
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 27, 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 Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, James Warden (arrived @ 7:35 p.m.), Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the May 2, 2007 Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 9, 2007 Workshop Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 9, 2007 Executive Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the May 17, 2007 Special Meeting as presented.

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

Township Attorney, Fred Semrau, advised that he and the Clerk have reviewed Executive Session minutes. Subsequently, the list was updated and a recommendation was made to Council that certain subjects be released to the public at this time. He advised that Council members who were not present at certain meetings do not have to abstain from this vote as the minutes have already been approved. The action tonight simply authorizes release of certain subjects to the public.

Councilman Weisbecker moved to release the following Executive Session Minutes as redacted:

September 7, 2005	October 11, 2006
September 21, 2005	October 25, 2006
October 13, 2005	November 1, 2006
November 10, 2005	December 13, 2006
March 8, 2006	December 27, 2006
April 12, 2006	February 7, 2007

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

Meetings

Mayor DiDonato noted the future meeting schedule:

July 11, 2007 Regular Meeting August 8, 2007 Regular Meeting
July 25, 2007 Workshop Meeting August 22, 2007 Workshop Meeting

Proclamations

None.

Presentations

None.

Action Items

The Township Council took action on the following items:

Mayor DiDonato noted that Mr. Ferraioli, the Township Auditor, is in attendance tonight to answer questions related to two Resolutions on the agenda. He asked if Council had any objection to altering the agenda so that these two Resolutions are the first order of business. The Council had no objection.

Agenda No. VIII 6

~ Resolution 2007-215 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2006 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Township of West Milford has by Resolution accepted the 2006 audit as prepared and presented by the Township Auditors, and

WHEREAS, Arthur Magnotti, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2006 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: June 27, 2007

Discussion: Councilman Nolan expressed that, in 2006, certain professional services contracts had surpassed the not-to-exceed amount in the associated resolution and the audit did not reflect these occurrences. He also expressed concern that the escrow accounting was not addressed in the annual audit. Mr. Ferraioli advised that he is now aware of any escrow problems with the exception of escrow accounts used to pay for special police duty. As a general rule, he said, Board Secretaries contact the contractor and advise them of the need to fund an escrow account when such replenishment becomes necessary. Councilman Nolan stated that there are problems with Zoning and Planning board escrow accounts. He stated that the board's attorneys do not submit bills on time, making it impossible for the Council to control the municipal budget. Mr. Ferraioli recommended sending a letter to these professionals reminding them that they should submit timely invoices. Councilman Nolan stated that West Milford has been in litigation on the Valley Ridge matter for over one year without receiving an invoice from the attorney handling that matter. Mr. Ferraioli advised that he will discuss these matters with the CFO tomorrow.

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

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Agenda No. VIII 13
 ~ Resolution 2007-224 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE 2007 CAPITAL BUDGET

WHEREAS, the local capital budget for the year 2007 was adopted on the 6th day of June, 2007;
 and

WHEREAS, it is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, that the following amendment(s) to the approved capital budget section of the 2007 Budget be made:

From										
CAPITAL BUDGET (CURRENT YEAR ACTION) 2007										
1 PROJECT	2 Project #	3 Est Total Cost	4 Amounts Reserved In Prior Years	5a 2007 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds	5e Debt Authorized	6 To Be Funded In Future Years	
Purchase of Emergency Management Equipment	2007-6	1,081,500			54,075			1,027,425		
Total All Projects		8,030,388		118,800	110,900		350,000	7,173,512		
6 YEAR CAPITAL PROGRAM 2007-2012										
Anticipated Project Schedule And Funding Requirement										
1 PROJECT	2 Project #	3 Est Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year	Budget Year 2007	Budget Year 2008	Budget Year 2009	Budget Year 2010	Budget Year 2011	Budget Year 2012
Purchase of Emergency Management Equipment	2007-6	1,081,500	1 Year	1,081,500						
Total All Projects		8,030,388		8,030,388						
6 YEAR CAPITAL PROGRAM 2007-2012										
Summary of Anticipated Funding Sources and Amounts										
BONDS AND NOTES										
1 PROJECT	2 Estimated Total Cost	3 Current Year 2007	4 Future Years	5 Capital Improvement Fund	6 Capital Surplus	7 Grants in Aid & Other Funds	8 General	9 Liquidating	10 Assessment	11 School
Purchase of Emergency Management Equipment	1,081,500			54,075			1,027,425			
Total All Projects	8,030,388	110,900		395,976		350,000	7,173,512			
To										
CAPITAL BUDGET (CURRENT YEAR ACTION) 2007										
1 PROJECT	2 Project #	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2007 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds	5e Debt Authorized	6 To Be Funded in Future Years	
Purchase of Emergency Management Equipment	2007-6	1,711,500			54,075	40,000		1,617,425		
Total All Projects		8,660,388		110,900	384,812	40,000	350,000	7,774,676		
6 YEAR CAPITAL PROGRAM 2007-2012										
Anticipated Project Schedule And Funding Requirement										
1 PROJECT	2 Project #	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year	Budget Year 2007	Budget Year 2008	Budget Year 2009	2010	2011	2012
Purchase of Emergency Management Equipment	2007-6	1,711,500	1 Year	1,711,500						
Total All Projects		8,660,388		8,660,388						
6 YEAR CAPITAL PROGRAM 2007-2012										
Summary of Anticipated Funding Sources and Amounts										
BONDS AND NOTES										

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1 PROJECT	2 Estimated Total Cost	Current Year 2007	Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	General	Liquidating	Assessment	School
Purchase of Emergency Management Equipment	1,711,500			54,075	40,000		1,617,425			
Total All Projects	8,660,388	110,900		384,812	40,000	350,000	7,774,676			

Discussion: Mr. Ferraioli advised that, when the budget is prepared for introduction, a capital budget is also prepared. However, the authorization to spend capital funds is actually the Bond Ordinance. Therefore, some items have been added or deleted to capital which require this amendment. The most significant item is the communication equipment. This Resolution will bring the capital budget in line with the Bond Ordinance.

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

On behalf of the Council, Mayor DiDonato thanked Mr. Ferraioli for attending tonight's meeting.

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.

Doris Aaronson, 19 Bearfort Road, West Milford advised that many residents have commented to her that they are seeing the long horn Asian beetle on their properties. The health department, she said, should contact the County and ask that the Township be surveyed and, perhaps, treated against the ravaging effects of these beetles. They eat the core of oak trees. She said that the Lyme presentation on Monday was very successful with eighty people attending. In the 1980's 30% of West Milford ticks carried Lyme, now 60% are carriers. Pequannock recently adopted a resolution supporting proposed legislation which would require all health care providers to report Lyme disease incidents to the local health department. Such reporting, she said, will allow health care providers to be proactive in fighting this disease. She asked the Council to adopt a similar resolution.

Martin O'Shea, 10 Lakeshore Road East, Stockholm distributed literature to the Council. He heard that the Council had been misinformed by the MUA about the GRC's action wherein they are seeking an enforcement order through the Superior Court to have MUA records released. This case, he advised, involves an OPRA request he made to the MUA on July 10, 2006 for Executive Session minutes pertaining to Valley Ridge. To adjudicate his complaint, the GRC requested that the MUA provide them with the minutes in question so that they could conduct an in-camera review. The MUA has not provided the GRC with the documents in question and thus this matter is proceeding to the Superior Court. He has been advise by the Deputy Attorney General that an enforcement order will be filed by July 16th. At the last Council meeting, the MUA attorney, Mr. Baum, stated that all the records in question are public. However, he has received a letter from the Executive Director dated July 11th again denying access until all appeals are resolved. There were no appeals pending at the time he filed his request.

William Paterson, Westbrook Road, West Milford stated that he wrote to the Council in December 2004 asking to donate property to the Township. He had donated other property in the 1990's. In the two years since he offered this particular property, he has contacted the Administrator many times to no avail. Mr. Semrau advised that the Council will be discussing this matter later in the evening.

Doris Osterhoudt, Richmond Road, West Milford advised that dial-a-ride has vehicles which they obtained through Federal grants. She suggested that West Milford should seek funds for a small bus to provide transportation to certain areas in town.

Ada Erik, Macopin Road, West Milford stated that she has been having difficulty finding people to become actively involved in the adopt-a-spot program in town which she chairs. Therefore, she assumed the task of adopting Veteran's Park and invested a lot of time and money to beautify this area. She cleaned the park for Memorial Day and, immediately thereafter, members of the Chamber of Commerce removed the potted plants. This theft was reported to the police and the Beautification & Recycling committee. Attempts to obtain an explanation from the Chamber of Commerce have been futile and she asked the Council to intervene to get answers.

Bob Pawlo, 7 Madelyn Avenue, West Milford stated that he read in the paper this week that elected officials are bound by established ethical standards. However, he asked if these rules apply to government employees. Last week a councilman stated that a Township employee was caught in a lie and he asked what happens when a public employee is proved to have lied in his or her official capacity.

