
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: July 25, 2007
Time of Meeting: 7:30 P.M.
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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 Joseph Smolinski, Salvatore Schimmenti,
Robert Nolan, James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: Councilman Philip Weisbecker
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,
Township Attorneys Frederick Semrau and Dominic DiYanni.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the April 25, 2007 Executive Session Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the June 6, 2007 Workshop Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the June 13, 2007 Executive Session Meeting as presented.

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

Meetings

Mayor DiDonato noted the future meeting schedule:

August 8, 2007 Regular Meeting
August 22, 2007 Workshop Meeting
September 5, 2007 Regular Meeting
September 12, 2007 Workshop Meeting

Proclamations

None.

Presentations

Lake Commercial Zone (Planning)

Mayor DiDonato invited the Township's Planning Director, Bill Drew to the podium to address Council. Mr. Drew recalled that the Planning Board had sent Council a proposed amendment to the Business Commercial Zone primarily along Greenwood Lake Turnpike and a smaller area along Lakeside Road, close to the New York boarder. The purpose of this proposed amendment is to expand the permitted use list to keep this ordinance in line with the other commercial zones in town. The current legislation is a

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little too specific and narrowly worded. The proposed amendment contains new language that outlines specific prohibited uses to support municipal efforts to improve water quality. The new permitted uses are direct retail and direct service and those terms are defined.

Councilman Nolan noted that one of the permitted uses is for hotels, motels and B&B's. He asked if there is a limit on size for such potential establishments. Mr. Drew replied that existing lot sizes would determine the size as would setback and parking requirements. Councilman Nolan, noting that business offices may well include medical and dental facilities, expressed concern about medical waste disposal. He asked if the WMP would need to be updated in conjunction with this proposed legislation. Mr. Drew answered in the negative advising that facilities in this area would rely on separate septic systems. This ordinance simply controls permitted land uses. If any particular facility were expected to exceed the 2,000-gallon limit per day, the owner would have to apply for a DEP permit and would thus rely on DEP approval. Councilman Warden asked if the Brown's Point Plaza falls in the zone in question and questioned if that developer requires this change to have his application approved by the Planning Board. Mr. Drew reiterated that this ordinance only addresses permitted uses, not site approval. The project, as with all projects, would be required to meet ordinance standards for approval. He stated that concerns about the language in the ordinance pertaining to this particular zone have been documented since 1999. This has been a zoning and land use issue identified in the 1990's and the Brown's Point application was approved in the late 1980's.

Councilman Nolan asked if this ordinance is in conformance with the resolution adopted by Council opposing the areas referred to as the purple blotches. Mr. Drew stated that this proposed ordinance does not change any zoning areas, it proposes to modify the permitted uses and being more specific about inappropriate land uses that may have a negative impact on water quality. Councilman Nolan asked if the Council should address adult entertainment zones in that zone. Mr. Drew advised that his department is currently analyzing adult entertainment zones throughout the Township and he is not prepared to address that subject tonight.

Councilman Smolinski asked if the proposed changes will encourage new business in West Milford to which Mr. Drew replied in the affirmative. Mr. Drew advised that the Planning Board has a site plan waiver process. In this particular zone, some businesses had to be turned away because of the permitted uses. This led to the Planning Board reviewing the existing ordinance and recommending the proposed changes to Council. Councilman Smolinski stated that it is discouraging to see empty lots in town and he would like to see certain areas addressed including the bowling alley.

Mayor DiDonato thanked Mr. Drew for his presentation tonight. He asked Administrator Kunze to place the adult entertainment zone issue on the agenda for discussion at a future workshop.

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.

Dale Matthews, 55 Lake Park Terrace, Upper Greenwood Lake advised that she is the Bloomingdale Tax Collector and a West Milford resident. She has been experiencing a problem with a neighbor and, to that end, contacted officials at Town Hall. She commended Eric Miller and Kirk Bakker in Engineering and Alana Hollick and Jim Lupo in Construction for all their help. She loves Greenwood Lake and wants to keep it pristine.

Robin O'Hearn, Skylands Clean, Ringwood stated that her organization is concerned about a development off Macopin and Wooley Road. The development is proposed by Braemar Construction and to be known as Green Valley. This development, she said, is headed down the same path as Valley Ridge. She has reviewed their state approvals which have expired. However, work is being done at the site even though the developer only has preliminary approvals. The application was scheduled for the Planning Board meeting tomorrow evening but has now been pulled from the agenda. She submitted a list of questions to Administrator Kunze and asked that he address them at a later date.

Martin O'Shea, 10 Lakeshore Road East, Lake Stockholm stated that the GRC suit against the MUA was filed on Friday last in Mercer County and the paperwork is voluminous. He took the liberty of e-mailing pertinent parts to Mr. Semrau thinking that he would circulate it to Council. The MUA has refused to obey two orders issued by the GRC which, he said, are basically harmless because they would not have necessarily made the minutes requested public documents. To determine if they can be released, the GRC must conduct an in-camera review, thus their request to have the documents sent to them. For the first time ever, the GRC has taken a matter to the Superior Court. Council can obtain additional information from Mr. Semrau or he can e-mail it to the Administrator tomorrow.

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Mayor DiDonato asked Mr. DiYanni to confer with Mr. Semrau tomorrow and have him determine what has transpired with the Green Valley Estates application and report back to Council.

Councilman Smolinski stated that the residents on Wooley Road have Council support and they will have the Township Attorney look into this matter. He thanked them for bringing it to the Council's attention tonight. While current residents are concerned, future residents must be concerned also.

Administrator Kunze asked the resident with questions about the petition to contact his office for answers. He advised that there are currently two homes on Green Valley. One is a model home and the other is on a separate lot and not part of the development. Mayor DiDonato interjected that, before anyone comments on this matter, it would be best to gather all the information.

Councilman Nolan thanked the Mayor and Council for asking the Township Attorney to research this development. He drove there last night and was shocked by what he saw.

Councilman Warden stated that he is astounded that, if there is no approval, development could have gotten to this point. If the facts bear out that there is no final approval, it is very disturbing. Mayor DiDonato affirmed that the Township Attorney will get the facts and report back.

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1

~ Ordinance 2007-018 ~

BOND ORDINANCE APPROPRIATING \$3,861,238, AND AUTHORIZING THE ISSUANCE OF \$3,309,676 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$3,861,238 including the aggregate sum of \$201,562, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$350,000 received or expected to be received by the Township from the New Jersey Department of Transportation, as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$3,861,238 appropriations not provided for by application hereunder of said down payments and said grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,309,676 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a

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principal amount not exceeding \$3,309,676 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including two (2) dump trucks with plows and sanders for use by the Department of Public Works of the Township, one (1) utility vehicle for use by the Administration and Finance Department of the Township, one (1) utility vehicle for use by the Fire Inspector of the Township, one (1) utility vehicle for use by the Police Department of the Township and one (1) ambulance for use by the First Aid Squad of the Township, together with the reconditioning and rehabilitation of existing ambulances as necessary and all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	\$478,538	\$454,611
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Warwick Turnpike, together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$787,500 appropriation hereby made therefore being inclusive of the amount of \$350,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	787,500	398,125
(c) Improvement of municipally-owned facilities and grounds in and by the Township, including Town Hall by the renovation thereof and various athletic fields (including Farrel Field) by the rehabilitation thereof, together with for all the aforesaid all structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	94,500	89,775
(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including computer and communication equipment for use by the Administration, Finance and Police Departments of the Township, together with all appurtenances, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	275,100	261,345
(e) Acquisition by purchase and installation, as necessary, of		

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new and additional equipment, including two (2) air cascade systems for use by the Greenwood Forest and the Macopin Volunteer Fire Companies, a generator for use by the Office of Emergency Management of the Township, one (1) portable light and one (1) athletic field conditioner for use by the Recreation Department of the Township, and eight (8) light bars and cages for use by the Police Department of the Township, together with all appurtenances, apparatus and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	141,350	134,283
(f) Acquisition by purchase of new and additional equipment for use by the Police Department, Volunteer Fire Departments, First Aid Squad, Office of Emergency Management and Department of Public Works of the Township, including portable radios, mobile radios, digital recorders and the upgrade of the 911 system and the transmission and receiver systems, together with all accessories, apparatus and appurtenances necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	1,680,000	1,587,500
(g) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the Greenwood Forest Volunteer Fire Company, together with all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	<u>404,250</u>	<u>384,037</u>
Totals	<u>\$3,861,238</u>	<u>\$3,309,676</u>

Except as otherwise stated in paragraph (b) with respect to the \$350,000 grant-in-aid of financing the improvement or purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 7.98 years.

c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,309,676, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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d) Amounts not exceeding \$300,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the \$350,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (b) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefore by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Mayor DiDonato advised that this ordinance was introduced on June 27, 2007. A public hearing was held on July 11, 2007 but action was not taken at that time. Another public hearing will be held tonight and then the Council will vote. He opened the meeting to the public to speak on this matter only.

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

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

Agenda No. VIII 2

~ Ordinance 2007-020 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING DONATIONS OF CERTAIN PROPERTIES LOCATED IN THE TOWNSHIP

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

SECTION 1. The Township of West Milford hereby accepts the donation of the following properties located within the Township:

	<u>BLOCK</u>	<u>LOT</u>		<u>BLOCK</u>	<u>LOT</u>
1.	1004	3	7.	8601	6
2.	2012	13	8.	10001	6
3.	2015	18	9.	11104	1
4.	2101	10	10.	11601	7.01
5.	5904	6	11.	11601	7.02
6.	8601	5			

SECTION 2. The said lands so conveyed to the Township of West Milford are described and are pictured on said maps located on Schedule A which is attached hereto and made a part hereof.

SECTION 3. The Township is accepting the aforementioned lands subject to the respective property owners paying all outstanding taxes and municipal charges prior to the transfer of the property to the Township. This condition does not apply to Block 2012, Lot 13, as this property was previously authorized for acceptance by the Township.

SECTION 4. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mayor DiDonato advised that this ordinance was introduced on July 11, 2007 and notice was published on July 15, 2007. He opened the meeting to the public to speak on this matter only.

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

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

Agenda No. VIII 3

~ Resolution 2007-256 ~

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WHEREAS, the Township wishes to retain Water Resource Technologies for the purpose of preparing a classification exception area biennial certification for the museum site; and

WHEREAS, the total amount of the contract shall not exceed \$1,950.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account # 7-01-27-330-450; 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 Water Resource Technologies, Inc. with offices located at 2 Kanouse Road, Newfoundland, New Jersey 07435 to conduct a feasibility study on behalf of the Township in an amount not to exceed \$1,950.00.
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 \$1,950.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: July 25, 2007

Discussion: Administrator Kunze advised that contamination was found behind the museum when the facility was used as a annex. The remediation process requires periodic updates and a new report is due to the State in September. This resolution authorizes that work.

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

Agenda No. VIII 5

~ Resolution 2007-258 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN APPLICATION FOR MUNICIPAL AID UNDER THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND AUTHORITY ACT

WHEREAS, the New Jersey Department of Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West that application is hereby made to the Commissioner of Transportation for aid under the Transportation trust Fund Fiscal Year 2008 State Aid Program for the following application and the grant amount requested:

ROADWAY INFRASTRUCTURE

WARWICK TURNPIKE – SECTION 10

\$350,000.00

BE IT FURTHER RESOLVED that the Mayor and Township Administrator are hereby authorized to execute and attest this application and agreement.

Adopted: July 25, 2007

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

Agenda No. VIII 6

~ Resolution 2007-259 ~

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$5,000.00 with a cash match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2008.

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be authorized and directed to arrange for the acceptance of said grant.

Adopted: July 25, 2007

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

Payment of Bills

Agenda No. IX

~ Resolution 2007-261 ~
RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$94,904.91
2	Reserve Account	532.12
3	Animal Control Trust	
6	Capital	473,018.32
7	Grants	115,087.58
8	Refuse	106,759.16
9	Refunds	512.00
12	General Ledger	

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16	Heritage Trust.	
14	Open Space Trust	
17	Trust	8,363.52
18	Development Escrow.	1,908.06
19	LOSAP	
20	Special Reserve	
Total		\$801,085.67
Less Refund Resolution		-512.00
Actual Bill List		\$800,573.67
Other Payments		18,121.67
Less Refund Resolution		
Total Expenditures		\$818,695.34

Adopted: July 25, 2007

Discussion: Councilman Nolan stated that he would like a separate vote on three bills and questioned where the bills that were not paid at the last Council meeting are. Administrator Kunze advised that those bills are reflected in the resolution under "Other Payments". Councilman Nolan stated that he would like a separate vote on the \$3,999.99 bill on page 7 to Glen Kienz, the \$600 invoice on page 7 to Kirkpatrick, and the payment on page 8 of \$6,707.55 to Weiner Lesniak as well as the "Other Payments" listed on the resolution. Mayor DiDonato referred the Council to a memo from the Clerk advising them that legal counsel has recommended that they each recuse himself from voting on his reservation for the league.

Moved: Nolan Seconded: Scangarello
 Voted Aye: Smolinski, Schimmenti, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained on the Valley Health bill only.
 Recused: 07-01180 Item 3 – Councilman Weisbecker
 07-01180 Item 8 - Councilman Schimmenti
 07-01180 Item 2 – Council President Smolinski
 07-01180 Item 18 - Councilman Nolan
 07-01180 Item 5 – Councilman Warden
 07-01180 Item 4 – Councilman Scangarello

Motion carried.

Glen Kienz' bills, page 7, \$3,999.99

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

Robert Kirkpatrick bills, page 7, \$600:

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

Weiner Lesniak bills, page 8, \$6707.55:

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

Other Payments:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Discussion Items

1)	Crack Sealing Bid – Administrator Kunze advised that this is the annual program to extend the life of Township roads. The Engineer has recommended award through the Morris County Cooperative Pricing and funds will be appropriated through the streets & roads operating budget. The Council gave consensus to proceed.
2)	Stainsby, Lambert, Burr, Yonder & Durant Road Improvement Bid – Administrator Kunze advised that bids were accepted on July 13 th and the Township received one bid from Tomaro. They have worked well for the Township in the past. The Council gave consensus to proceed.
3)	Resolution increasing the “Not to Exceed” Amount of the Hearing Officer – Administrator Kunze advised that, earlier this year, the Council had approved a contract for a hearing officer in an amount not to exceed \$3,000. The hearing is taking longer than expected and at least one more day is called for. He is requesting approval of an additional \$3,000. The Council gave consensus to proceed.
4)	Leasing Space for signs on Township property – Administrator Kunze advised that the Engineer has designed the schematic for the proposed sign on Township property by Airport Road. To conduct an auction, the Township must decide the size of the sign and the material to be used. The Council instructed the Administrator to work with the Engineer and make recommendations to them for consideration. Mr. Semrau arrived at the meeting and Mr. DiYanni left. The Council instructed Mr. Kunze to make this a priority and to have the recommendations ready for the next workshop meeting.
5)	Request for ROW (between Lots 6 and 7 in Pinecrest Lake) – Mayor DiDonato recused himself from this discussion and asked Council President Smolinski to assume the chair. Administrator Kunze advised that a contiguous property owner purchased a Township lot at a recent public sale. He is seeking a vacation or easement on the right-of-way (ROW) between his existing lot and the newly purchased lot to install a well on one lot for a house on the other lot. The request has been distributed to various departments and staff has had no objections to the request. Mr. Semrau advised that he has no concerns from a legal perspective because this particular ROW is not on Township roads. He recommended that residents in the vicinity be notified of the public hearing when the ordinance is introduced.
6)	Pinecliff Lake Dam – Mayor DiDonato returned to the meeting and assumed the chair. Mr. Semrau noted that, if any Council member is a member of the Pinecliff Lake Association, he should recuse himself from this discussion. There were no recusals. Administrator Kunze advised that he received a request from the lake association to have their expenses for the dam rehabilitation reimbursed. The Township has been collecting the assessments as required from the property owners. However, Pinecliff lake expended \$9,538.12 in addition to the loan amount for this project. They have provided an itemized lists of costs and the associated breakdown. The Council concurred that Pinecliff Lake Association should be refunded the full amount. They instructed the Administrator to seek input from the Auditor as to how this should be done and then prepare the necessary resolution.

Councilman Schimmenti left the meeting at this time.

7)	Resolution supporting Lyme Disease Senate Bill – Administrator Kunze advised that this proposed legislation would establish mandatory reporting of lyme disease cases by doctors. The Township currently reports those cases that are reported to the Health Department. Councilman Nolan expressed concerns about patient privacy noting that his employer does not release any patient information unless specifically authorized to do so. Administrator Kunze stated that the intent of the legislation is to establish a reporting mechanism to use data to bench treatment efforts. Individual privacy would be protected but the number of cases would be reported. The Council asked that this subject be re-addressed at a future meeting when Councilman Weisbecker is in attendance as he requested this discussion.
8)	Adoption of Chapter 159 Resolutions – Administrator Kunze advised that these resolutions allow for the insertion of the related funds into the budget. The Council gave consensus to proceed.
9)	Xtreme 10-U Gold Traveling Girls Softball Team request for possible signs – Administrator Kunze advised that he received a request to allow the erection of temporary signs recognizing the team who won the State Championship. This has been a past-practice in West Milford. The Council gave consent.

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Reports

Administrator Kunze advised that the Clinton Road project is scheduled to begin this week with a completion date at the end of August. The Township and the County will work simultaneously on this project. The Mount Laurel project is ready to begin and every effort will be made to accommodate sports during construction. The Planning Director and the Environmental Commission have recommended that contracts be awarded to Princeton Hydro and Les Lynn to conduct the study for uses for West Milford Lake as outlined in the ANJEC grant. The Council gave consensus to proceed. Administrator Kunze advised that he received a request from the Heritage Committee to apply for a grant which would fund a series of meetings and interviews with lifelong residents to create an oral history of West Milford. The Council gave consent to proceed. Administrator Kunze advised that he has engaged in further discussions with Fire Company 3 regarding the fire truck to be purchased. The truck will cost more than the amount being bonded. However, through the cancellation of capital projects, the additional funds can be obtained and the truck purchased as planned. In response to Council questions, Administrator Kunze advised that the Township expects to have multiple bidders for this purchase.

Council President Smolinski asked about the letter sent to the County Planner asking that the purple blotches be removed from the West Milford map. Mayor DiDonato advised that he sent Mr. LaPlace copies of the Council's resolution outlining the Township's position. Council President Smolinski asked Administrator Kunze to follow up with Mr. LaPlace this week. He stated that underground storage tanks (UST's) are the most dangerous polluters in New Jersey. With so many lakes in West Milford, the Township must demand that DEP and EPA guidelines for UST's are exceeded. He asked Administrator Kunze about the timeline for work being done on Deadman's Curve. Administrator Kunze advised that he recently spoke with the County Administrator on this subject. The County has indicated that they are on target and completion is still scheduled for the spring of 2008.

Councilman Nolan asked for a status update on the attorney accountability ordinance. Mr. Semrau advised that he has prepared an initial draft which will be distributed to Council for the next workshop meeting. Councilman Nolan stated the Council must begin a policy of establishing priorities for the Township Administrator. He asked that this be scheduled for discussion at the August workshop. He stated that he would like to see every Council member send an e-mail to the Administrator with a list of priorities to establish a commonality and take the conversation from there. He advised that the Mental Health Association of Essex County, his employer, recently purchased a house in Bloomingdale where residents will live in a supportive environment. They recently received their tax bill. Despite the development and ratables in Bloomingdale, the average tax bill will increase \$211 this year.

Councilman Warden stated that Greenwood Lake is still looking good and there was a sailing regatta last week. The drawdown is the primary reason for the reduced weed growth. Tonight, Council was presented with a proposed ordinance change from Bill Drew. He feels it is coincidental that this is the first time during his tenure on Council that zoning amendments have been proposed and the proposed change happens to be in the area of the bowling alley. The attorney for Brown's Point Plaza recently sent a letter asking the Council to pay for the WMP because they need it for their property. He asked Mr. Semrau to determine if this project is viable under the existing ordinance or does it need a change in the zoning as proposed by the Planning Director.

Township Attorney, Fred Semrau stated that he will have a fee ordinance and an attorney accountability ordinance before Council at the next workshop meeting. He will have updates soon on the work being done by the Morris Land Conservancy. He advised that the MUA sent a letter to the DEP requesting that residents be included in the Eagle Ridge well testing and he sent a follow up letter to the DEP requesting confirmation that they received the MUA letter. He is working on scheduling a meeting with the DEP and the MUA regarding the wastewater management plan. Councilman Nolan had asked about consolidating the planning and zoning boards. While many municipalities have done this, municipalities with a population above 15,000 can only do so by referendum.

Executive Session

Agenda No. XIII

~ Resolution 2007-262 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 25th day of July, 2007, that:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Hillcrest/Wallisch Property
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: July 25, 2007

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

The Council went into Executive Session 9:36 p.m.

The Council reconvened in public session at 10:00 p.m. with all present as before.

Adjournment

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

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

Approved: August 22, 2007

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK