

MINUTES

Monday, June 7, 2010

REGULAR MEETING
MAYOR AND 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 then saluted 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. John H. Dorsey	Town Attorney
Mr. Terry McCue	Administrator
Ms. Elizabeth Bonsiewich	Deputy 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 June 4, 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 June 4, 2010.
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CORRESPONDENCE

1. Letter received from Valerie Hiler, Business Administrator of Ada Budrick Child Care and Learning Center requesting permission to place a 13' x 17" poster on the fence by Walmart advertising their Beatlemania Stage Show fundraiser on Saturday, June 12, 2010 at Darress Theater. *Mr. Scozzafava made a motion to grant this request, seconded by Mrs. Bujtas; motion carried.*
 2. Email received from Valerie Dalia, Victoria Mews requesting permission for their employees to park at the Senior Citizen lot on North Main Street on June 13, 2010 from 1:00 pm to 4:00 p.m. to make room for their Classic Car event. *Mr. Scozzafava made a motion to grant this request, seconded by Mrs. Bujtas; motion carried.*
 3. Letter received from Rosemarie Lynch, Recreation Supervisor, requesting permission to help raise funds for playground equipment at Grace Lord Park. *Mr. Scozzafava made a motion to grant this request, seconded by Mr. Nevadomski; motion carried.*
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PUBLIC HEARING

Public Hearing as required by the New Jersey Department of Environmental Protection (NJDEP) regarding the Well Field Water Storage Tank Project (the "Project").

Description of Project

To replace the existing water storage tank which is located at the Boonton Water Department well field and has experienced severe corrosion. A new 0.75 million gallon water storage tank will be constructed and the existing 1.0 million gallon water storage tank will be demolished. The new tank will be construction adjacent to the existing well field water treatment plant, along with associated piping, prior to demolition of the existing tank. A New Jersey Environmental Infrastructure Financing Program ("NJEIFP") loan is being requested in the amount of \$1,285,388 to cover the cost of the Project.

The hearing began at 7:33 pm

Mayor Wekilsky: We now have a public hearing as required by the New Jersey Department of Environmental Protection regarding the wellfield storage tank project. I believe Andrew Holt from Suburban is here to make sure we comply with that and a description of the project is there.

Mr. Andrew Holt: That's right. Stand by the mike so that we can hear it; we'll need to have a good transcript of this public hearing. This is required under the provisions of the New Jersey Environmental Infrastructure Trust. That's the entity to whom we've made application for funding the project. That's a combination of the Environmental Infrastructure Trust and the DEP who leverage federal dollars and make them available for statewide water supply and wastewater projects. So this project was applied for in 2009, concurrent with all the other stimulus projects that were submitted and one of the aspects of the wellfield water storage tank that make it unique is that it is in an environmentally sensitive area along the Rockaway River and therefore the DEP concluded that we should conduct what's known as a level two environmental review which is a higher standard than what we originally identified as a level one. The project consists of the construction of a new steel water storage tank on the wellfield site in the Township of Boonton. I have brought with me although I won't belabor it, we have plans that are available for the public to review, construction plans of the wellfield water storage tank. It's located on a portion of lot Block 41301 Lot 1 in the Township of Boonton. A set of five sheets consisting of the construction plans for the tank. And basically this is, some of you are familiar with the Town of Boonton's water supply, this is one of two critical facilities to the water supply serving the Town of Boonton and its customers. Approximately 40 million gallons per month can be diverted from the groundwater sources of this site and are conveyed to, treated and conveyed to the public who receive drinking water from the Town of Boonton. The project, as I said, consists of construction of a 750,000 gallon steel water storage tank on the wellfield site and then the subsequent demolition and removal of the existing 1,000,000 gallon steel water storage tank. The existing tank was constructed when the wellfield treatment plant was built back in about 1968. Recent inspections, interior diver inspections, revealed that much of the steel tank that exists today is subject of significant corrosion, well seam failures and is really in need of replacement, it's beyond-in our evaluation beyond the point where it can be rehabilitated. So the recommendation that we brought forth and the subject of the application to the Environmental Construction Trust was the construction of a new 750,000 gallon tank.

Just items of note concerning the environmental review. That's really what we're here to discuss-not all the details of the project, but the environmental components. There are known to exist wetlands on the wellfield site in and about the Rockaway River. However, this project does not propose to conduct any regulated activities in or around those wetlands. Construction of a new tank is occurring entirely in areas of upland not in, not subject to wetland regulations or wetland buffer area regulations. So with respect to wetland impact, there's actually going to be no adverse impact and there'll be actually a measured improvement, because once we demolish the existing steel water storage tank, the area that it formerly occupied will be allowed to revert back to its natural condition which is near the wetland buffer and allow that environment to return to its natural condition.

We're also in the regulated floodplain of the Rockaway River riparian zone. For that we sought and obtained a stream encroachment permit from the DEP. So we have approval to construct our new works and demolish the old works and actually, we're actually improving the volume of flood storage that is available along this property. So again, there will be no adverse impacts associated with stream encroachment either during construction or after it's completed.

Threatened, endangered species were evaluated and there were none identified, either plants or species in and around the project. Basically, the site is maintained much like you'd maintain your

lawns-it's mowed, maintained around the treatment plant to keep it safe. So the area where we're working is entirely in those maintained areas and therefore not much opportunity for any threatened, endangered species to create-take up their habitat.

No large tree clearing will occur as a result of the project. No significant soil erosion, our limited disturbance is defined on our plans and we have obtained Morris County Soil Conservation District approval for the project. No steep slopes will be disturbed and no parks and preserves are being affected by the project.

There'll be no significant air quality impacts. There'll be some minor fugitive dust and vapor emissions during construction associated with the construction activity, but those are very temporary in nature and not a long-term impact.

And again social impacts of the project. We've conducted a Planning Board presentation in the Boonton Township to secure our site plan approval for the project. In that venue, there was the opportunity for any of the affected residents nearby the project to comment or voice their concerns, if there are any about aesthetic, visual impacts or anything else like that. None of those were received. No comments were received, either at the hearing or in writing. So we take that to mean that there is really no objection to or concern for the environmental impact associated with the social impacts. There's a positive social impact obviously-that being the preservation of the safety and delivery system for our water supply. The steel tank that is to be constructed is expected to have a least a 50 year useful life and if it's well maintained, it can last as long as some of the steel tanks you currently have in service.

That's the synopsis of the project and I guess our purpose is to answer any questions and invite the public to have any comments or concerns about the environmental impacts associated with the project.

Mayor Wekilsky: Okay

Attorney Dorsey: Mr. Holt, why don't we mark your exhibit "Exhibit A" and then give it to Elizabeth to photocopy that exhibit so it will be part of the record.

Mr. Holt: Certainly

Mayor Wekilsky: Is there anybody from the public having heard the synopsis have any questions or comments of our engineer. Seeing no one, I'll close the public portion. Does anybody on the Board?

Dr. Keezer: Andrew, why did we go from a 1,000,000 gallon tank to a three quarter of a million gallon tank? It usually works in reverse- to try to build bigger.

Mr. Holt: We usually try to go bigger and better, right? Actually we're- in our evaluation, the existing 1,000,000 gallon tank that's on site is actually constructed in somewhat of a depression, so it sits lower in elevation. Its base is lower than what our new tank will be constructed at. The upper reaches of those tanks will be equal to or our new one will be slightly higher. But we found that the existing 1,000,000 gallon tank, about a third of it is unusable. In other words, our pumps cannot lift the water out of that tank. So really we're operating a facility up there that has a technically about a 600,000 gallon operating capacity. So we're constructing-recommending a 750,000 gallon tank for its replacement. So, we are going slightly bigger. But it's-by doing the math it's just- that's the explanation.

Mr. Nevadomski: Will the new tank be in service until the new tank is up and running?

Mr. Holt: Yes, I didn't make that clear- that's the sequence. The tank will be online, tested, put into service and then we can take the old one off line.

Mr. Scozzafava: What's the timeline from beginning to end?

Mr. Holt: We expect it to be about a one year project. Once we get authorization to bid, and I didn't make that note but we applied in '09 and we were ranked, but not ranked high enough to meet the schedule for projects in the 2009-2010 funding cycle. So now we've been bumped to the '10 and '11 cycle. So we would expect to hear back later this summer and in fall with an authorization to go to bid and then once we go to bid it'll be about a nine month construction window.

Mr. Eoga: Andrew, a few questions-so, when it finally comes time for the demolition of the existing tank, in any project, there's always those unknowns, finding something that we may not have

accounted for. What's, what's our risk as far as finding something unaccounted for and the potential cost impact?

Mr. Holt: I think with respect to costs, we're going to identify or ask the contractor to provide his price in his bid for the demolition and removal of the tank. Unknowns might be-when he gets in there and- It's just steel; he's cutting up steel, pressure-washing it, hauling it off for recycling. What's underneath we wanted to allow to revert to natural conditions. If it's very boggy or a high water table that he can't really work in and get machines stuck, we can, we can alter his scope on the job at that time to eliminate potential for claims. There's really no impact or harm in leaving the sub base area in its existing condition if it's really in that bad a state. But when you walk all around the tank, I don't anticipate that we're going to have that kind of problem. Any other unknowns that you encounter, if it's buried piping or things like that, we're not really doing demolition below grade so it would just be left in place.

Mr. Eoga: Okay, and then the 1.3 million dollar cost estimate. We unceremoniously raised water and sewer rates recently this year which no one, I mean no one was happy about.

Mr. Holt: Right

Mr. Eoga: This, this cost is debt service. This will probably have an impact to that as well for the future.

Mr. Holt: Yes, it's a capital project. It's one that you're going to, through the Environmental Infrastructure Trust, repay over the period of twenty years. The one good thing about participating is there's an offset of the interest. That's why we recommended participating in this. The total cost of this project should be lower than if we had just undertaken it as the Town itself-going to bid, bonding for it yourself.

Mr. Eoga: And that was my next question. When we last met in committee and talked about the project, it, it was that, that program that we would take advantage of. So that program would still be- we'd still be eligible for that?

Mr. Holt: Yes, we are still participating in the Environmental Construction Trust Program.

Mr. Eoga: Okay.

Mayor Wekilsky: Anybody else? Good. Thank you very much, Andrew. I guess this then complies with the public-

Mr. Holt: I believe so. The intent was to-

Mayor Wekilsky: I'll ask one more time: anybody else?

Mr. Eoga: One more question: what if we didn't do this project? What would happen?

Mr. Holt: Well, we run the risk of eventually of having an operational problem with the water storage tank that exists. In other words, we could-more likely we would lose water to the environment you know leak out of the tank in small amounts initially, but eventually those leaks if allowed to perpetuate will increase and be wasteful of the resources that we're charged with maintaining- the groundwaters of the state that we have a permit up to 40 million gallons. If we had to start pumping more and more water out of the ground just to keep pace with what we need because we're losing some of it out of the tank that would be a bad thing. It wouldn't be an immediate catastrophic failure in my evaluation, but it is potential for water quality impacts and just a waste of the resources.

Mr. Scozzafava: Does it service the entire town that tank or just a certain area of the town?

Mr. Holt: That tank serves everything-It can serve the entire town ultimately. The wellfield supply can be brought to anywhere in the Town through pumping.

Mr. Scozzafava: Thanks

Mayor Wekilsky: Anybody else? Okay. Thank you.

Mr. Holt :: Okay, thank you.

Mayor Wekilsky: I'd like to open the meeting-

Attorney Dorsey: Mayor, I think you should close the public hearing.

Mayor Wekilsky: I did, earlier.

Attorney Dorsey: You didn't.

Mayor Wekilsky: No, I did.

Mr. Holt: Close it again.

Mayor Wekilsky: I'll close the public portion one more time, just to make sure.

The public hearing concluded at 8:45 pm.

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky opened the meeting to the public for discussion. Having no one come forward, the Mayor closed the public portion of the meeting.

CONSENT AGENDA

Resolutions 10-122 through 10-128 and Resolution 130

RESOLUTION 10-122

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:

May 17, 2010

RESOLUTION 10-123

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 10-124

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 & Block/Lot	Address	Reason	Amount
Water - 3803-0	375 Myrtle Avenue	Bad Reading	\$ 2,280.00
Sewer - 3803-0	375 Myrtle Avenue	Bad Reading	\$ 1,144.00
Water - 3861-0	Cherry Ridge	Wrong Rate	\$ 47.00
Water - 3866-00	Cherry Ridge	Wrong Rate	\$ 47.00
Water - 3881-0	Cherry Ridge	Wrong Rate	\$ 47.00
Water - 3903-0	Cherry Ridge	Wrong Rate	\$ 47.00

RESOLUTION 10-125

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, NEW JERSEY, AUTHORIZING PERFORMANCE BOND REDUCTION #2 FOR HAPGOOD COURT, LLC

WHEREAS, Hapgood Court, LLC has entered into an agreement with the Town of Boonton for construction on Fanny Road and in connection therewith submitted a cash bond ; and

WHEREAS, Hapgood Court, LLC's request for the reduction of this bond has been reviewed by the Town Engineer, who has, by way of his letter dated May 17, 2010 recommended that the bond be reduced in the amount of \$50,100, leaving a remaining amount of \$75,924.00 of which 10% or \$7,592.40 must be in cash, and the remainder may be in the form of a Surety Bond in the amount of \$68,331.60;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the Chief Finance Officer is hereby directed to return a portion of the cash performance bond in the amount of \$7,592.40 to Hapgood Court, LLC.

RESOLUTION 10-126

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, APPROVING APPLICATION FOR BLOCK PARTY

WHEREAS, John A. Kobilarcik, has submitted an application for a Block Party on the 3rd Block of Church Street on July 17, 2010; and

WHEREAS, the application has been reviewed by the Boonton Police Department.

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that all papers being in good order, the Clerk is hereby authorized to approve the Block Party on the 3rd block of Church Street on July 17, 2010.

RESOLUTION 10-127

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON APPROVING THE APPLICATION TO OBTAIN A GRANT FOR RECREATIONAL PROGRAMS

WHEREAS, the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000.00 to carry out a project to provide recreational programs for residents with disabilities;

NOW, THEREFORE, BE IT RESOLVED:

- 1) the Mayor and Board of Aldermen does hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Parks and Recreation Department of the Town of Boonton and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Rosemarie Lynch, Recreation Supervisor

James T. McCue, Administrator

RESOLUTION 10-128

RESOLUTION APPOINTING MARK STARER AS A MEMBER OF THE BOONTON VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton that Mark Starer, 439 Boonton Avenue, Boonton, New Jersey, be and is hereby appointed as a member of the Boonton Volunteer Fire Department, Harmony Co. effective June 8, 2010.

Resolution 10-130

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2010 was adopted on the 17th day of May, 2010; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, that the following amendment to the adopted capital budget section of the Town by made:

**From
Capital budget (Current Year Action)
2010**

PROJECT	ESTIMATED TOTAL COST	CAPITAL IMPROVEMENT FUND	PLANED FUNDING SERVICES FOR CURRENT YEAR 2010 Grants in Aid and Other Funds	Debt Authorization
DPW Brine System	\$ 15,000.00	\$ 750.00	\$ -	\$ 14,250.00
Fanny, Morris, Essex Avenues Paving	263,000.00	12,550.00		250,450.00
Toughbook Mobile Computers	18,700.00	935.00		17,765.00
Total General Capital	346,500.00	16,725.00		329,775.00
Interconnection High Service System	180,000.00	5,000.00	80,000.00	95,000.00
Total Water Capital	180,000.00	5,000.00	80,000.00	95,000.00
Sewer Cleaner and Vacuum Truck	275,000.00	13,750.00		261,250.00
Total Sewer Capital	275,000.00	13,750.00		261,250.00
TOTAL - ALL PROJECT	\$ 801,500.00	\$ 35,475.00	\$ 80,000.00	\$ 686,025.00

**From
3 YEAR CAPITAL PROGRAM 201—2012
Anticipated Project Schedule and Funding Requirement**

PROJECT	ESTIMATED TOTAL COST	Estimated Completion Time	FUND AMOUNTS PER YEAR Budget Year 2010
DPW Brine System	\$ 15,000.00	2010	\$ 15,000.00
Fanny, Morris, Essex Avenues Paving	263,000.00	2010	263,000.00
Toughbook Mobile Computers	18,700.00	2010	18,700.00
Total General Capital	346,500.00		346,500.00
Interconnection High Service System	180,000.00	2010	180,000.00
Total Water Capital	180,000.00		180,000.00
Sewer Cleaner and Vacuum Truck	275,000.00	2010	275,000.00
Total Sewer Capital	275,000.00		275,000.00
TOTAL -ALL PROJECTS	\$ 801,500.00		\$ 801,500.00

**FROM
3 YEAR CAPITAL PROGRAM 2010-2012
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	ESTIMATED TOTAL COST	Capital Improvement Fund	Grants in Aid and other Funds	BONDS AND NOTES	
				General	Self-Liquidating
DPW Brine System	\$ 15,000.00	\$ 750.00	\$ -	\$ 14,250.00	\$ -
Fanny, Morris, Essex Avenues Paving	263,000.00	12,550.00		250,450.00	
Toughbook Mobile Computers	18,700.00	935.00		17,765.00	
Total General Capital	346,500.00	16,725.00		329,775.00	
Interconnection High Service System	180,000.00	5,000.00	80,000.00		95,000.00
Total Water Capital	180,000.00	5,000.00	80,000.00		95,000.00
Sewer Cleaner and Vacuum Truck	275,000.00	13,750.00			261,250.00
Total Sewer Capital	275,000.00	13,750.00			261,250.00
TOTAL-ALL PROJECTS	\$ 801,500.00	\$ 35,475.00	\$ 80,000.00	\$ 329,775.00	\$ 356,250.00

**TO
CAPITAL BUDGET (Current Year Action)
2010**

PROJECT	ESTIMATED TOTAL COST	CAPITAL IMPROVEMENT FUND	PLANED FUNDING SERVICES FOR CURRENT YEAR 2010 Grants in Aid and Other Funds	Debt Authorization
DPW Brine System	\$ 15,000.00	\$ 715.00	\$ -	\$ 14,285.00
Fanny, Morris, Essex Avenues Paving	264,650.00	12,625.00		252,025.00
Toughbook Mobile Computers	18,700.00	895.00		17,805.00
Total General Capital	348,150.00	16,725.00		331,425.00
Interconnection High Service System	198,000.00	5,000.00	80,000.00	113,000.00
Total Water Capital	198,000.00	5,000.00	80,000.00	113,000.00
Sewer Cleaner and Vacuum Truck	288,750.00	13,750.00		275,000.00
Total Sewer Capital	288,750.00	13,750.00		275,000.00
TOTAL - ALL PROJECT	\$ 834,900.00	\$ 35,475.00	\$ 80,000.00	\$ 719,425.00

**TO
3 YEAR CAPITAL PROGRAM 2010-2012
Anticipated Project Schedule and Funding Requirement**

PROJECT	ESTIMATED TOTAL COST	Estimated Completion Time	FUND AMOUNTS PER YEAR Budget Year 2010
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DPW Brine System	\$ 15,000.00	2010	\$ 15,000.00
Fanny, Morris, Essex Avenues Paving	264,650.00	2010	264,650.00
Toughbook Mobile Computers	18,700.00	2010	18,700.00
Total General Capital	348,150.00		348,150.00
Interconnection High Service System	198,000.00	2010	198,000.00
Total Water Capital	198,000.00		198,000.00
Sewer Cleaner and Vacuum Truck	288,750.00	2010	288,750.00
Total Sewer Capital	288,750.00		288,750.00
TOTAL -ALL PROJECTS	\$ 834,900.00		\$ 834,900.00

TQ
3 YEAR CAPITAL PROGRAM 2010-2012
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

PROJECT	ESTIMATED TOTAL COST	Capital Improvement Fund	Grants in Aid and other Funds	BONDS AND NOTES	
				General	Self-Liquidating
DPW Brine System	\$ 15,000.00	\$ 715.00	\$ -	\$ 14,285.00	\$ -
Fanny, Morris, Essex Avenues Paving	264,650.00	12,625.00		252,025.00	
Toughbook Mobile Computers	18,700.00	895.00		17,805.00	
Total General Capital	348,150.00	16,725.00		331,425.00	
Interconnection High Service System	198,000.00	5,000.00	80,000.00		113,000.00
Total Water Capital	198,000.00	5,000.00	80,000.00		113,000.00
Sewer Cleaner and Vacuum Truck	288,750.00	13,750.00			275,000.00
Total Sewer Capital	288,750.00	13,750.00			275,000.00
TOTAL-ALL PROJECTS	\$ 834,900.00	\$ 35,475.00	\$ 80,000.00	\$ 331,425.00	\$ 388,000.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services.

CONSENT AGENDA VOTE

Resolutions 10-122 through 10-128 and Resolution 10-130

The foregoing Consent Agenda was moved by Mrs. Bujtas and seconded by Mr. Scozzafava and unanimously approved upon the following roll call vote:

Mrs. Bujtas, aye; Mr. Carey, aye; Mr. Dunn, aye; Mr. Eoga, aye; Dr. Keezer, aye; Mr. Looker, aye; Mr. Nevadomski, aye; Mr. Scozzafava, aye; and Mayor Wekilsky, aye.

MAYOR & BOARD OF ALDERMEN COMMITTEE REPORTS

Economic Development-Mrs. Bujtas reported on the success of the open house that was held at the Miller-Kingsland property. Applications for caretaker have been received, but they are waiting for the lease to be returned by Green Acres before they interview anyone.

Fire Department-Mr. Looker said that the BFD along with the ambulance squad and drum corps won several trophies at the recent parade in Netcong. They will be attending the State Parade in Wanaque.

License & Ordinance-Mr. Carey stated that at meeting earlier in the evening, the Committee had discussed upcoming changes to the rental ordinance. The Committee planned on meeting again within the week.

Lights, Buildings & Grounds-Dr. Keezer said that the Lights, Buildings and Grounds Committee met with Town officials who gave a positive report on the Town's housing program. The renting of rooms to boarders was discussed, and recommendations to the full Board regarding that issue will be made shortly. Other issues were forwarded to the License and Ordinance Committee for review and possible action.

Parking-Mr. Scozzafava said that he was told by Captain James that 17 parking spaces might be lost after the County repaves Main Street later in the year.

Mr. Eoga said that a similar situation had occurred about ten years ago, and that at that time the Board had chosen to keep the spaces as they had been previously. Citing the possible loss of Town parking revenues and loss of business for merchants, Mr. Eoga recommended that the Board resist having parking spaces eliminated.

Mayor Wekilsky mentioned blind corners and pedestrian safety hazards. He said the opposing issues needed to be balanced.

Attorney Dorsey said that he thought the County had the final say regarding Main Street since it is a County road.

Mr. Scozzafava said that perhaps the County could supply funds for a parking lot off Main Street.

Mr. Dunn said that the Parking Committee should review the County's plans.

Mayor Wekilsky said more information would be received from the County and that there was still time for the Board to consider the matter and give its input to the County.

Police Department-Mr. Nevadomski read the following from a 5/24/10 e-mail from Chief Beltran congratulating Officers Mangino, Aretz and Cosentino for taking the 3rd Place Team Award at the Annual Morris County Chief's Firearms Competition and Officer Aretz for placing 9th in the Top Gun Competition.

DPW-Mr. Dunn thanked the DPW for its work for the Memorial Day celebration. He also stated that the handicapped access sidewalks were finished and had come out very well.

Historic Preservation-Mrs. Bujtas stated that their recent meeting was quick and quiet as no applications had been received.

Liaison to the Boonton Holmes Library-Mr. Eoga stated that there will be no meeting this month. Mayor Wekilsky stated that he had attended a power point presentation given by the New Jersey Libraries Association at the Holmes Library. The Association is advocating for restoration of some of the aid monies cut by the State.

Liaison to Municipal Alliance-Mr. Scozzafava said that Mrs. Lynch is applying for a grant and continuing to raise money for new playground equipment for Grace Lord Park.

MAYOR & BOARD OF ALDERMEN - GENERAL DISCUSSION ITEMS

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

Mr. Scozzafava stated that plans for a deer management are now at a standstill, but that a future cull remains a possibility.

UNFINISHED BUSINESS

ORDINANCE 06-10

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING REFUSE CONTAINERS/DUMPSTERS

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

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoor or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Town of Boonton and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Town of Boonton or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Town of Boonton.

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers.
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Enforcement

This ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer of the Town of Boonton.

SECTION VI. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalty stated in Chapter 1, General Provisions, Article III, General Penalty.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

ORDINANCE 07-10

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING PRIVATE STORM DRAIN INLET RETROFITTING

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

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Town of Boonton so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their deviations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Town of Boonton or other public body, and is designated and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply to outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer of the Town of Boonton.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalty stated in Chapter 1, General Provisions, Article III, General Penalty.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky opened the meeting to the public for discussion.

Harold Johnson, 169 North Main Street, President of the Board of Trustees of Boonton Main Street spoke about his organization's recent activities including budget decisions and fundraising efforts. He would like the Aldermen to become more familiar with Main Street and its mission.

Having no one else come forward, Mayor Wekilsky closed the public portion of the meeting.

NEW BUSINESS

ORDINANCE 08-10 (Introduction/Title Only)

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF THE TOWN CODE REGARDING FEES FOR PUBLIC RECORDS

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

ORDINANCE 09-10 (Introduction/Title Only)

AN ORDINANCE OF THE TOWN OF BOONTON FIXING THE SALARIES AND WAGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, FOR THE YEAR 2010

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

ORDINANCE 10-10 (Introduction/Title Only)

BOND ORDINANCE APPROPRIATING \$348,150 AND AUTHORIZING THE ISSUANCE OF \$331,425 BONDS OR NOTES OF THE TOWN, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY

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

ORDINANCE 11-10 (Introduction/Title Only)

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$198,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$113,000 BONDS OR NOTES OF THE TOWN FOR FINANCING SUCH APPROPRIATION

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

ORDINANCE 12-10 (Introduction/Title Only)

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF A NEW SEWER CLEANING AND VACUUM TRUCK FOR USE BY THE SEWER UTILITY OF THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$288,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,000 BONDS OR NOTES OF THE TOWN FOR FINANCING SUCH APPROPRIATION

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

ADJOURN

Mr. Keezer made a motion to adjourn the meeting, seconded by Mrs. Bujtas.

There being no further business, the meeting was adjourn at 8:16 pm.

Elizabeth Bonsiewich, Deputy Town Clerk

Date Approved: _____