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This month, he said, marks the eighth anniversary of the date when residents began fighting against town's center designation in West Milford. The Planning Director said at a hearing that feedback for such designation had only been positive. In Trenton, the planning department unveiled multiple high density developments that included by-pass roads. Two men ran for office in 2004. Those two men talked to every possible state official about the problems with these proposed developments. If those units, being pushed by the planning department and the MUA, were approved, the Township would need many extra services at a high cost to taxpayers. He urged the Council to fire someone.

James Novack, Upper Greenwood Lake, West Milford noted that a West Milford Councilman received an award in Hollywood recently. This, he said, is one of the highest awards ever received by a West Milford resident and he congratulated Councilman Warden. Tonight, he said, the Council is approving minutes that are being presented late, thus violating a court order which demanded they be approved at an earlier meeting. He stated that the continued lack of communication at Town Hall has caused Passaic County to hold up a job on East Shore and Greenwood Lake Turnpike. He asked if the problems with the contractor paying for police services has been resolved.

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 the Township has been focusing on foreclosed properties and will now consider those properties that have been offered for donation. The property on Westbrook Road that Mr. Paterson asked about is on the list being considered by Council. There are nine properties on the list and Council will be discussing this matter later.

Councilman Nolan stated that not everyone on the Council believed statements made by Mr. Baum, the MUA attorney, at the June 6th meeting.

Councilman Weisbecker expressed support for the Lyme disease legislation and asked that this topic be placed on the agenda for discussion at a future workshop meeting. He stated that a letter is being sent to the American Legion and the Chamber of Commerce to notify them of the events that occurred at Veteran's Park. He asked Ms. Erik to allow the process time to work and advised that, when answers are obtained, he will advise accordingly.

Councilman Warden reiterated Councilman Nolan's opinion of Mr. Baum and stated that comments Mr. O'Shea attributed to Mr. Baum were actually made by the Executive Director, Diane Paretti.

Action Items, continued

The Township Council took action on the following items:

Agenda No. VIII 1

~ Ordinance 2007- 015 ~
AN ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

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

SECTION	SERVICE	FEE
ADMINISTRATION		
2-30.2(A)	Fee for CD's	\$2.70 each
POLICE		
24.2.6 shall be established and entitled "Police Department Records"		
24.2.6(A)	Reports by Mail (NEW)	\$5.00
24.2.6(B)	Off-Site Fee	\$5.00
24.2.6(C)	Audio CD Copy	\$2.70 each
24.2.6(D)	Video Tape Copy	\$2.85 each
24.2.6(E)	DVD Copy	\$1.96 each

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SECTION 2. All Ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

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

Discussion: Mr. Semrau advised that this Ordinance is intended to address reproduction charges. He has conferred with the Township Clerk and has come to the conclusion that this should have been presented differently. He asked the Council to afford him an opportunity to correct this Ordinance before moving forward. To that end, he asked that they defeat this Ordinance tonight and he will revise it because of the confusion caused.

Mayor DiDonato opened the meeting to the public to speak to this Ordinance only.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she would like to see a reduction in the xeroxing charges as she spends a significant amount of money for public records.

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

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

Agenda No. VIII 2

~ Ordinance 2007- 016 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING YONDER LANE FOR USE AS A PUBLIC ROAD

WHEREAS, Yonder Lane is a roadway located within the boundaries of the Township of West Milford; and

WHEREAS, the Township Engineer has inspected said roadway and has found same to be acceptable for Township acceptance; and

WHEREAS, the Township of West Milford does hereby determine to accept said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The Township of West Milford formally accepts Yonder Lane, from Durant Road to the southerly sideline of Block 3601, Lot 9, as depicted on Township Tax Map Sheet #36, attached hereto and incorporated herein by reference, for use as a public road.
2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All Ordinances or parts of Ordinances or Resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that this Ordinance is being introduced tonight. Public hearing and adoption is scheduled for the July 11th meeting.

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

Agenda No. VIII 3

~ Ordinance 2007- 017 ~

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AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING DURANT ROAD FOR USE AS A PUBLIC ROAD

WHEREAS, Durant Road is a roadway located within the boundaries of the Township of West Milford; and

WHEREAS, the Township Engineer has inspected said roadway and has found same to be acceptable for Township acceptance; and

WHEREAS, the Township of West Milford does hereby determine to accept said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The Township of West Milford formally accepts Durant Road, from Belchers Creek to the westerly sideline of Block 3601, Lot 6 and Block 3601, Lot 7, as depicted on Township Tax Map Sheet #36, attached hereto and incorporated herein by reference, for use as a public road.
2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that this ordinance is being introduced tonight. Public hearing and adoption is scheduled for the July 11th meeting.

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

Agenda No. VIII 4

~ 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 is 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 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.

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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 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

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(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.

(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 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

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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 is being introduced tonight. Public hearing and adoption is scheduled for the July 11th meeting.

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

Agenda No. VIII 5

~ Ordinance 2007- 019 ~

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND APPROPRIATING \$110,900 THEREFORE FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST

MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this Ordinance are hereby 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 improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$110,900 from moneys available in the Capital Improvement Fund of the Township.

Section 2. The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: for the Administration and Finance Departments of the Township, acquisition by purchase of computer equipment; for the Department of Public Works of the Township, acquisition by purchase of two (2) gas detectors; for the Volunteer Fire Companies of the Township, acquisition by purchase of various fire fighting equipment; for the Parks and Recreation Department of the Township, construction or reconstruction of a secured storage facility and a swimming dock at Bubbling Springs Recreation Complex; for the Police Department of the Township, acquisition by purchase of body armor and the construction or reconstruction of a secured storage facility, including, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and 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.

Section 3. 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 4. This Ordinance shall take effect after publication after final adoption, as provided by law. Mayor DiDonato advised that this Ordinance is being introduced tonight. Public hearing and adoption is scheduled for the July 11th meeting.

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

Agenda No. VIII 7

~ Resolution 2007- 216 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY EXTENDING THE TERM OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE POSITION OF LABOR COUNSEL

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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, Matthew S. Krauser has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Matthew S. Krauser or Integra Realty Resources from making any reportable contributions through the term of the contract, 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 Matthew S. Krauser, of Integra Realty Resources, with offices located at 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, as municipal consultant to assist the Township in the area of open space acquisition and valuation in an amount not to exceed \$7,500.00 and in accordance with his proposal dated May 12, 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 \$7,500.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.
6. A copy of this Resolution shall be provided to Arthur Magnotti, Treasurer, and Matthew S. Krauser, of Integra Realty Resources, 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, for their information and guidance.

Adopted: June 27, 2007

Discussion: Councilman Nolan noted that item #3 on the second page of this Resolution indicates that the total fee will not exceed \$7,500 and recommended that this language be used in all Professional Service Resolutions. Mr. Semrau advised that Mr. Krauser will work with the Morris Land Conservancy on the properties they are looking at. He has worked with the Morris Land Conservancy before and is certified by Green Acres.

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

Agenda No. VIII 9

~ Resolution 2007- 218 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES AND CLUB LICENSES FOR THE 2007 - 2008 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2007 - 2008 License year have been received and reviewed; and

WHEREAS, the Township Council has conducted a public review of the applications 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 Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

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WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners upon satisfactory completion of outstanding requirements within one month of date of renewal of license, as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford.

**2007 - 2008 PLENARY RETAIL CONSUMPTION LICENSES
 TOWNSHIP OF WEST MILFORD**

AMERICAN LEGION POST #289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	WINE IN THE WOODS LLC t/a Wine in the Woods c/o Vincent Paragano, Esq. 5 Seney Drive Bernardsville, NJ 07924 1615-33-023-003
GUSTAV KOHLE CORP. t/a Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002	JESSIE'S COUNTRY KETTLE INC. t/a Jessie's Country Kettle 1603 Greenwood Lake Tpk Hewitt, NJ 07421 1615-33-013-008
BRUCO CORPORATION t/a Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002	2236 CORPORATION t/a W.M. Elk's Lodge 2236 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001
WEST MILFORD BAR & LIQUORS, INC. t/a West Milford Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-001	SHARON A MCKEAGE TAVERN INC. t/a McKeages Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007
NEW VINELAND CORP t/a Uncorked Wines & Liquors 9 Marshall Hill Road West Milford, NJ 07480 1615-33-003-005	JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Tpk. Hewitt, NJ 07421 1615-33-021-003
ALO INC. t/a Village Square Inn P.O. Box 590 Newfoundland, NJ 07435 1615-33-005-003	LAKESIDE BAR & LIQUORS t/a Neil's Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-002
2 MOMENTO 2, INC. Momento Restaurant 374 Morsetown Road West Milford, NJ 07480 1615-33-012-005	PIONEER BAR & GRILL, INC. T/a Pioneer Bar & Grill 350 Warwick Turnpike Hewitt, NJ 07421 License No. 1615-33-028-005
574 MACOPIN, INC. t/a S & S Pub & Liquors 574 Macopin Road West Milford, NJ 07480 1615-33-009-004	

Adopted: June 27, 2007

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

Agenda No. VIII 10

~ Resolution 2007- 219 ~

**RESOLUTION AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
 FOR THE 2007 - 2008 LICENSE YEAR WITH CONDITIONS**

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2007 - 2008 License year have been received and reviewed; and

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WHEREAS, the Mayor and Township Council has conducted a public review of the applications 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 Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS
MURAPPAUL CORP. t/a ISLAND OF SPIRITS 3025 Rt. 23 Oak Ridge, NJ 07438 1615-33-019-001	1. The owner is to consider parking limitations when scheduling advertised special events.
OLD SCHOOL PUB LLC t/a Pickles Pub 551 Warwick Turnpike Hewitt, NJ 07421 1615-33-004-007	1. Premises outlined on the drawing submitted at transfer of license which excludes the use of the basement as a storage area for alcoholic beverages be continued.
TRILLICK LLC t/a Lakeview Pub and Liquors 1934-36 Greenwood Lake Turnpike Hewitt, NJ 07421 1615-33-020-005	1. The rear door at the Lakeview Pub will be used only as an emergency exit, that door to be so posted and will be hooked up to the emergency alarm service. 2. No signs advertising the licensed premises will be displayed from the rear of the building or property, or from the lakefront behind and across the roadway from the premises. 3. All floor areas must be kept clear of stacks of Alcoholic Beverages. 4. The stools must be in place around the entire bar in order that it be a working bar as designed.
SABANI BASKIM t/a Le Bistro 9 Lakeside Road Hewitt, NJ 07421 1615-33-017-006	1. Separate hand wash sink in food preparation area required by July 31, 2007.
PMS L.L.C. t/a The Huntsman Restaurant 1745 Macopin Road West Milford, NJ 07480 1615-33-029-007	1. Separate hand wash sink in food preparation area required by July 31, 2007.
736 LLC t/a Cafe Amore P.O. Box 1093 Hewitt, NJ 07421 1615-33-032-008	1. Separate hand wash sink in food preparation area required by July 31, 2007.
NORMTRA LLC t/a Big John's Pub 49 Old Rt 23 N Newfoundland, NJ 07435 1615-33-027-008	1. Patrons are not to leave the curtilage of the licensed premises with alcoholic beverages. 2. The licensed portion of the deck must have a railing and gate which physically separates it from non-licensed areas. 3. A written notice must also be posted instructing patrons that they cannot leave the licensed portion of the premises with alcoholic beverages. 4. Amplified music should be restricted to the interior of the building only. This should include live bands and DJ's. 5. Non-amplified musical entertainment outside the building should remain within the licensed area and cease by 9:00 P.M. 6. Separate hand wash sink in food preparation area required

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	by July 31, 2007.
BEARFORT PLAZA, INC. t/a VALLEY VIEW PUB 1612 Union Valley Road West Milford, NJ 07480 1615-33-007-003	1. The room in the basement to be used for storage only.
BROOKSIDE GOURMET CORPORATION t/a SHENANIGAN'S 23 1856 Route 23 N West Milford, NJ 07480 1615-33-022-002	1. Updated Employee list must be displayed, copy to be sent to the Office of the Township Clerk

Adopted: June 27, 2007

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

Agenda No. VIII 11

~ Resolution 2007- 220 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2007 - 2008 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2007 - 2008 License year have been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the applications 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 Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed as inactive to the current owners with conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS
ANGELO JULIANO 7 Parkside Court Wayne, NJ 07470 1615-33-015-008	<ol style="list-style-type: none"> 1. Food Handlers License must be current before issuance of License Certificate. 2. Any proposed premise must be inspected and approved by the Police Department before opening. 3. Certificate of Occupancy must be issued prior to opening. 4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.
FILLIPPO ENTERPRISES LLC T/a The Lakeshore Inn 399 Lakeshore Road Hewitt, NJ 07421 1615-33-035-006	<ol style="list-style-type: none"> 1. Premise must be inspected and approved by the Police Department before opening. 2. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

Adopted: June 27, 2007

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

Agenda No. VIII 12

~ Resolution 2007- 223 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A NJ DEP LOAN AGREEMENT AS CO-BORROWER WITH GORDON LAKE PROPERTY OWNERS ASSOCIATION

WHEREAS, the Gordon Lake Property Owner's Association (the "Association") is the owner of a dam located on Gordon Lake which dam has been determined, based upon engineering investigations to be in need of repair, improvement and rehabilitation; and

WHEREAS, the Association has sought financing in order to bring the dams into compliance with the applicable standards established by the Department of Environmental Protection ("DEP") in order to render the dams suitably safe and functional; and

WHEREAS, the Association has applied for a loan from the DEP to fund the repair, improvement and rehabilitation, which loan has been approved by the DEP, ("DEP Loan", a copy of which is attached to this Resolution) subject to execution by the Association as Borrower and the Township as Co-Borrower; and

WHEREAS, DEP regulations require the municipality in which a dam is located to execute loan agreements as a Co-Borrower for all loans for dam repair, improvement and rehabilitation; and

WHEREAS, the Township determines that the repair, improvement and rehabilitation of the Gordon Lake dams and execution of the DEP Loan is in the best interests of the residents of the Township; and

WHEREAS, the Township has conditioned the Township's agreement to sign the Loan as Co-Borrower upon the Association's execution of a satisfactory Dam Rehabilitation Co-Borrower Agreement, which agreement is currently under negotiation; and

WHEREAS, the Township Council desires to grant the Mayor and Township Clerk the authority to execute the DEP Loan Agreement in the event that the Association executes a Co-Borrower Agreement acceptable to the Township.

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

1. Upon the Association's agreement to, and execution of, an acceptable Co-Borrower Agreement, The Mayor and Township Clerk are authorized to execute the DEP Loan Agreement in the form attached to this Resolution, as the Co-Borrower for a loan in an amount of not more than \$800,000 to be made to the Gordon Lake Property Owner's Association and to execute any amendments thereto.
2. In the event the Township executes the DEP Loan as a Co-Borrower, the Township of West Milford agrees to complete the dam restoration project as set forth in the DEP Loan and to reimburse the State in accordance with the terms and conditions of the DEP Loan in the event of a default on the part of the Gordon Lake Property Owner's Association.
3. The Township of West Milford agrees to comply with all applicable deferral, State, and municipal laws, rules and regulations in its performance pursuant to the DEP Loan.

Adopted: June 27, 2007

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

Payment of Bills

Agenda No. IX

~ Resolution 2007- 221 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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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	\$133,097.73
2	Reserve Account	41,123.76
3	Animal Control Trust	235.00
6	Capital.	58,836.25
7	Grants.	9,141.28
8	Refuse.	1,120.00
9	Refunds.	1,010.00
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	2,993.60
18	Development Escrow.	5,340.50
19	LOSAP	
20	Special Reserve	
Total		\$252,898.12
Less Refund Resolution		-1,010.00
Actual Bill List		\$251,888.12
Other Payments		
Less Refund Resolution		
Total Expenditures		\$251,888.12

Adopted: June 27, 2007

Discussion: Councilman Nolan asked that certain bills be voted on separately. Those bills are the Stephen Glatt bills on page 7, the Robert Kirkpatrick bills on pages 10 and 11, and the Weiner Lesniak bills on page 11. The Council agreed.

Moved: Weisbecker Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained from the Valley Health bills only.
 Motion carried.

Other Bills

Recalling that Councilman Nolan had asked for three bills to be voted on separately, Mayor DiDonato advised Council that discussion of these three bills was on the floor and opened the discussion to Council. Councilman Nolan advised that Mr. Kirkpatrick's bills are being presented tonight for work done in November 2006. The Weiner Lesniak bill was received on November 14, 2006 which indicates that there was a deficiency with the escrow account. The Glatt bills appear to have the same problem, work done in the beginning of the year is being billed for in June. He stated that the board should reconsider reviewing bills. He cannot recall seeing a bill from Mr. Glatt for his work on the Valley Ridge matter. Councilman Warden stated that Councilman Nolan is making a valid point. He questioned how escrow accounts can become depleted before all the work is done. Councilman Nolan stated that, if bills are too old, the Township cannot keep track of whether the relative work has been done or not and he urged the boards to keep better track of these issues.

Councilman Weisbecker moved to pay the other bills.

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

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Items For Discussion

The Township Council discussed the following items:

1)	Smart Growth Grant Amendment – Mayor DiDonato referred the Council to the Administrator’s memo on this subject and the Council gave consensus to proceed.
2)	Attorney Accountability Ordinance – Councilman Smolinski stated that, since this Ordinance was repealed, it has been Council’s intent to draft a better Ordinance or initiate a policy on this matter. He stated that it is important to ensure that professionals are aware of the standards expected by the Township before they are hired. He recommended having an attorney disclosure form to be distributed with requests for proposals. This will provide the professionals an opportunity to provide any clarification they may wish to provide. Any information obtained about an attorney who is not hired will not be released. Mayor DiDonato noted that this discussion is intended to give Mr. Semrau guidance as he drafts an Ordinance for Council consideration. Councilman Weisbecker urged patience and caution when addressing this subject noting that it still remains unclear about whether or not the attorney ethics information is indeed a public document. He noted that, unless this matter is researched fully, the Council could place the Township Clerk in a precarious position. Councilman Nolan stated that the intent of the Ordinance is to ensure that any attorney who applies to work in West Milford knows that he/she must disclose their ethics history. Councilman Warden stated that he has also discussed this matter at length with Mr. Semrau. This subject is becoming more complicated than is necessary because the intent is to ensure that the Township has the finest legal representation. Mr. Semrau advised that, in his opinion, everyone is on the same page. Now, it is simply a matter of presentation. The goal is to get information to Council before someone is hired. The Council instructed Mr. Semrau to prepare a draft Ordinance for a future workshop.
3)	Use of Township Property for Sign Advertising – Mr. Semrau advised the Council that, because the sign in question would be placed on public property, the Township should solicit bids for use of the property for the sign at the entrance to the airport. He recommended that the Township Engineer be instructed to draft specifications and he will draft the legal specifications. Every interested party would be offered a fair chance to bid and the Township would be in conformance with state statute. The Council gave consent to proceed.
4)	Request for an Additional Scoreboard at Hillcrest – Administrator Kunze directed Council to a request for the installation of a new scoreboard at Hillcrest. Councilman Scangarello advised that the BOE has already expressed support for this project. The Council instructed that a supporting Resolution be drafted for the next meeting.
5)	Request for ROW (between Lots 6 and 7 in Pinecrest Lake) – Mayor DiDonato recused himself from this discussion and handed the gavel to Council President Smolinski. Mr. Semrau advised that the Engineering and Planning departments have stated no objection to this request. However, the Administrator had expressed some concerns. The Council deferred this matter to a future workshop to hear the Administrator’s comments.
6)	UGL Property Owners Association request to purchase Block 902 / Lot 8 – Mr. Semrau advised this matter pertains to a small parcel of land that was previously owned by the UGL Property Owner’s Association. The property was foreclosed due to non-payment of taxes. However, the association wishes to retain ownership and the sale went through because of a mix up with the mailing address for the tax notices. Mr. Semrau asked for and received Council consent to negotiate this matter with the association.
7)	Property Donations – Mayor DiDonato directed the Council to the Administrator’s memo on this subject. The Council instructed Mr. Semrau to send letters out to the property owners advising that they plan to introduce an ordinance accepting the properties. However, there will be conditions contained in the ordinance one of which is that all taxes must be paid before the Township will assume ownership. Ms. Battaglia asked the Council for a waiver of this condition for the Herzig property as this property was to be accepted some time ago. The Council gave consensus.
8)	Reimbursing Pinecliff Lake Association for Engineering Costs – The Council agreed to carry discussion of the matter to the next meeting when the Administrator can address it.
9)	Support of S969 “NJ Clean Water, Drought Mitigation and Water Resource Security Trust Fund Act” – Councilman Nolan advised that the Senate has completed this year’s legislative session thus will not be acting on this bill this year. The Council agreed not to take action on this matter.
10)	COAH Trust Fund – Mr. Semrau advised that the law requires that COAH funds be deposited into a dedicated fund and that the proposed resolution will allow for that. The Council gave consensus to proceed.
11)	Proposed Amendments to the LC Lake Commercial Zone – Mayor DiDonato advised that the proposed amendments received from the Planning Board address the uses in this existing zone. Councilman Nolan expressed concern that some of those uses such as hotels, motels and B&B’s would require approval of a wastewater management plan. The Council instructed that a representative from Planning come before Council to discuss the proposed changes.
12)	Professional Services contract with the Vozza Agency for Services related to the Renewal of the JIF Contract – Mr. Semrau advised that the proposed resolution for this professional service refers to the Morris County JIF. His form does work for this JIF and thus he asked to be excused from this discussion. Mayor DiDonato advised that the intent is to compare the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
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	Morris County JIF to the JIF West Milford currently belongs to determine who best meets our insurance needs. The Vozza Agency has worked with West Milford and most recently worked with Administrator Kunze to develop the medical plans for employees. If the Vozza Agency was subsequently hired as the Township's risk manager, they would waive the research fee of \$7,500. The Council gave consensus to proceed.
13) – 16)	Contract Awards – The Council gave consent to proceed with the contract awards as listed and based on the recommendations of the department heads.
17)	Professional Services Contract with Scarinci & Hollenbeck for PBA and SOA Negotiations – Mayor DiDonato noted that the Council adopted a resolution earlier extending Mr. Knapp's contract as labor counsel for the Township. Administrator Kunze recommended continuing with Mr. Knapp's services for personnel matters with the exception of the PBA and SOA negotiations. He has recommended Scarinci & Hollenbeck for PBA and SOA negotiations because of their reputation in this field. Councilman Nolan advised that he knows Mr. Giacobbe of this firm, gave an overview of their relationship, and asked Mr. Semrau if that constitutes a conflict to which Mr. Semrau replied in the negative.
18)	Professional Services Contract with Princeton Hydro, LLC for Consulting Services for Storm Water Implementation Projects – the Council gave consensus to proceed.
19)	Appointments – Councilman Nolan nominated Chris Rosica to the Insurance Committee and was seconded by Councilman Warden. There was unanimous consent and the Clerk was instructed to prepare an appointing resolution for the next meeting.

Reports

Mayor Di Donato thanked the communications committee for all their hard work.

Councilman Weisbecker congratulated Councilman Warden on his recent Emmy award. He noted that some Township employees will be retiring as of July 1st. Chris Beach will be retiring after 25 years of service and Grace Davis has completed 15 years of service. He wished them well and thanked them and stated that it has been a pleasure to work with them.

Council President Smolinski advised that the appellate court has denied the Eagle Ridge extension which is good news for West Milford. The developer must now adhere to the August 10th deadline.

Councilman Schimmenti congratulated Councilman Warden. He advised that he is looking forward to Thunder in the Highlands which will be held on July 3rd at Jungle Habitat.

Councilman Nolan stated that he and Councilman Warden have crafted a letter asking the Council to discuss the future of the MUA based on what has and has not happened in recent times. He distributed the letter and noted that it is time this was discussed in public. The discussion should also seek to determine if there is a need for the MUA in West Milford.

Councilman Warden advised that anyone born after 1959 must now take a boater safety course to operate a motor boat in any body of water in New Jersey. He took the course and learned a lot. He noted that Greenwood Lake looks good and the drawdown was very successful. He stated that he was disturbed by the MUA when he attended a recent Council meeting and their actions since that meeting have done nothing to allay his concerns. He expressed hope that the Council will engage in serious discussion about the MUA at the July workshop meeting. He stated that Garden State Labs conducted a second round of tests at MUA plants. All four sites failed miserably particularly with phosphorous and fecal coliform at Awosting. He asked that the Council put politics aside and have a discussion about this. The weeds in Greenwood Lake, he said, are not growing because of septic; they are growing from Belchers Creek. He thanked Councilman Smolinski for his work on the attorney accountability ordinance.

Councilman Scangarello stated that he and Councilman Schimmenti were present when the MUA sites were tested. Old Milford, Crescent Park, and Birch Hill tested significantly below the acceptable standards. The draw from Awosting was not the finished product. It was decided to draw inside the plant to show the difference between raw sewerage and treated sewerage. He advised that the BOE president has expressed concern about the Hillcrest lease and instructed the Clerk to have the Administrator schedule a meeting with the BOE Business Administrator.

Fred Semrau, Esq. advised that the appellate division did deny Boulder Pond's application to extend their deadline for the Eagle Ridge development. He noted, however, that it is important to continue and have residents participate in the well testing. In response to Councilman Nolan, he advised that the MUA has not yet requested that the DEP include these residents in the testing plan. As permit holder, the MUA must specifically request that they be included. He will follow up with the MUA. He did follow up with the MUA about scheduling a meeting with DEP representatives and they are working on that. He prepared a legal opinion for Council which recommends that the Council does not appoint a liaison to the Guild because of the current form of government. He noted that, if Council is amenable, all Executive Session items scheduled for tonight can be postponed to a later date.

Executive Session

None.

