
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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provide Council will a full accounting of the Mount Laurel Park project. The Council gave consensus for Mr. Knudsen to proceed with the skate park. They thanked Mr. Knudsen for his attendance tonight.

Agenda No. VI

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Tracy Clark, 7 Belmar Court, Hewitt advised that she is present tonight to speak about the pre-school program at Hillcrest. She asked if the Township has established a committee to explore options for the pre-school and when that committee will cease looking for a location. She stated that parents need answers to determine if they will have to find alternative programs before September. She asked if all options are being explored. She noted that the Program Coordinator is scheduled to retire soon and questioned what is being done to find a suitable replacement. She expressed frustration at the lack of communication on this matter which she said has led to confusion. Additionally conflicting statements are a cause for concern not only for parents but for the negative impact that may affect local businesses. She stated that, when she registered her children in the pre-school program, she was guaranteed that the program would be for four years. She has not learned that there is no guarantee and thus she will be registering her children at another program as well as the Township program. She expressed hope that the Township Council will work on this important issue.

Deanna Bussanich, 40 Adelaide Terrace, West Milford stated that her son is enrolled in the pre-school program and she plans to enroll a second child in this program. She does not feel secure because she does not know where the program will be held and she asked if the Township is reviewing alternate locations. Noting that the current confusion may lead to fewer registrations, she asked if this would ultimately result in the termination of the pre-school. If the program is cancelled, she asked, when will notifications be sent out. She stated that any location must include a playground and a gym for the children.

Jim Novack, Larchmont Drive, West Milford stated that the sidewalks at Town Hall were a mess on January 1st due to the inclement weather. On January 2nd, he came to Town Hall to pay his taxes and the Tax Collector refused to take his check because his payment was late. As he was leaving the building, he noticed that the custodian was vacuuming the chambers even though the sidewalks had not been cleared of snow and ice. As a result of this, Mr. Novack slipped and fell getting into his vehicle. He made it home though had a hard time making it into his house as a result of the pain from his fall. He fell again later and two police officers and an ambulance finally showed up to assist him. He went to the Veterans hospital two days later and gladly they found that he had not broken any bones. He stated that this lack of maintenance is a disgrace and such disregard for ADA accessibility is rampant. He stated that the Administrator's contract should limit cell phone use.

Ada Erik, Macopin Road, West Milford noted that, until recently, she did not realize the obstacles faced by persons with disabilities. She has learned that oftentimes when parking lots are plowed, the snow is deposited in the handicap parking spots. Those who live without disabilities simply do not see these obstacles and there are very few locations in West Milford that are ADA compliant. Township officials should increase awareness of these issues and enforce compliance at local businesses because this affects seniors and disabled persons alike.

Tara Donohue, 98 Riverside Avenue, Upper Greenwood Lake stated that her son is enrolled in the pre-school program at Hillcrest and has used other programs at that facility. She wants assurances that these programs will continue and wants the Council to demand standard accounting practices throughout all departments in the Township. Acknowledging that the senior programs are to be housed in Westbook Park, she asked what steps have been taken to make this facility accessible. She asked for greater communication with residents advising the she wants to know specifics about Hillcrest.

George Malagna, Business Owner, Kiddie Academy expressed support for comments made by pre-school parents noting that time is of the essence if an alternate location is to be found for this program. He stated that residents had been advised to register at multiple programs which will have a negative impact on his business. Asked the Council to focus on finding a location post haste.

Doris Aaronson, 19 Bearfort Road, West Milford recalled that the Township Council recently discussed safety issues at Canistear Road. In the past there were discussions about a pressure sensitive switch which would activate a light advising that a vehicle is approaching. This may be a simple, viable solution to the sight problems at that location.

Mark Cirillo, 28 Camden Place, West Milford shares the concerns expressed about the future of the pre-school program. His daughter is enrolled in the three-year program and asked when the lease is to expire. He requested that Council provide an update on the intent beyond this year.

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Carmen Scangarello, 31 Little Pond Lane, West Milford stated that he met with the Construction Official, Tim Ligus, yesterday at the Johner buiding. Work continues on the plans and specifications and this project is almost ready to go out to bid. He stated that the Mount Laurel project is long overdue and the kids in West Milford deserve the very best. He will volunteer to assist in any way he can to keep this project moving. He advised that he has submitted a letter of interest in serving on the Municipal Utilities Authority. Mayor Bieri, recognizing the Mr. Scangarello serves on the Facilities Assessment Committee and noting that she is diverging from the standard protocol during the public portion, asked Mr. Scangarello if he could address some of the questions posed by the public tonight. Mr. Scangarello stated that the Council is committed to Township programs and he stated that he deals with the child care issues that these parents face each day. Arrangements will be made to house all the programs and the committee is researching options based on available facilities. He listed the members serving on this committee and advised that they each possess related qualifications and are dedicated to the task at hand. Mayor Bieri agreed adding that the Facilities Assessment Committee was formed last spring and was charged with researching all Township-owned facilities to address all the needs of the community.

Ed Steines, Ridge Road, West Milford asked the Council to reconsider a recent decision to deny the purchase of a fire commissioner/OEM coordinator vehicle. He stated that since he has served as Fire Commissioner for the Township, he has saved a considerable amount of money for the municipality. He would have appreciated an opportunity to answer any questions from the Governing Body and will provide any information they need if the Council agrees to reconsider this purchase.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. VII

Council Comments

Councilman Weisbecker stated that he will ensure that the pre-school program continues. This Council, he said is committed to all programs but cannot give definitive answers about locations at this time. He stated that in 2002 the State Department of Transportation rejected the idea of the light mentioned by Ms. Aaronson. He commended the ADA committee for their efforts to address ADA concerns in town and noted that they will continue their work.

Councilman Schimmenti stated that he supports the pre-school program and will continue to work on this issue.

Councilman Nolan stated that perhaps Mr. Novack should be appointed to the ADA committee if a position becomes available.

Councilwoman Lichtenberg concurred with Council comments related to the pre-school program adding that, as with all Township issues, there are no guarantees. She stated that the teachers who run this program are the very best and noted that her children participated in and benefitted from the Township's pre-school program. She stated that the Township is trying and will continue to work on all matters related to Hillcrest. She commended the members of the Facilities Assessment Committee.

Councilman Jurkovic recalled how stressful it was to find day care for his children when they were at a younger age. While he is new to the Council, he has been appointed to the Facilities Assessment Committee and he supports maintaining the programs. He stated that he particularly appreciates the comments from the business owner agreeing that time is of the essence. The residents, he said, deserve responses. He stated that all ADA issues require education and he acknowledged a need to have Township personnel undergo such training.

Council President Smolinski commented that the inclement weather tonight is reminiscent of many similar nights that pre-school parents spent outside waiting in line to sign their children up for the Township pre-school program. That is a testament to the quality of the program and the cost which is fair to the parents. The uncertainty surrounding the future of the program is unfair to those parents. He reiterated that the Council is committed to the programs and added that the Johner building cannot house pre-school or any other program for that matter. Answers are not available tonight.

Councilman Nolan stated that the Township must work within the confines of the conditions that exist. Those conditions include the fact that the Board of Education would not entertain a better arrangement than a one-year lease at Hillcrest.

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Councilman Weisbecker expressed appreciation for the questions posed and reiterated that answers are simply not available tonight. The new administrator is beginning his employ with the Township and he will address all these issues. He believes that the Board of Education and the Council will ultimately work together on these issues because he cannot envision either entity letting the programs lapse. He said that he respects the comments made by Ed Steines and he asked him to provide a list of the equipment he carries in his vehicle. He will review the information and ask for Council reconsideration.

Council President Smolinski noting that Hillcrest is scheduled for executive session discussion tonight, asked Council to move expeditiously on dialogue with the Board of Education, if not on Hillcrest, on the pre-school program.

Mayor Bieri stated that she understands that there are uncertainties about the programs and added that it would be unfair to make guarantees. The Council has repeatedly committed to the programs and this means that the programs will continue. The first priority for the Facilities Assessment Committee was housing staff and the focus is now on the programs.

Council President Smolinski asked for and received Council consent to have Tracy Clark speak again.

Tracy Clark, 7 Belmar Court, Hewitt stated that she spoke with Steve Cea, the BOE business administrator, yesterday. He told her, she said, that there have not been any negotiations regarding Hillcrest. Parents want answers and other programs are filing up. If the Township does not find a location for the pre-school program, there will be about 75 children who will not have a program in September. She expressed concern about the traumatic impact this may have on her child. She asked what locations are being considered, will parents be satisfied with the location, and if the registration fees can be waived for now. She offered to work with the Township on finding a solution.

Agenda No. VIII

Discussion Items

1)	Air Compressors or Air Breathing Modules – Mayor Bieri invited Ed Steines, Fire Commissioner, forward to answer Council questions on these proposed purchases. Mr. Steines advised that the cost differs for each unit because the unit for fire company #4 has a different electrical component. This will allow the unit to be upgraded to a storage capacity of 600 lb psi. This apparatus is critical.
3)	Eastern Propane Corp. – Block 16102, Lot 1 – Access Agreement – Mayor Bieri asked that this item be discussed before Mr. Steines leaves the meeting. Mr. Semrau noted that Eastern Propane has agreed to sign the contract and he asked Mr. Steines about the importance of this easement. Mr. Steines stated that this easement allows access to a critical water supply. Mr. Semrau advised that he prepared the agreement at no cost and the Township will hold Eastern Propane harmless. He will have a resolution prepared for Council consideration at the next meeting.
2)	Temporary Budget – Chief Financial Officer, Arthur Magnotti – Mr. Magnotti conveyed his apologies to the Council advising that he had sent the incorrect document to them for the reorganization meeting. He outlined specific line items that have been corrected on the temporary budget before the Council this evening.
9)	Resolutions – Auditor and Bond Counsel – while Mr. Magnotti was still in attendance, Mayor Bieri asked that this discussion item be addressed. She directed the Council to a memo that was on the dais this evening from the CFO. Mr. Magnotti advised that he is recommending that, in addition to the appropriations being made for auditor and bond counsel services for 2009, the Township take action to sell notes in the amount of approximately \$10 million in April. He explained that the Township will experience cash flow problems. Because the Township has not sought permanent funding in recent years, capital spending has been funded with surplus funds which has created this sense of urgency to proceed with temporary bonding at this time. He expects the interest rate on the note to be less than 2%. Discussion ensued about the costs associated with this form of temporary financing. Mr. Magnotti advised that it takes about three months to prepare for permanent financing which could cause financial issues for West Milford. The Council instructed Mr. Magnotti to obtain more detailed information prior to their making a decision on this matter. Mr. Magnotti asked the Council to reconsider the thirty-day prompt payment that they deleted from 2009-023 at the reorganization meeting. He explained that this provision has not been invoked as yet in West Milford but provides a safety net should the need arise and it will maintain compliance with the prompt payment law relative to construction projects. The Council, noting that West Milford has between two to three meetings every month, agreed that this provision is not necessary. Mr. Magnotti distributed budget information to the Council. He advised that the State of New Jersey issued a notice today that the state budget will be delayed. Councilman Nolan advised that the Governor has stated that his administration will not issue waivers on the CAP. The Council thanked Mr. Magnotti for his attendance.

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4)	Release of Statutory Lien (Block 9509 / Lot 33) - 70 Pinecrest Trail – Mr. Semrau advised the Council that the Township had delinquent taxes on this property and the investor subsequently foreclosed. When the tax sale certificate was sold, the lien was transferred and it was paid in 1995. He requested Council consideration of a resolution at the next meeting to authorize discharge of this lien. The Council gave consensus to proceed.
5)	Ordinance – Amend Fees – Mayor Bieri advised Council that, in response to a memo from the Clerk’s office, some departments had requested extensions to amend the fee ordinance. When the recommendations have been received from these departments, the Clerk will present an amendment for Council consideration.
6)	Ordinance – Amend Salary Ordinance – Mayor Bieri advised that the 2007 salary ordinance was drafted with the intent of covering all related staff members through 2009. However, the construction official and veteran’s services administrator cannot qualify for the raise afforded other staff members under the range for their titles in the 2007 ordinance. Councilman Nolan stated that it is not mandatory to pass out raises and he believes that, in light of the current economy, it is time to draw the line. He noted that the Governor has instituted an 18 month salary freeze for State employees. Mayor Bieri asked the Construction Official who was sitting in the audience if he would like to address the Council. Mr. Tim Ligus advised the Council that when he assumed the role of construction official, he assumed two positions. This resulted in a significant savings to the Township. The Council gave consensus to introduce the amended salary ordinance at the next regular meeting.
7)	Resolution – Support Assembly Bill A-3570 – COAH – Mayor Bieri reminded Council that this proposed assembly bill recommends abolishing the Council on Affordable Housing because of the contradictions inherent in the COAH rules and the Highlands master plan. The Council gave consensus to proceed with Councilman Jurkovic asking that the wording in our resolution be stronger.
8)	Resolution – Requesting DOT to Improve the Canistear Road Railroad Trestle – the Council gave consensus to have the draft resolution prepared by Mr. Semrau placed before them for action at the next regular meeting.
10)	Beautification & Recycling Committee Restructuring – Council President Smolinski recommended splitting this committee into two separate groups, a beautification committee and a recycling committee. The Council agreed and discussion ensued as to the composition of each of the two proposed committees. The Council agreed that the recycling committee should be comprised of five citizen members, the recycling coordinator and a Council liaison. The beautification committee shall consist of five citizen members with no Council liaison or staff member. This committee shall report to the Township Administrator. The Council instructed that resolutions be prepared for their consideration at the next regular meeting.
11)	Planning Board Charter and By-Laws – Mayor Bieri recalled that Councilman Weisbecker had requested discussion of this matter. Mr. Semrau reviewed the appointment process for planning board members as directed by state statute and he advised that the Township’s code contains some conflicts in this regard. He asked for further direction from the Council and advised that he will consult with the planning board attorney on any queries that emanate from tonight’s discussion. Councilman Weisbecker requested that Council be provided with the legislation that governs these appointments. He stated that the planning board is currently considering by-law changes which would empower the Mayor to nominate alternates which is not in keeping with Mr. Semrau’s comments. He asked that the planning board be instructed to defer from making such amendments until the Council has reviewed all pertinent data.
12)	Shelter Agreement with NJ Transit – Mr. Semrau advised that the agreement currently in place dates back to 1984 and it directs that New Jersey Transit turn over its shelters to the Township to be maintained. He contacted NJ Transit who is not eager to renegotiate the terms of the contract which has become one-sided in NJ Transit’s favor. The Township can terminate the lease but NJ Transit has no obligation to the Township. The shelter previously located by Dunkin Donuts is currently being reviewed for reconstruction because it was destroyed in a traffic incident in 2008. The construction official has communicated with all parties and has a proposal to move the shelter to an alternate, safer location. He will bring this subject before the ADA committee for their input. The Council instructed Mr. Semrau to research the Township’s obligations with regard to all the park & ride facilities in West Milford.
13)	Road Completions – Mr. Semrau requested that this topic be carried to a future workshop meeting. He wishes to do more research and may ultimately see authorization from the Council to initiate legal action to call in performance bonds. The Council gave consensus to allow Mr. Semrau the time he needs.
14)	Police Department Staffing – Mayor Bieri advised that she received an e-mail from Chief Costello seeking immediate authorization to send two persons to the police academy. She believes it prudent to include the Council in this decision because they have made it clear that they wish to effectuate savings through attrition. If these replacements are not made at this time as requested by the Chief, the Township could save a substantial sum of money. One person in the police department retired in November 2008 and the other replacement pertains to a personnel matter that is in litigation and which cannot be discussed for legal reasons. Councilman Nolan, recognizing that the new administrator will begin working for the Township

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this week, recommended that Mr. Boyle be instructed to review this request from the Chief and make a recommendation to the Council. Mayor Bieri advised Council that the Chief has expressed urgency because the deadline date for entry into the academy is looming. The Council agreed that they did not have sufficient information to make an informed decision at this time and concurred that the new administrator should research the matter and make a recommendation at the next meeting.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Resolution No. 2009- 049~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE APPOINTMENT OF KEVIN F. BOYLE AS TOWNSHIP ADMINISTRATOR

WHEREAS, the Mayor, pursuant to the Township Code, shall nominate with the advice and consent of Council a Municipal Administrator; and

WHEREAS, the Mayor has nominated Kevin F. Boyle to serve in such capacity as Municipal Administrator; and

WHEREAS, the terms of such appointment shall include but not be limited to an Employment Agreement, a copy of which is on file in the Township Clerk's Office and is incorporated as part of this Resolution, in addition to all of the responsibilities and obligations of a Municipal Administrator pursuant to the Municipal Code that is in effect now and hereafter; and

WHEREAS, the Council has reviewed the qualifications of Mr. Boyle as well as the terms of the Employment Agreement which would include the following material terms:

- 1. Annual Salary: \$120,000.00
2. Reimbursement for cell phone and educational seminars.
3. Fifteen (15) vacation days on an annual basis.
4. A ninety (90) day probationary period.
5. The term of the appointment shall expire at the expiration of Mayor Bieri's term of office.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they have considered the nomination of Kevin F. Boyle for Township Administrator and hereby provides its advice and consent as to the appointment of Mr. Boyle in accordance with the Township Code and the Employment Agreement executed between Mr. Boyle and the Township.

Adopted: January 14, 2009

Discussion: Councilman Jurkovic requested that the contract limit cell phone use to a "reasonable" amount of time. Mr. Boyle, from the audience, stated that he had no objection to the insertion of such language. Mayor Bieri stated that the appointment of Administrator is that of the Mayor's office with the advice and consent of Council. She is appointing Mr. Boyle to this position as the Council has made it clear that this is the candidate to whom they will give consent.

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Mayor Bieri administered the oath of office to Mr. Boyle who thanked the governing body. He stated that he looks forward to working in West Milford and cautioned that the budget process will be difficult this year.

The following resolutions 2009-050, 2009-051, 2009-052, 2009-053, 2009-054 were moved as one.

Agenda No. IX 2

~ Resolution No. 2009- 050 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CHARLES MCGROARTY TO SERVE AS PLANNING CONSULTANT FOR AN AMOUNT NOT TO EXCEED \$22,500

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WHEREAS, the Mayor and Council of the Township of West Milford has a need to appoint a Professional Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Charles McGroarty has provided professional planning services as sought by the Township of West Milford at a rate of \$142.00 per hour; and

WHEREAS, the total amount of the contract shall not exceed \$22,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number 9-01-20-100-281; and

WHEREAS, Charles McGroarty has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township Council hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Charles McGroarty of Banisch Associates, Inc. with offices located at 111 Main Street, Flemington, New Jersey, 08822 as professional planner for the Township of West Milford in an amount not to exceed \$22,500.00. The agreement shall be on file in the office of the Township Clerk.
2. The term of the contract shall be for a period to run through December 31, 2009.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: January 14, 2009

Agenda No. IX 3
~ Resolution No. 2009- 051 ~

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

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

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

WHEREAS, The Land Conservancy of New Jersey has previously provided such services to the Township under the name of the Morris Land Conservancy to the satisfaction of the municipality; and

WHEREAS, the Township wishes to retain The Land Conservancy of New Jersey for the purpose of assisting the West Milford Township Council and the West Milford Township with a variety of open space services and landowner negotiations, including, but not limited to, the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland and other various related services as outlined in its proposal dated December 9, 2008; and

WHEREAS, the total amount of the contract for the twelve (12) month term shall not exceed \$11,500.00; and

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

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does

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not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with The Land Conservancy of New Jersey, with offices located at 19 Boonton Avenue, Boonton, New Jersey, 07005, as open space preservation consultant to assist the Township in the area of open space acquisition, preservation and stewardship in an amount not to exceed \$11,500.00 in accordance with its proposal dated December 9, 2008.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$11,500.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and The Land Conservancy of New Jersey, 19 Boonton Avenue, Boonton, New Jersey, 07005, for their information and guidance.

Adopted: January 14, 2009

Agenda No. IX 4

~ Resolution No. 2009- 052 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LANDS AND PROPERTIES FROM THE TOWNSHIP AUCTION OF DECEMBER 17, 2008

WHEREAS, on December 17, 2008, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution #2008-389; and

WHEREAS, the Township Clerk reports that the attached schedule outlines the bidders and their respective proposals to purchase said lands and recommends that the Township Council accept these bids.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the proposals set forth in the attached schedule are hereby accepted and incorporated herein.

BE IT FURTHER RESOLVED, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution #2008-389.

This Resolution shall be effective immediately.

Adopted: January 14, 2009

Agenda No. IX 5

~ Resolution No. 2009- 053 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDED A CONTRACT FOR THE PURCHASE OF TWO BREATHING AIR COMPRESSORS FOR FD CO. #4 AND CO #3

WHEREAS, the Township Council has received a tabulation of bids received for the following:

Subject of Bid: Two Breathing Air Compressors For Fd Co. #4 And Co #3
Bid Date Received: November 26, 2008
Time Received: 10:00 A.M.

WHEREAS, the Township Council has received a recommendation from the West Milford Fire Commissioner concerning the bids received;

WHEREAS, the Township Treasurer has certified that funds are available for the proposed expenditure from the following account: C-04-07-941-265

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that a contract is hereby awarded to the low bidder in accordance with specifications and bid received and on file in the Office of the Township Clerk as follows:

Subject of Bid: Two Breathing Air Compressors For Fd Co. #4 And Co #3
 Bidder Name & Address: Airpower International, Inc.
 7303 River Road
 Pennsauken, New Jersey 08110
 Total Contract Amount: \$47,600.00

Adopted: January 14, 2009

Agenda No. IX 6
 ~ Resolution No. 2009- 054~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
 STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE
 YEAR 2009**

WHEREAS, an applications have been made by licensees for the renewal of Limousine Driver Licenses, Limousine Owner Licenses, Amusement Game Licenses and Pool Table Licenses for the year 2009; and

WHEREAS, reports of recommendation have been received from various Township Departments recommending the issuance of said license as listed below;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2009 Licenses *as listed below*:

Limousine Owner License No.	Applicant Name- Address	T/A
2009-9	Thomas Murphy 1501 Macopin Road West Milford, NJ 07480	Satin Limousine
Limousine Driver License No.	Applicant Name - Address	
2009 – 9	Thomas Murphy 1501 Macopin Road West Milford, NJ 07480	

Adopted: January 14, 2009

Moved: Nolan Seconded: Weisbecker
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: Lichtenberg and Jurkovic voted "no" to 2009-051 only.
 Motion carried.

Agenda No. IX 7
 ~ Resolution No. 2009- 055~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
 JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA**

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

- Resolutions:
 a. Resolution 2009-056 - Refund Recreation Fees

- Applications:
 a. Application for Off Premise Draw Raffle by the UGL PTA.
 b. Application for two On Premise 50/50 Raffles by the Our Lady Queen of Peace Home School Association

Adopted: January 14, 2009

Moved: Nolan Seconded: Weisbecker

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

The following resolution was included in the consent agenda:
Agenda No. IX 7 a

~ Resolution No. 2009- 056~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES

BE IT RESOLVED, that the following Recreational fees upon the report of the Director of Community Services and Recreation be refunded:

Name & Address	Reason	Amount Refunded
Phil Pirro 34 Carteret Street West Milford, NJ 07480	Refund for withdrawal of enrollment in Traveling Lacrosse Team	\$100.00
Todd Gillespie 203 Highcrest Drive West Milford, NJ 07480	Refund for withdrawal of enrollment in Traveling Lacrosse Team	\$100.00

Adopted: January 14, 2009

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~ Resolution No. 2009- 045~

TABLED TO JANUARY 28, 2009 COUNCIL REGULAR MEETING

Councilman Weisbecker made a motion, seconded by Council President Smolinski to place this resolution on the table for discussion.

Discussion: Councilman Nolan questioned the reference in page 3, item 4 to the coffee house monitor. Mr. Semrau advised that this agreement is not an employment agreement so, in the context of this agreement, this language does not pertain to the caretaker's employment relationship with the Township. Discussion ensued about the definition of "timely" as it is used in page 4 item #7. Councilman Weisbecker recommended that the Director of Community Services & Recreation be compelled to conduct a quarterly inspection of the property to determine if damage exists rather than make that an obligation of the caretaker. Councilman Nolan expressed concern that the Township is entering into an agreement with a party who has threatened to file suit. In response to Councilman Weisbecker's query as to whether or not Ms. Pappas has seen this agreement, Mr. Semrau advised that, as with any other agreement, he worked on the agreement but did not meet with the proposed contractor. Councilman Weisbecker recommended that the current agreement be extended to January 28th to afford Ms. Pappas an opportunity to review the contract before the Council takes action. The Council instructed Mr. Semrau to insert language pertaining to tax reporting. Mayor Bieri outlined the differences between employment and vendor contracts noting that it is not customary to engage in a back-and-forth negotiation with contractors. Councilman Weisbecker disputed that this is a contractor relationship.

Councilman Weisbecker amended his motion and tabled action on this resolution to the January 28th regular meeting.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. IX 9

~ Resolution No. 2009- 060~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 2009 TEMPORARY BUDGET

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, said temporary appropriations are extended and now limited to 26.25% of the total appropriation in the 2008 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2008 budget,

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

APPROPRIATION	Account Number		2009 Temporary Budget
ADMINISTRATION			
ADMINISTRATOR			
Administrator S&W	01-20-100-100	\$215,000	\$56,975
Administrator O.E.	01-20-100-200	\$49,400	\$13,091
TOTAL		\$264,400	\$70,066
PERSONNEL			
Personnel S&W	01-20-105-100	\$82,000	\$21,730
Personnel O.E.	01-20-105-200	\$10,100	\$2,677
TOTAL		\$92,100	\$24,406
MAYOR & COUNCIL			
Township Mayor & Council S&W	01-20-110-101	\$36,000	\$9,540
Township Mayor & Council O.E.	01-20-110-200	\$4,500	\$1,193
TOTAL		\$40,500	\$10,733
INFORMATION TECHNOLOGY			
Information Technology S&W	01-20-140-100	\$76,000	\$20,140
Information Technology O.E.	01-20-140-200	\$46,400	\$12,296
TOTAL		\$122,400	\$32,436
Legal O.E.	01-20-155-200	\$250,000	\$66,250
GENERAL SERVICES			
General Services S&W	01-20-161-100	\$12,000	\$3,180
General Services O.E.	01-20-161-200	\$102,600	\$27,189
TOTAL		\$114,600	\$30,369
INSURANCE			
Insurance, Other	01-23-210-200	\$728,166	\$192,964
Insurance, Other, Less Library Charge Back	01-23-210-200	-\$10,000	\$(2,650)
Insurance, Group	01-23-220-506	\$3,086,290	\$817,867
Insurance, Group - Less Library Chargebacks	01-23-220-506	-\$119,000	\$(31,535)
TOTAL		\$3,685,456	\$976,646
Heritage O.E.	01-20-173-200	\$1,500	\$398
CLERK'S OFFICE			
CLERK			
Clerk S&W	01-20-120-100	\$218,000	\$57,770
Clerk O.E.	01-20-120-200	\$27,800	\$7,367
TOTAL		\$245,800	\$65,137
ELECTIONS			
Elections S&W	01-20-146-101	\$500	\$ -
Elections O.E.	01-20-146-101	\$18,900	\$ -
TOTAL		\$19,400	\$ -
FINANCE			
TREASURER			
Treasurer S&W	01-20-130-100	\$271,000	\$71,815
Treasurer O.E.	01-20-130-200	\$7,560	\$2,003

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APPROPRIATION	Account Number		2009 Temporary Budget
Treasurer O.E. - Less Library Chargebacks	01-20-130-200	-\$2,000	\$(530)
TOTAL		\$276,560	\$73,289
ANNUAL AUDIT			
Annual Audit	01-20-135-200	\$40,000	\$10,600
Annual Audit Additional Services	01-20-135-201	\$10,000	\$2,650
TOTAL		\$50,000	\$13,250
TAX COLLECTOR			
Tax Collector S&W	01-20-145-100	\$168,000	\$44,520
Tax Collector O.E.	01-20-145-200	\$13,250	\$3,511
TOTAL		\$181,250	\$48,031
ASSESSOR			
Tax Assessor S&W	01-20-150-200	\$316,000	\$83,740
Tax Assessor O.E.	01-20-150-200	\$6,000	\$1,590
TOTAL		\$322,000	\$85,330
PLANNING AND BUILDING			
PLANNING BOARD O.E.	01-21-180-200	\$46,000	\$12,190
COMPREHENSIVE PLANNING			
Planning, Comp. S&W	01-21-181-100	\$272,000	\$72,080
Planning, Comp. O.E.	01-21-181-200	\$3,200	\$848
TOTAL		\$275,200	\$72,928
ZONING ADMINISTRATION S&W	01-21-185-100	\$73,000	\$19,345
BOARD OF ADJUSTMENT O.E.	01-21-186-200	\$35,000	\$9,275
HISTORIC PRESERVATION			
Historic Preservation S&W	01-20-175-101	\$1,600	\$424
Historic Preservation O.E.	01-20-175-200	\$1,800	\$477
TOTAL		\$3,400	\$901
Autumn Lights Festival	01-20-171-200	\$3,000	\$-
BUILDING / CODE ENFORCEMENT			
Building S&W	01-22-195-100	\$401,000	\$106,265
Building O.E.	01-22-195-200	\$12,000	\$3,180
TOTAL		\$413,000	\$109,445
ENVIRONMENTAL COMMISSION			
Environmental Commission S&W	01-22-196-101	\$1,600	\$424
Environmental Commission O.E.	01-22-196-200	\$0	\$-
TOTAL		\$1,600	\$424
PUBLIC SAFETY			
POLICE DEPARTMENT			
Police Patrol S&W	01-25-240-100	\$4,100,000	\$1,086,500
Police Patrol O.E.	01-25-240-200	\$91,240	\$24,179
Police Patrol-Purchase of Police Vehicles	01-25-240-201	\$142,000	\$-
Police Detective S&W	01-25-241-100	\$465,000	\$123,225
Police Administration S&W	01-25-242-100	\$588,000	\$ 155,820
Police Communication S&W	01-25-243-100	\$269,000	\$ 71,285
Police Comm. O.E.	01-25-243-200	\$29,000	\$ 7,685
Police Specials S&W	01-25-244-100	\$31,000	\$ 8,215
Police Specials O.E.	01-25-244-200	\$3,000	\$ 795

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APPROPRIATION	Account Number		2009 Temporary Budget
TOTAL		\$5,718,239	\$ 1,477,703
OEM			
EMERGENCY MANAGEMENT S&W	01-25-252-100	\$5,000	\$ 1,325
EMERGENCY MANAGEMENT O.E.	01-25-252-200	\$24,500	\$ 6,493
TOTAL		\$29,500	\$ 7,818
FIRST AID SQUADS			
First Aid - WMFAS Contributions	01-25-260-200	\$67,275	\$ 17,828
First Aid - UGL 1st Aid Squad Contributions	01-25-261-200	\$40,500	\$ 10,733
TOTAL		\$107,775	\$ 28,560
FIRE DEPARTMENT			
Aid To Vol. Fire Co.	01-25-255-200	\$90,000	\$ 23,850
Fire Prevention Bureau S&W	01-25-265-100	\$185,000	\$ 49,025
Fire Prevention Bureau O.E.	01-25-265-200	\$8,700	\$ 2,306
Fire Co. Admin. S&W	01-25-266-100	\$8,000	\$ 2,120
Fire Co. Admin. O.E.	01-25-266-200	\$257,350	\$ 68,198
LOSAP	01-25-267-200	\$90,000	\$ -
TOTAL		\$639,050	\$ 145,498
ENGINEERING AND PUBLIC WORKS			
ENGINEERING			
Engineering S&W	01-20-165-100	\$482,000	\$ 127,730
Engineering O.E.	01-20-165-200	\$18,350	\$ 4,863
TOTAL		\$500,350	\$ 132,593
DPW			
DPW Streets & Roads S&W	01-26-290-100	\$1,704,000	\$ 451,560
DPW Streets & Roads O.E.	01-26-290-200	\$315,600	\$ 83,634
DPW Buildings & Grounds S&W	01-26-291-100	\$94,000	\$ 24,910
DPW Buildings & Grounds O.E.	01-26-291-200	\$59,250	\$ 15,701
DPW Snow Removal S&W	01-26-294-100	\$175,000	\$ 175,000
DPW Snow Removal O.E.	01-26-294-200	\$579,000	\$ 579,000
DPW Vehicle Maintenance S&W	01-26-315-100	\$318,000	\$ 84,270
DPW Vehicle Maintenance O.E.	01-26-315-200	\$266,500	\$ 70,623
TOTAL		\$3,511,350	\$ 1,484,698
HEALTH DEPARTMENT			
HEALTH DEPARTMENT			
Public Health S&W	01-27-330-100	\$251,000	\$ 66,515
Public Health O.E.	01-27-330-200	\$52,100	\$ 13,807
Vital Statistics S&W	01-27-331-100	\$8,000	\$ 2,120
Vital Statistics O.E.	01-27-331-200	\$15,400	\$ 4,081
Housing Standard Bureau O.E.	01-27-332-441	\$1,500	\$ 398
Environmental Health S&W	01-27-335-100	\$273,000	\$ 72,345
Environmental Health O.E.	01-27-335-200	\$20,800	\$ 5,512
Animal Control S&W	01-27-340-100	\$79,000	\$ 20,935
Animal Control O.E.	01-27-340-450	\$0	\$ -
TOTAL		\$700,801	\$ 185,712
PARKS AND RECREATION			
RECREATION			

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APPROPRIATION	Account Number		2009 Temporary Budget
Recreation Programs S&W	01-28-370-100	\$403,000	\$ 106,795
Recreation Programs O.E.	01-28-370-200	\$133,000	\$ 35,245
Recreation-Bubbling Springs S&W	01-28-371-100	\$167,000	\$ -
Recreation-Bubbling Springs O.E.	01-28-371-200	\$64,000	\$ -
Recreation-Admin. S&W	01-28-372-100	\$202,000	\$ 53,530
Recreation-Admin. O.E.	01-28-372-200	\$12,400	\$ 3,286
Recreation-Hillcrest S&W	01-28-374-100	\$126,000	\$ 33,390
Recreation-Hillcrest O.E.	01-28-374-200	\$23,375	\$ 6,194
Recreation-Parks Maintenance S&W	01-28-375-100	\$250,000	\$ 66,250
Recreation-Parks Maintenance O.E.	01-28-375-200	\$124,700	\$ 33,046
Senior Citizen Services S&W	01-28-376-100	\$104,000	\$ 27,560
Senior Citizen Services O.E.	01-28-376-200	\$12,725	\$ 3,372
TOTAL		\$1,622,201	\$ 368,668
VETERAN'S BUREAU			
Veteran's Bureau S&W	01-20-172-100	\$1,500	\$ 398
Veteran's Bureau O.E.	01-20-172-200	\$500	\$ 133
TOTAL		\$2,000	\$ 530
PUBLIC ASSISTANCE		\$0	
Public Assistance S&W	01-27-345-100	\$0	\$ -
Public Assistance O.E.	01-27-345-200	\$0	\$ -
TOTAL		\$0	\$ -
Celebration of Public Events O.E.	01-30-420-200	\$5,700	\$ -
Mass Transportation	01-30-431-200	\$88,277	\$ 23,393
LIBRARY			
LIBRARY			
Library S&W	01-29-390-100	\$510,000	\$ 135,150
Library O.E.	01-29-390-200	\$757,738	\$ 200,801
TOTAL		\$1,267,738	\$ 335,951
MUNICIPAL COURT			
MUNICIPAL COURT			
Municipal Court S&W	01-43-490-100	\$295,000	\$ 78,175
Municipal Court O.E.	01-43-490-200	\$14,125	\$ 3,743
Municipal Court Prosecutor S&W	01-43-491-101	\$27,000	\$ 7,155
Municipal Court Public Defender Fees	01-43-495-450	\$0	\$ -
TOTAL		\$336,125	\$ 89,073
UTILITY EXPENSES & BULK PURCHASES			
UTILITIES & FUELS			
Utilities-Electricity	01-31-430-200	\$170,000	\$ 45,050
Utilities-Street Lights	01-31-435-200	\$46,000	\$ 12,190
Utilities-Telephone	01-31-440-200	\$145,000	\$ 38,425
Utilities-Natural Gas	01-31-446-200	\$140,000	\$ 75,000
Utilities-Fuel	01-31-460-200	\$470,000	\$ 124,550
TOTAL		\$971,000	\$ 295,215
MISCELLANEOUS AND STATUTORY EXPENDITURES			
PENSION & FICA			

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APPROPRIATION	Account Number		2009 Temporary Budget
PERS	01-36-471-532	\$406,100	\$ -
PERS - Less Library Chargebacks	01-36-471-532	-\$40,000	\$ -
Social Security	01-36-472-533	\$768,066	\$ 203,537
Less Library Charge backs - Social Security	01-36-472-533	-\$39,081	\$ (10,356)
PFRS	01-36-473-534	\$983,600	\$ -
TOTAL		\$2,078,685	\$ 193,181
Salaries & Wages Adjustment Account	01-37-480-501	\$218,000	\$ -
Compensated Absences	01-38-485-110	\$80,000	\$ -
CAPITAL BUDGET			
CURRENT YEAR CAPITAL			
Capital Improvements Fund	01-44-900-200	\$89,413	\$ -
Cap Improvements Fund Down Payments	01-44-900-200	\$159,160	\$ -
Cap Improv Fund-UGL 1st Aid Squad	01-44-905-261	\$0	
TOTAL		\$248,573	\$ -
GRANTS			
MASS TRANSIT GRANTS			
Grants-Mass Trans. State Share	02-41-702-100	\$35,414	\$ -
Grants-Mass Trans. Federal Share	02-41-702-200	\$70,828	\$ -
Grants-Mass Trans. Local Share	02-41-702-201	\$35,414	\$ -
TOTAL		\$141,656	\$ -
C.A.S.A. GRANTS			
Grants-C.A.S.A. County Share	02-41-705-200	\$46,300	\$ -
Grants-C.A.S.A. - Local Share	02-41-705-201	\$12,333	\$ -
TOTAL		\$58,633	\$ -
INDV. WITH DISAB. GRANT			
Grants-Indv. with Disabilities-State	02-41-707-200	\$15,000	\$ -
Grants-Indv. with Disabilities-Local	02-41-707-201	\$3,000	\$ -
TOTAL		\$18,000	\$ -
PUBLIC HEALTH PRIORITY GRANT	02-41-714-162	\$14,216	\$ -
REREATION TRAILS PROGRAM GRANT			
Grants-Recreation Trails-State	02-41-715-109	\$15,000	\$ -
Grants-Recreation Trails-Local	02-41-715-110	\$5,000	\$ -
TOTAL		\$20,000	\$ -
CLEAN COMMUNITIES GRANT	02-41-718-674	\$38,070	\$ -
CULTURAL HERITAGE GRANT			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	\$1,782	\$ -
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	\$2,500	\$ -
TOTAL		\$4,282	\$ -
DWI			
DWI State	02-41-000-000	\$13,083	
DWI Local	02-41-000-000	\$0	
TOTAL		\$13,083	\$ -
HIGHLANDS COAH GRANT (CHAP 159)			
Grants-Highlands COAH	01-41-000-000	\$0	
Grants-Storm Drain Infstrctr. Inventory	02-41-000-000	\$4,000	
TOTAL		\$4,000	\$ -

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APPROPRIATION	Account Number		2009 Temporary Budget
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200	\$0	
NJDEP ESP MAPPG GRANT			
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$0	
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$0	
TOTAL		\$0	\$ -
TOURISM & DEVELOPMENT GRANT (CHAP 159)	02-41-000-000	\$0	
NJ DCJ BODY ARMOR GRANT	02-41-742-331	\$5,288	
POST BROOK S.W. STUDY GRANT			
Grants - NJDEP- Pst Brk S.W. Study	02-41-744-330	\$0	
Grants - NJDEP- Pst Brk S.W Study Local	02-41-744-331	\$0	
TOTAL		\$0	\$ -
BELCHERS CREEK FECAL TESTING			
Grants - NJDEP-Belchers Creek -State	02-41-749-331	\$0	
Grants - NJDEP-Belchers Creek -Local	02-41-749-332	\$0	
TOTAL		\$0	
GRANT - GREENWOOD LK ANTI- PHOSPHORUS	02-41-750-331	\$0	\$ -
GRANT - PANDEMIC INFLUENZA PREPARDNESS	02-41-000-000	\$10,072	
GRANT - CONTINGENT. LOCAL MATCH	02-41-745-999	\$25,000	
GRANT - FIRE DEPT EXHAUST SYSTEMS	02-41-746-331	\$0	
GRANT - POLICE, SPEEDING/AGGRESSIVE DRVNG	02-41-746-332	\$0	
GRANT - WONDER LAKE WATER IMPROVEMENT	02-41-746-334	\$0	
TOTAL		\$352,300	\$ -
DEBT SERVICE			
Debt Service Total	01-45-000-000	\$2,299,000	\$ -
DEFERRED CHARGES AND RESERVE FOR UNCOLLECTED TAXES			
Deficit in Dog Trust Fund	01-37-480-503	\$12,416	
Deficit in Assessment Cash	01-46-886-000	\$0	
Cancelled Assessments	01-46-886-648	\$2,552	
Reserve for Tax Appeals	01-46-886-667	\$20,000	
Prior Yrs Bills-Rentl of Polling Pls, N Jersey Media	01-46-887-528	\$18,000	
Def Charges - Bond Ordinance Unfunded	01-46-875-528	\$39,000	
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	\$0	
Reserve for Uncollected Taxes	01-50-899-200	\$1,987,920	
TOTAL		\$2,079,888	\$ -
TOTAL OPERATING BUDGET		\$29,372,717	\$6,489,441
SOLID WASTE DISTRICT BUDGET			
Solid Waste S&W	26-55-500-100	\$205,000	\$ 54,325
Solid Waste O.E. All Other	26-55-500-200	\$127,950	\$ 33,907
Contractual Services	26-55-500-202	\$1,388,000	\$ 367,820
Disposal Fees	26-55-500-203	\$1,050,000	\$ 278,250
Grants - Recycling County of Passaic	26-41-753-336	\$0	\$ -
Prior Year's Bills	26-55-900-900	\$0	\$ -
Commercial Pick Up	26-55-500-201	\$0	\$ -
TOTAL		\$2,770,950	\$ 734,302

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Adopted: January 14, 2009

Moved: Nolan Seconded: Weisbecker
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Motion carried.

Approval of Expenditures

Agenda No. X
 ~ Resolution No. 2009- 057 ~
RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$165,291.29
2	Reserve Account	
3	Animal Control Trust	468.00
6	Capital.	260,504.26
7	Grants.	15,047.82
8	Refuse.	1,045.75
9	Refunds.	344.00
12	General Ledger.	3,527.00
16	Heritage Trust.	
14	Open Space Trust	189.70
17	Trust	1,800.00
18	Development Escrow.	11,224.50
19	LOSAP	
20	Special Reserve	
	Total	\$459,442.32
	Less Refund Resolution	(344.00)
	Actual Bill List	\$459,098.32
	Other Payments	\$245,719.00
	Less Refund Resolution	
	Total Expenditures	\$704,817.32

Adopted: January 14, 2009

On motion by Councilman Nolan, seconded by Council President Smolinski, this resolution was placed on the table for discussion.

Discussion: Councilman Jurkovic asked to receive copies of all supporting documentation pertaining to the payments to Cable Vision on this bill list. Councilman Weisbecker asked for an explanation of the payment to Anderson Septic noting that the explanation says that this is to pump the septic at the museum and at the police department. Therefore, he asked, what account is this being charged to.

Councilman Nolan amended his original motion so that the Anderson Septic invoice be removed from this bill list and resubmitted for payment after the Council receives an explanation as to the account charged for these services.

Moved: Nolan Seconded: Smolinski
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.

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Abstain: Nolan abstained Valley Health only.
Motion carried.

Agenda No. XI

Reports of Mayor, Administrator, Council Members, Attorney and Clerk

Councilman Weisbecker – stated that the Upper Greenwood Lake (UGL) section of town is still a mess after the recent ice storm. He asked Mr. Boyle to speak with Gerry Storms, DPW Superintendent, to see if it is possible to allow residents to leave their brush near the roadside and have DPW remove it. Councilman Weisbecker stated that he conversed with Mr. Storms on this subject and also about extending waivers for UGL residents at the recycling center. Council President Smolinski stated that he met with Gerry Storms and discussed this matter and he concurs that the waivers should be extended. Mayor Bieri reminded Council that there is a process for communicating with staff to which the Council members advised that their respective conversations were simply communications in passing. Councilman Jurkovic expressed concern about brush being placed too close to or on the street noting that this could potentially create a larger problem especially during inclement weather. Councilman Nolan recommended deferring this matter to Mr. Boyle and seeking his recommendation at the next meeting. The Council concurred and Council President Smolinski clarified that Councilman Weisbecker is simply trying to help a neighborhood in a time of need.

Councilman Weisbecker stated that the Council received a notification in their packets that the courts had denied a motion for reconsideration filed by Martin O'Shea wherein Mr. O'Shea had requested that the court strike Judge Brogan's comments from the record. The judge's comments came when he ruled in favor of Mr. O'Shea in a case involving the release of use of force records. The judge, when issuing his ruling stated on that OPRA was not intended to inundate municipalities with requests for information nor was it intended to be a cottage industry for attorneys. Councilman Weisbecker read Judge Brogan's comments at the meeting.

Councilman Schimmenti – thanked Mr. Boyle for accepting the position of Township Administrator and welcomed him aboard.

Councilman Nolan – added to Councilman Weisbecker's comments about the use of force motion for reconsideration noting that the municipality's denial of records was based on a prior GRC ruling. He stated that the judge has yet to rule on the associated legal fees in this matter. He welcomed Mr. Boyle to the Township. He recommended that Mr. Boyle prioritize his to-do list and report back to Council regularly. He also urged him to discourage Councilmembers from contacting staff without going through the Administrator's office.

Councilwoman Lichtenberg – stated that she took the class at the NJLM conference which should result in a \$250 credit from the Morris County JIF. Mr. Semrau advised that he will offer this class to the rest of the Council before a Council meeting so that the deduction can be realized for each Council member. Councilwoman Lichtenberg asked that consideration be given to replacing the doors at each end of this building advising that appropriations were made in a previous budget for this. She stated that the Health Officer will be seeking Council approval to submit a grant application for prevention of drug and alcohol abuse. She asked for and received Council consensus to discuss a certificate of habitability ordinance at the February 4th workshop meeting. She advised that there are a number of volunteer organizations in town seeking projects and she encouraged anyone who has a need to contact her with information. She stated that she is available to the public every Thursday morning at Town Hall between 10 a.m. and 12 p.m.

Mayor Bieri – stated that she received notification from the NJLM that West Milford's resolution seeking fairness for watershed communities will be published in the January issue of their magazine. The League plans to form a study commission on the economic value of having a water surcharge and this is the reason she stayed a third night at the convention in November. She thanked the West Milford Environmental Commission for their diligence in keeping informed about the lake lowering at West Milford lake. She advised that the Township continues to communicate with the property owner. She advised that she went to Trenton today where she met with Governor Corzine and a panel of legislators to discuss a host of issues, primarily financial matters. She welcomed Mr. Boyle aboard.

Township Clerk – Ms. Battaglia sought Council consensus to authorize the purchase of a bike trailer through Mr. Bill Remia, Chairman of the Recreation Advisory Committee. She reviewed the trust account that would accept donations and the Council gave consensus to have Mr. Remia reimbursed for the trailer in an amount of \$2,500. All associated paperwork will be processed in accordance with standard practices.

Township Attorney – Mr. Semrau clarified that, as is standard practice, he was asked to prepare an agreement for the caretaker. Despite the protracted discussions, there is nothing else at play here. He stated that, as Council works through the budget process this year, they should be cognizant of the many commitments being demanded by the State of New Jersey. Among these are Highlands conformance,

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an updated wastewater management plan, and COAH certification. He suggested that the Council may wish to request a presentation from the Planner and Planning Board Engineer regarding these matters. The Council agreed and asked Mr. Semrau to facilitate their attendance at an upcoming meeting.

Appointments and Resignations

Agenda No. XII
~ Resolution No. 2009- 058 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Michael Ramaglia	Municipal Utilities Authority Board Vice Chairman/Commissioner	December 23, 2008
Paul S. Bailey	Library Board	January 13, 2009

Adopted: January 14, 2009

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Mayor Bieri thanked Mr. Ramaglia and Mr. Bailey for their service to the Township.

Council President Smolinski nominated Carmen Scangarello to the vacancy created by Mr. Ramaglia's resignation and James Mascola to the vacancy created by Mr. Ligus' resignation from the MUA. Councilman Schimmenti seconded the nominations.

Councilman Nolan asked if Council members had spoken to those parties who expressed interest in serving on this board. Council President Smolinski answered in the affirmative noting that these appointments create balance on the board. Mr. Semrau stated that Mr. Scangarello cannot discuss Eagle Ridge and Valley Ridge because of the previous executive session discussions held by Council should these topics warrant discussion by the MUA. He will relay that to Mr. Scangarello in writing.

Councilman Weisbecker made a motion to close and confirm.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Mayor Bieri appointed Gary Oppenheimer as alternate #2 on the Environmental Commission. She also appointed Gillian Hempstead as citizen member #1 and Andy Gargano as citizen member #3 to the Library Board of Trustees.

Agenda No. XIII

Executive Session

~ Resolution No. 2009- 059 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 14th day of January, 2009 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or

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- investment of public funds, where it could adversely affect the public interest if disclosed.
- Acquisition of Property – Hillcrest
- Acquisition of Property – Block 8001, Lot 1 – Random Woods
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- () b. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: January 14, 2009

Moved: Nolan Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Mayor Bieri advised that the Council may take action on Random Woods at the conclusion of this executive session. Mayor and Council went into Executive Session at 11:44 p.m.

The Council reconvened in public at 12:35 a.m. on January 15, 2009 with all present as before.

Mr. Semrau asked Council to entertain the following motion:

Motion to authorize execution of an agreement to extend the contract with DTAK and the Township of West Milford for the purchase of the property known as Random Woods wherein the parties agree to a six-month stay on the contract. Should the parties fail to agree to a six month stay, the contract shall be cancelled.

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:38 a.m. on January 15, 2009

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Absent: None.
Motion carried.

Approved: February 25, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK