
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 28, 2009
Time of Meeting: 7:30 P.M.
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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 Workshop meeting was advertised in the Herald News in its issue of January 4, 2009; 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, Salvatore Schimmenti, 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.

Mayor Bieri acknowledged the presence of the following people at tonight's meeting, Bloomingdale Councilman Bernie Vroom, Bloomingdale Councilwoman Jennifer Altfield, Pompton Lakes Democratic leader Carl Padula and former West Milford Councilman Pete Gillan.

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the December 3 Executive Session, December 17 Executive Session and the December 17, 2008 Workshop meeting minutes as presented:

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg.
Voted Nay: None.
Abstain: Jurkovic, Smolinski abstained from the December 17th minutes only.
Motion carried.

Councilman Weisbecker moved to adopt the December 30, 2008 Special Meeting minutes as presented:

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

Agenda No. II

Presentations

Mayor Bieri advised that the scheduled presentation for the High School play has been cancelled due to the inclement weather. She encouraged people to attend the performances at the High School.

COAH, Highlands & the Wastewater Management Plan

Mayor Bieri invited the Planning Board Engineer, Paul Ferriero, and the Township Planner, Charles McGroarty, forward to address the Council. Mr. McGroarty advised the Council that the Township's request for an extension from COAH to file for 3rd round substantial certification has been granted and the deadline is now December 8, 2009. These extensions are being granted to allow Highlands communities to formulate more comprehensive built-out analyses. He advised that he has applied for the \$50,000 Highlands grant to fund work associated with the conformance process. The first component of this work is to analyze developable and non-developable parcels of land in West Milford and the GIS Specialist is currently working on that. The objective is to compile a true evaluation of developable land to reduce the Township's COAH obligations. He stated that he recently attended training sessions with the Highlands Council. The \$50,000 grant monies is a starting benchmark and there may be up to \$100,000 made available to cover all the costs. He expects that the Highlands and COAH work may be covered by this grant money. The first submittal of the maps is due to the Highlands Council by the end of February. The grant process requires the expenditure of funds which will be reimbursed. All related ordinance changes and amendments will come later in the process. The process also requires an environmental resource

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nothing posted on the internet is truly anonymous. He apologized to Mr. Warden, Mayor Bieri and their families and noted that this apology is being made to settle a civil lawsuit brought against him by Mr. Warden.

Kenneth Freedman, 7 Osage Drive, West Milford also read a letter into the record. He stated that he was engaged in efforts to defame then-Councilman Warden for political gain. He posted defamatory comments on a website known as "nj.com" with the intent of negatively impacting Mr. Warden's political career and in an effort to manipulate the outcome of an election. He stated that his actions caused harm within the community and he expressed remorse for his actions. He has learned that there is no such thing as on-line anonymity. He apologized to Mr. Warden, Mayor Bieri and their families for any harm he may have caused. He stated that this apology is being made to settle a civil suit filed against him by Mr. Warden as a result of these derogatory and defamatory statements and postings. He hopes that others will learn to be respectful.

Jeffrey Warden, Green Township stated that he represented his brother in an action instituted on his behalf against four individuals responsible for posting anonymous and defamatory statements on-line for political purposes. He stated that he expects to exceed the five-minute time limit and asked for Council consideration to allow him to finish his comments. He explained the purpose of the suit filed by Mr. Warden and the facts surrounding the suit. Bringing this matter to justice required four years of legal work, countless hours of investigation, and significant expense which was borne by him and his brother. The suit was filed when on-going harassment and defamatory false allegations were continuously leveled against him and his friend, Bettina Bieri, a private citizen at the time. He listed the persons who were charged in this legal action and advised that Mr. Warden did not name the West Milford Republican Club as a defendant in this suit because he did not want this to be about politics. This case was precedent setting because it pitted the first amendment against the right of privacy one's reputation.

Councilman Weisbecker interrupted Mr. Warden noting that he had exceeded the five-minute rule and asked that he be instructed that he has now exceeded the allotted time for addressing the Council. Mayor Bieri surrendered the Chair to Council President Smolinski. Council President Smolinski asked for Council consent to allow Mr. Warden to continue speaking beyond the five-minutes allotted and asked for a roll call vote.

Voted Aye: Nolan.
Voted Nay: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.

Council President Smolinski stated that no sitting Council member had anything to do with this lawsuit nor was any sitting Council member involved in the actions alleged in this lawsuit. Mayor Bieri re-assumed the Chair and continued with the public portion of the meeting.

James Warden, 199 Highcrest Drive, West Milford chastised the Council for their failure to afford his brother/attorney an opportunity to finish speaking. However, he noted, there are two Wardens and he will finish his brother's statements. He reflected upon his father, noting that he is proud to bear the name of this former prisoner of war and special man. The lawsuit he filed was to preserve that name which had been defiled by the actions of certain individuals who spread lies about him verbally and through anonymous postings on the internet. To continue with his brother's statement Mr. Warden stated that both Mr. Kirwan and Mr. Freedman testified under oath that officials from the West Milford republican club attended at least two meetings wherein strategy to defame his character was discussed. This suit, he said, is about right versus wrong and the outcome will protect those who seek public office in the future. This is the first successful lawsuit of this nature and one that will make cyber-bullying a common term. The apologies read tonight were very specific and were intended to share the truth with the public. The fact that an attorney for the West Milford republican organization was aware of the contents of those apologies prior to this evening's meeting is evidence of the complicity of that organization in this matter. This lawyer did not participate in this case nor is he privy to the depositions and evidence that led to these apologies. He urged those involved in politics and in elected office to cease such cowardly actions and to put the needs of the community before politics. At a minimum, he expressed hope that everyone has learned that nothing on the internet is truly anonymous.

Doris Aaronson, 19 Bearfort Road, West Milford stated that the attacks on Mr. Warden were political. She stated that in retribution for supporting Mr. Warden's bid for elected office, she too was defamed by republicans.

Carla Horton, 132 Bearfort Road, West Milford stated that, as a personal friend of the Mayor, she is happy to hear this public apology tonight. The actions of those who apologized were pitiful and one would punish a child for such behavior. While the apology is warranted, it cannot repair the damage done to democracy. She expressed disappointment with Councilman Weisbecker.

Tracy Clark, Belmar Court, Hewitt stated that she is a member of the group who initiated a petition to save the community center at Hillcrest and advised that approximately 800 people have signed the petition. She stated that she and others would like to see a joint meeting with the Board of Education (BOE) and the Council. She commended Mayor Bieri for contacting Ms. Fenwick, the BOE president. She

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expressed concern that the Township's plans include the placement of staff before addressing the programs housed in Hillcrest. She asked if the facilities assessment committee has made any progress and if they have a deadline date to provide answers. She stated that the only failure in this process lies with the governing body.

Michele Brijbag Blundetto, 40 Orleans Lane, Hewitt distributed comments to the Council that were obtained during the petition process to save the community center at Hillcrest noting that those comments should be viewed as people speaking to their elected officials. She asked for an open dialogue and encouraged residents to become involved. Although she registered her twins for the pre-school program on Tuesday morning, she did so without knowing if the program will actually be available in September. She asked the Council to provide answers and a timeline for meetings with the BOE to discuss these matters. She stated that each program housed at Hillcrest is equally important and all participants should have a voice. She asked the Council to avail of the BOE's offer of a joint meeting.

Cameron Whelan, 28 Orleans Lane, Hewitt a minor child, read a letter into the record. Miss Whelan stated that she participates in programs at Hillcrest and she urged the Council to take necessary steps to preserve the community center at Hillcrest.

Rachel Luccarelli, 33 Lone Pine Lane, Hewitt a minor child, read a letter into the record. Miss Luccarelli stated that she has enjoyed many programs at Hillcrest throughout her life and hopes that the programs can continue. She stated that the teachers at Hillcrest are among the very best and she urged the Council to continue the programs at Hillcrest.

Debbie DeLuca, Warwick Road, Hewitt stated that her son attends the PRIDE program at Hillcrest. The interaction he has with others at the program is very important to his well-being. She is concerned that such would not be the case if this program were transferred to the Johner building. She stated that Hillcrest should not be abandoned.

David Watson-Hallowell, Hewitt stated that he is present tonight as a member of the Environmental Commission. The commission is desirous of registering for a program called Sustainable New Jersey which is an initiative of the New Jersey League of Municipalities (NJLM). The goal of the program is to make municipality's self-sustainable which would in turn make those municipalities more desirable. Registration will offer opportunities to apply for grants in amounts up to \$200,000 annually with no cost to the community. The environmental commission would like to serve as the lead agency in applying for such grants and would report to the Council as the projects evolve. He asked for Council support noting that such support should be memorialized in the form of a resolution.

Joe Whelan, 28 Orleans Lane, Hewitt stated that he votes with his conscience and not along party lines. He is embarrassed and angry at what he has heard here tonight. As a West Milford resident, he pays over \$13,000 in taxes and believes that elected officials should focus on the needs of the community rather than on engaging in activities that include defamation. As a general rule, when people give depositions knowing that it is a sworn statement, they do not lie. If elected officials have engaged in unethical behavior, they should rethink their position within this community. He urged the Council to focus on Hillcrest and Wallisch and to cease such unbecoming activities.

Tara Donohue, Riverside Drive, Hewitt stated that the events of this evening are a mockery. The issue of Hillcrest comes down to money and the focus has become where programs can be placed without a cost. The coffee house has not been used since the spring and tax dollars continue to be expended on municipal buildings. She urged the Council to make logical decisions in a spirit of cooperation.

Jon Severini, 7 Melrose Avenue, Upper Greenwood Lake stated that he has been a travel-soccer coach for some time and, as such, has participated in many tournaments in other towns. He stated that West Milford cannot host such tournaments because of the condition of our fields. He described some of the conditions at the fields and asked for unified efforts to devise solutions to these problems.

Deanna Bussanich, 40 Adelaide Terrace, Hewitt stated that questions she had posed to Council at the last meeting have gone unanswered. She also registered her children in preschool this week without knowing exactly what she has signed up for. The preschool program provides for a smooth transition for the children when they enter kindergarten. The issues associated with the fate of Hillcrest are important and must be addressed immediately. She asked the Mayor to assume a leadership role to effectuate a joint meeting with the BOE to attain a long-term solution to these problems. It is the tenant's obligation to reach out to the landlord in this instance and the Council should make this a priority. She asked if and when residents will be notified should the programs be disbanded.

Michele Buntzen, 54 Adelaide Terrace, Hewitt chose to move to West Milford three years ago but is concerned about this community based on what she has heard here tonight. It is shameful that the Council does not have definitive arrangements for Hillcrest and the programs and she plans to become more involved.

Wayne Gottlieb, 20 South Ridgefield Road, Hewitt recalled that he previously spoke about misrepresentations made by Mr. O'Shea in the newspaper about the Township Clerk. He had hoped that

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the newspaper, the AIM, would print a retraction of the article but no such retraction has been forthcoming and the paper has moved the article to the archives. This action or inaction is distressful because it could potentially cause harm to Ms. Battaglia, if not now, some time in the future. The parent company of the AIM, the North Jersey News has promulgated a vision and a mission statement that includes a commitment to the integrity of their product. He conveyed the definition of integrity and suggested that the Council contact the Borg family to ascertain if they consider that statement to be operative. If so, Mr. O'Shea is a serial offender of this philosophy and, thus, owes many an apology to multiple parties. He stated that members of the BOE are subject to training through the NJSBA and related legal advice is a phone call away. If needed, he would call them and not the county as Mr. O'Shea inaccurately indicated in an article he wrote for the AIM last April. He stated that the damage done to Ms. Battaglia by Mr. O'Shea is dispicable and it could cast unwarranted aspersions on her character.

Ada Erik, Macopin Road, West Milford thanked the Mayor & Council and asked that her gratitude be relayed to the DPW and Police for their tireless efforts during the recent storm.

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

Agenda No. VI

Council Comments

Councilwoman Lichtenberg sought and obtained Council consensus to have a resolution authorizing registration for Sustainable New Jersey as requested by Mr. Watson-Hallowell. She stated that she had no knowledge or involvement in the issues pertaining to Mr. Warden and Mayor Bieri. There have been conversations back and forth about Hillcrest as is evidenced by executive session discussions. She has a long-term familiarity with many of the programs at Hillcrest. She read a statement about Hillcrest. In her statement she noted that the taxpayers fund Hillcrest. She has served on Council for one year but has been a resident since 1962. The BOE and Township Council have always had differences. She recalled the process by which the boiler in Hillcrest was replaced in the past. She believes that the BOE should continue the lease of Hillcrest to the Township under the current conditions especially in light of the current economic situation. If they have plans for the facility, they should disclose those plans to the public. If a solution cannot be found, she supports having an arbitrator review the situation and would abide by recommendations made by an arbitrator.

Councilman Schimmenti commended everyone for their comments tonight. Believing that the Council President's involvement in Hillcrest is important, he sought Council consensus to waive Council President Smolinski's exclusion due to his recusal from this subject. Mr. Semrau, the Township Attorney, advised that he would research this possibility and draft an opinion.

Council President Smolinski stated that it is unfortunate that the Council and BOE must be pushed to address issues relating to Hillcrest. He condemned the Council and BOE stating that they appear to have forgotten that the taxpayers own the Hillcrest building. He asked that the Administrator reach out to the BOE to set up meeting dates. From his perspective and despite assertions to the contrary from Council, it appears that there has been no dialogue on this matter. Stating that it is not right to leave everything in limbo, he asked the Administrator to network with local churches to establish and create back-up plans for programs. Every Council person has publicly committed to programs yet he has not heard any constructive details as to where they will be housed. The teen center has fallen apart even though Westbrook might be a good location for seniors.

Councilman Nolan encouraged everyone in attendance to be proactive in this community. He reminded the public that elected officials are also tax payers who live in this town. While he understands the anxiety that has been expressed about Hillcrest, he does not favor continuing with short-term bandaids that will result in repetitive August deadlines. The taxpayers of West Milford own this building and he concurs with Councilwoman Lichtenberg that, if a solution cannot be amicably reached between the parties, he would abide by the decision of a neutral arbitrator or mediator. He urged swift action.

Councilman Jurkovic stated that the Township is essentially supporting the Hillcrest building expending an average of \$20,000 per month on this facility and it is his opinion that the Township should own it. He advised that he recently attended his first facilities assessment committee meeting wherein the committee discussed Westbrook Park to determine its capacity for housing certain programs. He stated that the committee continues to assess all municipal facilities and, at this time, there is not sufficient detail to provide definitive answers at this time. He concurred that, if the two bodies cannot reach consensus, seeking the services of an arbitrator may be wise. Councilman Jurkovic stated that an apology is due to Mr. Warden from those persons who made inappropriate comments about him. However, Councilman Jurkovic takes exception to references to the republican organization. He is a proud member of that organization and those names referenced as being involved in such activities are no longer involved. The

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West Milford republican organization did clean house and he takes offense at being associated with these people. Noting that municipaltv.tv did not post an October meeting online, he asked that the apologies made at tonight's meeting be edited out of the posting of this meeting online. Both parties must move forward.

Councilman Weisbecker stated that he supports every program at Hillcrest because Hillcrest belongs to all residents. He agrees that the BOE should give the building to the Township or, at a minimum, continue leasing it for \$1 per year. He stated that he is glad that residents have become vocal on this issue because the Council and the BOE have been unable to get along for years. He stated that he served as a Councilman during the period when Joe Elcavage was admonished for defaming the character of Mr. Warden and Ms. Bieri and he was disgusted by such behavior. However, he believes that the apologies that were negotiated in settlement of the lawsuit do not belong in this forum and this was a waste of time tonight. He stated that he has the right to debate and he apologized to residents for wasting their time on this issue tonight. He stated that West Milford is the wild west of politics and he objected to the derogatory statements made about him simply because he compelled the Council to the five-minute rule that governs those speaking during the public portion of the meeting.

Mayor Bieri stated that "news analysis" is not an appropriate or accurate title for articles written by Martin O'Shea for the AIM newspaper. She commended residents for becoming involved and vocalizing their concerns about the programs in town. Although not a member of the facilities assessment committee, she recently attended one of their meetings and she stated that the committee members are doing an excellent job. Noting that there is a distinct difference between discussion and disrespect, she stated that slander should never be considered nonsense. She stated that those involved in slander and defamation directly contributed to the "wild west" political atmosphere in West Milford. She corrected some statements made about Hillcrest and advised that she has listened to the concerns expressed by residents and understands that there is an overwhelming desire from all segments of the community to retain Hillcrest as a community center. Past differences between the BOE and the Council has created animosity and tension which has interfered with an ability to achieve a mutual goal which is to represent all taxpayers. To bridge that divide, she approached the BOE President, Michele Fenwick, to seek a meeting wherein both of them could discuss options and provided a framework to their respective bodies. The intent of such a meeting would be to streamline the process and facilitate a solution. While Ms. Fenwick appeared excited at the prospect of such a meeting, last night the BOE rejected the idea and, instead, is seeking a joint meeting with both full bodies. This delays the process and, in the meantime, residents are being held hostage and being used shamefully. Noting that she cannot vote on these issues unless there is a tie, she urged both bodies to cease grandstanding and put politics aside.

Mayor Bieri, with Council consent, agreed to allow a second discussion with public comment on the topic of Hillcrest. Council President Smolinski recused from discussion as a Council member, vacated his Council seat and took a seat as a member of the public to partake as such in this discussion.

Renee Palermo, 160 Point Breeze Drive, West Milford welcomed Mr. Boyle to the Township and thanked Councilwoman Lichtenberg for her continued support of recreation. She stated that Mayor Bieri may not be aware of innumerable one-on-one discussions that have taken place over the years between BOE members and Council members. She believes that a joint public meeting between both entities is best. She stated that she is involved in this issue at the request of parents who have asked her to advocate for the programs and the parents.

Tracy Clark, Belmar Court, Hewitt questioned the administrative plans to compensate for Connie Freet's upcoming retirement. Mayor Bieri advised that plans are being made to ensure that proper certifications are obtained to continue the preschool program. Ms. Clark expressed concern for staff who run the program noting that, although the Council has committed to the program, these staff members have not been advised that potentially they could be out of work in September. She asked for a guarantee to which Mayor Bieri replied that there is no guarantee as to where the program will be housed but the Council has committed to the continuance of the program. Ms. Clark noted that the Director of Community Services & Recreation is not in attendance at tonight's meeting stating that such absence causes distress for the parents. Mayor Bieri advised that staff members attend Council meetings when requested to do so by the Council. The Director is responsible for the day-to-day operations of the department while Council will make decisions about facilities. Therefore, the Council did not request his attendance tonight. Ms. Clark stated that she supports a joint public meeting between the Council and the BOE to discuss the fate of Hillcrest.

Joseph Smolinski, Camelot Drive, West Milford asked that the Township Administrator schedule a meeting with the BOE and Council and that he negotiate with local churches to ensure that back-up plans are in place should the need arise. He further asked that the Administrator speak with the preschool staff and communicate more efficiently on this topic in general.

Michele Brijbag Blundetto, 40 Orleans Lane, Hewitt gave details of her background and education and asked the Council to communicate better with residents. She expressed hope that the Mayor will focus on building bridges and bridging the divide between the Council and the BOE. She supports a joint public meeting and asked that each Council person cooperate in this process.

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Mayor Bieri stated that this process is not all about money, it involves egos and personal agendas. She has tried to facilitate communication but it is often difficult to attain this goal with the six members of the Council never mind the sixteen people involved between the BOE and the Council. She believed that a one-on-one meeting with the BOE president could streamline the process whether that resulted in ownership, joint ownership or a longterm lease of Hillcrest. Discussion ensued as to possible dates for a joint meeting.

Renee Palermo, 160 Point Breeze Drive, West Milford stated that she worked for the Township's recreation department for years and does not recall joint meetings with both bodies prior to the last meeting. Mr. Smolinski interjected that such a meeting was held in 2006.

Mayor Bieri advised that the BOE attorney sent a letter late this afternoon to the Township Attorney inviting the Council to a BOE meeting on either February 18th or February 24th. Councilman Jurkovic opined that a joint meeting will not be productive and recommended creating a committee to produce a workable agenda if the Council is to attend as invited. The Council gave consensus to create such a committee and expressed hope that the BOE would also form a committee so that an agenda will be prepared and the meeting will, as a result, be productive.

Bill Remia, 5 Yancy Terrace, West Milford stated that certifications have an impact on the preschool program. He stated it is folly to have only one certified person on staff and recommended that the Township have more staff members certified.

The Council agreed to form a committee to set an agenda with the BOE for a joint meeting. Mayor Bieri, Councilman Jurkovic and Mr. Boyle were chosen to serve on this committee. Mr. Boyle was instructed to reach out to the BOE tomorrow to request that they also form such a committee and schedule a time to work on the agenda.

Tara Donohue, Riverside Drive, Hewitt asked what is to be done at Westbrook to accommodate senior programs. Councilman Schimmenti asked that his focus remain on one topic at this time, that being Hillcrest.

At 10:40 p.m. the Council convened a short recess before continuing with business items on the agenda. The Council returned to the meeting at 10:55 p.m. with all present as before.

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2009- 001~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 33, "PERSONNEL" OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF ARTICLE XI, ENTITLED "CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS OF YOUTH SERVING ORGANIZATIONS"

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

SECTION 1. Chapter 33, Personnel, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Article XI, "Criminal History Background Checks of Employees and Volunteers of Nonprofit Youth Serving Organizations", to read as follows:

ARTICLE XI Criminal History Background Checks of Employees and Volunteers of Nonprofit Youth Serving Organizations

§ 33-32. Definitions.

As used in this section, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD BACKGROUND CHECK — A determination whether a person has a criminal record by cross-referencing that person's individual data with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the Division of State Police.

EMPLOYEES — All full-time, part-time and seasonal employees of the West Milford Township Recreation.

SPONSORED PROGRAM — Recreation programs run directly and jointly by the Township, including oversight, control and/or fiscal contribution.

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STATE BUREAU OF IDENTIFICATION — The entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

VOLUNTEER – A person who has direct, non-supervised and ongoing interaction in the course of his/her service with minors. This includes, but is not limited to, a coach, assistant coach and manager of a team.

VOLUNTEER REVIEW OPERATION ("VRO") — The unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this article.

YOUTH-SERVING ORGANIZATION - Any corporation, association or other organization which provides recreational, cultural, charitable and social activities for persons younger than 18 years of age.

§ 33-33. Request for criminal background check; costs.

- (A) The Township of West Milford requires that all employees and volunteers of youth-serving organizations involved in sponsored programs and/or utilizing the Township's recreational facilities request through the West Milford Township Police Department that the State Bureau of Identification and the Federal Bureau of Investigation ("FBI") conduct a criminal history record background check on each prospective and current coach of nonprofit youth-serving organizations in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO. No person will be permitted to act as an employee or volunteer until the results of the background checks have been received and reviewed by the Administrator of the Township.
- (B) The West Milford Township Police Department shall conduct the criminal history record background check(s) only upon receipt of the written consent to the check(s) from the prospective or current employee or volunteer or from the organization itself.
- (C) The VRO shall advise the Township Police Department of the eligibility of the prospective or current coach. Any information received by the Township Administrator shall be confidential.
- (D) The organization shall bear the costs for conducting such checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO.

§ 33-34. Conditions under which person is disqualified from service.

A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (A) In New Jersey, any crime or disorderly persons offense:
 - (1) Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1, et seq., such as criminal homicide; N.J.S.A. 2C:12-1, et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1, et seq., such as kidnapping; N.J.S.A. 2C:14-1, et seq., such as sexual assault; or, N.J.S.A. 2C:15-1, et seq., such as robbery;
 - (2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;
 - (3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.
 - (4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.
- (B) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection 33-34(A) of this section.

In addition, a person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if such individual fails to consent to submit to a criminal history record background check pursuant to this Article.

§ 33-35 Submissions; exchange of background check information.

- (A) Prospective or current employees and volunteers of youth-serving organizations for sponsored programs and/or for utilizing Township recreational facilities shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the West Milford Township Police

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Department, who shall coordinate the background check and refer the information to the State Bureau of Investigation for the background check. Thereafter, the Township shall conduct periodic background checks after the date of the initial background check, but not less than every 36 months.

- (B) The West Milford Township Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this section.

§ 33-36. Limitations on access and use of criminal history record information.

- (A) Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to authorized personnel of the youth serving organization, on a need-to-know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this section.
- (B) Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating the federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

§ 33-37. Determination by Township Police Department; appeal process.

- (A) The VRO shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO will provide the West Milford Township Police Department with a letter of recommendation or nonrecommendation for each individual for whom the VRO completed a background check.
- (B) The Police Department shall promptly notify a prospective or current employee or volunteer who receives a letter of nonrecommendation from the VRO. Individuals who receive a letter of nonrecommendation from the VRO will not be permitted to participate as an employee or volunteer. Such individuals may obtain a copy of their criminal history record by contacting the VRO in writing. The individuals shall then have 30 days from the receipt of notification from the West Milford Township Police Department to petition the appeals committee consisting of the Director of the Township Recreation Department, the Township Administrator and the Township Police Chief for a review and to cite reasons substantiating the review.
- (C) Individuals who receive a letter of nonrecommendation from the VRO may be permitted to serve as an employee or volunteer if they affirmatively demonstrate rehabilitation to the appeal committee. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the appeals committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:
 - (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
 - (2) The nature and seriousness of the offense;
 - (3) The circumstance under which the offense occurred;
 - (4) The date of the offense;
 - (5) The age of the person when the offense was committed;
 - (6) Whether the offense was an isolated or repeated incident;
 - (7) Any social conditions which may have contributed to the offense; and
 - (8) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.
- (D) In all instances, the final determination of whether an individual will be permitted to serve as an employee or volunteer utilizing the Township's recreational facilities will lie in the sole discretion of the appeals committee, who must vote unanimously.
- (E) The appeals committee shall promptly advise the prospective or current employee or volunteer whether he or she is qualified.
- (F) When the Township Police Department receives a letter of nonrecommendation from the VRO, the Police Department shall file that letter within its Department and it shall keep the written notification on file for three years from the date it was issued.
- (G) The Department of Recreation may request the Police Department to review its files to determine if there is written notification on file stating whether a criminal history record background check of a current or prospective employee or volunteer reveals a disqualifying offense or stating that the person has affirmatively demonstrated rehabilitation under this act.

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§ 33-38. Exemptions.

The Township shall only permit the following exemptions under this Article:

- (A) Any person who, by virtue of their occupation, is required by statute to undergo a Federal and State criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirement hereunder if such check was conducted within the past year. After such demonstration of proof of compliance, such individual shall then be subject to subsequent checks pursuant to Section 33-35(A).
- (B) If the organization already utilizes a different means for obtaining criminal history record background checks, such as Little League baseball, then such organization may annually submit its own certification certifying the names of the individual employees and/or volunteers and providing proof that such criminal history record background check was performed for that year. In addition, the organization must also submit to the Department of Community Services and Recreation and the Township Police Department, the guidelines and parameters of such independent background check company for the conducting of its background checks. In the event the Police Department determines that the independent background check company's guidelines and parameters are insufficient, then the Township reserves the right to not grant the exemption under this Subsection to the organization.

§ 33-39. Remedies for breach by youth-serving organizations.

Any violation of this chapter by a youth-serving organization is considered a serious threat to the health and life of the youth of the Township. As a result, upon violation, the Township may suspend or terminate use of Township facilities, and the youth-service organization and the officer who executed the affidavit shall be subject to fines and other penalties. In determining the remedy such factors as whether the breach was intentional, the severity of the noncompliance, and the good-faith steps taken to cure the violation should be considered.

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: January 28, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for February 11, 2009 and it shall be advertised as required by law.

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

Agenda No. VII 2

~ Ordinance No. 2009- 002~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges;

JOB TITLE	MINIMUM	MAXIMUM
Department and Office Heads		
Township Administrator	\$70,000	\$144,000
Director of Public Safety (Police Chief)	\$70,000	\$137,000
Township Engineer	\$65,000	\$132,000
Land Use Administrator	\$50,000	\$ 80,000

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Chief Financial Officer (Treasurer)	\$55,000	\$103,000
Township Clerk	\$55,000	\$ 95,000
Director of Parks & Recreation	\$55,000	\$ 95,000
Court Administrator	\$45,000	\$ 85,000
Health Officer	\$50,000	\$104,066
Division Heads		
Tax Assessor	\$50,000	\$101,000
Tax Collector	\$50,000	\$ 93,500
Director of Public Works	\$55,000	\$101,000
Construction Official	\$45,000	\$ 92,000
Fire Marshal	\$40,000	\$ 80,000
Fire Commissioner	\$ 3,000	\$ 6,500
Confidential and Unaffiliated Employees		
Data Processing Coordinator	\$35,000	\$75,000
Personnel Coordinator	\$35,000	\$75,000
Administrative Analyst	\$45,000	\$75,000
Chief Custodian	\$25,000	\$65,000
Judge	\$15,000	\$35,000
Prosecutor	\$10,000	\$27,000
Assistant Prosecutor	\$ 250	\$ 5,000
Fire Marshal	\$ 3,000	\$ 7,000
Emergency Management Coordinator	\$ 3,000	\$ 7,000
Telecommunications Systems Analyst	\$ 2,500	\$ 5,500
Deputy Fire Commissioner	\$ 1,500	\$ 5,000
Veteran Officer	\$ 500	\$ 2,000
Secretary Bd./Comm. P/T (A) – General	\$130 per mtg.	\$200 per mtg
Secretary Bd./Comm. P/T (B) – Zoning Bd.	\$250 per mtg.	\$500 per mtg
Deputy Registrar	\$ 3,000	\$ 6,000
Alternate Deputy Registrar	\$ 1,000	\$ 3,000

1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild and the Township of West Milford and any employment agreement consistent with applicable law.
3. **EMPLOYMENT CONTRACTS:** In the event the Township has an employment agreement with any position identified herein, the terms of the employment agreement shall prevail.
4. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head, in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
5. This Ordinance is effective retroactive to January 1, 2009.
6. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

INTRODUCED: January 28, 2009

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

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUSANNE PAPPAS AS CARETAKER FOR WESTBROOK PARK

TABLED TO FEBRUARY 4, 2009 COUNCIL WORKSHOP MEETING

Discussion: Administrator Boyle asked for a motion from Council to table action on this matter until the next meeting. He advised that Ms. Pappas' attorney needs more time to review the proposed agreement.

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

Councilman Weisbecker moved to extend the current caretaker agreement to February 4, 2009.

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

Agenda No. VII 4

~ Resolution No. 2009- 061 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE POSITION OF TOWNSHIP AUDITOR, AMENDED

WHEREAS, the Township of West Milford has a need to appoint a Township Auditor as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition will exceed \$17,500; 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 bids and the contract itself must be available for public inspection, and,

WHEREAS, the term of a contract for this service is one year from January 1, 2009 through December 31, 2009; and,

WHEREAS, Charles Ferraioli of the firm Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has submitted a proposal indicating the firm will provide auditing services and financial consulting in an amount not to exceed \$50,000 to be encumbered from account number 9-01-20-135-200; and

WHEREAS, Charles Ferraioli has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*; and,

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to enter into a contract with Ferraioli, Wielkocz, Cerullo & Cuva, P.A. as described herein to the satisfaction of the Township Administrator; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file in the office of the Township Clerk; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: January 28, 2009

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Discussion: Councilman Nolan expressed concern that the Auditor's contract includes a \$7,500 appropriation for a note sale. While he favors appointing Mr. Ferraioli as Auditor, he does not favor the note sale provision at this time. Councilman Jurkovic agreed adding that he would like to obtain a written explanation and justification for the note sale from the three professionals who are recommending it, the Auditor, Bond Counsel and the CFO. Administrator Boyle stated that while the CFO was not clear in outlining the need for this financing, the Township will experience cash flow issues if the Township does not roll these bonds over. The note sale, he said, is critical to allow the Township to continue to operate. Councilman Nolan expressed concern that the Council is being coerced into action due to failure of staff to anticipate the need for action. He asked if the Township had considered bonding through Passaic County Improvement Authority as Ringwood recently did.

Councilman Weisbecker made a motion to adopt this resolution, amending it to exclude the appropriation for the bond sale.

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

Agenda No. VII 5

~ Resolution No. 2009-062 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD, & WOODS FOR BOND COUNSEL SERVICES, AMENDED

WHEREAS, the Township of West Milford has a need to appoint Bond Counsel as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; 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 bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Beinfield of the firm Hawkins, Delafield & Wood, LLC has submitted a proposal indicating the firm will provide legal services as bond counsel in an amount not to exceed \$7,500; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from various accounts pursuant to "Section 20" of the Local Bond Law in an amount not to exceed \$7,500 without prior written approval from the Township Council.

WHEREAS, Robert Beinfield, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Hawkins, Delafield & Wood, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has recommended that Hawkins, Delafield & Woods be retained to provide Bond Counsel services to the Township of West Milford.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Hawkins, Delafield, & Woods for professional bond counsel services in an amount not to exceed \$7,500 which shall include services administered as bond counsel to the Township.
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2009 calendar year.
4. The total fee authorized for this contract shall not exceed \$7,500 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: January 28, 2009

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Councilman Weisbecker made a motion to adopt this resolution, amending it to exclude the appropriation for the bond sale.

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

Mayor asked to move the following resolutions 2009-063 through 2009-069 as one.

Agenda No. VII 6

~ Resolution No. 2009- 063 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING ASSEMBLY BILL #A-3570 WHICH SEEKS TO ABOLISH THE COUNCIL ON AFFORDABLE HOUSING

WHEREAS, the Township of West Milford and other municipalities have been compliant with the directives issued by the Council on Affordable Housing (“COAH”) for the past twenty years; and

WHEREAS, the Third Round Rules imposed enormous financial, infrastructure and mandates by the State of New Jersey on local communities and residents such as the Township of West Milford which are essentially unattainable; and

WHEREAS, municipalities have joined together and initiated litigation against the State of New Jersey and the Council on Affordable Housing challenging the Third Round Rules and Regulations; and

WHEREAS, the Township of West Milford which contains 80 square miles of land entirely located within the Highlands Preservation Area has the most stringent development restrictions in the State of New Jersey, however the Third Round Rules impose development of Affordable Housing that directly conflicts with the Highlands Planning and Protection Act; and

WHEREAS, COAH has failed to satisfy the need for Affordable Housing in the State of New Jersey; and

WHEREAS, the State of New Jersey has been unsuccessful in achieving the coordination between the Council on Affordable Housing and the promulgation of its Rules with the Highlands Act which includes the Highlands Regional Master Plan;

WHEREAS, the conflicting objectives and requirements of COAH and the Highlands Act have caused conflicts between responsible planning and adherence to the requirements of COAH, leaving communities of the State of New Jersey with an enormous financial endeavor to attempt to resolve these issues to the satisfaction of both agencies notwithstanding their conflictive objectives; and

WHEREAS, notwithstanding the concerns raised by New Jersey municipalities, residents and businesses, the Council on Affordable Housing has continued to impose deadlines for Third Round Plans and Compliance; and

WHEREAS, Assembly Bill #3570 seeks to abolish COAH and put an end to what it describes as “a poorly thought out, unworkable and costly Affordable Housing System”; and

WHEREAS, the sponsors have drafted the legislation on the basis that COAH has imposed impossible regulations and excessive costs on towns and taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that it hereby supports the purpose of Assembly Bill #3570 which seeks to abolish the Council on Affordable Housing and calls on the State of New Jersey to identify new and responsible ways to address affordable housing issues within the State of New Jersey.

BE IT FURTHER RESOLVED, that a copy of this Resolution be provided to the respective legislative representatives of the Township of West Milford as well as bill’s sponsor, Assembly Merkt and co-sponsor, Peter Biondi.

Adopted: January 28, 2009

Agenda No. VII 7

~ Resolution No. 2009- 064 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING THAT THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONSIDER STRAIGHTENING AND WIDENING CANISTEAR ROAD NEAR THE RAILROAD BRIDGE AND THE REPLACEMENT OF THE RAILROAD BRIDGE IN CONJUNCTION WITH THE RAIL LINE IMPROVEMENT PROJECT

WHEREAS, the Township of West Milford is concerned about the portion of the rail line which spans over Canistear Road in the Township of West Milford at milepost 49.08 in that the bridge structure to which the rail line crosses over Canistear Road is substandard and narrow and poses serious risks to drivers and pedestrians utilizing said roadway; and

WHEREAS, in addition to the substandard quality of the railroad bridge, the Township is concerned about the portion of Canistear Road leading to said bridge, which may be described as a sharp horizontal curve which presents a hazard to approaching vehicles as the sight distance of said drivers is blocked due to the bridge and the horizontal curve of the roadway; and

WHEREAS, the Township of West Milford has investigated and conducted a study relevant to these concerns and the West Milford Township Police Department has concluded that a number of vehicular accidents have occurred at the railroad bridge location, with an average of approximately six (6) motor vehicle accidents occurring annually due to the roadway and the bridge; and

WHEREAS, the combination of these adverse factors, i.e. heavy roadway traffic, a sharp horizontal curve, a steep vertical grade, the reduction from two lanes of traffic to one alternating lane under the bridge and the substandard sight distance, has made the area of Canistear Road approaching the railroad bridge and the bridge itself, an area where great caution and concern is required; and

WHEREAS, in order to address these critical problems, the Township of West Milford is requesting that the New Jersey Department of Transportation review the proposed replacement of the Canistear Road railway bridge, the widening of Canistear Road to two lanes of traffic while passing under the railway bridge and the re-alignment of Canistear Road.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey, that the Township of West Milford hereby requests that the New Jersey Department of Transportation review the proposed replacement of the Canistear Road railway bridge, the widening of Canistear Road to two lanes of traffic while passing under the railway bridge and the re-alignment of Canistear Road in conjunction with the NYS&W rail line improvement project so as to protect the safety and welfare of the residents of the Township of West Milford and the County of Passaic who traverse this portion of the roadway on a daily basis.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Governor of the State of New Jersey, the Commissioner of the Department of Transportation and those State representatives elected to represent the residents of the Township of West Milford.

This resolution shall take effect immediately.

Adopted: January 28, 2009

Agenda No. VII 8

~ Resolution No. 2009- 065 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A RECYCLING COMMITTEE

WHEREAS, the Mayor and Township Council is most appreciative of the dedicated work done over multiple years by the many devoted members of the Beautification & Recycling Committee; and

WHEREAS, after careful consideration and based on recommendations from various members of that committee, the Township Council wishes to abolish the Beautification & Recycling Committee and, in its place, establish two distinct and separate committees to serve the municipality in an advisory capacity; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council does hereby establish a Recycling Advisory Committee to provide advice with regard to garbage and recycling matters in the Township.

BE IT FURTHER RESOLVED that the committee shall consist of seven (7) members as follows:

Council Liaison as appointed by the Township Council
Recycling Coordinator

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Five (5) Citizen Members as appointed by the Township Council

BE IT FURTHER RESOLVED that the committee shall appoint one member from the five citizen members to serve as Chair of the committee.

BE IT FURTHER RESOLVED, that the committee shall cease to exist unless re-established by the Mayor and Township Council at its Organizational Meeting scheduled for January 1, 2010.

Adopted: January 28, 2009

Agenda No. VII 9

~ Resolution No. 2009- 066 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A BEAUTIFICATION COMMITTEE

WHEREAS, the Mayor and Township Council is most appreciative of the dedicated work done over multiple years by the many devoted members of the Beautification & Recycling Committee; and

WHEREAS, after careful consideration and based on recommendations from various members of that committee, the Township Council wishes to abolish the Beautification & Recycling Committee and, in it's place, establish two distinct and separate committees to serve the municipality in an advisory capacity; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council does hereby establish a Beautification Advisory Committee to develop and promote a beautification program within the Township.

BE IT FURTHER RESOLVED that the committee shall consist of five (5) citizen members appointed by the Township Council.

BE IT FURTHER RESOLVED that the committee shall appoint one member from the five citizen members to serve as Chair of the committee.

BE IT FURTHER RESOLVED that the committee shall seek approval from the Township Administrator before proceeding with any beautification programs.

BE IT FURTHER RESOLVED that the committee shall cease to exist unless re-established by the Mayor and Township Council at its Organizational Meeting scheduled for January 1, 2010.

Adopted: January 28, 2009

Agenda No. VII 10

~ Resolution No. 2009- 067 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A COMMITTEE TO REVIEW GARBAGE & RECYCLING CONTRACTS AND MAKE RECOMMENDATIONS ON SAME

WHEREAS, the Mayor and Township Council desires to establish a Committee to review, discuss and make recommendations regarding recycling and garbage contracts.

MEMBERSHIP: The Committee shall consist of nine (9) members as follows:

Councilman Philip Weisbecker
Councilman Robert Nolan
Two (2) members of the Recycling Committee
Carmelo Scangarello, Citizen Member
Township Administrator
Township Engineer
Recycling Coordinator
DPW Superintendent

WHEREAS, this committee shall review the current garbage & recycling contracts and make recommendations as to what considerations should be given, if any, when re-drafting the specifications for bidding for these services in 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council does hereby establish a committee charged with reviewing and making recommendations on garbage and recycling contracts.

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BE IT FURTHER RESOLVED, that the committee shall cease to exist when the members have completed their charge.

Adopted: January 28, 2009

Agenda No. VII 11

~ Resolution No. 2009- 068 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE ACCESS EASEMENT AGREEMENT FOR EMERGENCY WATER ACCESS

WHEREAS, Eastern Propane Corp., ("Eastern") is the owner of certain property in the Township known as Block 16102, Lot 1, Scenic Drive; and

WHEREAS, in the past the Township through its emergency services officials and volunteer fire departments have accessed a portion of the Eastern property to obtain a water source for the filling of the Township's fire apparatus; and

WHEREAS, the Township has requested that Eastern continue to permit the Township to access the water source located on the portion of the Eastern property for such purposes as it has in the past; and

WHEREAS, Eastern agrees to grant access to the Township on a certain portion of its property for the purpose of accessing and obtaining the water source located on said property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into an Access Easement Agreement for Emergency Water Access with Eastern Propane Corporation pursuant to the terms and conditions as stated in the Agreement.

Adopted: January 28, 2009

Agenda No. VII 12

~ Resolution No. 2009- 069 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DISCHARGE OF NOTICE OF STATUTORY LIEN FOR PROPERTY KNOWN AS BLOCK 8509, LOT 33, 70 PINECREST TRAIL

WHEREAS, the Township of West Milford originally filed a Notice of Statutory Lien to secure the payment of the sum of \$1,833.33 for outstanding municipal charges on Block 8509, Lot 33, 70 Pinecrest Trail which was recorded with the Register of Passaic County on February 8, 1995 in Mortgage Book R-148 at page 295; and

WHEREAS, the aforesaid property was the subject of a tax foreclosure and accordingly extinguishes the Statutory Lien of the Township of West Milford recorded against the property; and

WHEREAS, the Municipal Attorney and the Township Tax Collector recommend that the Statutory Lien be extinguished to update the municipality's records.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to execute the enclosed Discharge of Notice of Statutory Lien as it relates to Block 8509, Lot 33, 70 Pinecrest Trail, in the sum of \$1,833.33.

Adopted: January 28, 2009

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

Agenda No. VII 13

~ Resolution No. 2009- 070 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION FOR \$300,000 IN FEDERAL FUNDING FOR THE STRATEGIC PREVENTION FRAMEWORK COMMUNITY IMPLEMENTATION PROJECT – PHASE II

WHEREAS, the West Milford Health Department in partnership with CASA, New Life Recovery and other organizations that may join with the Township in this grant process, will apply for federal funding to implement the New Jersey Strategic Prevention Framework (NJ SPF), a data driven planning process designed to effectively prevent alcohol and drug abuse in communities, with an emphasis on underage drinking. The Grant will address the priority issue to reduce the harmful consequences of alcohol and drug use among 18 to 25 year olds; and

WHEREAS, in January 2009 the NJDHS notified the Township that it had RFPs for Communities to apply for up to \$300,000 Grant for this project through Division of Addition Services; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford that William Wallace, Township Health Director be authorized

- (a) to make application for such a grant,
- (b) if awarded, to execute a grant agreement with the appropriate State/Federal Government Agency, and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Adopted: January 28, 2009

Discussion: Councilwoman Lichtenberg explained that the Township's Health Officer has researched this grant and conveyed that the funding, if approved, would be used to prevent drug and alcohol abuse. The grant allows partnerships with other organizations and groups who can become involved in the process over time.

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

The following resolutions 2009-071 through 2009-073 moved as one.

Agenda No. VII 14

~ Resolution No. 2009- 071 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE APPROVAL OF THE DESIGN AND CONSTRUCTION OF THE SKATEBOARD PARK AT MT. LAUREL PARK

WHEREAS, the Township proposes to undertake construction of a skateboard park with the municipality upon Block 405, Lot 1, and commonly referred to as Mt. Laurel Park; and

WHEREAS, the Township has caused a plan or design for the aforementioned skateboard park to be prepared; and

WHEREAS, the Township has reviewed the aforementioned plan or design and exercised its judgment and/or approved the judgments of others as represented by the plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford that the Township does hereby approve the plan prepared by Spohn Ranch, Inc. for a certain public improvement generally described as the skateboard park at Mt. Laurel Park located on Block 405, Lot 1.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the plan referred to above with a notation referring to the Resolution of Approval placed thereon.

Adopted: January 28, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VII 15

~ Resolution No. 2009- 072 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ASSERTING THAT THE SKATEBOARD PARK AT MT. LAUREL PARK SHALL BE A "SKATE AT YOUR OWN RISK" FACILITY

WHEREAS, the Township of West Milford has authorized the construction of a skateboard park at Mt. Laurel Park ("Facility") by the Township of West Milford, Passaic County, NJ ("Township"), to be used and operated, solely for the benefit and enjoyment of the citizens of the Township; and

WHEREAS, the Facility provides the township's citizens with a unique resource not otherwise available in the Township's existing recreation, cultural and civic facilities. Thus, it is necessary to employ reasonable use, time, place and manner regulations to govern the operation of the Facility; and

WHEREAS, the Facility shall be a "limited public forum" as that term is defined by law; and

WHEREAS, the benefits and enjoyment intended to be conferred on the Township's citizens by the use and operation of the Facility shall be governed by the General Rules and Regulations of the Skate Park which shall be posted at the Facility; and

WHEREAS, the general Rules and Regulations of the Skate Park shall state that the Facility is a "skate at your own risk facility" and that the Facility will not be supervised.

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, as follows:

1. The Township of West Milford hereby asserts that the Township shall not be assigning personnel to supervise the skateboard park at Mt. Laurel Park.
2. The Township shall post General Rules and Regulations at the Facility which shall advise the public the Facility is a "skate at your own risk facility" that does not require township supervision and will therefore remain unsupervised.
3. These actions conform with acceptable standards for the operation of such a facility and are in compliance with the recommendations of the Township's Risk Management Consultant.

Adopted: January 28, 2009

Agenda No. VII 16

~ Resolution No. 2009- 073 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF SKATEBOARD PARK EQUIPMENT FOR MOUNT LAUREL PARK

WHEREAS, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available for the purchase of skateboard equipment for Mt. Laurel Park; and

WHEREAS, said equipment is available for purchase under state contract # 59078, and

WHEREAS, a purchase order shall be executed for this purchase in accordance with the Township's policy; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from accounts C-04-04-944-372 (\$44,350.72) and C-04-04-944-999 (\$10,099.14).

NOW THEREFORE, BE IT RESOLVED that the Township does hereby authorize the Township Administrator, Director of Community Services & Recreation and the Chief Financial Officer to execute and process a purchase order for the purchase of skateboard equipment in accordance with the state contract for same.

Adopted: January 28, 2009

Discussion: Councilman Nolan expressed concern that resolution 2009-072 states that there will not be supervision at the skate park and he believes that the Council was told that there would be supervision at this site. Council President Smolinski stated that he served on the committee for this park and there was never an allocation for a permanent supervisor. This was always intended to be a "skate at your own risk" facility. Renee Palermo, former Recreation Director, from the audience stated that the Council President's recollections were correct and added that the intent was not to have supervision but to ensure that the department would monitor neighborhood issues.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Voted Nay: Nolan.
Abstain: None.
Motion carried.

Consent Agenda

Agenda No. VIII 1

~ Resolution No. 2009- 074 ~

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

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

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

Resolutions:

- a. Resolution 2009-075 – Various Licenses for 2009 Calendar Year
b. Resolution 2009-076 – Authorize Tax Lien Sale
c. Resolution 2009-077 – Cancellation of Taxes
d. Resolution 2009-078 – Cancellation of Tax Lien
e. Resolution 2009-079 – Cancellation of Tax Lien Certificates
f. Resolution 2009-080 – Refund Overpayments
g. Resolution 2009-081 – Refund Recreation Fees
h. Resolution 2009-082 – Refund Escrow Fees
i. Resolution 2009-083 – Reinstate Taxes
j. Resolution 2009-086 – Other Liens

Applications:

- a. Application for Social Affair Permit – Saint Joseph Church for February 7, 2009
b. Application for Social Affair Permit – Saint Joseph Church for March 7, 2009

Adopted: January 28, 2009

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2009- 075 ~

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

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

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

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

Table with 3 columns: Amusement Game License No., Applicant Name, T/A - Address. Rows include license numbers 2009-6 and 2009-7 with corresponding applicant names and addresses.

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Pool Table License No.	Applicant Name	T/A - Address
2009 -5	Raymond Taylor 350 Warwick Tpk. Hewitt, NJ 07421	Pioneer Bar & Grill Corp. 350 Warwick Tpk. Hewitt, NJ 07421
2009-6	Robert Adelhoch 1934 Greenwood Lake Tpk. Hewitt, NJ 07421	Lakeview Pub & Liquors 1934 Greenwood Lake Tpk. Hewitt, NJ 07421

Adopted: January 28, 2009

Agenda No. VIII b

~ Resolution No. 2009- 076 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A TAX TITLE LIEN SALE

WHEREAS, the Collector of Taxes has requested that the Township conduct a Tax Title Lien Sale on Wednesday – March 25, 2009 at 10:00 a.m.

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 conduct a Tax Title Lien Sale in the Township Main Meeting Room on Wednesday – March 25, 2009 at 10:00 a.m.

Adopted: January 28, 2009

Agenda No. VIII c

~ Resolution No. 2009- 077 ~

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: TAX EXEMPT PROPERTIES

BLOCK/LOT	NAME	AMOUNT	YEAR
4701-35	State of N.J.D.E.P.	\$8.90	2006
8002-1	Township of West Milford	\$246.35	2008 2 nd Half
8002-1	Township of West Milford	\$238.00	2009 1 st Half
9901-21	State of N.J.D.E.P.	\$440.47	2008 Full Year
9901-21	State of N.J.D.E.P.	\$220.00	2009 1 st Half
9901-20	State of N.J.D.E.P.	\$276.70	2008 Full Year
9901-20	State of N.J.D.E.P.	\$138.00	2009 1 st Half
TOTAL		\$1,568.42	

Adopted: January 28, 2009

Agenda No. VIII d

~ Resolution No. 2009- 078 ~

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

WHEREAS, there appears on the tax lien record a premium balance as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of this tax lien premium;

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

BLOCK/LOT	CERTIFICATE NUMBER	AMOUNT
4014-7	03-040	\$5,100.00
TOTAL		\$5,100.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: January 28, 2009

Agenda No. VIII e

~ Resolution No. 2009- 079 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF TAX LIEN CERTIFICATES

WHEREAS, the Township Tax Collector of the Township of West Milford sold liens to the municipality; and

WHEREAS, as a result of such tax sale, the Tax Collector has issued Tax Lien Certificates with respect to property formerly known as:

BLOCK & LOT	CERTIFICATE NO.	LIEN AMOUNT
1806-4	08-020	\$465.58
2402-14	08-032	\$144.40
2713-8	08-040	\$150.82
5307-11.04	08-057	\$912.42
11101-26	08-089	\$304.43
16504-4	08-116	\$3,020.21
16901-4	08-119	\$751.24
TOTAL		\$5,749.10

WHEREAS, the outstanding lien has been redeemed and the amount has been paid to the Tax Collector to satisfy the obligation; and

WHEREAS, the Tax Collector recommends that these Tax Lien Certificates be executed for cancellation of record and recorded with the Passaic County Clerk's Office.

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 Mayor is hereby authorized to execute the cancellation of West Milford Tax Lien Certificates and the Township Attorney may then forward same with the Passaic County Clerk for cancellation of record.

Adopted: January 28, 2009

Agenda No. VIII f

~ Resolution No. 2009- 080 ~

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 | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | |

Block/Lot	Name	Amount	Year	Reason
601-9	N. & M. Jorgensen 3 Allaire Road, Hewitt, NJ 07421	\$250.00	2008	3
604-9	P. & S. Taylor 81 Witte Road, Hewitt, NJ 07421	\$60.24	2008	5
1203-6	S. Bowie 35 Barnegat Road, Hewitt, NJ 07421	\$456.00	2008	5
1204-5.01	F. Douglas 77 Barnegat Road, Hewitt, NJ 07421	\$250.00	2008	3
1207-1	K. & J. Mitzko 30 Barnegat Road, Hewitt, NJ 07421	\$250.00	2008	3
1611-12	M. & K. Ralicki 83 Fairlawn Drive, Hewitt, NJ 07421	\$250.00	2008	3

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Block/Lot	Name	Amount	Year	Reason
1701-56	J. & E. Dutcher 83 Fairview Drive, Hewitt, NJ 07421	\$250.00	2008	3
2405-10	J. Cahill 74 Riverside Road, Hewitt, NJ 07421	\$250.00	2008	3
2511-007	K. & M. Hughes 291 Lakeshore Dr., Hewitt, NJ 07421	\$250.00	2008	3
2605-14	T. & M. Zapata 30 Pt. Breeze Dr., Hewitt, NJ 07421	\$636.25	2008	5
2702-14	M. Boettcher 48 Landing Road, Hewitt, NJ 07421	\$250.00	2008	3
5311-1.18	J. Sutera, 2 Richmond Rd., Suite 118 West Milford, NJ 07480	\$250.00	2008	3
5316-3.11	J. & S. Puser, 9311 Richmond Road, West Milford, NJ 07480	\$250.00	2008	3
5317-2.02	R. Vanderwal, 6202 Richmond Road West Milford, NJ 07480	\$500.00	2008	3
5318-12.01	E. Case & J. Kammerer 121 Richmond Road West Milford, NJ 07480	\$250.00	2008	3
5504-4.13	G. & D. Benovitz 1413 Richmond Road, West Milford, NJ 07480	\$250.00	2008	3
6002-12	W. & T. McCormick Jr. 624 Morsetown Road West Milford, NJ 07480	\$250.00	2008	3
7209-2	G. & P. Wenzel 31 Bearfort Road, West Milford, NJ 07480	\$250.00	2008	3
7402-14	J. & L. Lichtig 257 Bearfort Road West Milford, NJ 07480	\$250.00	2008	3
8101-43	R. & C. Cammarieri 1898 Macopin Road West Milford, NJ 07480	\$250.00	2008	3
8201-3	R. Horowitz 4 Farview Ct., West Milford, NJ 07480	\$250.00	2008	3
9702-7	A. Demeritt 12 Monmouth Avenue West Milford, NJ 07480	\$250.00	2008	3
10501-7	J. Tanis 24 Hancock Drive, West Milford, NJ 07480	\$250.00	2008	3
10901-6	P. & A. Despot 680 Otterhole Road West Milford, NJ 07480	\$250.00	2008	3
11501-8	B. Cox 19 Schofield Road West Milford, NJ 07480	\$250.00	2008	3
13401-1	R. & H. Soccio 596 Macopin Road West Milford, NJ 07480	\$250.00	2008	3
14202-8	E. Barrett 287 Germantown Road West Milford, NJ 07480	\$250.00	2008	3
16004-11	K. & L. Aleksic 29 Grove Street Oak Ridge, NJ 07438	\$250.00	2008	3
2314-7	E. & S. McConnell 104 Papscoe Road, Hewitt, NJ 07421	\$250.00	2008	3
TOTAL		\$7,902.49		

Adopted: January 28, 2009

Agenda No. VIII g

~ Resolution No. 2009- 081 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Name & Address	Reason	Amount Refunded
Patricia Gillis 19 Brook Road Hewitt, NJ 07421	Refund for tickets to Radio City Christmas Spectacular	\$144.00

Adopted: January 28, 2009

Agenda No. VIII h

~ Resolution No. 2009- 082 ~

RESOLUTION 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
Linda West P.O. Box 762 Hewitt, NJ 07421	0830-0821	\$750.00	\$750.00

Adopted: January 28, 2009

Agenda No. VIII I

~ Resolution No. 2009- 083 ~

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
505-6	A. Povanda	\$2,103.44	2008
16102-16	A. & S. Struble	\$700.00	2008
12311-18	L. Lefebvre	\$200.00	2008
TOTAL		\$3003.44	

Adopted: January 28, 2009

Agenda No. VIII j

~ Resolution No. 2009- 086 ~

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:

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
04-045	04/05/2004	06504-014	\$85,312.03	AMERICAN TAX FUNDING LLC P.O. BOX 862658 ORLANDO, FL 32886-2658

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Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
08-096	04/08/2008	12208-033	\$9,711.97	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
Grand Total			\$95,024.00	

Adopted: January 28, 2009

Approval of Expenditures

Agenda No. IX

~ Resolution No. 2009- 084 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$669,405.53
2	Reserve Account	206,924.89
3	Animal Control Trust	9,397.40
6	Capital.	31,542.29
7	Grants.	278.74
8	Refuse.	218,230.18
9	Refunds.	102,926.49
12	General Ledger.	520.00
16	Heritage Trust.	
14	Open Space Trust	589.86
17	Trust	89,030.09
18	Development Escrow.	2,397.50
19	LOSAP	
20	Special Reserve	1,231.61
Total		\$1,332,474.58
Less Refund Resolution		(102,926.49)
Actual Bill List		\$1,229,548.09
Other Payments		\$1,110.00
Less Refund Resolution		
Total Expenditures		\$1,230,658.09

Adopted: January 28, 2009

Councilman Weisbecker made a motion to place this resolution on the floor for consideration. Seconded by Council President Smolinski.

Discussion: Councilman Nolan asked for a separate vote on Mr. Glatt's bills on page 13.

Councilman Weisbecker amended his motion to approve the bill list and take a separate vote on Mr. Glatt's invoice.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Discussion: Councilman Nolan stated that Mr. Glatt is compensated at a rate of \$800 per zoning board meeting. The December meeting lasted less than one hour and he questioned why the applicants being represented are not paying a pro-rated portion of the cost. He noted that Mr. Glatt also charges the applicants \$180 per hour for additional work and he expressed concern at this manner of doing business with a professional. Councilman Jurkovic noted that Councilman Nolan has stated these objections for years yet he does not question the exorbitant bills processed for snow removal and garbage collection. He stated that Councilman Nolan's objections to Mr. Glatt's invoices appears to be politically motivated despite the fact that the zoning board is required by law to hire an attorney. Mr. Glatt, he said, does not bill the Township for the time spent preparing for the meetings and he has served the Township very competently for over twenty years. It is wrong to single out good attorneys who keep the Township out of litigation, ultimately saving money. Councilman Nolan stated that other attorneys hired by the municipality bill at an hourly rate and submit itemized bills.

Councilman Weisbecker made a motion to approve Mr. Glatt's bills.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: Nolan.
Abstain: Jurkovic.
Motion carried.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Township Administrator Kevin Boyle advised that Gerry Storms is working with Passaic County as they begin their long-planned project to build a new salt shed. He advised that the tax collection department is now accepting on-line payments. He noted that Township officials were aware of the issue with Trinity Recycling and payments they owe the municipality, he received a letter from them this week, and the matter is being addressed. The Township will begin the process of migrating the transportation program to an outside entity and he recently met with Keith Knudsen and representatives from New Jersey Transit. The request for proposals is being drafted and he thanked NJ Transit for being so helpful. The public hearing for the rehabilitation of the Highcrest bridge was held yesterday and he and Keith Knudsen attended in Kinnelon. This will be a lengthy process and he will keep the governing body apprised as it evolves. He attended a CDBG grant meeting with the Mayor, Engineer and GIS Specialist where they learned that the next round of applications will be received soon. He stated that he reviewed the Police Chief's request for staffing, researched the matter and spoke with the Chief. He does not recommend putting recruits in the academy at this time and suggested that the Council may wish to revisit this matter after the budget process. He advised that the Township has been notified that West Milford received bikeway grant funding and the matching appropriations will be discussed in the budget process. He directed Council to a memo from the Engineer and DPW Superintendent updating them on the clean-up in UGL. The estimated cost to do the clean-up requested by Councilman Weisbecker is \$24,000 per week. He stated that this expenditure would be a hardship in light of the budget constraints noting that the snow budget is already severely depleted. He also expressed concern that if this project were to be approved by Council, it would set a poor precedent. He noted that, when federal stimulus funds become available, shovel-ready projects will be considered in the initial round.

Council President Smolinski asked the Administrator to research the Gordon Lake basins and provide Council with an update.

Councilman Nolan asked the Administrator to research potential grant funding for generators noting that the newspaper reported last week that Little Falls received such funding.

Councilwoman Lichtenberg advised that the food drive continues and she urged people to be generous. She is in Town Hall every Thursday from 10 a.m. to noon and available to residents.

Councilman Weisbecker stated that the ice storm in UGL was a catastrophic act of God. He asked the Administrator to confer with our insurance provider to ascertain if they would provide any coverage for a clean-up.

Mayor Bieri stated that tax payments can now be made on-line. There is a fee for credit cards but none for debit cards. He commended the Township Engineer who was aware of the issue with Trinity Recycling and has been addressing the matter. The Township received Highlands funding for the initial assessment and is now applying for funding for the next round which is the conformance plan. The Township received \$200,000 in bikeway grant funding and is seeking grant initiatives to improve the railroad trestle at Canistear Road. Township staff will also seek second round funding for the Lincoln Road sidewalk project.

Township Attorney, Fred Semrau asked that the executive session discussions of the Czuj and MUA matters be deferred to next week. He advised that there may be action after executive session.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XI

Appointments and Resignations

Recycling Committee

Councilman Weisbecker nominated of Elfrieda Liebenstein, Ada Erik, James Novack, Council President Smolinski nominated Alice Hart and Celeste Byrnes to the Recycling Committee. Close and confirm.

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

Beautification Committee

Councilman Weisbecker nominated Renee Alessio, Susan Pappas to the Beautification Committee. Close and confirm.

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

Councilman Schimmenti asked that nominations to the MUA be deferred to the next meeting.

Agenda No. XII

Executive Session

Mayor and Council went into Executive Session at 11:57 p.m.

~ Resolution No. 2009- 085~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 28th day of January, 2009 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.
 - Contract Negotiations – Program Facilities
 - Contract Negotiations – Hillcrest Lease
 - (X) b. (8) Personnel matters.
 - ~~Personnel – Czuj v. Township of West Milford (OAL Docket No. CSVLW-3814-2008N)~~
 - Personnel – Hardin Matter
 - () 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 28, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

The Council resumed the meeting in public at 12.38 a.m. on January 29, 2009 with all present as before.

~ Resolution No. 2009- 087~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, WITHDRAWING THE FILING OF AN INVOLUNTARY DISABILITY RETIREMENT APPLICATION FOR CAPTAIN DAVID HARDIN

WHEREAS, pursuant to Resolution 2008-191, the Township filed an involuntary disability retirement application for Captain David Hardin; and

WHEREAS, the Township Administration now recommends that the Township withdraw the involuntary disability retirement application on behalf of Captain David Hardin, of the Township of West Milford Police Department with the New Jersey Police and Firefighters Retirement Systems; and

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 Administrator is hereby authorized to execute the withdrawal for involuntary disability retirement with the New Jersey Police and Firefighters Retirement System.

Adopted: January 28, 2009

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

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:40 a.m. on January 29, 2009.

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

Approved: April 1, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK