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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council  
Date of Meeting: January 24, 2007  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 17  
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They are called to close crossings on highways when the Township experiences power outages. Tonight, each person will receive a certificate attesting to the fact that he has completed the prescribed course. Mayor DiDonato invited Matt Adrugna, Raymond Barrett, Paul Bartholomew, Robert Castro, Michael Hughes, John Perry, James Rose, Jeff Schnebelen, Robert Struble, Zack Stumpp, Frank Van Luvender, Frank Van Luvender, Jr., Art Vreeland, and Josh Yacco to come forward and be sworn in. Each person came forward, accepted his certificate, and took an oath of office administered by Mayor DiDonato.

**Proclamations**

None.

**Public Comments**

Mayor DiDonato opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

Ed Spriko, 17 Hemlock Lane, West Milford congratulated the new elected members of the Council and the entire Council for their bi-partisan efforts on behalf of the residents of West Milford. Since he became a resident, he has been involved in various matters in town. He led the dam rehabilitation effort in Pinecliff Lake and worked closely with the Council on that project. He is an involved resident. In the past, he expressed interest in serving on the MUA or the Environmental Commission. An opening became available on the Zoning Board and he was appointed. He again applied, unsuccessfully, to be appointed to the MUA last year. He outlined the experience that he believes would qualify him to serve on the MUA, noting that he is well versed in engineering and environmental issues. Knowing that the Council will be voting on an appointment tonight, he stated he would like to be considered for appointment to the vacancy on the MUA.

Carla Horton, 132 Bearfort Road, West Milford stated that she is also a proud member of the Pinecliff Lake community and thanked Mr. Spirko for the work he did on the dam project. During last night's Presidential State of the Union address, elected officials displayed a commendable bi-partisan spirit. She encouraged the West Milford Township Council to move forward on local issues in a non-partisan way. She urged the Council to make every effort to make the proposed water surcharge a reality and encouraged them to reach out to those residents in town who are eager and able to address this important issue. She asked that all appointments are based on the volunteer's ability and zeal rather than their politics.

Jim Geist, 57 Bayonne Drive, Hewitt recommended that the Administrator have the Township's website updated. Much of the information posted there, especially the financial and budget information, is outdated. He stated that he read in the newspaper today that the Maplewood City Council adopted a resolution calling for withdrawal of US troops from Iraq. He read portions of the resolution. He asked that the Council consider adopting such a resolution. He asked if West Milford is working with other Councils in the Highlands region to pressure the legislature for tax relief.

Carl Richko, 9 Shephard Road, West Milford stated that he serves on the Property Tax Stabilization Board and as such is responsible, with the other Board members, for assisting property owners in the County tax appeal process. When the County approves an appeal, the Board researches the matter and attempts to get the lost ratable money back for the town. This pertains only to appeals made because of the Highlands Act. It is a non-political board that deals with facts and figures. Four State employees assist the Board in their work. During the November election in 2006, a candidate for local office wrote a letter to the paper on this topic. He read an excerpt from the letter which stated that the Highlands Act had caused an increased number of property tax appeals to be filed in the county. He stated that this is simply not true; not one tax appeal was submitted in 2006 by West Milford, Ringwood or Wanaque residents because of the Highlands Act. Towns will be reimbursed by the State for lost taxes relative to the Highlands Act.

Marilyn Schultz, 18 Laurel Hollow, West Milford thanked Councilmen Weisbecker, Schimmenti, and Scangarello for meeting with the Board of Education, the Chief of Police and the Administrator to work on reinstating the SRO officers for this school year. She is very happy that an agreement was reached and is hoping there will be grant money available in September to fund this position on a full-time basis.

There being no more speakers, the Council closed the public portion of the meeting.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING S-457, AMENDING THE TIME OF DECISION RULE**

**WHEREAS**, Senate bill S-457 is intended to modify the "time of decision" rule which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

**WHEREAS**, under the bill the ordinances in effect at the time an application is submitted shall govern the review of that application, and any decision made following upon that review; and

**WHEREAS**, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

**WHEREAS**, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

**WHEREAS**, application and zoning changes require public discussion and hearings, and S-457 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey urges our State Legislators to oppose S-457;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senator Robert J. Martin, Assemblymen Alex DeCroce and Joseph Pennachio, members of the Senate Community and Urban Affairs Committee, the New Jersey State League of Municipalities, and the Office of the Governor.

Adopted: January 24, 2007

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 3

~ Resolution 2007-041 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR RENEWAL OF A MOTOR VEHICLE JUNKYARD LICENSE**

**WHEREAS**, application for renewal of Motor Vehicle Junkyard license for the 2007 License year for Concourse Auto Recyclers LLC, 1894 Route 23 North, (Block 13602, Lot 7.01) has been received and reviewed; and

**WHEREAS**, as a result of that review it has been determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to local governmental laws and regulations.
3. Premises have been inspected and recommendations received in the Office of the Township Clerk from the Police Chief, Construction Official, Zoning Officer, Fire Official and Health Official.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford do hereby authorize the renewal of the Motor Vehicle Junkyard License to Concourse Auto Recyclers LLC for the 2007 license year; and

**BE IT FURTHER RESOLVED** that the Township Clerk is directed to issue the license certificate on behalf of the Mayor and Township Council of the Township of West Milford.

Adopted: January 24, 2007

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Motion carried.  
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Agenda No. VII 4

**~ Resolution 2007-055 ~**

Resolution of the Township Council of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Purchase of paving Materials through the Morris County Cooperative Purchasing Council, Contract #5, paving materials

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council; and

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #5, Paving Materials, for the 2007 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township of West Milford anticipates a need for Paving Materials in 2007; and

**WHEREAS**, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase paving materials through the Morris County Cooperative Purchasing Council, Contract #5, Paving Materials in an amount not to exceed \$70,000; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 7-01-26-290-360.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Paving Materials, in an amount not to exceed \$70,000, through the Morris County Cooperative Purchasing Council, contract #5, Paving Materials awarded to Tilcon New York, Inc..
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: January 24, 2007  
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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 5

**~ Resolution 2007-054 ~**

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING AN EXTENSION OF TIME IN ORDER TO COMMENT ON THE HIGHLANDS MASTER PLAN**

**WHEREAS**, the Highlands region is recognized as a landscape of national significance because of its critical natural resources, scenic beauty, substantial recreational opportunities and numerous cultural and historic sites; and

**WHEREAS**, important ground and surface water sources within this region supply drinking water to more than four million people in New Jersey; and Highlands reservoirs are especially important because of their ability to store water for use during critical times, such as prolonged drought; and

**WHEREAS**, the entire Township of West Milford, which consists of 80+ square miles is located within the Highlands Preservation Area; and

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**WHEREAS**, federal, state, local and private studies have identified 350,000-390,000 acres of critical lands, including such land within the Township of West Milford, that calls for careful and critical planning; and

**WHEREAS**, due to growing concerns regarding the water and natural resources within the Highlands region, the Governor signed the Highlands Water Protection and Planning Act, on August 10, 2004. The Act called for a fifteen member Highlands Water Protection and Planning Council; and

**WHEREAS**, the Highlands Council was charged with carrying out the provisions of the Highlands Act, including the critical and necessary task of developing a "Regional Master Plan" for the Highlands Region; and

**WHEREAS**, the Regional Master Plan was initially scheduled to be prepared, completed and adopted by the Highlands Council within eighteen (18) months of the Council's first meeting as provided for by the Highlands Act when enacted into law in August of 2004; and

**WHEREAS**, the Highlands Council did not complete the draft regional master plan until November 30, 2006, and has already scheduled the required six (6) public comment and hearing dates with the initial comment period being January 9, 2007, approximately forty (40) days after the release of the draft regional master plan; and

**WHEREAS**, the goal of the regional master plan with respect to the entire Highlands Region is to protect and enhance the significant values of the resources thereof in a manner which is consistent with the purposes and provisions of the Highlands Act. The master plan is intended to identify the critical watershed and open space lands that should be preserved or protected, and appropriate locations for future growth for the entire Highlands region; and

**WHEREAS**, the Highlands Council completed the draft Regional Master Plan after months of data collection, technical report preparation, planning analysis, consultation with experts and policy discussion. Accordingly, the review period of participating municipalities will also be a long and lengthy process; and

**WHEREAS**, the Township of West Milford recognizes the extraordinary efforts in completing the draft Regional Master Plan, but, in the interests of the health, safety and welfare of its community and citizens, it is critical that West Milford Township and all other municipalities who are affected by the Highlands Act, obtain an extension to conduct a complete review of the draft Regional Master Plan in conjunction with its planning and legal professionals in order to provide competent and informative feedback regarding the plan and the impacts and issues the plan has on the Township of West Milford or other municipalities who may be affected.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey, that the Township will be requesting from the New Jersey Highlands Council and the New Jersey Department of Environmental Protection a ninety (90) day extension of the existing public comment and hearing period in regards to the draft regional master plan as the Township would like to be fully informed in its review and discussion of the Regional Master Plan due to the critical and fragile nature of our surrounding resources and the Regional Master Plan's impact on same; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Township will be forwarding a copy of this Resolution to the New Jersey Highlands Council and other neighboring municipalities within the Highlands Region so that they, too, may request an extension from the New Jersey Highlands Council in order to conduct a necessary and thorough review of the draft Regional Master Plan prior to the initiation of the mandatory comment period.

This Resolution shall take effect immediately.

Adopted: January 24, 2007

Discussion: Councilman Smolinski advised that he requested that this resolution be drafted on behalf of the Council. He attended a recent Highlands Council public hearing on the master plan at which many residents expressed concerns. The March 2<sup>nd</sup> deadline for comments does not afford enough time to review the plan and submit comments. Therefore, this resolution asks for a 90-day extension. Councilman Nolan expressed support for the resolution noting that it is not binding on the Highlands Council and thus, the Council must work toward having their comments in by the March 2, 2007 deadline.

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Motion carried.  
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Agenda No. VIII 1

~ Resolution 2007-042 ~

**RESOLUTION 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; and

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

**Resolutions:**

- a. Resolution 2007-043 – Refund Overpayments
- b. Resolution 2007-044 – Partial Refund of Performance Guarantees
- c. Resolution 2007-045 – Refund Performance Guarantees
- d. Resolution 2007-046 – Refund Other Liens
- e. Resolution 2007-047 – Reinstatement of Taxes

**Applications:**

- a. Application for Tricky Tray Raffle by the West Milford Rotary
- b. Application for On Premise 50/50 by the West Milford Rotary
- c. Application - Social Affair Permit - Our Lady Queen of Peace Knights of Columbus #6139

Adopted: January 24, 2007  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. VIII 1a

~ Resolution 2007-043 ~

**RESOLUTION 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. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate
- 5. Tax Appeal

| Block/Lot | Name   | Amount   | Year | Reason |
|-----------|--|----------|------|--------|
| 2001-4    | James & Debora Van Gilst<br>7 Norwood Road<br>Hewitt, NJ 07421 | \$100.00 | 2007 | 1      |
| 2001-14   | Brian & Cecilia Cassella<br>2 Quinton Road<br>Hewitt, NJ 07421 | \$203.47 | 2006 | 5      |
| 2001-15   | Gopal Viswanathan<br>8 Quinton Road                            | \$97.31  | 2006 | 5      |

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|             |  |                    |      |   |
|-------------|--|--------------------|------|---|
|             | Hewitt, NJ 07421   |                    |      |   |
| 2009-1      | Fidelity National Tax Service<br>On Behalf of AMC Mortgage<br>3100 New York Drive<br>Pasadena, Ca. 91107 | \$650.67           | 2006 | 1 |
| 2402-34     | Thomas & Patricia Clark<br>4 Seabright Court<br>Hewitt, NJ 07421   | \$506.03           | 2006 | 5 |
| 2405-1      | Catherine Ferguson<br>6 Tenafly Court<br>Hewitt, NJ 07421  | \$11.68            | 2006 | 5 |
| 3805-6      | Lawrence & Helga Bogardus<br>4 Ponderosa Place<br>Hewitt, NJ 07421                                       | \$250.00           | 2006 | 3 |
| 4107-6      | Wells Fargo Financial<br>4143121 121 <sup>st</sup> Street<br>Urbandale, Iowa 50323                       | \$1,370.05         | 2006 | 2 |
| 4404-9      | D. R., D. G., & D. S. DeMilt<br>150 West 84 <sup>th</sup> St. Apt 5-D<br>New York, NY 10024              | \$27.25            | 2006 | 5 |
| 5301-35     | Arlene & Marty Walk<br>505 Morsetown Road<br>West Milford, NJ 07480                                      | \$364.00           | 2006 | 1 |
| 7501-2      | Deborah Zachar<br>15 Binnacle Avenue<br>West Milford, NJ 07480   | \$40.00            | 2007 | 1 |
| 8401-23     | Eugene & Elaine Prais<br>P.O. Box 342<br>West Milford, NJ 07480  | \$3,621.40         | 2006 | 5 |
| 8501-29     | Bogdan & Helen Ostros<br>1 Patton Street<br>Lodi, NJ 07644   | \$924.34           | 2006 | 5 |
| 8508-1      | Daniel & Sandra Oostdyk<br>28 Somerville Road<br>Hewitt, NJ 07421  | \$568.31           | 2006 | 5 |
| 8802-11     | Michael & Kathleen Caiola<br>49 Sweetman Lane<br>West Milford, NJ 07480                                  | \$966.03           | 2006 | 1 |
| 8901-10     | Jennifer Duran<br>67 Rolling Ridge Road<br>West Milford, NJ 07480  | \$111.58           | 2006 | 5 |
| 10814-2     | Richard Alverzo<br>571 Otterhole Road<br>West Milford, NJ 07480  | \$719.98           | 2006 | 1 |
| 12001-23    | Mark & Mary Moore<br>44 McCormick Road<br>West Milford, NJ 07480   | \$6,146.00         | 2006 | 5 |
| 12001-36.02 | Rebecca Grawehr<br>176 Maple Road<br>West Milford, NJ 07480  | \$867.45           | 2006 | 5 |
| 12701-15    | Russell & LuAnn & B. Snell<br>1716 Hamburg Turnpike<br>West Milford, NJ 07480                            | \$250.00           | 2006 | 3 |
| 15701-19    | Albert & Patricia Traverso<br>52 Allison Avenue<br>Newfoundland, NJ 07435                                | \$98.61            | 2006 | 5 |
| 16201-23    | Fred J. Strom<br>195 Silverside Avenue<br>Little Silver, NJ 07739  | \$250.00           | 2006 | 3 |
| 17001-13    | James & Cynthia Wright<br>21 Henderson Road<br>Stockholm, NJ 07460                                       | \$68.97            | 2006 | 1 |
|             | <b>TOTAL</b>   | <b>\$18,213.13</b> |      |   |

Adopted: January 24, 2006

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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~ Resolution 2007-044 ~

**RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be partially refunded:

| <u>Name &amp; Address</u>                                    | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|--|------------------------|------------------------|----------------|
| Zanado Enterprises<br>P.O. Box 788<br>West Milford, NJ 07480 | 602/3                  | \$ 400.00              | 74             |
| Zanado Enterprises<br>P.O. Box 788<br>West Milford, NJ 07480 | 6504/5                 | \$ 450.00              | 74             |

Adopted: January 24, 2007

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 Agenda No. VIII 1c

~ Resolution 2007-045 ~

**RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded:

| <u>Name &amp; Address</u>                                 | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|---|------------------------|------------------------|----------------|
| Vincent Lanza<br>P.O. Box 746<br>Ringwood, NJ 07456       | 1612/34                | \$1,250.00             | 73             |
| Kerry Greene<br>267 Wooley Road<br>West Milford, NJ 07480 | 1404/5.04              | \$1,000.00             | 73             |

Adopted: January 24, 2007

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 Agenda No. VIII 1d

~ Resolution 2007-046 ~

**RESOLUTION 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:

| <b>Certificate No.</b> | <b>Certificate Date</b> | <b>Block/Lot/Qual</b> | <b>Reimbursement Amount</b> | <b>Pay to the Lien Holder</b>  |
|------------------------|-------------------------|-----------------------|-----------------------------|--|
| 06-048                 | 04/11/2006              | 06002-002.02          | \$3,530.81                  | FIDELITY TAX LLC.<br>P.O. BOX 5707<br>FORT LAUDERDALE, FL 33310                          |
| 06-056                 | 04/11/2006              | 07208-009             | \$34,816.32                 | ATF LLC HARRIS NESBITT<br>CORP AS SEC. PART<br>P.O. BOX 862658<br>ORLANDO, FL 32886-2658 |
| <b>Grand Total</b>     |                         |                       | <b>\$38,347.13</b>          |  |

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 Agenda No. VIII 1e

~ Resolution 2007-047 ~

**RESOLUTION 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 | REASON |
|-----------|---------------|-------------------|------|--------|
| 9801-23   | Joseph Dodzik | \$1,603.98        | 2006 | 1      |
|           | TOTAL         | <u>\$1,603.98</u> |      |        |

Adopted: January 24, 2007

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**Payment of Bills**

Agenda No. IX

~ Resolution 2007-048 ~

**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:

| Acct # | Account Name                | Amount              |
|--------|-----------------------------|---------------------|
| 1      | Current Account. . . . .    | 303,523.38          |
| 2      | Reserve Account . . . . .   | 229,297.92          |
| 3      | Animal Control Trust        | 1,835.00            |
| 6      | Capital. . . . .            | 681,171.48          |
| 7      | Grants. . . . .             | 6,346.20            |
| 8      | Refuse. . . . .             | 192,525.28          |
| 9      | Refunds. . . . .            | 56,560.26           |
| 12     | General Ledger. . . . .     | 5,863.00            |
| 16     | Heritage Trust. . . . .     |                     |
| 14     | Open Space Trust            |                     |
| 17     | Trust . . . . .             | 3,307.47            |
| 18     | Development Escrow. . . . . | 3,470.00            |
| 19     | LOSAP                       |                     |
| 20     | Special Reserve             | <u>2,653.00</u>     |
|        | Total                       | \$1,486,552.99      |
|        | Less Refund Resolution      | <u>-56,560.26</u>   |
|        | <b>Actual Bill List</b>     | <b>1,429,992.73</b> |
|        | Other Payments              |                     |
|        | Less Refund Resolution      |                     |
|        | <b>Total Expenditures</b>   |                     |

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Discussion: Councilman Nolan asked the Administrator to explain the payment on page 6 of \$6,000 to Citi-Net for the period from September 2006 through August 2007. Administrator Kunze advised that Citi-Net has been providing internet and website service to the Township for many years. Our website is set up with their template and they provide support. Our IT manager confers with them constantly. Administrator Kunze stated that, at renewal time next year, we will review the contract. Councilman Nolan commented that our website is not user-friendly and recommended that the Township seek vendors to reconfigure the site. Administrator Kunze stated that he and the IT manager plan to make the website more interactive this coming year. Councilman Nolan asked for an explanation of the invoice on page 9 for \$6,150 to Edmunds for financial software and maintenance. He asked if we need a maintenance contract for this software noting that it may be more cost effective to avail of this service on an as-needed basis. Administrator Kunze advised that the CFO believes that this contract is appropriate for his needs and the support has proven useful in the past. Councilman Nolan requested that these items be included in budget discussions this year. Councilman Smolinski interjected that, in his small business, he pays \$3,000 for similar support and maintenance contracts. Therefore, he does not believe that, for the Township, the contracted amount is excessive. Mayor DiDonato commented that the software in question is specialized and allows the municipal government to be in compliance with State regulations. Councilman Smolinski noted that there are two invoices, one on page 2 and one on page 19, for bottled water. He asked if this is the cost for one month. Administrator Kunze advised that he would have to pull the purchase orders to answer definitively but added that we are still providing bottled water to a few homes that are located in salt-contaminated areas.

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

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**Reports of Administrator, Mayor and Members of the Council**

Mayor DiDonato stated that he met with the Planning Director, Bill Drew, and the Planning Board Chairman and he has asked them to prepare a synopsis of the Highlands Master Plan. He expects that they will have a report to the Council by month's end. Administrator Kunze stated that this topic is scheduled for discussion at the February 7<sup>th</sup> Workshop Meeting. Mayor DiDonato announced that the Township is seeking 2006 Volunteer of the Year nominations. Volunteer night is scheduled for April 25<sup>th</sup> and provided a brief overview of the process. The deadline for submissions is March 8, 2007. The Lifetime Volunteer award will also be presented on that evening and that person will be selected by a committee of former mayors. Nomination forms are available at a number of places including Town Hall.

Administrator Kunze distributed a memorandum offering possible meeting dates throughout the month of February for budget meetings. He asked the Council to advise his staff of those dates that are suitable. He advised that the Borough of Bloomingdale contacted him to discuss the potential of an Interlocal Service Agreement for Registrar services. It appears that this option compares very favorably with the other options considered. Bloomingdale sent the Township a draft agreement that he has reviewed and will send to Mr. Semrau for his perusal. The agreement dictates that Bloomingdale would provide West Milford with Registrar services for fourteen hours per week for an annual fee of \$15,000 which would be prorated for 2007. He stated that, when the Township Attorney has completed his review, a copy will be sent to Council. He asked for consensus to place this on the February 7<sup>th</sup> agenda as an action item. He stated that the Council recently ratified the Guild Contract. The ordinance that was introduced tonight provides for raises pursuant to the contract. During contract negotiations, the major issues were salaries and health care benefits. He noted that the Township has made inroads in health care through the changes in the contract. Under the terms of this agreement, employees will make premium contributions to health care for all but the basic plan. This provision becomes effective on February 1<sup>st</sup> and applies to Guild employees, retirees and non-union staff. The initial savings, for Guild employees and retirees alone, is approximately \$300,000. Through the term of the contract, which expires in 2009, the Township expects to realize a savings in health care costs in excess of \$875,000. He said that this is a fair contract to both employees and taxpayers.

Councilman Weisbecker complimented the West Milford school students whose artistic talent is responsible for the paintings on the chamber walls tonight. He stated that he, Councilmen Scangarello and Schimmenti, Administrator Kunze and Police Chief Costello recently had two meetings with representatives from the Board of Education (BOE) to discuss the SRO program in West Milford schools. He commended Chief Costello for his contributions and explanations and advised that, for the time being, SRO officers will be scheduled for the schools. He thanked the BOE members for their input. He asked

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Administrator Kunze where the Township stands on the Wallisch and Hillcrest matters. Administrator Kunze advised that the school architect recently met with the building sub-code official to review the estimates prepared by Township officials. He will be speaking with staff on this matter, will subsequently reach out to the schools' Business Administrator, Steve Cea, and will schedule a meeting. Councilman Weisbecker stated that he recently witnessed a stump removal from Greenwood Lake. The Bi-State Commission is interested in having more stumps removed from the lake. Hopefully, the weather will cooperate as cold weather will make the process more successful. He stated that the Beautification and Recycling Committee plans to present their findings on curbside recycling to the Council at the February 28<sup>th</sup> workshop meeting. He stated that he participated in and attended the Fire Department's installation dinner recently. It was wonderful. He congratulated Mr. Kunze and his wife on the recent birth of their second daughter. Noting that Mr. Kunze was not in attendance at the last meeting, he asked if he had been instructed to have the Highlands Council send a representative to West Milford to discuss the master plan.

Council President Smolinski stated that he recently attended the First Aid Squad dinner where ten length-of-service awards were presented. He commended these people who serve the Township so diligently. He stated that the First Aid Squad responds to calls in West Milford and provides mutual aid to our neighboring communities on a volunteer basis. He attended the Highlands Council public forum for comments on the master plan that was held in Sparta. Most people who spoke expressed anger that landowners are not being compensated for their property. He stated that the funding in the plan is non-existent and ultimately this lack of funding will impact all residents in the Highlands region. The Township of West Milford must get comments to the Highlands Council and the proposed water surcharge must be enacted to allow some compensation to come back to this community. The legislature is not working on tax relief and this is akin to eminent domain on the State level. Most people agree with the concepts of the Highlands Act but the lack of funding is a serious deficiency. He expressed hope that the number of Highlands Act-related tax appeals stays low. However, appeals may come after the master plan is adopted and, while the Township does get funds for the reduced ratables, those funds are distributed on a ten-year digressing schedule. That means that for each appeal, West Milford loses 10% of the ratable every year until the tenth year when the loss is 100%.

Councilman Schimmenti stated that he is grateful to have an opportunity to acknowledge the talent in West Milford schools. While he read the names of the artists, he asked the Council, audience, and television camera to scan the pictures on the Council chamber walls tonight. He recognized the art teachers and commended them on their work. He stated that the meetings with the BOE were very productive and he is confident that the positive working relationship will continue. He thanked everyone who spoke before the Council tonight and at every meeting.

Councilman Nolan congratulated Mr. Kunze and his wife of the birth of their second daughter. He thanked Mr. Trenticosta for inviting him to speak before the 8<sup>th</sup> grade class about curbside recycling, noting that it was a very educational experience for him, Councilman Warden, and the kids. He stated that tonight his Republican colleagues will reappoint Mr. Ramaglia to a five-year term on the MUA. He stated that the Republicans claim to oppose high-density development yet they are appointing a person who favors development. He urged the Council to pass a resolution opposing development in our lake communities and send that resolution to the Highlands Council. Additionally, the resolution should request West Milford representation on the Highlands Council and demand property tax relief for watershed communities. He urged Republicans on the Council to have Assemblymen Pennachio and DeCroce co-sponsor such a resolution. He stated that he is still waiting for the Planning Director to write a report on preliminary approvals and he requested a list of properties that have Highland's extensions. He stated that the Audubon Society would like to send a representative to the Wallisch property to determine if they are interested in the property. He stated that such an inspection should take place before any further discussion with the BOE on this subject. He stated that he was recently contacted by the Fire Chief to discuss the fact that the Turnout Gear bids came in for less than anticipated. He asked for Council to consider purchasing additional gear with those additional funds and asked that this be placed on the Workshop agenda. He noted that the Governor is expected to deliver his budget address on February 22<sup>nd</sup> and he expressed hope that the Council will be ready with the municipal budget around that time. He stated that there was a complimentary article in the Bergen Record about West Milford's pay-to-play ordinance. He is glad that West Milford took such proactive measures because the State is not expected to strengthen their legislation. He stated that the Governor's property tax reform has a proposed 4% CAP on municipal budgets. With the many exemptions included in the proposed CAP, it is not really a CAP at all. He stated that the Governor is also proposing establishing a State Comptroller. However, the Comptroller will not be given power to delve into local finances to find waste. Therefore, Councilman Nolan stated that the State of New Jersey needs a citizen's convention for real property tax reform.

Councilman Warden reminded the Council that, at the last meeting, no one could definitively say where the purple delineations on the Highlands Master Plan Map came from. He stated that he has obtained a

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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letter written by the MUA to the DEP on March 31, 2006. The letter stated that the Planning Director, Health Officer, and MUA Executive Director met to discuss future waste management planning pertaining to redevelopment in West Milford. The letter also indicates that septic systems in West Milford are failing at an alarming rate. He stated that these septic failures include lake communities, and the lakes listed in the letter are those lakes that are indicated in purple on the Highlands Master Plan. He asked who authorized this meeting and who authorized Ms. Paretti to author this letter to the DEP. He stated that these lakes are regularly tested and no such failures have been recorded. Administrator Kunze advised that he will follow up on this matter. He further advised that, to the best of his knowledge, the referenced meeting took place in response to a specific request from the Highlands Council. Councilman Warden strongly recommended that the Council adopt a resolution retracting the contents of the letter sent to the DEP because the sentiments do not represent this Council's wishes. He stated that he wants to see the testing results and proof of the contents of the letter. He stated that the Highlands Act and all associated legislation has a direct impact on our town. Letters and information should not be disseminated to any entity without the Council's knowledge. Mayor DiDonato urged caution noting that the Council should obtain all the facts before taking any action.

Councilman Scangarello stated that the meeting with the BOE was very productive. He thanked Chief Costello for making it so easy to find a fit that suits everyone. He stated that he recently met with the six Fire Departments in town and has been advised that the communications system is failing now. There are times when the Fire Department and the Police Department cannot communicate at all. Administrator Kunze advised that the consultant is currently working on the cost estimate and we expect to receive his report in a couple of weeks. The budgeted estimate is now \$1 million and the Council will be discussing this topic during the budget meetings. Councilman Scangarello noted that former Council President Gervens had previously served on the committee dealing with Hillcrest and the BOE. He asked if Council had any objection to Mr. Gervens continuing to serve the Township in this capacity as a layperson. The Council had no objection and gave unanimous consensus for him to continue. Councilman Scangarello noted that there are six Fire Departments in town. In addition to all the time and energy these volunteers devote to their duties, they also seek grants to help fund various programs. In 2006, these Fire Departments have received grants totaling almost \$400,000. If the Township had paid Fire personnel, it would cost about \$12 million for each Fire Department. With regard to Mr. Ramaglia's appointment to the MUA, Councilman Scangarello stated that Eagle's Ridge and Valley Ridge occurred in 1999 and 2000, so insinuations that Mr. Ramaglia was involved are inaccurate.

Township Clerk

Ms. Battaglia advised that she has received numerous calls from all over the State inquiring about our pay-to-play legislation.

Report of Township Attorney

Mr. Semrau advised that the Letter of Credit issue voted on at the last meeting has been satisfactorily resolved. He has received a copy of the Planning Board appeal of TCR and will file an action to intervene on behalf of the Township. He advised that he has received information that indicates that septic failures did play a role in the Highlands mapping. He stated that the Council may wish to discuss policy decisions about the official response to the Highlands Council. Tonight, he has scheduled discussion of potential litigation pertaining to Strengthen Our Sisters (SOS) in Executive Session.

**Appointments, Resignations, Terminations**

Agenda No. XI a

~ Resolution 2007-049 ~

**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY**

**Township Council Appointment:**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby make the following re-appointment as Commissioner Member to the West Milford Municipal Utilities Authority:

**Michael Ramaglia**, Commissioner Member - Term expires 01/31/2011

Adopted: January 24, 2007

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Abstained: None.  
Motion carried.

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Agenda No. XI b

~ Resolution 2007-050 ~

**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD  
MUNICIPAL UTILITIES AUTHORITY**

**Township Council Appointment:**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby make the following Commissioner Member appointment to the West Milford Municipal Utilities Authority to fulfill the unexpired term of Dr. Salvatore Schimmenti, said term expiring on 01/30/2009:

**Ed Spirko**, Alternate #1 Member – Term expires 01/31/2009

Defeated: January 24, 2007

Discussion: Councilman Weisbecker stated that he has known Mr. Spirko for a long time, has worked with him a lot, and knows his strengths. However, Mr. Spirko serves on the Zoning Board which is a conflict with the MUA because they hold meetings on the same evening. He made a motion to table this nomination until February 7, 2007. This, he said, would afford the Council an opportunity to hear from Mr. Burns who is also seeking this appointment and it would give Mr. Spirko time to determine where he wishes to serve. Councilman Warden expressed dismay that Councilman Weisbecker will table Mr. Spirko's appointment to interview Mr. Burns but won't allow for Mr. Ramaglia to be interviewed. Councilman Weisbecker expressed disagreement with Councilman Warden's assertions. He stated that Mr. Ramaglia has a proven record as an appointee to the MUA while Mr. Spirko's appointment would place a new person on that Authority. Additionally, because of the conflict, Mr. Spirko has a decision to make. He urged the Council to move forward in a bi-partisan manner. Councilman Warden responded that no one is accusing Mr. Ramaglia for being responsible for high-density development, but he would have liked an opportunity to hear Mr. Ramaglia's opinion on Valley Ridge and Eagle Ridge because those developments could be stopped with the cooperation of the MUA. He stated that it is hypocritical to say that he and Councilman Nolan have hindered this Township. The Republicans are the majority and he stated that Councilman Weisbecker is part of the problem. Councilman Smolinski stated that, the people who apply for these appointments are residents of this Township and they are volunteers. They should not be subjected to interviews before the full Council. Some people, he said, will be interviewed, while others will be interrogated. They are volunteers and the Township has a lot of vacancies. Perhaps the attitude being displayed by Council tonight is cause for some of these volunteer positions remaining vacant. He stated that it is refreshing to see two qualified people seeking appointment to one vacancy. However, the Council's bickering over such appointments is getting out of hand; this type of dialogue is not beneficial to anyone. Councilman Nolan stated that, in his mind, First Aid, Firemen, and Coaches are volunteers. However, Zoning, Planning and MUA members are appointees. Republicans are putting political appointees on these Boards even though these Boards can expend tax dollars. Asking appointees where they stand on the issues is not unfair. Mr. Semrau, for purposes of clarification, stated that any references made by Council to stopping developments are inaccurate. With agreement from the Council he clarified that the Council is not attempting to stop development but, rather, is challenging misrepresentations made. Councilman Schimmenti expressed dismay that Councilmen Nolan and Warden would not accept the compromise presented by Councilman Weisbecker. He made a motion to table the appointment and neither Councilman would second it. Then the attacks began.

Councilman Nolan asked for and received Council consensus to have Mr. Spirko come forward to speak with Council. Mr. Spirko approached the podium and Councilman Weisbecker asked him if he intends to resign from the Zoning Board. Mr. Spirko responded that, if here were appointed to the MUA, he would resign from the Zoning Board. When asked if he is a user in the MUA, he replied in the negative.

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

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Agenda No. XI c

~ Resolution 2007-051 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD BEAUTIFICATION AND RECYCLING  
TASK FORCE COMMITTEE**

**Mayor & Council Appointments:**

**BE IT RESOLVED**, by the Mayor and the Township Council of the Township of West Milford that the following are appointed as Citizen Members to the West Milford Beautification and Recycling Task Force Committee:

**William J. Weaver**, Citizen Member – Filling unexpired term of John Fletcher - Term Expires 12/31/2007

**William Messmer**, Citizen Member – Filling unexpired term of Faith VanderSnow - Term Expires 12/31/2007

**Elfrieda Leibenstein**, Citizen Member – Term Expires 12/31/2007

**Renee Alessio**, Citizen Member – Term Expires 12/31/2007

Adopted: January 24, 2007

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. XI d

~ Resolution 2007-052 ~

**RESOLUTION OF APPOINTMENT TO THE WEST MILFORD  
MUNICIPAL ALLIANCE COMMITTEE (C.A.S.A.)**

**Township Council Appointment:**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby make the following appointment to the West Milford Municipal Alliance Committee (C.A.S.A.):

**Jacqueline Boshart**, Citizen Member - Term expires 12/31/2007

Adopted: January 24, 2007

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Scangarello.  
Voted Nay: Nolan, Warden.  
Abstained: None.  
Motion carried.  
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Agenda No. XI e

~ Resolution 2007-053 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF  
PASSAIC, STATE OF NEW JERSEY AMENDING THE TERM OF APPOINTMENT FOR THE MUNICIPAL  
COURT JUDGE**

**WHEREAS**, the Mayor of the Township of West Milford appointed Joseph C. Perconti to the position of Municipal Judge with the advise and consent of the Council at the annual reorganization meeting on January 3, 2007; and

**WHEREAS**, the Council ratified that appointment by virtue of resolution 2007-036 at the Workshop Meeting of the Township Council on January 10, 2007.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the term of appointment reflected a two-year term in the aforementioned resolution;  
and

**WHEREAS**, N.J.S.A. 2B:12-4 provides that a judge of the Municipal Court shall be appointed for a term of three years.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that they do hereby amend the term of Municipal Court Judge appointment made at the Annual Reorganization Meeting held on January 3, 2007 and ratified on January 10, 2007 as follows:

**Municipal Judge, Joseph C. Perconti**, to a three-year term to expire Dec. 31, 2009,  
at an initial annual salary of \$30,000.

Adopted: January 24, 2007  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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**Executive Session**

Agenda No. XIII

~ Resolution 2007-056 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 24<sup>th</sup> day of **January**, 2007, 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.
    - Strengthen Our Sisters (SOS)
  - ( ) 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 24, 2007

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

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The Council went into Executive Session at 9:18 p.m.

The Council reconvened in public session at 9:30 p.m. with all present as before.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:30 p.m.

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

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APPROVED: February 7, 2007

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JOSEPH DiDONATO  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK