
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 11

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 Joseph Smolinski, Salvatore Schimmenti,
Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: Councilmembers Philip Weisbecker, Robert Nolan.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau.

Agenda No. I

Reading of or Approval of Unapproved Minutes

None.

Agenda No. II

Presentations

Music in Our Schools Month / Youth Art Month – Mayor Bieri invited Austin Valleys, the music superintendent, and Dr. Joanne Schaper to make a presentation to the Council. Mr. Valleys stated that the High School students just finished their production of the musical “The Boyfriend” and the Macopin school students are preparing for their production of “Bye Bye Birdie”. The West Milford High School band will participate in the annual St. Patrick’s Day parade in New York again this year. He introduced Tim Canally and Melissa Townsend who sang a song from “Bye Bye Birdie”. Mr. Valleys and Dr. Schaper thanked everyone for their support and commended the talented students in West Milford schools.

Agenda No. III

Proclamations

National Poison Prevention Week – Mayor Bieri noted that there is no one in attendance tonight to accept this important proclamation. However, it will be mailed tomorrow and she read it aloud.

Agenda No. IV 1

Unfinished Business, Final Passage of Ordinances

~ Ordinance No. 2009- 003~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING THE DEDICATION OF LAUREL HOLLOW ROAD FOR USE AS A PUBLIC STREET

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

1. The following street having been dedicated to the Township of West Milford by the making and filing of maps is hereby accepted as a public street:
Laurel Hollow Road, as shown on field Map #3479 dated December 21, 2001 and filed Map #3528 dated March 3, 2005 for the Final Subdivision of Phase 1 and 2 of Laurel Hollow Final Subdivision.
2. The Township Clerk is hereby authorized and directed to publish notice of the adoption of this Ordinance as provided by law and to file a certified copy of this Ordinance in the Office of the Passaic County Clerk as provided by law.
3. In accordance with applicable law, the owner has posted a maintenance bond in an amount and terms acceptable to the Township.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 11

INTRODUCED: February 11, 2009
ADOPTED: March 4, 2009
EFFECTIVE DATE: March 24, 2009

Mayor Bieri noted that this Ordinance was introduced on February 11, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

There being no comments from the public, Councilman Smolinski made a motion, seconded by Councilman Lichtenberg, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. IV 2

~ Ordinance No. 2009- 004~

AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 100, ENTITLED "CERTIFICATE OF HABITABILITY (COH)"

ORDINANCE DEFEATED

Mayor Bieri noted that this Ordinance was introduced on February 11, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Mr. Semrau stated that Councilwoman Lichtenberg advised him that the committee reviewing this ordinance has recommended some changes be made. Therefore, the Council may wish to consider tabling this ordinance to allow for the incorporation of those changes.

Pat Restaino, 108 Timber Lane, West Milford stated that he is glad that this ordinance is being revised. Although there are a lot of good features in the ordinance, it is deficient in certain areas. He recommended that multiple dwellings and commercial properties should be subject to inspections but non-commercial buildings owned by regular homeowners not making a profit from the property should not be subject to this ordinance. The process, he stated, is already over-regulated. When selling a home, one must deal with realtors, inspectors, lawyers, banks and appraisers. This ordinance simply adds another layer of bureaucracy and places an undue burden on homeowners. Section 100-2 of this ordinance causes hardship for those homeowners who will be held responsible for conditions that existed prior to changes in the laws. There is a provision in the ordinance that gives people the right to a hearing. However, it does not clarify the process to be used in such hearings. Section 100-17 also places an undue burden on homeowners and forces them to upgrade certain conditions to standards that did not exist at the time of construction or purchase. He stated that commercial businesses continuously violate the current laws without any punishment. This ordinance is touted as providing protections to buyers in a process that is already overregulated. The ordinance, in his opinion, is too objective and some consideration should be given to the taxpaying homeowners.

Jim Novack, Larchmont Drive, West Milford stated that he disagrees with the previous speaker. Vernon Township has had similar legislation in place for some many years now and he has personal experience with their legislation. This ordinance would uncover updates were completed without the necessary permits which will ultimately protect the Township and ensure that the tax rates are properly and uniformly calculated. In West Milford, some older houses have never had an inspection and some are in such disrepair that they are hazardous. This ordinance provides tax equity for all residents, ensures that Township records are accurate, and provides for greater safety for all residents. He encouraged the Council to vote in favor of this ordinance.

Mr. Barbieri, Morsetown Road, West Milford stated that this ordinance is another burden on the taxpayers. He questioned where the bureaucracy will end asking if the Council will eventually want to inspect every house in West Milford. He stated that the building department, as currently staffed, will not be able to handle this workload and this will result in the need to hire additional staff. The Council should be looking to cut costs, not to increase the burden on the taxpayers.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 11

Robert Bishop, 765 Macopin Road, West Milford stated that he purchased one of the oldest houses in West Milford. He described the timber and frame in the house and provided a brief history of its existence and residents. It would be impossible for anyone to bring a house like that up to code and this ordinance does not make provisions for such historic structures. In his opinion, this ordinance is an infringement on citizen's rights at a time when people are already overburdened. His house is his home and this ordinance should be defeated.

Ian Caplan, 759 Macopin Road, West Milford stated that he emigrated from Russia and purchased his home in 1980. This ordinance and our continued penchant for legislating every action reminds him of old Russia which had too many rules. Residents are not hiding anything and the Township should not interfere in the real estate business. If a person acts irresponsibly during a real estate transaction, it is not the Township's place to interfere. If the Township enacts this law, will funding be set aside for people who are compelled to make corrections? A Council member was quoted as saying this ordinance will generate revenue for the Township. The taxpaying residents are already overburdened and he asked Council to defeat this ordinance.

Mr. Barbieri, Morsetown Road, West Milford sought to add a comment to his prior statements and Council gave consensus for him to speak again. Mr. Barbieri stated that the cost of this ordinance is too high and he questioned why property owners have to pay more money. He asked the Council to defeat this ordinance.

There being no further comments from the public, Council President Smolinski made a motion, seconded by Councilwoman Lichtenberg, to close this public portion of the meeting. Approved by unanimous roll call vote.

Council President Smolinski made a motion, seconded by Councilwoman Lichtenberg to place this ordinance on the table for discussion.

Discussion: Mr. Semrau thanked residents for their comments noting that many good questions were presented by the speakers. In reply to Mr. Restaino, Mr. Semrau advised that the ordinance states that standards are "applicable" and this term is important because many items become "grandfathered" as a result. This ordinance will ensure that all open permits in the Township are satisfactorily closed out before the transfer of title. When work is done with the proper permits, there are inherent "grandfather" clauses in the construction codes governing such work. Additionally, the ordinance provides for an appeals process. There is a non-liability clause in the ordinance because the Township cannot guarantee any work done but the ordinance provides the buyer that work was done in compliance with construction codes.

Mayor Bieri invited the Land Use Administrator, Dorrie Fox, and the Construction Official, Tim Ligus, forward to address the Council. Mr. Ligus advised that many provisions in the ordinance are preliminary and subject to change as the process evolves and becomes streamlined. The ordinance requires visual inspections and comparisons to the tax assessor's cards. If the visual inspection reveals that work was done without a permit, the homeowner will take out a permit and the work will be inspected. This ordinance will not result in the hiring of additional personnel. He reiterated that the inspection is visual, not structural. Structural issues with any building are disclosed during a home inspection. The fees associated with the ordinance are being recommended to cover the costs related to the ordinance. Ms. Fox stated that she is recommending certain changes to the ordinance. A primary benefit to this ordinance is that it will allow for the creation of a data base which, over time, will ensure the accuracy of Township records for all properties in the municipality. In her opinion, this ordinance will ultimately benefit both buyers and sellers.

Mayor Bieri acknowledged that the inspection is visual and asked if a provision can be made for persons who unwittingly purchased a home that was upgraded without the proper permits. The staff agreed to research this further. Mayor Bieri asked if consideration was given to limiting the number of inspections for rental units. Ms. Fox advised that she has had a number of lengthy discussions with Mr. Caplan on this topic and he has raised a number of good points. Currently, the ordinance states that the inspection is good for six months but is non-transferable. She recommends removing the "non-transferable" language. She reviewed the process which begins with a visual inspection by the fire marshal who will then advise the construction official should any issues arise.

Council President Smolinski recalled that someone commented that this inspection could stop or delay a closing. This, he said, is a concern because the intent of this ordinance was to protect residents not to hinder them. Perhaps this legislation moved too fast and he recommended that a brake be applied at this time to allow for this to be reviewed again. Tonight's discourse indicates that the process works because it has brought many questions to light. People are concerned that they may have inherited problems as a

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 11

result of another's negligence. He thanked everyone for their comments and asked that this ordinance be tweaked to provide for the health & safety of persons & property as originally intended. Councilman Jurkovic agreed. He relayed an anecdote about a scenario that occurred some years ago. A person purchased a property that shortly thereafter burned to the ground. It was discovered that the previous owner had done some electrical wiring without obtaining permits and the wiring was faulty. While this ordinance is not perfect and it would not catch faulty wiring, it would disclose that work was done without a permit. He acknowledged the concerns expressed by residents and also sees the benefits of this legislation. With some revisions, this ordinance will benefit residents.

Councilwoman Lichtenberg stated that, as a general rule, realtors check municipal records when listing a home. She supports this ordinance and thanked the Township officials who spent a considerable amount of time working on this. She thanked residents for their comments and ideas and she stated that she will continue working on this ordinance. This ordinance is intended to provide for the safety of our residents and improve the community. Mayor Bieri also commended the staff and the committee that worked on this ordinance. She asked the Council for direction for the staff on this matter. Council President Smolinski stated that this ordinance requires further review and he asked that staff continue to work on revising it. Councilman Jurkovic agreed stating that it is important to ensure that homeowners are not unwittingly punished for conditions that existed when they purchased their homes. The Council also instructed that staff clarify the appeals process.

Recognizing the direction of the Council, Mr. Semrau stated that tabling the ordinance may lead to confusion. He suggested that the Council may wish to make a motion to defeat the ordinance tonight with the intent of reintroducing the ordinance after the proposed changes have been incorporated.

Councilman Smolinski made a motion to defeat ordinance 2009-004. Mr. Semrau clarified that a yes vote would be a vote to defeat the ordinance.

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

Agenda No. V

Public Comments

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

Pat Restaino, 108 Timber Lane, West Milford thanked the Council for defeating the COH ordinance tonight. He stated that he received a free copy of the ordinance in the Clerk's office but would like to see ordinances posted on-line between introduction and adoption.

Ada Erik, Macopin Road, West Milford stated that she attended a recycling meeting today in Morristown as did Bill Messmer. At that meeting, she spoke with a representative from Waste Management who told her that Township officials had not contacted his company to discuss the garbage and recycling contracts. At the meeting, she learned from the DEP representative that, as of March, the State will require that all recycling containers be covered and West Milford is not in compliance. She stated that, in her opinion, our professionals are not doing their jobs and volunteers are more productive.

Doris Aaronson, 19 Bearfort Road, West Milford has received federal funds to offer free tuition to qualifying vets.

Peter Bremy, Macopin Road, West Milford stated that the COH ordinance is not intended to stop a closing but failure to have a fire inspection can stop a closing from taking place. He stated that when he served as a firefighter in Wayne he witnessed a fatality as a result of a deck collapsing. Homeowners are required to disclose information about the property they are selling and this ordinance will ultimately cause increased property values in West Milford.

John Fletcher, 58 Kennedy Road stated that he was at West Milford Lake when they cut the dam. He asked why the fire department was not notified that the lake was to be drained. He stated that as a result, the homeowners in that area no longer have any protections. He would like to see this lake become part of West Milford's park system. He urged the Township to step in and assume ownership of this eyesore.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 11

and to look into the circumstances surrounding Mrs. McKinnon. She stated that West Milford lake is privately owned although it is on the Township's open space list. Discussions have been ongoing with the new property owner and there are still outstanding issues. She suggested that the Council may wish to have the planning board engineer present when the owner comes before the Council. She acknowledged Mr. Foody's concerns and advised that Township officials reviewed this matter and visited the site with Mr. Foody last year. This matter is solely within the jurisdiction of Passaic County and the DEP.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Council President Smolinski made a motion seconded by Councilman Schimmenti to move the following resolutions as one: 2009-111, 2009-112, 2009-113, 2009-114, 2009-115.

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

Agenda No. VII 1

~ Resolution No. 2009- 111~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO CHARLES J. FERRAIOLI, JR. OF THE FIRM FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR PROFESSIONAL FINANCIAL SERVICES

WHEREAS, the Township of West Milford appointed Charles J. Ferraioli, Jr. of the firm Ferraioli, Wielkatz, Cerullo & Cuva, P.A. to represent the Township as Township Auditor; and

WHEREAS, by virtue of resolution no. 2009 – 061, \$50,000 was appropriated to compensate for these professional financial services; and

WHEREAS additional services are anticipated to represent the Township for the sale of Township Notes; and

WHEREAS, it is anticipated that an additional \$7,500 will be needed to proceed with these matters; 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 until the completion of the above referenced matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number Various Capital Accounts Under "Section 20" of the State of New Jersey Local Bond Law.

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 amend the contract with Charles J. Ferraioli, Jr. of the firm Ferraioli, Wielkatz, Cerullo & Cuva, P.A. for an amount not to exceed \$7,500.00; and

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain 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: March 4, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 11

Agenda No. VII 2
~ Resolution No. 2009- 112~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO HAWKINS, DELAFIELD, & WOODS, SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR BOND COUNSEL SERVICES

WHEREAS, the Township of West Milford appointed Hawkins, Delafield, & Woods to represent the Township in professional bond service matters; and

WHEREAS, by virtue of resolution 2009-062, \$7,500.00 was appropriated to compensate for these legal services; and

WHEREAS, additional services are anticipated to represent the Township for the sale of Township Notes; and

WHEREAS, it is anticipated that an additional \$4,300 will be needed to proceed with these matters; 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 until the completion of the above referenced legal matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number Various Capital Accounts Under "Section 20" of the State of New Jersey Local Bond Law.

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 amend the contract with Hawkins, Delafield, & Woods for an amount not to exceed \$4,300.00; and

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain 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: March 4, 2009

Agenda No. VII 3

~ Resolution No. 2009- 113~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF DIESEL FUEL THROUGH 2008 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL-CONTRACT #2-FINCH FUEL OIL COMPANY, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MoCCP); and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded the Contract for Diesel Fuel, for the 2009 year to Finch Fuel Oil Company, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Diesel Fuel in 2009; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase gasoline through Morris County Cooperative Purchasing Council, Contract #2 for Diesel Fuel in an amount not to exceed \$180,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 9-01-31-460-200.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 11

1. The Township Council hereby authorizes the Township Engineer to purchase Diesel Fuel, in an amount not to exceed \$180,000, through Morris County Cooperative Purchasing Council Contract #2 for Diesel Fuel awarded to Finch Fuel Oil Company, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: March 4, 2009

Agenda No. VII 4

~ Resolution No. 2009- 114~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING SENATE BILL 445, "TRANSPARENCY IN GOVERNMENT ACT"

WHEREAS, the clamor of eliminating waste, fraud and abuse is often stated, but rarely addressed and efforts to do so are nearly impossible; and

WHEREAS, transparency in government is necessary to identify State spending and where State taxpayer dollars are going; and

WHEREAS, a State public finance website which would retain and display data and information on the State's annual revenues, expenditures and total bonded indebtedness is necessary; a user-friendly source of information to track State revenues and expenditures and to gauge its past and present levels of indebtedness; and

WHEREAS, the State website would include information such as contractual service purchases, salaries and wages, gifts and grants and bonded obligations and must be accessible to the public no later than 45 days following the close of each fiscal year; and

WHEREAS, a bi-partisan approach to improving transparency, identifying waste and eliminating abuse at each level of State government and the establishment of the Public Finance Transparency Committee would facilitate the organization, development and maintenance of the website; and

WHEREAS, Senator Joe Pennacchio has introduced S-445 the "Transparency in Government Act," to establish such aforementioned State public finance website and Public Transparency Committee; and

NOW, THEREFORE, BE IT RESOLVED that we voice our support of bill S-445, the "Transparency in Government Act," and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Governor, Senate, President, Members of the 26th Legislation District and our sister municipalities.

Adopted: March 4, 2009

Agenda No. VII 5

~ Resolution No. 2009- 115~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2009-026 APPOINTING MEMBERS TO THE EMERGENCY MANAGEMENT COUNCIL

WHEREAS, at the annual reorganization meeting of the Township Council on January 1, 2009, the Governing Body did appoint members to the Emergency Management Council (EMC) by virtue of resolution 2009-026; and

WHEREAS, the Township Administration has recommended that the appointments to the EMC be made by title to ensure continuity of the EMC and to allow for uninterrupted efforts by this Council regardless of vacancies created from time to time in various titles; and

WHEREAS, the Emergency Management Council shall consist of up to 13 persons.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, New Jersey, that it hereby appoints the following members by title to the Emergency Management Council:

Telecommunications Systems Analyst
Fire Commissioner
Health Officer
Public Works Director

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 4, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 11

Agenda No. IX

Approval of Expenditures

None.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Jurkovic stated that the Council received a copy of a Clifton resolution asking the Governor to fully fund property tax reimbursements for seniors and the disabled. He asked for Council consent to have a resolution prepared for Council consideration at the next meeting supporting such a request. He advised that the Cable TV Committee has been working diligently and he expects their report will be submitted to Council by the end of the month.

Council President Smolinski stated that Gail Anderson reported at the Senior Advisory Committee meeting today that there is an energy assistance program available that will help subsidize heating and/or cooling bills for qualifying persons. He encouraged seniors to contact Ms. Anderson for more information and to learn about income requirements.

Councilwoman Lichtenberg stated that the national honors society is hosting a fundraiser this Friday at the high school to benefit the animal shelter. She will be at town hall on Thursday for 10 until noon and Scott Garrett will also have a representative here this week.

Mayor Bieri stated that the Township received a number of thank you notes comending staff members of late. Bill Messmer, Cathy Shanahan, Gail Van Hook, the police department and Brian Jenkins were all mentioned in various letters. On behalf of the animal shelter, she thanked the public for their support especially in recent weeks when the shelter was taking care of a number of animals that were the subject of an ASPCA intervention. She stated that the Township Council and the Board of Education (BOE) have each established committees to work on the hillcrest lease. She asked if the Council would be interested in considering a resolution requesting amendements to binding arbitration laws to which Council President Smolinski responded that the Council would like more information. Mayor Bieri stated that the subject of binding arbitration is a constant topic of discussion at Mayor's meetings.

Administrator Kevin Boyle stated that he will be presenting Council with a resolution next week to authorize the sale of notes to fund 2007 and 2008 capital projects. He has met with staff and earmarked \$300,000 worth of projects to be cut. For the most part, West Milford has bonded for \$1 to \$3 million but in 2007 the Council authorized over \$7 million in capital projects. Staff has been instructed to be very selective with capital requests in this budget cycle. He advised that Trinity Recycling has begun submitting payments in accordance with their agreement. He stated that the streetscape conceptual plans were presented to the Planning Board at their meeting last week. The Mount Laurel skate park will be installed soon and the engineering department is designing the roller hockey rink. He advised that West Milford is an urban target area for the live where you work program and he will be sending more informaton to Council.

Township Attorney Fred Semrau stated that West Milford along with other Passaic County municipalities were sued by Paterson about revaluation of properties. A conference with the court has been scheduled for next week and he will report back to the Mayor and Council. He may ask for the authority to counter claim against Paterson because there has been discussion about the significant number of years wherein Paterson did not conduct a revaluation and contribute fairly to the county tax base. A court date is being scheduled for May in the Valley Ridge tax appeal case.

Agenda No. XII

Executive Session

~ Resolution No. 2009 - 118 ~

NUMBER NOT USED

Agenda No. XI

Appointments and Resignations

Councilman Schimmenti nominated Edward Rosone to Citizen Member and Phil Pirro as Alternate #2 on the MUA. Councilman Jurkovic made a motion to close and confirm.

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