

MINUTES

Monday, April 19, 2010

REGULAR MEETING
MAYOR & BOARD OF ALDERMEN

TOWN OF BOONTON
100 WASHINGTON STREET
BOONTON, NJ 07005

CALL MEETING TO ORDER

The meeting was called to order at 7:30 p.m.

SALUTE TO THE FLAG

The Mayor and Board of Aldermen saluted to the flag.

ROLL CALL

On a call of the roll, the following officials were present:

Mr. Daniel Carey	1 st Ward Alderman
Mr. Michael Eoga	1 st Ward Alderman
Dr. Clifford Keezer	2 nd Ward Alderman
Mr. Paul Nevadomski – Board President	2 nd Ward Alderman
Mr. Terry Dunn	3 rd Ward Alderman
Mr. Robert Looker	3 rd Ward Alderman
Mrs. Patricia Bujtas	4 th Ward Alderman
Mr. Anthony Scozzafava	4 th Ward Alderman
Mayor Cyril Wekilsky	Mayor
Mr. Dominic DiYanni	Town Attorney
Mr. Terry McCue	Administrator
Mrs. Cynthia Oravits	Town Clerk

ADEQUATE NOTICE

Mayor's Statement

Pursuant to the requirements of R.S. 10:4-10, I announce and direct the Clerk to enter into the minutes of this meeting an accurate statement to the effect that:

1. Notice of the meeting was posted at Town Hall on December 16, 2009 and this agenda was posted on April 16, 2010.
 2. Notice of the meeting was published in the Citizen of Morris County and the Daily Record Newspapers on December 16, 2009 and a copy of the agenda was sent to each of the Town's official newspapers on April 16, 2010.
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PRESENTATION

School Superintendant Christine Johnson made a presentation before the Mayor and Board regarding the proposed school budget for 2010-2011.

Ms. Johnson said her original intent was to give some basic information about the budget to the Mayor and Board. Her presentation consisted of three questions.

1 – How has the Board of Education constructed a fiscally responsible budget that absorbs the cuts in State Aid. They had 1.2 million dollars cut in state aid (approximately 71%) and in addition to that they also had a reduction of \$75,000 of their debt service aid cut, as well?

2 – How have their employees shown their commitment to the community, their schools, colleagues and students?

3- How the community wide factors actually contribute their their "adequacy" status?

The General Fund Budget they are presenting to the community is a budget with 21,774,996.00. The proposed general fund budget is actually a decrease of 5.9% over last year's general fund budget. In addition, they've saved significantly on a technology design of their internet and are continuously looking for alternative revenue sources. They're starting a kindergarten bridges to learning program that will help not only help serve a need in the community, but also provide

additional revenue. They will also continue to run their pre-school integrated program, there are a number of other alternative ways to generate revenue. In addition to some of the grants they received, they are also tapping into other grant sources. Within the past year they receive grants from Traveler's Insurance Co., the NJ School Boards Association, the Walmart Teacher Recognition Program, Target Grant Brain Injury Association grant and a grant from the MSG Varsity Network. They are committed to continuously finding additional sources of revenue. Due to the drastic cut in state aid the NJ Dept. of Education informed the Boonton School District that they actually had the ability to increase their tax levy up to 13.65%. That would equate to an additional \$1.5 million in their ballot question. The school district chose to stay under the state mandated cap of 4% for the tax levy, not to apply for any waivers for anything including health insurance, etc., and they also chose not to go out for any second questions out to the voters. As a result, the tax levy on the average home equates to .87/day. Over the past three years, the tax levy averages out to 3.71%, and including next year's. They are proud that they are not a school district that's are coming in at 6.8% in the tax levy or some going all the way up to 10-11%, even though they were told they could go up to 13.65%.

In the event that the budget is not successful and the fact that we should expect drastic cuts in the actual budget, she urged the board to look at that tax levy and the average levy and look at it in the larger fabric of the whole community.

On April 6, 2010, Governor Christy came to the Boonton School District to congratulate the Boonton Education Association (which includes teachers, secretaries, para-professionals, custodians and maintenance employees) for opening up their contract and overwhelmingly agreeing to not only a wage freeze but also other contractual concessions. Since then the administrators' union has also agreed to a wage freeze, a one-year cut in tuition reimbursement, the elimination of a health/physical benefit and also the agreement to contribute to their health insurance. All non-union employees including the business administrator and other employees at the BOE office will not see an increase in their pay next year. In addition, regarding her contract in the second year of her new contract as opposed to the third year of her previous contract what that looked like in terms of a decrease in overall salary and what's probably most notable is that salary will stay intact and in effect until 2014 with no increases at all. She has also agreed to contribute to her health insurance now instead of waiting until 2014 in order to contribute to the same concessions that the administrators are doing as well. Finally their districts' contracts already reflect a contribution to dental insurance in terms of those who select to have their family/dependent care covered by their dental plan. Again, she urged the board of aldermen to look at their contracts and concessions if the budget fails tomorrow.

The Department of Education put forth an "Adequacy Model" a few years ago. Basically it's a gauge or measure to determine how schools are doing in terms of per pupil spending and per pupil administrative spending. Their per pupil spending and per pupil administrative spending is actually on the decrease right now. Recently they were asked if they were under adequacy, does that mean if the budget is not successful that there doesn't need to be any cuts. The answer is yes – they are in fact over adequacy and it's important to be transparent and explain some of the conditions that contribute to the adequacy status. The model that the NJ Dept. of Education has put forward states that a district their size should be educating 141 special education children. They are educating 227 special education children in the district. The adequacy model states that for each special education student, they should be spending \$11,587. Unfortunately, what the model doesn't take into account is occupational therapy, physical therapy, speech, medical disabilities or para-professionals that need to work with individual students or groups of children. They support, embrace their needs and educate every student in the community. The adequacy model also states that special education students that have such severe needs that have to be educated outside of the district, based on those needs, the district should be spending \$21,911 per child. Unfortunately the Dept. of Education actually sets the tuition for out of district special education schools and the tuition that they actually certify is double that amount of money. As a school district that is educating almost double the amount of children that the model shows that we should be educating, it's interesting that there's a direct correlation – our overage on our adequacy is directly related to these costs as well as the costs of ESL and bi-lingual educational programs. In Boonton the growing ESL and bi-lingual population reflects the need for staff support and programs that a lot of districts our size and in our socio-economic factor group don't actually need. In the unfortunate event the budget is not successful and before the Board of Aldermen actually look to act on the comments in the newspaper by having drastic cuts to our budget, she asked that the Board consider the contributing factors to the adequacy model that she spoke about and "view those as part of a self reflection of our community's portrait rather than a financial inefficiency on the part of the school board or the administration."

A fourth of their staff members and family members are residents of this community and those concessions actually kept them working in the schools making sure that they did not reduce their

teaching or employment staff by anywhere from 25 to 29 staff members. As a team everyone is working very hard to provide an education system that the town can actually boast about. At a micro-level, the sacrifices that were put forth by the staff as Governor Christie publicly coined as “shared sacrifices” are things that she’s completely grateful for as well as the faculty and students should be grateful for as well. The proposed budget reflects a commitment to Boonton and what’s needed to maintain the positive momentum that’s happening in the schools and that people are feeling. She urged the Board to understand the paramount nature of this symbolic gesture that each of their employees actually put forth with the concessions and give backs. She urged them to embrace and respect the financial efforts that were put forth by the school district, board, herself the administrators, the teachers and every single person that works in the schools, and urged the board to weave them into the larger fabric of the community and the communities’ larger fiscal health. She hopes that the school budget is successful. If it’s not, she hopes that some of the statistics that she presented here tonight give them something to think about and to chew on, and to have good conversations about. She added that the Boonton school district is probably one of five in the entire State of New Jersey – in fact she thinks they are the only school district where every bargaining unit has actually contributed to the costs. She then opened it up for the Board to ask questions.

Mr. Scozzafava said the \$1.2 million (cut) seemed quite excessive compared to a lot of towns, and why was that? Ms. Johnson said the majority of Morris County seemed to have very high decreases in their state aid. It seemed like there were a couple school districts that didn’t, but for those, there were two mitigating factors; a few districts had very drastic cuts in state aid last year, so this year their aid wasn’t affected as much (Roxbury and Randolph). There were also other school districts in the county (Mountain Lakes) where you didn’t see a drastic cut in state aid because they weren’t receiving a lot of state aid to begin with. Basically what the Governor did was take a 5% model and everybody interpreted that the cut in state aid would be 5, 10 or 15%. A few days before the Governor’s address, little bits of information was put out indicating it may not be 5, 10 or 15% of state aid. It was going to be 5% of your overall budget and that number would be subtracted from the state aid that you were actually given. So for Boonton, they were a district that received approximately \$1.6 million in state aid – 5% of their overall budget ended up being \$1.2 million – subtracted from \$1.6 million, and they were left with \$400,000 some-odd dollars in state aid. Then on top of that there was a reduction of debt service (\$75,000) and that put them in the situation where they were scrambling for revenue – trying to balance the revenue and expenditures.

Mr. Scozzafava said knowing the adequacy rules, he asked if there was any way of going back to say although it is 142, we actually have 227 in our district? Ms. Johnson said their research shows that well-over 50% of the districts show they are in the same boat we are. There’s another tier that falls slightly lower, and then virtually a tiny population of school districts that are actually falling within the standard deviation of that particular adequacy model, but those are districts that in the past received a lot of federal grant or state grants in order to subsidize their programs.

Mr. Scozzafava commended her and hopes the budget passes tomorrow.

Dr. Keezer said he chaired the committee that met with her previously. His concerns “deal with the special needs kids”. He doesn’t feel “her associations are doing a representative job in getting the message back to Trenton that the figures they are giving them based on what she said this evening measure up anywhere close to what they need. It’s nice to have an adequacy number saying how much you should spend, but they need to be realistic.” He added that he doesn’t think this is going to be a “one-year thing”. Everything you read shows this is happening all over the country. He continued by saying “on behalf of some of them (Board members) that understand what she is going through, he wishes them well.

Ms. Johnson said a few weeks ago she met with the assemblymen (together with Mountain Lakes and Boonton Township) and provided information about the adequacy model and the fact that the average out of district placement is upwards of \$50,000 which doesn’t include transportation costs or anything along those lines. So for an adequacy model to have a base line of \$ 21,000, it puts the district in a difficult situation to begin with.

Dr. Keezer also mentioned the debt service. He said he’s surprised they haven’t accentuated that. He said “the people need to know that there’s a lot of money going out on that \$21 million Bond issue.”

Ms. Johnson said if debt service wasn’t included in the tax levy, the average home would see an increase of \$138 as opposed to \$319. However, that number will decrease year after year, because this coming year, they are getting hit with two debt service payments, simply because a school budget cycle is “kind of merging with the rest of the world’s budget cycles. In the future that will continue to be reduced” she said.

Mr. Eoga commended her on her work along with the staff and school board. He also thanked her for her bravery for presenting both cases as far as the budget passing and not passing. From a personal standpoint, he hopes everything goes well tomorrow, but he said if it doesn't "there are nine members on this board who will continue to work with her and the Board of Education to help get it through."

Mr. Scozzafava also added that the Showcase of Excellence was very well done. Ms. Johnson added that the staff, including paraprofessionals, teachers, maintenance workers, administrators have never worked with a group of more dedicated employees and their obvious contribution and selfless act was a reflection of what they do on a daily basis. She has never worked with a group who have been this dedicated to the kids, and she urged the Board to keep that in mind.

Mayor Wekilsky thanked her and her staff for this presentation. With all the information going on over the past three or four weeks has a put a good focus on the good things that are happening in Boonton. He also wished her the best of luck for tomorrow and commended her staff for taking the right steps.

PROCLAMATION

Spring Pedestrian Safety Week PROCLAMATION

Whereas, Pedestrian Safety Week provides a forum to educate both pedestrians and motorists about New Jersey's pedestrian right-of-way laws, and

Whereas, Boonton contains heavily traveled roads that are also frequently crossed by pedestrians, and

Whereas, Main Street in particular is most heavily interfaced by motorists and pedestrians, and

Whereas, the safety and well-being of pedestrians is of primary importance to the Town of Boonton, and

Whereas, increased awareness of New Jersey's pedestrian right-of-way laws is essential for improved pedestrian safety;

NOW, THEREFORE, I, Cyril Wekilsky, Mayor of the Town of Boonton, do hereby proclaim the week of May 3-9, 2010, as: "Boonton Spring Pedestrian Safety Week"

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the Twon of Boonton to be affixed this 19th day of April, 2010.

CORRESPONDENCE

1. Announcement from Boonton Parks and Recreation advertising the Town-Wide Clean Up Day on Saturday, April 24, 2010 – seeking volunteers. *Mr. Scozzafava made a motion to accept this and place it on file, seconded by Mrs. Bujtas – motion carried.*

2. Letter received on April 13, 2010 from Boonton Main Street requesting permission to use the Upper Plane Street Parking Lot on Sunday, June 13th for a flea market event called the "Boonton Bazaar". Also requested are the following:

- Use of the area of the Farmers Market for vendors
- Free Parking during the hours of 8:00 am to 3:00 pm in the Plane Street Lot
- The waiver of town vendor fees for the event
- Permission to hang banners on the fences at the top of Main and opposite the Division Street entrance of the Wal-mart shopping plaza

Mr. Scozzafava made a motion to accept this letter and to allow this request – Mr. Nevadomski seconded – motion carried.

3. Letter received from Kimberly Pentaleri, Tri-Town Little League requesting permission to hang signs advertising their beer & wine tasting fundraiser organized by the Tri Town Little League and the Liquor Outlet. The requested locations include:

- A sign placed across from Town Hall near the bus Stop

- At the exit from Wal-Mart Plaza onto Division Street
- At the Boardwalk across from the post office
- At the top of Main Street adjacent to the bus stop at the Rockaway River

Mr. Scozzafava made a motion to approve this request, and Mr. Dunn seconded and motion carried.

4. Letter received from the Carrie Babcock, inviting the Mayor and Board of Aldermen to join with the members of the community for the Boonton Day of Prayer on Thursday, May 6, 2010 from 12:00 noon to 1:00 pm in front of the Town Hall.

Mr. Scozzafava made a motion to accept the letter and place it on file. Mr. Nevadomski seconded – motion carried.

5. Letter received from Tri-Town Chamber of Commerce requesting to hang two banners – one on West Main Street, and one on Myrtle Avenue advertising their annual Sidewalk Sales on July 9, 10 and 11th, 2010. (see Resolution 10-100).

Mr. Scozzafava made a motion to accept this letter and allow them to hold the sidewalk sales, and hang banners. Mrs. Bujtas seconded and motion was unanimously approved.

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky open the meeting to the public for discussion on the Consent Agenda. Having no one come forward, he closed this portion of the meeting to the public.

CONSENT AGENDA

Resolutions 10-95 through 10-100 and 10-102 have been placed on the Consent Agenda

RESOLUTION 10-95

RESOLUTION TO ADOPT MINUTES OF THE MAYOR AND BOARD OF ALDERMEN MEETINGS

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that the minutes from the following meetings are hereby approved as typed and filed in the Town Clerk's Office:

April 5, 2010

RESOLUTION 10-96

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Mayor and Board of Aldermen by the various municipal departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that all vouchers approved by the respective Committees be and are hereby ordered paid.

RESOLUTION 10-97

RESOLUTION TO CANCEL WATER/SEWER CHARGES

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that the following Water/Sewer charges be and are hereby canceled:

Account	Address	Reason	Amount
3613-0	878 Boonton Avenue	Bad Reading	\$ 2.72
3519-0	27 N. Main St.	Bad Reading	\$ 565.08
3739-3	300 Myrtle Avenue	Bad Reading	\$ 10,228.91

RESOLUTION 10-98
RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON
ENDORING AN APPLICATION FOR A SPECIAL PERMIT FOR SOCIAL AFFAIRS FOR THE
BOONTON FIRE DEPARTMENT

WHEREAS, the South Boonton House Committee (Boonton Fire Department) is making application to the State of New Jersey ABC for a special permit, to serve alcoholic beverages at the South Boonton Firehouse on May 15, 2010 from 6:00 p.m. to 12:00 midnight to raise funds for the Boonton Fire Department; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, believe that this is a worthwhile cause and it is the type of affair that the Boonton Fire Department has successfully operated in the past; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, have no objection to the application and endorse same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that they do hereby endorse the application of the Boonton Fire Department for a one-day permit from 6:00 p.m. through 12:00 midnight to serve alcoholic beverages in connection with a fund raiser and does hereby authorize the Town Clerk to execute the special permit application to indicate that the Town of Boonton has no objection.

RESOLUTION 10-99
RESOLUTION TO REFUND OVERPAYMENT OF SEWER CHARGES

WHEREAS, the following utility customers have overpaid sewer charges as indicated below:

Account	Name	Address	Amount
2040	Westlake, Barbara	608 Washington St.	\$ 418.72

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to issue a check(s) to said utility customers in the amounts indicated above.

RESOLUTION 10-100
RESOLUTION APPROVING APPLICATION FOR SIDEWALK SALE

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton that a Sidewalk Sale Permit is hereby issued for the Tri-Town Chamber of Commerce/Boonton merchants for a Sidewalk Sale on Friday - Sunday, July 9, 10 and 11th, 2010.

RESOLUTION 10-102
RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the following taxpayer has received a State Tax Court Judgment as indicated below:

Block/Lot	Address	Tax Period	Amount
69/73.01	309 Wootton Street	2008	\$ 1,910.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to issue a check(s) to said taxpayer in the amounts indicated above.

CONSENT AGENDA VOTE

Resolutions 10-95 through 10-100 and 10-102

The foregoing Consent Agenda was moved by Mrs. Bujtas and seconded by Mr. Eoga and unanimously approved upon the following roll call vote: Mrs. Bujtas, yes; Mr. Carey, yes; Mr. Dunn, aye; Mr. Eoga, yes; Dr. Keezer, yes; Mr. Looker, yes; Mr. Nevadomski, yes; Mr. Scozzafava, yes and Mayor Wekilsky, yes.

MAYOR & BOARD OF ALDERMEN COMMITTEE REPORTS

Finance & Personnel: Mr. Eoga said the budget is being introduced tonight. Also tonight will be the final hearing of the Water Sewer Rates Ordinance.

Lights, Buildings and Grounds: Dr. Keezer said a meeting was held this past week. They discussed some kind of honor for former Mayor Al Scerbo, and they came to two conclusions – 1) consider renaming the town hall after him, or 2) naming one of the fire houses after him. Also discussed was the stacking compliance program. The program is being run in a cost effective way. Fees collected this year amounted to over \$82,000, and expenses associated were \$43,000.

Public Works: Mr. Dunn said the hydrants have been flushed. Last week, there were water main breaks that were handled immediately.

Liaisons

Health: Mr. Looker announced that a male cancer screening will be held on May 13, 2010.

Library: Mr. Eoga said their meeting was held on April 13, 2010. A bil was introduced at the State level which would eliminate the 1/3 of a mil donation. He does not know the status of this bill at this time, however. Tonight's budget being introduced will show that the library budget is approximately \$10,000 less than than least year – it will be \$423,000.

Municipal Alliance: Mr. Scozzafava said they are partnering with the PTA for "Turn Off TV Week". Various programs are planned in the evenings for families.

Parks & Recreation: Dr. Keezer said the summer program will be held from June 22 through July 30. He complimented Mrs. Lynch for a fine job each year.

MAYOR & BOARD OF ALDERMEN - GENERAL DISCUSSION ITEMS

General Discussion, Announcements and Miscellaneous Items of the Mayor and Board of Aldermen

Mr. Scozzafava said one of his neighbors on Fairview Avenue had a problem with their sewer line. She came to him and commended the DPW personnel saying the woman said they were very professional and did a great job.

Dr. Keezer asked the Mayor for an update of the property on Vreeland Avenue. The Mayor said they're in the process of finalizing the lease documents. Because there are Green Acres and County funds involved, copies had to be sent to them to get their approval. Rob Palmer was instrumental in putting together a very extensive lease. Once this is done, they have a number of people who are interested in becoming residents there. The Garden Club has been involved and will be working there, as well as the boy scouts and historical society's involvement. Dr. Keezer asked if there is a "drop dead date" when we can expect to have all this wrapped up, so that it's generating some funds back to the taxpayer. The Mayor responded saying he doesn't know how fast Green Acres or the County will get back to us. Dr. Keezer said the Town took a "pretty hefty tax-paying property off the market". He feels we need to have a drop dead date in order to get this back to where it's producing something to the town or at least shows we're not paying anything for it. This was discussed at a previous meeting, being told that we're at the same point – waiting for a lease, etc. The Mayor said we'll have the lease hopefully within the month, and then it's a matter of finding the right person to live there. Mrs. Bujtas said people will be interviewed. The Mayor feels it will take about a month. Mrs. Bujtas recommended following up with those two organizations. Mr. Scozzafava said we know how the government works, so he said we must be patient.

Dr. Keezer also asked about the upcoming public hearing regarding the dog license ordinance later tonight. He asked why we are overlooking cats, and why we're not licensing cats. He was told that we do license cats. Dr. Keezer said there is no enforcement. He asked who enforces the dog licensing ordinances in town besides the animal wardens. The Mayor said it must be reported if there is a stray dog. Mr. McCue said we don't have a person who goes and picks up dogs. If the Code Enforcement Officer sees a stray dog, he would report it. No complaints have been received about stray dogs or cats. Dr. Keezer said if we license dogs, we should license cats. The reason is to make sure these animals have had their shots and that they are safe. If we've had no reports, it "doesn't seem real to him". So, compliance needs to be looked at. He said the other day, he was in Denville, and the police there were running a "Are you using your cell phone" check. He thinks this is something we need to look at in

Boonton. He said if you stand on the corner of Main and Wootton, or Wootton and Park Avenue, there are a lot of people using cell phones, or blocking the box, etc. It all comes down to compliance and he feels it all comes down to the Police Department. Mayor Wekilsky agreed saying the police have in the past, received grants to run cell phone and seat belt checks. Mr. Scozzafava agreed with Dr. Keezer regarding the cell phones and driving. The Mayor said we all have cell phones and recommended that as we see this happening, we should call it in to the police department.

Dr. Keezer also asked if surveillance cameras could be installed on Park and Wootton? Chief Beltran answered by saying it would cost approximately \$35,000- \$40,000 to install and maintain. He asked the Chief to look into it.

UNFINISHED BUSINESS

ORDINANCE 03-10

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING A PORTION OF CHAPTER 80, ANIMALS, SECTION 80-3, LICENSING, OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Town of Boonton, in the County of Morris and State of New Jersey as follows:

SECTION 1. Chapter 80, Animals, Section 80-1, Definitions, of the Revised General Ordinances of the Town of Boonton is hereby amended and supplemented with the addition of the following definition:

§80-1 Definitions.

CURBING A DOG

Walking a dog on a leash in the public right-of-way which shall include sidewalks, public streets and any unrestricted areas.

SECTION 2. Chapter 80, Animals, Section 80-3, Licensing, of the Revised General Ordinances of the Town of Boonton is hereby amended with regards to subsection (F)(1) read as follows:

§80-3 Licensing.

F. Acts prohibited.

(1) No person owning, keeping or harboring a dog shall permit, suffer or allow the dog to:

(a) Run-at-large within the limits of the Town.

(b) Be off the premises of such owner or person harboring the dog or upon a street, sidewalk or other public place in the Town, except that when restrained by a leash, the leash not to exceed six feet in length, and in the custody of some person capable of controlling the dog.

(c) Cause any injury to any person.

(d) Do any damage to any shrub, tree or other property in any street, park or other public place in the Town.

(e) Soil, defile, defecate on or commit any nuisance on any common driveway or thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of the property. ~~except under the following conditions:~~

~~[1] The person who owns, harbors, keeps or is in charge of such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health department.~~

~~[2] The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provision of this section, in a sanitary manner by placing the feces in a waterproof container, properly sealed, and placed in a garbage container, or disposed of in any other sanitary manner approved by the local health department.~~

(f) Habitually bark, howl or cry. The habitual barking, howling or crying of a dog in the Town is declared to be a disturbing noise within the meaning of N.J.S.A. 40:48-1, Subsection (8) and a nuisance.

- (g) Be or become a public nuisance, or to create a condition hazardous to safety and health.

SECTION 3. Chapter 80, Animals, Section 80-3, Licensing, of the Revised General Ordinances of the Town of Boonton is hereby amended and supplemented with the addition of subsection (L), Curbing of dogs, read as follows:

§80-3 Licensing.

L. Curbing of dogs.

- (1) All dogs must be curbed by walking dogs from a sidewalk to, into the street. If there is no sidewalk, dogs must be walked in the street. Allowing dogs on private property is prohibited
- (2) The person who owns, harbors, keeps or is in charge of such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health department.
- (3) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provision of this section, in a sanitary manner by placing the feces in a waterproof container, properly sealed, and place in a garbage container, or disposed of in any other sanitary manner approved by the local health department

SECTION 4. All ordinances of the Town of Boonton 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.

Dr. Keezer made a motion to approve this ordinance and Mr. Dunn seconded. Mayor Wekilsky opened this portion of the meeting to the public.

Nancy Questa, Crown Road: Doesn't understand why we're creating an ordinance because she has been paying for a cat license for fifteen years. She was told this is an amendment of the current ordinance to include curbing your dogs.

Having no one else come forward he closed the public portion of the meeting to the public and the ordinance was adopted upon the following roll call vote: Mrs. Bujtas, yes; Mr. Carey, yes; Mr. Dunn, aye; Mr. Eoga, yes; Dr. Keezer, yes; Mr. Looker, yes; Mr. Nevadomski, yes; Mr. Scozzafava, yes and Mayor Wekilsky, yes.

ORDINANCE 04-10

AN ORDINANCE OF THE TOWN OF BOONTON AMENDING CHAPTER 229 OF THE CODE OF THE TOWN OF BOONTON ESTABLISHING WATER AND SEWER RATES FOR ALL CUSTOMERS

WHEREAS, it has been the long and well established practice and policy of the Town of Boonton that its Water Utility and the Sewer Utility be financially self-sustaining; and

WHEREAS, the Town has become concerned with the decrease in water usage and water revenues and similarly concerned with the revenues generated by the Sewer Utility; and

WHEREAS, the Town commissioned a water and sewer rate and rate design study by Public Works Management, LLC, which study was completed on or about February 22, 2010 and a copy of same is on file with the Town Clerk; and

WHEREAS, the study declares that the water and sewer rates need to be increased in order for the utilities to be financially self-sustaining in the year 2010; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, as follows:

SECTION 1 – WATER RATES

RESIDENTIAL RATES	VOLUME (GALLONS PER QUARTER)
\$47.00 Minimum Charge	Up to 8,500
\$9.04 per 1,000 gallons	8,500 to 27,000
\$9.58 per 1,000 gallons	Over 27,000

COMMERCIAL/INDUSTRIAL RATES	VOLUME (GALLONS PER QUARTER)
\$47.00 Minimum Charge	Up to 4,000
\$11.40 per 1,000 gallons	Over 4,000

RESIDENTIAL/COMMERCIAL/ INDUSTRIAL IRRIGATION RATE	VOLUME
\$12.54 per 1,000 gallons, which volume is exempt from sewer charges	No limit

PRIVATE FIRE PROTECTION RATE	VOLUME (GALLONS PER QUARTER)
\$47.00 Minimum Charge	No limit for fire protection.

SECTION 2 – CLASSIFICATION OF WATER CUSTOMERS

- A. Classification of customers whose water is used for both residential and commercial purposes shall be: If the property’s commercial function consumes a significant amount of water, it shall be classified as commercial. A significant amount of commercial water consumption shall be defined as meeting either one of the following definitions: daily commercial water consumption exceeds 300 GPD during any one quarter of the year; daily commercial water consumption exceeds 33% of the property’s water consumption during any one quarter of the year.
- B. Customers may, at their cost, install separate meters for their residential and commercial consumptions, which will be billed separately at their applicable rates. The meter, which will be specified by the Town or provided by the Town for a fee, must be installed with operating gate valves on either side of the meter. The meter’s touchpad or similar device for reading the meter must be located in an accessible location next to the touchpad for the existing domestic meter or if an existing touchpad or similar device is not present on the outside of the building, on the front of the building. The customer must prove to the Town’s satisfaction that the commercial and residential meters are not interconnected and the residential meter serves only residential uses.
- C. To be classified as an industrial water user, twenty percent of more of water consumption must be used in a manufacturing process.

SECTION 3 – IRRIGATION

- A. The irrigation rate is \$12.54 per 1,000 gallons. There is no minimum charge.
- B. The volume of water charged at the irrigation rate is exempt from sewer charges.
- C. In order to qualify for the irrigation rate, the property owner must have their irrigation system separately and properly metered with a backflow prevention device specified by local and state plumbing codes. The meter, which will be specified by the Town or provided by the Town for a fee, must be installed with operating gate valves on either side of the meter and backflow prevention device upstream of the meter. The meter’s touchpad or similar device for reading the meter must be located in an accessible location next to the touchpad for the existing domestic meter, or if an existing touchpad or similar device is not present, on the outside of the front of the building. The irrigation rate shall not be charged until the owner’s meter and backflow prevention device have been inspected by the Town and found to be in accordance with these requirements.

SECTION 4 – FIRE PROTECTION

The private fire protection water rate shall be \$47 per quarter.

Use of water from fire service lines and fire protection systems for any purpose other than fire prevention is prohibited.

SECTION 5 – WATER INTERCONNECTIONS

Any approved interconnection of the Town’s water with any other water supply including private wells and other water systems must have a proper backflow prevention device installed upstream of the Town’s meter and require proof, at owner’s expense, that the backflow device is working properly by a tester certified in backflow prevention device testing in accordance with NJDEP regulations. The Town’s plumbing subcode official and water utility would conduct the inspections.

SECTION 6 – RESIDENTIAL SEWER RATES

RESIDENTIAL SEWER RATE	VOLUME (GALLONS OF WATER CONSUMPTION PER QUARTER)
\$67.50 per assigned Service Unit	Up to 13,700 per Service Unit
\$4.93	Per 1,000 over assigned Service Units’ volume

Assign sewer Service Units to existing industrial customers based on fact-based estimates of the facility’s metered water consumption including private wells and other non-town utility water sources and the amount of water used in the manufacturing process that does not enter the sewer, which is subtracted from the estimated water consumption. These estimates must be certified by a professional engineer registered in the State of New Jersey. Alternatively, the Town may, at any time and at its sole discretion, set the number of assigned Service Units to an existing industrial customer at 66.7% of the customer’s highest annual water consumption during the last five years.

SECTION 7 – COMMERCIAL INDUSTRIAL SEWER RATE

COMMERCIAL/INDUSTRIAL SEWER RATE	VOLUME (GALLONS OF WATER CONSUMPTION PER QUARTER)
\$78.30 per assigned Service Unit	Up to 13,700 per Service Unit
\$5.72	Per 1,000 over assigned Service Units’ volume

Service Unit rates are minimum charges regardless of water consumption.

SECTION 8 – SEWER RATE FOR CUSTOMERS USING PRIVATE WELLS OR OTHER WATER SYSTEMS

A sewer customer that uses water from sources other than the Town including private wells or other water systems that a) is used inside the building, b) may enter the sewer system, or c) is interconnected with the water from the Town, must meter, at owner’s expense, each of the non-town water sources in accordance with the Town’s requirements with meters specified by or supplied by the Town for a fee. The meters shall be read by the Town for the purpose of charging sewer charges. If the customer uses metered water from another public water utility, the readings of that utility’s meter may be used.

SECTION 9 – CLASSIFICATION OF SEWER CUSTOMERS

Industrial customers are defined as commercial establishments with 20% or more of their water used in a manufacturing process.

SECTION 10

This Ordinance and the revised rates shall be effective and applicable for all water and sewer services rendered after January 1, 2010.

Mr. Nevadomski made a motion to approve this ordinance and Mr. Dunn seconded. Mayor Wekilsky opened this portion of the meeting to the public. Having no one come forward he closed the public portion of the meeting to the public and the ordinance was adopted upon the following roll call vote: Mrs. Bujtas, yes; Mr. Carey, yes; Mr. Dunn, aye; Mr. Eoga, yes; Dr. Keezer, yes; Mr. Looker, yes; Mr. Nevadomski, yes; Mr. Scozzafava, yes and Mayor Wekilsky, yes

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky opened the meeting to the public for discussion.

Adam Schnitzler, 434 Old Boonton Road, Boonton/President of the Board of Education: Publicly thanked the Business Administrator, teachers and staff for coming together as a team and said he is proud to be associated with them.

Judith Sorochynskyj 539 Lathrop Avenue, Boonton: She said she is not only the BEA President and teacher at the high school, but also as a parent and a Boonton taxpayer. As that parent and Boonton taxpayer, she said she wanted this Board to know how upset she is about the remark made by Alderman Keezer in the April 14 issue of the Neighborhood News. She said "his disturbing statement was The Board of Education can expect drastic cuts if the taxpayers refuse the budget." She said she's disappointed to hear such negative words from an Aldermen before voting day is even here. She would like to assume the statement in the newspaper was his personal view and not one that reflects the rest of the Board. She is glad to hear tonight that he is wishing them luck tomorrow and he does recognize how tight their budget is. She continued by saying she wanted to remind him of all the sacrifices made by the school district, all of which were in excess of \$700,000. "That kind of selflessness certainly speaks to the high caliber of the people we have working in our schools and she is proud to be their colleague. She said because of those personal sacrifices by school employees, the Board of Education was able to put together a fiscally responsible budget that holds onto as many programs as possible. If the school budget is defeated on Tuesday, they could not take additional cuts by the Board of Aldermen and continue to offer a comprehensive education for all the school children. Therefore, she expects each of the elected officials to recognize the cuts that have already been made by her colleagues and do what's not best just for her children, but for all the children in this town – their future success could be in their hands.

Harold Johnson, 169 North Main Street/President of Boonton Main Street: Voiced his concern about proposed cuts to the Boonton Main Street organization. He said it's responsible for this board to look at every line item of the budget and to consider where savings and reductions can be made. He commended the Board on the measures they have already taken.

He asked that the board not to make reductions so large that they may hamper the organizations' mission.

Michael Dunne, 603 Monroe Street: Asked if the budget will be put on the website. Mr. McCue explained the process after the budget's introduction tonight, and said it will, in fact be available, both in the Clerk's office and online by Wednesday (April 21, 2010).

NEW BUSINESS

ORDINANCE 05-10 – Introduction/Title Only

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) – CALENDAR YEAR 2010

Mr. Dunn made a motion to introduce this ordinance and Mr. Nevadomski seconded – motion carried upon the following roll call vote: Mrs. Bujtas, yes; Mr. Carey, yes; Mr. Dunn, aye; Mr. Eoga, yes; Dr. Keezer, yes; Mr. Looker, yes; Mr. Nevadomski, yes; Mr. Scozzafava, yes and Mayor Wekilsky, yes.

Telephone: 973-402-9410
Facsimile: 973-316-8498

TOWN OF BOONTON
100 WASHINGTON STREET
BOONTON, NEW JERSEY • 07005



Press Release

Town of Boonton – Introduction of 2010 Municipal Budget FOR IMMEDIATE RELEASE

BOONTON, NJ, Monday, April 19, 2010: The Mayor and Board of Aldermen will introduce the 2010 Municipal Budget this evening. The Chief Financial Officer, Mayor, and Finance Committee worked diligently to limit the growth of the budget and provide a stable tax rate. State Aid to the Town of Boonton has been reduced by a total \$751,084.00 since 2008.

The 2010 Budget is \$11,647,510.94. This amount represents a \$218,991.52 increase over the 2009 Budget, a 1.92% increase in total general appropriations.

Three important points to stress:

1. This relatively small percentage increase was accomplished by reducing all operating departments' expenses by a minimum of 10% or more than the previous year.
2. Expenses were also reduced by not replacing personnel who retired, a key strategic approach by the Mayor and Board of Aldermen in anticipation of reduced state aid.

3. This budget also represents no reduction in services that residents and businesses currently enjoy and use.

The 2010 Budget reflects the municipal portion of the total tax rate. The average assessed home of \$422,591.00 will pay \$2,508.74, an increase of \$141.01 per year or 6% over the 2009 rate. This increase equates to \$33.37 per \$100,000 of assessed value or \$11.75 per month for the average household. Municipal taxes represent 27% of the total tax bill. The remaining portion of the tax bill is determined by the school district and the county.

The budget line item expenses that increased are attributable to group health insurance, pension contributions, solid waste collection and disposal fees, utilities such as electricity, street lighting, telephone, gasoline, natural gas and contractual salaries. It should be noted that as of May 22, 2010, all non-union employees will be contributing 1.5% of their base salaries toward health insurance premiums.

The Mayor and Board of Aldermen continue to invest in the future by funding capital improvements. These improvements include the road paving program, public works, and fire and police equipment. The total anticipated improvements and equipment total \$348,150.00 of which \$258,000.00 is for road paving. It is important to note that the overall cost to pave Fanny Road, Morris Avenue, and Essex Avenue will be shared with other entities as part of existing commitments. It is also important to note that Main Street is slated to be repaved this year as part of Morris County's Road Paving Program.

Services continue such as police protection, road maintenance, sanding, salting and plowing, street sweeping, leaf collection, curbside collection of garbage and trash twice a week, recycling collection, street lighting, recreation programs, crossing guards and the public library.

The Mayor and Board of Aldermen will continue their efforts to control the increase in expenditures by pursuing positive fiscal efforts such as seeking county, state, and federal grants, continuing shared services with the school Superintendent and Board of Education, and reducing costs through competitive bidding and procurement from the Morris County Co-Op.

RESOLUTION 10-101

A RESOLUTION INTRODUCING THE 2010 MUNICIPAL BUDGET

BE IT RESOLVED that the following statements of Revenue and Appropriations shall constitute the local budget for the Year 2010; and

BE IT FURTHER RESOLVED that the said budget be published in the Citizen newspaper, in the issue of April 28, 2010, together with a notice to the public that the public hearing will be held in the Municipal Building on May 17, 2010 at 7:30 p.m. or as soon thereafter as the matter can be reached by the Mayor and Board of Aldermen of the Town of Boonton and does hereby appropriate the following as the budget for Year 2010:

Appropriations

Municipal Purposes	\$	10,119,834.80
Reserve for Uncollected Taxes	\$	1,527,676.14
Total General Appropriations	\$	11,647,510.94
Less Anticipated Revenue other than Current Taxes	\$	3,993,203.32
Amount to be raised by Taxation	\$	7,654,280.62

BE IT FURTHER RESOLVED that copies of the budget are available in the office of the Municipal Clerk at the Municipal Building, 100 Washington Street, Boonton, New Jersey, 973-402-9410, during the hours of 8:30 a.m. to 4:00 p.m.

The foregoing Resolution was moved by Mr. Eoga and seconded by Mr. Nevadomski and approved upon the following roll call vote: Mrs. Bujtas, no; Mr. Carey, yes; Mr. Dunn, aye; Mr. Eoga, yes; Dr. Keezer, yes; Mr. Looker, yes; Mr. Nevadomski, yes; Mr. Scozzafava, yes and Mayor Wekilsky, yes.

ADJOURN

There being no further business, Dr. Keezer made a motion to adjourn and Mr. Nevadomski seconded – motion carried. The meeting adjourned at 8:45 p.m.

Cynthia A. Oravits, Town Clerk

Date approved: _____