
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 16

The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 20, 2009; and January 10, 2010 copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Mayor Bieri led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Robert Nolan, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the November 11, 2009 Regular Meeting as presented:

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

Agenda No. II

Presentations

Eagle Scout, Brandon J. Riegler – Mayor Bieri invited Brandon to join her at the podium and asked him to tell the Council about his project. Mr. Riegler stated that he has been involved in scouting for many years. He constructed a gazebo at the Living Alliance Church for his Eagle Scout project. He began the work in the summer of 2008 and finished the project in October this year. He invested 83 man-hours and he thanked his troop and his father for their help. He is a senior at West Milford High School and his Scouting experience helped him get accepted to Stockton College. He invited his girlfriend to join him thanking her for dating him throughout this project.

AmpleHarvest.org – Gary Oppenheimer – Mayor Bieri commended Mr. Oppenheimer for his work on Ample Harvest and invited him to make a presentation to Council. Mr. Oppenheimer had a visual presentation about ampleharvest.org and the impact this initiative is having on West Milford and across the country. The goal of Ample Harvest is to eliminate hunger in America. The concept originated from Sustainable West Milford’s garden where it became apparent that gardeners grow an overabundance of food which often gets discarded. Ample Harvest has created a mechanism where these fresh foods can be distributed through food pantries to those in need. He reviewed statistics of need versus waste in the United States. The concept originated locally but has taken on a life of its own and spread throughout the nation. He showed a listing of states and food shelters that have taken steps to participate in this on-line network geared toward eliminating hunger. He commended all those people who have been actively involved in establishing and promoting this concept.

Council President Smolinski asked for Council consensus to add a resolution, as submitted by Mr. Steele, about the budget on to tonight’s agenda for action. The Council gave consensus.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 16

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE CONTRACT FOR SALE OF REAL ESTATE KNOWN AS BLOCK 8001, LOT 1, RIDGE ROAD, BETWEEN THE TOWNSHIP OF WEST MILFORD AND DTAK WEST MILFORD, LLC

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

Discussion: Mr. Semrau advised that he is still working on certain matters with the principles of DTAK and asked that this matter be deferred to a later date. Councilman Weisbecker made a motion to table this resolution to February 3, 2010.

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

Agenda No. V

Public Comments

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

Gary Steele, North Glenwood Road, West Milford expressed appreciation for the consideration being given to the budget resolution.

Vincent Lanza, 40 Forest Lake Drive, Newton stated that he has repeatedly sought help in getting his plans reviewed and processed through the Health Department. He reviewed the process whereby plans are reviewed and stated that he has three site plans on the Health Department tracker dating back to February 2008, March 2008 and March 2009 respectively. He stated that these plans have never been looked at making it impossible to do business in West Milford. He has had repeated problems over the years with the West Milford Health Department and asked that his applications be diverted to an outside agency for review. He has attempted to pursue these matters through legal channels in the past only to have his cases dismissed because of technicalities.

Doris Aaronson, 19 Bearfort Road, West Milford stated that Councilman Weisbecker has made constructive comments opposing the relocation of the Autumn Lights Festival (ALF) to Jungle Habitat and the newspapers have printed a number of letters and comments indicating that residents wish to see the festival remain in its current format. She stated that Jungle Habitat is not conducive to such an event especially in accommodating seniors and those with disabilities. West Milford is our town and our community festival should not include a county fair with national and regional vendors. Local organizations cannot be accommodated at Jungle Habitat for various reasons resulting in the benefit being reaped by the county fair. She asked that the Council determine the accuracy of comments being attributed to Shop Rite.

Ed Rosone, 192 Vreeland Road, West Milford stated that the sign at the crossroads in the center of town has been damaged. He sought approval to repair this sign as a volunteer effort to improve aesthetics. He opined that ALF should stay in the center of town noting that this personal opinion has been echoed by residents he has spoken with on this subject. The local street festival provides a grassroots event that is positive for West Milford highlighting many of the assets in our town.

Jim Novack, Larchmont Drive, West Milford asked that the Christmas lights at Town Hall be turned off. He stated that he saw a DPW dump truck on Monday hauling trash even though Monday was a holiday. Mr. Boyle confirmed that Monday was a holiday for the majority of Township employees but further advised that it was not a holiday for DPW staff in accordance with their bargaining unit contract. Mr. Novack stated that a number of people have questioned the garbage contract and he asked the Attorney or Administrator to provide an explanation. Mr. Boyle provided an overview of the recent bid opening for garbage collection and advised that the low bidder is now collecting garbage in town.

Lou Signorino, 3 Red Barn Lane, West Milford agreed that ALF should be kept on Union Valley Road. He wished Councilman Ramaglia good luck and thanked all the elected officials for the work they do.

There being no more comments from the public Councilman Nolan moved to close the public portion of the meeting.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 16

Motion carried.

Agenda No. VI

Council Comments

Council President Smolinski stated that the Council has scheduled a discussion of the ALF location for the February 3rd workshop meeting and he urged all with opinions to attend and voice those opinions. He stated that the Council does not have all necessary information to made a decision as yet. Shop Rite, he said, is the largest commercial and retail entity in West Milford and it is unlikely that they want the stigma of closing down ALF. He commended Mr. Oppenheimer on his presentation.

Councilman Weisbecker stated that, in his opinion, ALF should not move for fear it will lose its local flair. He recollected his experience at the 2009 ALF where business was booming and a good time was had by all. He asked the Council President to establish a committee of Council to meet with Shop Rite to address the issues causing such consternation. Council President Smolinski stated that there are options to be explored to provide for parking and additional events to complement the ALF on Union Valley Road such as using Camp Hope. Councilman Nolan asked Council to forestall establishing a committee until after the ALF Committee is heard at the February 3rd meeting. Councilman Jurkovic agreed adding that, because Camp Hope is owned by the County, perhaps the 4H and county participation could be housed there allowing ALF to continue as a great local event showcasing the beauty that is West Milford. Mayor Bieri urged Council to reach a decision and share that with the Committee to provide the guidance they need. Councilman Weisbecker thanked Mr. Rosone for volunteering to fix the sign in town and asked Mr. Boyle to facilitate this endeavor. He asked Mr. Boyle to look into the complaints lodged by Mr. Lanza and address them if they have merit. Mr. Boyle stated that Mr. Lanza has been to court on a number of these matters and each time the Township has prevailed. In addition to these matters being reviewed and addressed by Township officials, he has had meetings with Mr. Lanza and conveyed specifics as to the steps that must be taken before approvals can be given. The Township has been waiting for Mr. Lanza's engineer to effectuate changes and refile. Mr. Boyle stated that he will outline all these steps in a report to Council on this matter. Councilman Weisbecker commended Mr. Oppenheimer and all those involved in Ample Harvest for their efforts. He sought and obtained consensus to have a supporting resolution placed on the agenda for the next meeting.

Councilman Jurkovic commended Mr. Oppenheimer for his presentation and efforts to recognize a good cause and make it a reality. He expressed concern about the issues raised by Mr. Lanza and the inferences that Mr. Lanza is the subject of retaliation by public officials. He recognized the work done by Mr. Semrau and Mr. Boyle on these matters but expressed concern that complaints of this nature are consistently leveled against the same department. He asked that the Administrator exert some level of control and ensure that there is no validity to the complaints.

Councilwoman Lichtenberg asked Mr. Oppenheimer if he will make a presentation to the Rotary Club about Ample Harvest to which, from the audience, he answered in the affirmative.

Councilman Nolan expressed concern that certain Council members considered staff in the Health Department to be guilty until proven innocent. He urged the Council to obtain more details and facts before casting aspersions and suggest that the Health Officer be asked to provide an update on the applications in question. If one were to peruse the departmental reports, it would appear that all applications are current. Rather than speculate he would like to hear the other side of the story.

Mayor Bieri commended Mr. Rosone for volunteering to fix the sign in town. She advised that the Chamber of Commerce approved the installation of that particular sign and asked that the Administrator review the matter and communicates with Mr. Rosone.

Township Attorney Semrau stated that Blue Diamond challenged the award of the solid waste contract in court. He reviewed the nature of the challenge and advised that the court ruled in favor of the Township whereby Waste Management, the lowest bidder, began to assume collection today. He advised that West Milford has been successful with every challenge to bids in recent years.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

The Council took action on the following resolutions as one, 2010-058, 2010-059, 2010-060, 2010-061, 2010-062, and 2010-063.

