are considered material deviations thus disqualifying the bid. Consequently, it is recommended that this bid be awarded to Foley. The Council gave consent to proceed.
3)	Curbside Collection of Recyclables Bid – Administrator Kunze advised that two contractors bid on this service. During the review process, the Township Attorney found a fatal defect in the County Waste bid. Mr. Semrau reviewed this contract carefully being mindful that it is a large amount and for a long term. The required consent of surety was not submitted with the bid. He contacted the Department of Community Affairs who confirmed that this is a fatal defect. Therefore, it is recommended that this contract be awarded to Blue Diamond and Administrator Kunze asked the Council to determine what the term of contract will be. The Council agreed to a 24-month contract.
4)	Attorney Accountability – Discussion deferred to a later workshop.