Agenda No. VII 1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 16

Adopted: January 20, 2010

Agenda No. VII 3

~ Resolution No. 2010- 060 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, the Mayor and Township Council desire to establish an Economic Development Committee to promote economic development activities within the Township through support to businesses seeking to expand, develop or sustain activities and presence in the Township of West Milford; and

WHEREAS, upon consideration, it is the opinion of the Mayor and Township Council that an Economic Development Committee shall be established to pursue such efforts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that a seven (7) member Economic Development Committee be established who will strive to promote economic development activities within the Township of West Milford.

BE IT FURTHER RESOLVED, that the Township Council shall identify seven (7) members of the West Milford Township business community or residence, one of which is recommended to be a participating member of the West Milford Chamber of Commerce, along with a member of the Township Council to serve a one-year term.

BE IT FURTHER RESOLVED, that the Economic Development Committee shall report to the Mayor and Council and make recommendations, render opinions and provide input with respect to issues affecting the West Milford Township business community.

BE IT FURTHER RESOLVED, that in addition to the objectives of the Economic Development Committee, it shall recommend, discuss and make recommendations to the Mayor and Township Council to consider the development and establishment by way of Ordinance a standing Economic Development Commission for the Township of West Milford.

Adopted: January 20, 2010

Agenda No. VII 4

~ Resolution No. 2010- 061 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING AND AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE DEVELOPER'S AGREEMENT AND GRANT OF SIDEWALK EASEMENT WITH SUNNY BLUE, LLC

WHEREAS, pursuant to Resolution adopted on May 8, 2008, the West Milford Township Planning Board has granted to Sunny Blue, LLC ("developer") Preliminary and Final Site Plan approval for a Walgreen's Pharmacy on the northeast corner of Union Valley Road and Ridge Road; and

WHEREAS, as a condition of the Preliminary and Final Site plan approval, the Developer and Township were to enter into a Developer's Agreement which both parties did enter into on August 19, 2008; and

WHEREAS, the approved Site Plan provides for sidewalk improvements along the project's Union Valley Road frontage to be installed by the Developer; and

WHEREAS, the Township also plans to install further streetscape improvements along the Project's Union Valley Road frontage, which improvements include, but are not limited to the widening of Union Valley Road with a turning lane and installation of decorative street lights; and

WHEREAS, the Township and the Developer have negotiated an acceptable First Amendment to the Developer's Agreement and Grant of Sidewalk Easement in order to address the matters regarding the Developer's sidewalk improvements and the Township's streetscape improvements; and

WHEREAS, the Township of West Milford is desirous of entering into the First Amendment to the Developer's Agreement and the Grant of Sidewalk Easement.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 16

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

1. The Township accepts and approves the First Amendment to the Developer's Agreement with Sunny Blue, LLC, a copy of which is on file at the Township Clerk's office and can be reviewed during normal business hours. This approval is subject to final acceptance and approval by the Township Attorney.
2. The Township accepts and authorizes the execution of the Grant of Easement with the Developer, Sunny Blue, LLC, a copy of which is on file at the Township Clerk's office and can be reviewed during normal business hours.
3. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
4. A certified copy of this resolution shall be forwarded by the Township Clerk to the developer for their information and guidance.
5. This Resolution shall take effect immediately.

Agenda No. VII 5

~ Resolution No. 2010- 062 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO DYKSTRA ASSOCIATES, PC FOR SURVEYING SERVICES FOR AN AMOUNT NOT TO EXCEED \$7,884.00

WHEREAS, the Township received proposals for survey work at the property known as Block 9301, Lot 12 and Block 9302, Lots 1 and 16 in the Township of West Milford also known as Nosenzo Pond Park; and

WHEREAS, Dykstra Associates, PC has provided a proposal to provide the professional surveying services at a rate of \$7,884.00; and

WHEREAS, the proposal submitted by Dykstra Associates, PC is the lowest proposal received; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from the Open Space Trust Account; and

WHEREAS, Dykstra Associates, PC has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that they have 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 Dykstra Associates, PC 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 Dykstra Associates, PC with offices located at 11 Lawrence Road, Suite A, Newton, NJ 07860 as professional Surveyor for the Township of West Milford in an amount not to exceed \$7,884.00. The agreement shall be on file in the office of the Township Clerk.
2. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: January 20, 2010

Agenda No. VII 6

~ Resolution No. 2010- 063 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF PERFORMANCE AND PAYMENT BONDS #929466471 TO RITACCO CONSTRUCTION, INC. FOR WORK DONE ON THE GORDON LAKES DAM PROJECT

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 16

AND AUTHORIZING THE POSTING OF A MAINTENANCE BOND FOR ONE YEAR

WHEREAS, based on recommendation from the Township Engineer, that Performance and Payment Bonds # 929466471 in the amount of \$871,856.00 be released to Ritacco Construction, Inc. subject to the posting of a one year Maintenance Bond in the amount of \$871,856.00; and

WHEREAS, all required landscape and engineering plans have been satisfied.

WHEREAS, Maintenance Bond No. 929466471 in the amount of \$ 871,856.00 has been received in the Office of the Township Clerk

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of Performance and Payment Bonds # 929466471 in the amount of \$871,856.00 posted by Ritacco Construction, Inc., 10 Lawrence St., Belleville, New Jersey 07109 for work done on the Gordon Lakes Dam Project; and

BE IT FURTHER RESOLVED, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution.

Adopted: January 20, 2010

Agenda No. VII 7

~ Resolution No. 2010- 074 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO PREPARE A PROPOSED 2010 BUDGET DOCUMENT THAT WILL SEEK TO AVOID A YEAR-OVER-YEAR INCREASE IN PROPERTY TAXES

WHEREAS, the Township of West Milford Town Council has a need to control and set limits on it's budget; and

WHEREAS, the Township Administrator has indicated his intention to propose a budget that would result in increased property taxes; and

WHEREAS, the Township Council has specific authority to create by resolution budget "policy guides" under the Township code; and

WHEREAS, the Township Administrator is required under the Township code §15-38.b to "incorporate the budget policy guides as may be prescribed by Council" into his proposed budget document.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey recommends that the Township Administrator prepare his proposed budget document for 2010 as budget document for 2010 as to avoid a year-over-year increase in West Milford property taxes.

Adopted: January 20, 2010

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

Consent Agenda

Agenda No. VIII

~ Resolution No. 2010- 064 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 8 of 16

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

Resolutions:

- a. **Resolution 2010-065** – Cancellation of Taxes
- b. **Resolution 2010-066** – Refund Overpayments
- c. **Resolution 2010-067** – Refund Recreation Fees
- d. **Resolution 2010-068** – Refund Escrow Funds
- e. **Resolution 2010-069** – Refund Other Liens
- f. **Resolution 2010-070** – Reinstate Taxes
- g. **Resolution 2010-071** – Approve Various 2010 Licenses

Applications:

- a. **Application for Social Affair Permit** - Our Lady Queen of Peace Rosary Altar Society for 04/24/10
- b. **Application for Social Affair Permit** – West Milford P.B.A. Local 162 for February 27, 2010
- c. **Application for On Premise 50/50 RL 2010-08** - Our Lady Queen of Peace HSA for April 24, 2010.
- d. **Application for On Premise 50/50 RL 2010-09** - Our Lady Queen of Peace HSA for 02/20/10.
- e. **Application for On Premise 50/50 RL 2010-10** - Macopin Middle School PTA for March 12, 2010.
- f. **Application for On Premise 50/50 RL 2010-11** - West Milford Midget Football Assoc. for 02/27/10.
- g. **Application for Off Premise Draw Raffle RL 2010-12** - West Milford Midget Football Assoc. for February 27, 2010.
- h. **Application for Tricky Tray RL 2010-13** - Macopin Middle School PTA for March 12, 2010.

Adopted: January 20, 2010

Moved: Weisbecker Seconded: Smolinski
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilwoman Lichtenberg abstained from application "E" only.
 Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2010- 065 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

REASON:

- 1. 100% Total Disabled Veteran
- 2. Tax Exempt

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
11103-1.02	Ida & John Walker	\$972.80	2008 1 st Qtr.	1
11103-1.02	Ida & John Walker	\$2,736.00	2008 2 nd Qtr.	1
11103-1.02	Ida & John Walker	\$5,899.53	2008 2 nd Half	1
11103-1.02	Ida & John Walker	\$11,807.82	2009 Full Year	1
11103-1.02	Ida & John Walker	\$5,904.00	2010 1 st Half	1
1604-1.01	State of NJ D.E.P.	\$1,356.00	2010 1 st Half	2
8201-13	R. & J. Smalinckas	\$7,492.70	2009 2 nd Half	1
8201-13	R. & J. Smalinckas	\$7,310.00	2010 1 st Half	1
TOTAL		\$43,478.85		

Adopted: January 20, 2010

Agenda No. VIII b

~ Resolution No. 2010- 066 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 9 of 16

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

WHEREAS, there appears on the tax records overpayments as shown below; and

WHEREAS, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayments as shown below:

REASONS:

- 1. Incorrect Payment
- 2. Duplicate Payment
- 3. 100% Disabled Veteran
- 4. Homestead Rebate
- 5. Tax Appeal
- 6. Senior/Veteran Deduction

Block/Lot	Name	Amount	Year	Reason
3406-8	Linda West, 40 Old Lakeside Road Hewitt, NJ 07421	\$115.00	2009	2
10103-14	Shirley Paulino, 17 Sherwood Court Newfoundland, NJ 07435	\$33.19	2009	1
10602-36	Christina L. Ritchings 400 Fellowship Road Mount Laurel, NJ 08054	\$1,691.00	2009	2
15401-54	Ronald Post, 179 La Rue Road Newfoundland, NJ 07435	\$238.16	2009	1
16201-23	Louis B. Chapman, Esq. 73 Mountain View Blvd. P.O. Box 437 Wayne, NJ 07474	\$28.91	2009	1
11103-1.02	Ida & John Walker 456 Snake Den Road West Milford, NJ 07480	\$9,608.33	2008	3
11103-1.02	Ida & John Walker 456 Snake Den Road West Milford, NJ 07480	\$11,807.82	2009	3
601-7	Gary & Patricia Zielinski 23 Witte Road Hewitt, NJ 07421	\$48.27	2009	5
10101-5	Ronald Keller, 79 Gould Road Newfoundland, NJ 07435	\$19.51	2009	5
13102-26	Stephen & Katheryn Kent 111 Upper High Crest Road West Milford, NJ 07480	\$31.85	2009	5
08201-13	R. & J. Smalinckas 1 Will Lane West Milford, NJ 07480	\$7,492.70	2009	3
7001-8	T.A. of Northern Passaic LLC 1234 Route 23 North Butler, NJ 07405	\$3,186.26	2009	1
3101-1	Scott Card & Brenda Bishop 423 Lakeside Road Hewitt, NJ 07421	\$250.00	2009	6
3611-3	Kevin Koons & Gail Bolka 1960 Greenwood Lake Tpk. Hewitt, NJ 07421	\$250.00	2009	6
4901-7	Louis & Katherine Nordth 30 Kitchell Lake Drive West Milford, NJ 07480	\$250.00	2009	6
5601-1	Patrick & Sharon McGraw 1 O'Leary Road West Milford, NJ 07480	\$250.00	2009	6
5903-11	John & Sun Bolton 120 Mountain Circle S. West Milford, NJ 07480	\$250.00	2009	6
9101-29	Judith & J Jannicelli	\$250.00	2009	6

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 16

Block/Lot	Name	Amount	Year	Reason
	27 Carteret Street West Milford, NJ 07480			
16602-8	Michael & April Stearns 26 Fremont Terrace Oak Ridge, NJ 07438	\$250.00	2009	6
3611-3	Kevin Koons & Gail Bolka 1960 Greenwood Lake Turnpike Hewitt, NJ 07421	\$250.00	2009	6
TOTAL		\$36,301.00		

Adopted: January 20, 2010

Agenda No. VIII c

~ Resolution No. 2010- 067 ~

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:

PARTICIPANT	AMOUNT	MADE PAYABLE TO
Refund for Preschool:		
Chris	\$55.00	Cindy Ulmer 9 Compass Avenue West Milford, NJ 07480

Adopted: January 20, 2010

Agenda No. VIII d

~ Resolution No. 2010- 068 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
Alan & Kathleen Epstein 15 Ardena Road Hewitt, NJ 07421	0830-0823	\$750.00	\$180.20
Kamel Yassin 259 Highcrest Drive West Milford, NJ 07480	9430-0075	\$250.00	\$120.25

Adopted: January 20, 2010

Agenda No. VIII e

~ Resolution No. 2010- 069 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 11 of 16

07-062	04/03/2007	09601-001	\$255.75	CHUN T, LI 9 MALJUM COURT WAYNE, NJ 07470
07-063	04/03/2007	09707-011	\$53,673.09	CRUSADER LIEN SERVICES 179 WASHINGTON LANE JENKINTOWN, PA 19046
09-007	03/25/2009	00703-001	\$6,442.40	ANTHONY LAMBIASE 55 MOUNTAIN GLEN ROAD RINGWOOD, NJ 07456
09-014	03/25/2009	01208-015	\$11,505.20	PPTS Lockbox P.O. BOX 5822 New York, NY 10087-5822
09-056	03/25/2009	05505-003.10	\$18,929.61	EDISON TAX SERVICE LLC 1290 WALL ST. STE 301 LYNDHURST, NJ 07071
09-069	03/25/2009	06701-007.10	\$5,710.51	FRANK J FESTA JR. P. O BOX 97 SCOTCH PLAINS, NJ 07076-0097
09-070	03/25/2009	06701-007.11	\$18,128.12	PPTS Lockbox P.O. BOX 5822 New York, NY 10087-5822
09-075	03/25/2009	07001-008	\$21,443.19	NONI PROPERTIES LLC 4 RESTRICK COURT WEST WINDSOR, NJ 08550
09-109	03/25/2009	09801-028.04	\$7,928.65	CARDINAL SERVICES LLC 41 CEDAR ROAD RINGWOOD, NJ 07456
09-130	03/25/2009	15401-051	\$38,364.52	PPTS Lockbox P.O. BOX 5822 New York, NY 10087-5822
Grand Total			\$182,381.04	

Adopted: January 20, 2010

Agenda No. VIII f

~ Resolution No. 2010- 070 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the cancellation of receipt and reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
6502-2	Albina Pounding	\$1,656.54	2009
3001-5	Eileen & George Koeltl	\$3,389.97	2009
TOTAL		\$5,046.51	

Adopted: January 20, 2010

Agenda No. VIII g

~ Resolution No. 2010- 071 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE YEAR 2010

WHEREAS, applications have been made by licensees for the renewal of Peddler Licenses, Limousine Driver Licenses, Limousine Owner Licenses, Amusement Game Licenses and Pool Table Licenses for the year 2010; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 12 of 16

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 2010 Licenses as listed below:

2010 TAXI/LIMO OWNER & DRIVER LICENSES		
Limousine Owner License No.	Applicant Name- Address	T/A
2010 - 4	Alex Neymark 48B Beacon Hill Road West Milford, NJ	Alex's Limo Inc.
2010 - 5	Maria F. Gamba 1582 Greenwood Lake Tpk. Hewitt, NJ	SMH Limo
2010 - 6	Frank McCagh 18 Sweetman Lane West Milford, NJ	Distinguished Limousine Service
2010 - 7	Thomas Murphy 1501 Nacioub Rd. West Milford, NJ	Satin Limousine
Limousine Driver License No.	Applicant Name - Address	T/A
2010 - 3	Alex Neymark 48B Beacon Hill Road West Milford, NJ	Alex's Limo Inc.
2010 - 4	Juan C. Galindo 211 Stiles Elizabeth, NJ	JAL Services LLC
2010 - 5	Frank McCagh 18 Sweetman Lane West Milford, NJ	Distinguished Limousine Service
2010 - 6	Thomas Murphy 1501 Nacioub Rd. West Milford, NJ	Satin Limousine
2010 PEDDLER LICENSES		
<i>Licenses subject to a satisfactory Health Department Inspection</i>		
Peddler License No.	Applicant Name	T/A - Address
2010-3	Joseph Reynolds	Schwans Home Service
2010 AMUSEMENT GAME LICENSES		
Amusement Game License No.	Applicant Name	T/A - Address
2010 - 4	John Fuchs	Honky's Oak Ridge Pub & Liquors LLC 62 Oak Ridge Rd. Newfoundland, NJ 07435
2010 POOL TABLE LICENSES		
Pool Table License No.	Applicant Name	T/A - Address
2010 - 5	James Simon	McKeages Tavern 341 Macopin Rd. West Milford, NJ

Adopted: January 20, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010- 072 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 20, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 13 of 16

NO 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.	\$666,666.26
2	Reserve Account	47,332.62
3	Animal Control Trust	0.00
6	Capital.	0.00
7	Grants.	0.00
8	Refuse.	0.00
9	Refunds.	\$182,381.04
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	24,739.58
18	Development Escrow.	0.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$921,119.50
\$Less Refund Resolution		- \$182,381.04
Actual Bill List		\$738,738.46
Other Payments		0.00
Less Refund Resolution		
Total Expenditures		\$738,738.46

Adopted: January 20, 2010

Discussion: Councilman Nolan stated that, due to the rollover of the system from 2009 to 2010, the bill list does not contain account numbers. Mr. Boyle confirmed this to be true stating that there were issues with the Edmunds system. Only certain, limited invoices are being paid on this bill list and all other bills will be held until the next bill list.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilman Nolan abstained from the Valley Health payment only, Councilwoman Lichtenberg abstained from payment No. 41216 only and Councilman Jurkovic abstained from payments to Mr. Glatt only.

Motion carried.

Agenda No. X

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

Council President Smolinski - stated that the budget meetings will begin tomorrow night and he encouraged residents to attend. He asked Mr. Semrau about the status of the Cablevision contract. Mr. Semrau advised that Carolyn Maguire and Councilman Jurkovic will be making recommendations in the near future at which time there will be an executive session discussion prior to Council action. Council President Smolinski asked for Council consensus to form a committee to research a mini-medical satellite station in West Milford as outlined by Councilman Weisbecker. The committee would research this further and seek to facilitate such a resource.

Councilman Weisbecker – stated that he has become aware over the years of multiple situations wherein persons with medical needs could not be properly transported to medical facilities because of distance. A mini-medical facility in West Milford would address these deficiencies and provide a valuable service to residents. To that end, he spoke with Assemblyman DeCroke and principles from Chilton Hospital and has learned that Chilton has an interest in pursuing this concept. He is requesting, through the Council President, that a committee of two Council members, namely himself and Councilman Jurkovic, along with a member of the Upper Greenwood Lake First Aid Squad and a member of the West Milford First Aid Squad be established. The committee would engage in fact finding and work with Chilton and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 14 of 16

Assemblyman DeCroce to provide a facility to meet the medical needs of our community. Council gave consensus to proceed as outlined.

Councilman Ramaglia – asked if it is the intent of the ALF committee to bring the Passaic County fair to West Milford. Mr. Boyle answered in the negative stating that the 4H Club would participate along with some vendors but that West Milford would retain control of the event. Councilman Ramaglia stated that, in his opinion, they want to bring the Passaic County fair to West Milford because the West Paterson site cannot accommodate the fair. He asked Mr. Boyle to contact the Passaic County Administrator to have trees on Union Valley Road cut back so that they do not inhibit passage for West Milford traffic.

Councilman Nolan – asked Mr. Semrau to address the Hillcrest lease and the failure to conclude this matter. He stated that there are constant changes to this proposed lease despite the nine-plus months invested in these negotiations. He wished the new Governor good luck.

Councilwoman Lichtenberg – expressed condolences for the Sutter family who recently lost former police officer Bobby Sutter. She asked why one insurance risk manager is being invited before Council and suggested that the two parties who appeared before the insurance committee should be invited to make presentations to the Council. Councilman Nolan stated that West Milford belongs to the Morris County Joint Insurance Fund (JIF) and Mr. Vozza was appointed risk manager which is the broker of record. Regardless of who is the broker of record, the premium and commission does not change. He agreed with Councilwoman Lichtenberg that if the Council hears from one party, the broker of record who was recommended by the Insurance Committee should also be heard. Councilwoman Lichtenberg stated that Mr. Vozza submitted a recommendation to help the Township's first aid and fire departments and Councilman Nolan gave an overview of the proposed converge for these entities and some of the initiatives presented by Mr. Vozza. Mayor Bieri stated that the Insurance Committee has made a recommendation to retain the Vozza Agency. If Council is opening the door, perhaps an RFP should be prepared so that all interested brokerage firms can apply. Councilman Jurkovic stated that Mr. Covelli made a request to make a presentation and he has no objection to honoring that request and also hearing from Mr. Vozza. Councilman Nolan stated that it may be prudent to seek RFP's mid-year for next year when the Township will be considering options such as whether or not to remain in the JIF. Councilwoman Lichtenberg asked Mr. Boyle what the DPW staff works on during this time of year. Mr. Boyle stated that the DPW has been focused on brush cutting and tree maintenance. He will ask Mr. Storms about street sweeping. Councilwoman Lichtenberg stated that there is another H1N1 clinic scheduled at Hillcrest on January 27th. She gave thumbs up to those helping the people of Haiti in light of the recent disaster and advised that the Red Cross is accepting donations toward this cause.

Councilman Jurkovic – read an article today about Moody's downgrading the Borough of Ringwood's bond rating. In the decision, Moody's makes reference to Ringwood's placement in the Highlands as well as lack of revenue. Communities in the Highlands are unable to generate revenue and it would appear that there is a significant effect as evidenced by this rating from Moody's. A reduced bond rating will result in increased cost on debt and Trenton must realize that their unfunded laws and mandates are having far-reaching effects on municipalities. They must make adjustments to compensate affected towns because it is unfair to mandate that taxpayers pay higher debt service because Trenton designated their community as a Highlands Preservation zone.

Councilman Weisbecker – stated that the Lakes Committee convened in their first meeting and set an aggressive agenda. They have invited Mr. McGroarty to the meeting on February 15th to discuss the Highlands master plan. He asked Mr. Boyle to have the DPW begin the process of picking up grits as the weather permits.

Mayor Bieri – conveyed condolences to the Sutter family. She stated that former West Milford Mayor, Carl Rickhko, has been appointed to the Highlands Council. She stated that the most effective contribution to the Haiti effort is cash donations but she cautioned those considering such contributions to ensure that the organization collecting funds is reputable. She commended Mr. Boyle for his work on the budget and stated that there will be a need for additional temporary budgets.

Township Administrator – Mr. Boyle stated that he met with the Passaic and Morris County Engineers in Morristown about the Davenport Bridge. They agree that this structure will not qualify for stimulus funding but it has been on the radar screen for more than fifteen years. West Milford will proceed with RFPs to have a consulting engineer evaluate this and other bridges in town. He advised that the Greenwood Lake user fee legislation was passed and signed by Governor Corzine and the Commission is working on putting everything in place for the 2011 boating season. He spoke with Ella Fillipone regarding meeting dates for the watershed funding committee. He will report back. He directed Council to a report from the Engineering and Construction Departments about Browns Point Plaza and advised that the Passaic County Health Department is the lead agency for the DEP on this investigation and they have advised the Township that the contamination has been remediated. Mr. Boyle advised that the Township received a letter advising that the Township's application for bikeway funding has been declined. Mr. Ferriero has submitted an application to the DEP and the Highlands Council for Random Woods. There will be an

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 15 of 16

educational meeting for Mount Glen Lakes residents in February as they approach the assessment process. Passaic County has notified the Township that they will pave 5.9 miles of roads in 2010 in this municipality. He advised that the ALF Committee met with staff to discuss the cost of moving the event to Jungle Habitat and he will provide cost information to Council prior to the February workshop meeting.

Township Attorney – Mr. Semrau advised that the Township received an extensive agreement from the Board of Education in December. He summarized that document for Council and has met with the subcommittee. There are two primary outstanding issues and he has written to the Board on those matters. One issue pertains to the schedule of initial improvements and the second issue pertain to a cap on annual repairs which needs clarification. He reviewed the items to be discussed in executive session.

Agenda No. XI

Appointments and Resignations

Council President Smolinski nominated Phil Pirro to serve as Citizen Member 4 and Dr. Salvatore Schimmenti to serve as Alternate 3 on the West Milford Municipal Utilities Authority. Seconded by Councilman Weisbecker. Councilman Weisbecker made a motion to close & confirm.

Discussion: Councilman Nolan asked Mr. Semrau if Dr. Schimmenti has a conflict serving on the Board of Health and on the MUA. Mr. Semrau advised that he would have to recuse himself on matters involving either board should they arise. Councilman Nolan asked if Dr. Schimmenti is conflicted on the MUA because the current director is a former employee of the doctor. Mr. Semrau advised that the MUA is an independent body and if an issue arose he should seek legal guidance. Councilman Nolan requested that Dr. Schimmenti not participate in MUA executive session discussions regarding Eagle Ridge or Valley Ridge in light of the fact he participated with Council on these issues when he served on the Township Council. Mr. Semrau advised that he will coordinate that with MUA counsel.

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

Agenda No. XII

Executive Session

~ Resolution No. 2010- 073 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 6th day of January, 2010 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Litigation – Martin O’Shea v. Township of West Milford (Docket # A-1185-08T3)
 - Random Woods
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 20, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 16 of 16

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 20, 2010

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

Adjournment

Agenda No. XIII

There being no further business to come before the Council, the Township Council adjourned the meeting.

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

Approved: April 7, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK