
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 17, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 24

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

Adequate Notice Statement

Mayor Bieri read the following statement:

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

Pledge of Allegiance

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

Roll Call

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

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the January 6, 2009 Workshop Meeting minutes as presented:

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

Agenda No. II

Proclamations

Mayor Bieri read a proclamation for Parkinson's Disease Awareness Month into the record and advised that the original will be mailed from the Clerk's office.

Agenda No. III

Presentations

Beautification Day Design Awards - Mayor Bieri invited the Township Recycling Coordinator, David Stires, to join her at the podium to present awards to local school children who participated in the annual t-shirt design contest for Beautification Day. Mr. Stires commended the school's art teacher who encouraged the students to participate. He invited the four finalists, the school principal, the art teacher and members of the Beautification Committee to join him at the podium. He showed the art work of the three finalists, Megan Chiovaro, Jason Vlavidnos and Regis Mahoney and unveiled Ian Poelzing's winning design which appears on this year's t-shirt. Mr. Stires thanked all the students and teachers who make this event possible and acknowledged their talents. He stated that this year's Beautification Day will focus on picking up recycling material. The event will be held on April 24th with a rain date of April 25th and will be followed with a picnic at Bubbling Springs at noon. Mayor Bieri stressed the importance of this event and encouraged residents to participate.

Agenda No. IV

Unfinished Business, Final Passage of Ordinance

Agenda No. IV 1

~ Ordinance No. 2010-001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 297, SECONDHAND PRECIOUS METALS, DEALERS IN

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

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SECTION 1. The West Milford Township Revised General Ordinances are hereby amended and supplemented with the addition of Chapter 297, "Secondhand Precious Metals, Dealers In", to read as follows:

CHAPTER 297 SECONDHAND PRECIOUS METALS, DEALERS IN

§297-1 Definitions.

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

DEALER- Any person, partnership or corporation, who through any means, buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

MINOR- Any person under the age of 18 years.

§297-2 Registration and license required; fee.

Each dealer conducting business within the jurisdiction of the Township of West Milford shall first register with the Chief of Police, who shall investigate the applicant, and shall obtain a license from the Township Clerk by paying a fee of \$25.

§297-3 Records of purchases and sales required.

Each dealer shall maintain a complete record of each purchase and sale including the amount paid, indicating the name, residence, occupation, age and description of the person from whom the items were purchased, received or sold. These records shall be subject to the inspection of any authorized police officer of the Township of West Milford.

§297-4 Description of transactions to be delivered to Police Chief.

Each dealer doing business in the Township of West Milford shall deliver to the Chief of Police the description of all items purchased, received or sold, within 72 hours of the completion of the transaction, on forms prescribed by the Chief of Police.

§297-5 Holding time for purchased items.

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received within ten (10) days from the date the notification is made to the Chief of Police, and all such items shall remain on the premises where the purchase was made for at least ten (10) days.

§297-6 Identification of persons transacting business with dealers.

Each dealer must require identification of the person with whom it is transacting business and no transaction may be made with any minor, as hereinabove defined.

§297-7 Violations and penalties.

Any person as defined above who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or both, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

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: March 3, 2010
ADOPTED: March 17, 2010
EFFECTIVE DATE: April 6, 2010

Mayor Bieri advised that this Ordinance was introduced on March 3, 2010. The second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for March 17, 2010. She opened the meeting to the public to speak on this matter only.

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

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

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Voted Nay: None.
Motion carried.

Agenda No. IV 2

~ Resolution No. 2010-052 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PROFESSIONAL INSURANCE ASSOCIATES, INC. TO SERVE AS RISK MANAGEMENT CONSULTANT FOR THE TOWNSHIP

WHEREAS, the Township of West Milford is a member of the Morris Joint Insurance Fund (MJIF); and

WHEREAS, the West Milford Insurance Committee has recommended that the Township of West Milford retain professional risk management services; and

WHEREAS, the Professional Insurance Associates, Inc. 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 Professional Insurance Associates, Inc. from making any reportable contributions through the term of the contract; and

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

1. The Township Mayor and Township Clerk are authorized to execute an agreement with the Professional Insurance Associates, Inc., with offices located in Carlstadt, New Jersey to serve as the Township's Risk Management Consultant from April 1, 2010 through December 31, 2010.
2. Compensation for the provision of these services shall be at 5% of the assessment premium prorated for the term of the contract.
3. Compensation shall be made to the Professional Insurance Associates, Inc. through the Morris Joint Insurance Fund pursuant to their customary payment schedule, as is standard practice in the industry.
4. The Township Commissioners to the Morris Joint Insurance Fund shall keep themselves apprised of these payments by virtue of the regular payment of bills which are authorized and approved at the regular meetings of the MJIF.
5. This resolution shall take effect immediately.

Adopted: March 17, 2010

Discussion: Council President Smolinski asked about the waiver of fees for these services and Councilman Jurkovic expressed concern that, based on a letter the Council received earlier today, such a waiver is not allowed. With that in mind, he contacted Mr. Covelli today who stated that, in lieu of the fee waiver, he is willing to accept a 5% fee rather than the 6% generally charged by Risk Managers. When questioned about the best course, the Township Attorney recommended the lower percentage fee rather than waiving fees for certain time frames. Councilman Nolan stated that he is a member of the Insurance Committee. He recapped Insurance Committee meetings where both Mr. Covelli and Mr. Vozza made presentations to the Committee and recalled that both gentlemen came before the Council at the last meeting. It is apparent that Mr. Vozza represents municipalities that are currently enrolled in the Morris JIF while Mr. Covelli does not. The 1% reduction in fees being offered by Mr. Covelli equates to a savings of \$8,000. However, he said, Mr. Vozza put together a proposal whereby the Township's fire departments and first aid squads would cumulatively save \$25,000 by changing their carrier while getting greater benefits. In his opinion, Mr. Covelli did not present a compelling reason to change Risk Managers and it appears that he plans on doing less work than Mr. Vozza. He stated that Mr. Vozza originally became the Risk Manager by approaching the Insurance Committee and he did all the work to provide information and get quotes for the Morris JIF. Having served on the Insurance Committee for years and recognizing that Mr. Vozza has done an excellent job reducing claims and filling the Township's needs, he does not recommend this change and cannot understand the reasoning behind it.

Councilwoman Lichtenberg stated that the Township's contract with the Morris JIF ends this year and, in her opinion, Mr. Vozza's tenure should mirror that of our JIF membership. Additionally, she said, the Insurance Committee is a bi-partisan committee which made a unanimous recommendation that the Council retain the services of Mr. Vozza. Thus, she supports this recommendation. Councilman Jurkovic stated that he has served on Council for 1.5 years and in that time has not received communications from Mr. Vozza until there was competition for this position. He favors Council seeking alternatives and

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believes that it is in the Township's best interest to have a new set of eyes. He stated that Mr. Covelli represents Carlstadt and Rutherford, towns with which Councilman Jurkovic has familiarity. He stated that Rutherford retained Mr. Covelli during periods when they restructured many areas of their operations. Councilman Nolan stated that there is a benefit to retaining professionals who have consistently provided quality services, as has been done with bond counsel and the auditor. He explained the inner workings of joint insurance funds and that the Township's premiums are based on associated risk. As a municipality improves and claims lessen, the Township benefits in the form of dividends. Workers' compensation claims have dropped since Mr. Vozza was hired in this capacity and Mr. Covelli did not offer additional services. Council President Smolinski stated that the Council is not dissatisfied with Mr. Vozza but he believes that competition is good. He appreciates the work done by Mr. Vozza and is confident that Mr. Covelli will pick up from there. Councilman Weisbecker agreed adding that Mr. Covelli would have performed comparably to Mr. Vozza had he been the risk manager for the past three years. However, he was not satisfied when Mr. Vozza would not reduce his compensation as Mr. Covelli did.

Mayor Bieri stated that there is a difference between offering free service to secure a position as opposed to relying on having already providing quality services as Mr. Vozza has done. Mr. Vozza performed preliminary work for the Township which resulted in significant savings and improvements. The Insurance Committee recommended retaining Mr. Vozza as Risk manager because of the quality of services he has proven able to provide. The Council never invited him to make a presentation and he rightly worked with the Administrator to serve the Township.

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

Doris Aaronson, 19 Bearfort Road, West Milford congratulated Mayor Bieri and Administrator Boyle on devising creative ways to cut the municipal budget. Governor Christie, she said, has stated that municipalities that cut budgets will get state aid. She stated that the West Milford Democratic Club will host a meet & greet with the Board of Education candidates on April 6th at 7 p.m. at Joey's restaurant. The venue will be informal and provide an opportunity to meet the candidates and discuss issues with them. She stated that a member of the Republican organization recently reported the Democratic club to the state inaccurately stating that they were politicizing an informational session being offered to educate residents about the census and that entire process. She stated that the event was not partisan but was intended to benefit West Milford residents. She wished everyone a Happy St. Patrick's Day.

Jim Novack, 53 Larchmont Drive, West Milford stated that he has been accused of attacking DPW staff for snow removal. He said that he did not attack individual DPW workers. However, he did question the actions of supervisors and the administration. He questioned the need to have employees work in excess of 67 hours as asserted by the Administrator and he asked for a legal opinion about the ramifications of such practices. He stated that, in his opinion, it is dangerous to have people work for such long stretches and it creates a liability for the Township. He commended the DPW for doing a great job street sweeping. He urged the Council to participate in Beautification Day and advised that sponsors are needed for this event.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that "rebating" is illegal in the insurance industry. He further explained that this means that it is illegal for a potential contractor to waive a commission fee if appointed to the position of risk manager. He stated that Mr. Covelli proposed this to the Township and Mr. Vozza simply pointed out that this cannot be done. Yet again, he said, Mr. Vozza acted in the best interest of West Milford. He stated that there is a stark contrast in the quality of services being provided by Mr. Covelli as compared to that provided by Mr. Vozza and this is why the Insurance Committee recommended Mr. Vozza.

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

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

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Agenda No. VII

Council Comments
None.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2010-002 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows.

§135-10 Alcoholic beverage licenses.
Reference Chapter 63, Alcoholic Beverages, Article II, Licensing; Regulations.

- A. The annual fees for the sale or distribution of alcoholic beverages in the Township shall be as follows:
- | | |
|---|----------|
| (1) Plenary retail consumption license: | \$550.00 |
| (2) Club license; | \$165.00 |
- B. Transfer of license fees. The fees to transfer a liquor license, per the Division of Alcoholic Beverage Control of the State of New Jersey, shall be as follows:
- | | |
|---|---------|
| (1) Transfer of plenary retail consumption license: | |
| (a) Person to Person Transfer | \$55.00 |
| (b) Place to Place Transfer | \$55.00 |
| (2) Transfer of club license: | \$16.50 |

§135-11 Amusements.
Reference Chapter 67, Amusements, Article I, Coin-Operated Amusements Devices.

- A. Coin-operated amusement devices. The annual license fee for each amusement game, device or machine shall be payable in advance for the calendar year in which issued, and shall be as follows:
- | | |
|---|---------------------------------|
| (1) One to seven machines: | \$70.00 per machine |
| (2) Each machine between eight and 25 machines: | \$50.00 per additional machine |
| (3) Each machine between 26 and 50 machines: | \$25.00 per additional machine. |
- B. Arcades. In addition to the foregoing license for the machines, there shall be an annual license fee for each arcade in the amount of \$200.00 payable in advance for the calendar year for which it is issued, which shall be required for any store, building or place wherein the public is invited or where the public may enter and wherein more than seven but less than 51 amusement games, devices, or machines are located.

§135-19 Garage sales.
The fee for a garage sale license issued pursuant to Chapter 174, Garage Sales, is \$10.00

The fee for additional Garage Sale Signs if \$1.00 each.

§135-21 Licensing, general.
The fee to transfer a license issued by the Township in accordance with Chapter 203, Licensing, General, from place to place shall be \$25.00.

§135-22 Municipal Building.
The fee for a permit to use the Municipal Building or the Municipal Building grounds as described in Chapter 220, Municipal Building and Grounds, Use of, is \$50.00

§135-27 Poolrooms and billiard rooms.
In accordance with Chapter 274, Poolrooms and Billiard Rooms, the annual license fee for each pool or billiard table located upon the premises to be licensed shall be \$75.00.

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§135-36 Taxicabs.
In accordance with Chapter 353, Taxicabs, the following fees apply:

- A. Taxicab owner's license. The annual license fee per vehicle shall be \$100.00
B. Taxicab driver's license.
(1) The application for an initial taxicab driver's license shall be accompanied by a fee of \$50.00 for the initial license period.
(2) The fee for the renewal of a taxicab driver's license is \$50.00

§135-17 Fire Prevention.
Reference Chapter 152, Fire Prevention.

- C. Annual inspection fees. In addition to the registration fees required pursuant to the Uniform Fire Code, the following additional annual fees shall be required for annual inspections except that the fees established pursuant to this section shall not be assessed against life hazard uses:

Table with 2 columns: Occupancy (square feet) and Fee. Rows include categories like 'Up to 999', '1,000 to 4,999', '5,000 to 9,999', '10,000 to 14,999', and '15,000 and over' with corresponding fees.

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

INTRODUCED: March 17, 2010

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

Mayor Bieri advised that this ordinance is being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for April 21, 2010.

Agenda No. VII 2

~ Resolution No. 2010-111 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING SENATE BILL S-458

WHEREAS, Senate Bill 458 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county; and

WHEREAS, Senate bill 458 does not give the municipality any option if the county voters cast a majority to consolidate; and

WHEREAS, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community's senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money; and

WHEREAS, Senate Bill 458 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal without giving the public the opportunity to review and comment on the proposed master plan; and

WHEREAS, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction; and

WHEREAS, it is the municipality's responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents; and

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WHEREAS, current statute provide for the reserve for uncollected taxes to be included in the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey that it hereby opposes the passage and enactment of Senate Bill 458; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Senate President Stephen Sweeney, Senator Jeffrey Van Drew, Chairman of the Community & Urban Affairs Committee and Senator Joseph Pennachio representing this district as a sign of our opposition to this proposal.

Adopted: March 17, 2010

Discussion: Councilman Nolan stated that he does not favor this resolution. He stated that unless government entities begin to share services, New Jersey residents will never see taxes level or decrease. The Township budget appropriates \$524,000 this year for collector and assessor and he believes that these services can be provided by County government. Councilman Jurkovic agreed that consolidation of services will result in savings. However, he expressed concern with this bill because transferring these specific services to the County of Passaic will place West Milford residents at a disadvantage because they would have to travel to Paterson which is quite a distance. Additionally, if health services were unilaterally transferred to the County he would be concerned by their lack of experience in dealing with septic and wells. Mr. Semrau stated that he works with many tax assessors in many communities. Municipalities in Gloucester County sent all tax assessor functions to the county and after one year of these consolidated services they have experienced many problems including an inability to get online. If the assessor's office were to move to the county, the county assessor would have to know West Milford neighborhoods. Tax appeals would be handled through the county offices. Councilman Ramaglia expressed concern about Passaic County having the resources and knowledge to handle this workload. He would like to see a detailed plan before endorsing any such move. Council President Smolinski agreed and added that West Milford does not have a positive track record of working well with Passaic County as was evidenced most recently with the wastewater management plan. The Township, he said is willing to entertain shared services especially with neighboring communities. He acknowledged that residents have clearly expressed a desire to retain engineering and health through local means. In light of that, he is not willing to turn these departments over to the County and he urged the Council to be consistent.

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

Agenda No. VII 3

~ Resolution No. 2010-112 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) FOR THE CREATION OF A TRAILS MASTER PLAN

WHEREAS, the Township's Environmental Commission is desirous of creating a trails master plan for the Township of West Milford; and

WHEREAS, the Association of New Jersey Environmental Commissions (ANJEC) has grant monies available that might be used for this purpose; and

WHEREAS, the Environmental Commission has prepared a grant application for funds in the amount of \$20,000 for this work which requires a matching cash contribution from the Township of \$5,000 and in-kind services of \$5,000.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township Administrator be and is hereby authorized to submit an ANJEC grant application in the amount of \$20,000 with a matching cash contribution of \$5,000 and in-kind services in the amount of \$5,000 from the Township of West Milford for the purpose of creating a Trails Master Plan.

Adopted: March 17, 2010

Moved: Weisbecker Seconded: Jurkovic

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

Agenda No. VII 4

~ Resolution No. 2010-113 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY URGING THE ELIMINATION OF 4% CAP ON LOCAL TAX LEVY

DEFEATED BY UNANIMOUS NAY VOTE

Discussion: Council President Smolinski stated that this proposed legislation is a double-edged sword and he is not convinced that eliminating the 4% cap would benefit taxpayers. Councilman Nolan advised that yesterday Governor Christie proposed reducing the cap to 2.4%. While he understands the Administrator's position about the cap, the taxpayers have a different perspective. This broad brush may have an impact that has not been envisioned at a minimum it may compel governing bodies to make difficult decisions. Council President Smolinski stated that the New Jersey League of Municipalities opposes the 4% cap. There are difficult economic times ahead and he will vote no on this resolution. Mayor Bieri stated that she recognizes the Administrator's position regarding the proposed levy cap but she stated that the intent is to limit government spending.

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

Agenda No. VII 5

~ Resolution No. 2010-114 ~

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$9,658,523 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefore and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,888,673 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 3, 2008 (#2008-40), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,331,300 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3(a) (to the extent of \$2,175), Section 3(b) (to the extent of \$2,264,287 and Section 3(c) (\$64,838), of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the improvement of Magnolia Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$235,000 therefore, directing a special assessment of the cost thereof, and authorizing the issuance of \$175,000 bonds or notes of the Township for financing the same", finally adopted on September 24, 2008 (#2008-45), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$175,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

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Section 4. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance making a supplemental appropriation of \$420,000 for the improvement of Gordon Lakes Dam in and by the Township heretofore authorized to be undertaken by The Township of West Milford, in the County of Passaic, New Jersey, directing a special assessment of the cost thereof, and authorizing the issuance of \$400,000 bonds or notes of the Township for financing such supplemental appropriation", finally adopted on October 8, 2008 (#2008-49), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$400,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Section 5. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,322,778, and authorizing the issuance of \$2,863,550 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 26, 2009 (#2009-17), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,863,550 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Section 6. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 5 described, shall be combined into a single and combined issue of bonds in the principal amount of \$9,658,523.

Section 7. The following matters in connection with said Bond Anticipation Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 5 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 8. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 9. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 10. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 11. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Section 12. The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable in connection with the sale, issuance and delivery of said notes, including without limitation, if necessary, (a) the preparation, delivery, distribution and execution of a "deemed final" preliminary official statement and a final official statement of the local unit relating to said notes, (b) the execution and delivery of an arbitrage and use of proceeds certificate in a form approved by bond counsel, (c) the execution and delivery of a continuing disclosure undertaking in a form approved by bond counsel and (d) the preparation, distribution and publication, if desirable, of a notice of sale with respect to said notes.

Section 13. This resolution shall take effect immediately.

Upon motion of Councilman Weisbecker, seconded by Councilman Nolan, the foregoing resolution was adopted by the following vote:

AYES: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic
 NOES: None

Adopted: March 17, 2010

Discussion: Mr. Boyle explained that resolution is part of the process related to debt incurred in 2007 and 2008. This will reduce debt service for the next two years.

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

Agenda No. VII 6

~ Resolution No. 2010-115 ~

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit described in Section 2 hereof, authorized pursuant to bond ordinances of the local unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$9,880,000.

Section 2. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances are respectively as follows:

| Principal Amount of Bonds | Title of Ordinance and Date of Adoption | Period or Average Period of Usefulness (in Years) |
|---------------------------|---|---|
| \$3,186,233 bonds | "Bond ordinance appropriating \$3,783,225, and authorizing the issuance of \$3,186,450 bonds or notes of the Township for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 7, 2005 (#2005-12). | 10.18 |
| \$3,055,135 bonds | "Bond ordinance appropriating \$3,459,500, and authorizing the issuance of \$3,055,135 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on October 11, 2006 (#2007-7). | 11.12 |
| \$3,138,582 bonds | "Bond ordinance appropriating \$3,861,238, and authorizing the issuance of \$3,309,676 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey.", finally adopted on July 11, 2007 (#2007-18). | 7.98 |

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Section 1. Terms of Bonds. The \$9,880,000 General Bonds of 2010 (the "Bonds") of the Township of West Milford, in the County of Passaic, New Jersey (the "Township"), referred to and described in the resolution adopted pursuant to the Local Bond Law of the State of New Jersey, by the Township Council of the Township on March 17, 2010, entitled "Resolution providing for the combination of certain issues of bonds of the Township of West Milford, in the County of Passaic, New Jersey, into a single issue of General Bonds aggregating \$9,880,000 in principal amount" and authorized by certain bond ordinances of the Township therein described, shall be dated the date of delivery thereof, shall bear interest payable semi-annually on April 1 and October 1 in each year, commencing October 1, 2010, expressed in a multiple of 1/8 or 1/20 of 1%, shall mature (subject to the option of the successful bidder to establish term bonds in accordance with the provisions of the notice of sale) in the principal amount of \$200,000 on April 1, 2012, \$50,000 on April 1, 2013, \$25,000 on April 1, 2014, \$850,000 on April 1, 2015, \$275,000 on April 1, 2016, \$525,000 on April 1, 2017, \$1,900,000 on April 1, 2018, \$2,005,000 on April 1, 2019, \$2,050,000 on April 1, 2020 and \$2,000,000 on April 1, 2021 and shall each bear a distinctive number to distinguish if from all other Bonds of said issue.

Section 2. Book-Entry-Only Bonds. The Bonds shall be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amount of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The successful bidder, as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal and redemption price, if any, of and interest on the Bonds will be payable by the Township or its agent to DTC or its nominee as registered owner of the Bonds. The Bonds shall be executed in the name of the Township by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, under the seal of the Township affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of its Township Clerk.

Section 3. Redemption. The Bonds are not subject to redemption prior to maturity at the option of the Township.

Section 4. Form of Bonds. The Bonds shall be in substantially the following forms with such changes and modifications as may be required, necessary, convenient or desirable for delivery thereof (including the inclusion of mandatory sinking fund provisions if term Bonds are specified by the successful bidder):

**UNITED STATES OF AMERICA
 STATE OF NEW JERSEY
 THE TOWNSHIP OF WEST MILFORD,
 IN THE COUNTY OF PASSAIC
 GENERAL BOND OF 2010**

| | |
|-------------------|----------------|
| Number: | R-G |
| Registered Owner: | Cede & Co |
| Principal Amount: | \$ |
| Dated Date: | April 15, 2010 |
| Interest Rate: | % |
| Maturity Date: | April 1, _____ |
| CUSIP Number: | _____ |

THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC (the "Township"), a municipal corporation of the State of New Jersey, situate in said County of Passaic, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed, at the above-stated Interest Rate per annum payable October 1, 2010 and semi-annually thereafter on April 1 and October 1 in each year. Principal or redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Township on March 15 and September 15 next preceding each interest payment date.

This bond is transferable only upon the books of the Township kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey (the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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“Transfer Agent”), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Township, the Transfer Agent and any paying agent of the Township may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by resolution of the Township Council of the Township, entitled: “Resolution providing for the combination of certain issues of bonds of the Township of West Milford, in the County of Passaic, New Jersey, into a single issue of General Bonds aggregating \$9,880,000 in principal amount”, adopted on March 17, 2010 and the bond ordinances referred to therein.

The bonds are not subject to redemption prior to maturity at the option of the Township.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal or redemption price, if any, and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

IN WITNESS WHEREOF, THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of its Township Clerk and this bond to be dated the above-stated Date.

Adopted: March 17, 2010

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

Agenda No. VII 8

~ Resolution No. 2010-117 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE LAND CONSERVANCY OF NEW JERSEY TO DEVELOP AN OPEN SPACE AND RECREATION AND PLAN UPDATE IN AN AMOUNT NOT TO EXCEED \$14,000

WHEREAS, the Township of West Milford recognizes a need to prepare a Plan Update for the Township’s Open Space and Recreation Plan; and

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

WHEREAS, The Land Conservancy of New Jersey has previously provided a proposal for the provision of such services on February 4, 2010; and

WHEREAS, the Township wishes to retain The Land Conservancy of New Jersey for the purpose of developing a complete Open Space and Recreation Plan, including the needs and systems analysis in accordance with their proposal of February 4, 2010; and

WHEREAS, the total amount of the contract for shall not exceed \$14,000.00; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township Council desires to further the public interest by submitting a grant application at the discretion of the Township Administrator for the Association of New Jersey Environmental Commissions (ANJEC) Smart Growth Planning Grant to fund the following project: Updated Open Space and Recreation Plan for the Township of West Milford.

I, Antoinette Battaglia, Township Clerk of the Township of West Milford, in the County of Passaic and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, at a regular meeting of said Council held on March 17, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of West Milford, County of Passaic, State of New Jersey, on this 17th day of March 2010.

Adopted: March 17, 2010

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

Agenda No. VII 10

~ Resolution No. 2010-119 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO PREFERRED CONSTRUCTION MANAGEMENT FOR A CONSTRUCTION COST ESTIMATE FOR THE JOHNER BUILDING IN AN AMOUNT NOT TO EXCEED \$1,300.00

WHEREAS, the Township Council did engage the services of an Architect to draft plans for the rehabilitation of the Johner Building, a municipal building in the Township; and

WHEREAS, based on recommendations from the Facilities Assessment Committee, the Township Council has determined that there is a need to obtain a construction cost estimate to proceed with such building rehabilitation; and

WHEREAS, Preferred Construction Management has provided a proposal to provide the professional construction cost estimate in an amount not to exceed \$1,300.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from Account No. C-04-55-900-625; and

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

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

- 1. The Township Council hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Preferred Construction Management with offices located at 44 Point Breeze Drive, Hewitt, New Jersey 07421 in accordance with their proposal dated January 22, 2010 in an amount not to exceed \$1,300.00.
2. The agreement shall be on file in the office of the Township Clerk.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: March 17, 2010

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

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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Administrator Boyle asked Council to put this resolution on hold. He advised that some employees have questions and he would like to address those queries before Council proceeds.

Agenda No. VII 13

~ Resolution No. 2010-122 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2009 - 2010 LICENSE YEAR WITH CONDITIONS - BROOKSIDE GOURMET CORPORATION

WHEREAS, an application for renewal of Plenary Retail Consumption License No. 1615-33-022-002 for the 2009 - 2010 License year has been received and reviewed; and

WHEREAS, the Mayor and Township Council have conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

- 1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant had disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

WHEREAS, The Township Council was advised by the Township Clerk that this license has been seized by the NJ Division of Taxation;

WHEREAS, The Township Council was advised by the Police Department of investigation on this license; and

WHEREAS, the Police Department has recommended that the license be renewed as an inactive pocket license to the current owner with conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold the license certificate for the Mayor and Township Council of the Township of West Milford with conditions as follows:

Table with 2 columns: Licensee Information (BROOKSIDE GOURMET CORPORATION, No valid address on File, 1615-33-022-002) and Conditions (1. This License is an inactive pocket license with no sited premise... 2. Inactive licenses must submit applicable pages of 12 page application... 3. Inactive licenses must receive satisfactory recommendations prior to opening.)

Adopted: March 17, 2010

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

Consent Agenda

Agenda No. VIII

~ Resolution No. 2010-123 ~

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

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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 2010-124** – Cancel Taxes
- b. **Resolution 2010-125** – Refund Overpayments
- c. **Resolution 2010-126** – Refund MUA Overpayments
- d. **Resolution 2010-127** – Refund Recreation Fees
- e. **Resolution 2010-128** – Refund Other Liens
- f. **Resolution 2010-129** – Refund Performance Guarantee
- g. **Resolution 2010-130** – Reinstate Taxes
- h. **Resolution 2010-131** – Issue Various 2010 Licenses

Applications:

- a. **Application for Calendar Raffle RL 2010-19** – St. Joseph Church for various dates.
- b. **Application for Bingo License BL 2010-20** – St. Joseph Church for May 7, 2010.

Adopted: March 17, 2010

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

Agenda No. VIII a

~ Resolution No. 2010-124 ~

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

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

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

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

REASON: 1. Tax Exempt

| BLOCK/LOT | NAME | AMOUNT | YEAR |
|--------------|------------------------------------|-------------------|------------------------------|
| 17302-3 | New Jersey Conservation Foundation | \$1,576.00 | 2010 1 st Half |
| TOTAL | | \$1,576.00 | |

Adopted: March 17, 2010

Agenda No. VIII b

~ Resolution No. 2010-125 ~

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:

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

| Block/Lot | Name | Amount | Year | Reason |
|--------------|---|--------------------|------|--------|
| 401-25 | First American R.E. Tax Service PO Box 961250, Fort Worth, Texas 76161 | \$2,361.00 | 2010 | 2 |
| 3011-2 | Martin Shenkman 47 Twin Oaks Trail, Hewitt, NJ 07421 | \$233.12 | 2010 | 1 |
| 3705-63 | CitiMortgage C/O First American R.E. Tax Service PO Box 961250, Fort Worth, Texas 76161 | \$5,667.55 | 2010 | 2 |
| 4005-10 | Pascack Community Bank Residential Loan Department 9 Polify Road, Hackensack, NJ 07601 | \$431.09 | 2010 | 1 |
| 6602-14 | Juana Polanco LLC 10 Elizabeth Street, Glen Rock, NJ 07452 | \$424.61 | 2010 | 1 |
| 13203-30 | Wells Fargo R.E. Tax Service, LLC MAC X2301-03B/ARU 1 Home Campus, DesMoines, IA 50328-0001 | \$1,939.00 | 2010 | 1 |
| 13203-32 | Valerie O'Connor 21 Northwood Drive, West Milford, NJ 07480 | \$142.00 | 2010 | 1 |
| 15001-6 | City of Newark MUA 40 Clinton Street 4 th Floor, Newark, NJ 07102 | \$7,907.02 | 2010 | 1 |
| TOTAL | | \$19,105.39 | | |

Adopted: March 17, 2010

Agenda No. VIII c

~ Resolution No. 2010-126 ~

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: MUA Payments Collected that were Subject to Tax Sale on March 23, 2010

| Block/Lot | Name | Amount | Year |
|------------|---|------------|------|
| 3509-13.07 | West Milford MUA 1810 Macopin Road West Milford, NJ 07480 | \$123.37 | 2009 |
| 8301-8 | West Milford MUA | \$1,280.00 | 2009 |
| 7801-22.08 | West Milford MUA | \$318.14 | 2009 |
| 3603-8 | West Milford MUA | \$1.13 | 2009 |
| 4014-7 | West Milford MUA | \$863.96 | 2009 |
| 9704-12 | West Milford MUA | \$1,862.94 | 2009 |
| 7801-15.08 | West Milford MUA | \$293.89 | 2009 |
| 4103-2 | West Milford MUA | \$306.85 | 2009 |
| 8301-8 | West Milford MUA | \$40.84 | 2009 |
| 8601-7 | West Milford MUA | \$1,869.00 | 2009 |
| 7801-29.07 | West Milford MUA | \$5.72 | 2009 |
| 7801-30.08 | West Milford MUA | \$2.81 | 2009 |
| 7801-46.01 | West Milford MUA | \$396.12 | 2009 |
| 8902-1 | West Milford MUA | \$539.66 | 2009 |
| 9501-24 | West Milford MUA | \$7.10 | 2009 |
| 9713-15 | West Milford MUA | \$76.06 | 2009 |
| 4008-7 | West Milford MUA | \$1,565.71 | 2009 |
| 7801-9.03 | West Milford MUA | \$10.01 | 2009 |
| 7801-31.06 | West Milford MUA | \$303.22 | 2009 |

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| | | | |
|------------|------------------|-------------|------|
| 9706-18 | West Milford MUA | \$1,335.78 | 2009 |
| 7801-42.03 | West Milford MUA | \$45.22 | 2009 |
| 7801-31.06 | West Milford MUA | \$4.16 | 2009 |
| 8401-3.03 | West Milford MUA | \$559.52 | 2009 |
| 9401-17 | West Milford MUA | \$430.16 | 2009 |
| TOTAL | | \$12,241.37 | |

Adopted: March 17, 2010

Agenda No. VIII d

~ Resolution No. 2010-127~

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

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

| VALENTINE & ART CLASS | | |
|-----------------------|---------|--|
| PARTICIPANT | AMOUNT | MADE PAYABLE TO |
| Valerie Hayden | \$80.00 | Nancy Richards 1440 Union Valley Road West Milford, NJ 07480 |
| Kate | \$20.00 | Jill Krogen 9 Crawford St. West Milford, NJ 07480 |
| Patrick | \$90.00 | GloriaAnn Doherty 12 Maisie Lane West Milford, NJ 07480 |

Adopted: March 17, 2010

Agenda No. VIII e

~ Resolution No. 2010-128~

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

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

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

| Cert. No | Cert. Date | Block/Lot/Qual | Amount | Pay to the Lien Holder |
|--------------------|------------|----------------|--------------------|--|
| 08-076 | 04/08/2008 | 07801/052.02 | \$13,063.82 | JN Properties Associates 175 Market St #301 Paterson, NJ 07505 |
| 09-083 | 03/25/2009 | 07801/022.08 | \$20,517.55 | PPTS Lockbox P.O. Box 5822 New York, NY 10087-5822 |
| 09-086 | 03/25/2009 | 07801-038.03 | \$23,008.25 | Rutherford Development LLC 121 Ridge Avenue Passaic, NJ 07055 |
| 09-099 | 03/25/2009 | 08601-007 | \$5,745.80 | Xionjun Zheng 384 Palisade Avenue 1R Cliffside Park, NJ 07010 |
| Grand Total | | | \$62,335.42 | |

Adopted: March 17, 2010

Agenda No. VIII f

~ Resolution No. 2010-129~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

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

| <u>Name & Address</u> | <u>Block & Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|---|------------------------|------------------------|----------------|
| Perry Ricci 548 Knickerbocker Rd. Tenafly, NJ 07670 | 3009/4 | \$ 500.00 | 82 |

Adopted: March 17, 2010

Agenda No. VIII g

~ Resolution No. 2010-130~

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 |
|------------------|---------------------------|--------------------|-------------|
| 1207-3.03 | Steve & Carolyn Spencer | \$2,578.06 | 2010 |
| 2702-14 | Mariann Boettcher | \$1,030.00 | 2010 |
| 10702-24 | Robert & Janet Bordino | \$2,574.00 | 2010 |
| 8301-3.05 | Edward, Rose & Jane Morba | \$770.00 | 2010 |
| 2509-3 | Michael Beal | \$867.00 | 2010 |
| 1610-8 | Thomas & Kerri Trapasso | \$1,529.00 | 2010 |
| 14113-23 | Frank & Antonette Redl | \$3,447.00 | 2010 |
| 14113-23 | Frank & Antonette Redl | \$178.84 | 2010 |
| 15701-13 | Patricia Mackey | \$18.85 | 2010 |
| 16604-2 | Wojciech Gutowski | \$2,177.60 | 2010 |
| 7206-10 | John Pugliese | \$257.51 | 2010 |
| TOTAL | | \$15,427.86 | |

Adopted: March 17, 2010

Agenda No. VIII h

~ Resolution No. 2010-131~

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

WHEREAS, applications have been made by licensees for the renewal of Peddler Licenses for the year 2010; 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 2010 Licenses as listed below:

| 2010 PEDDLER LICENSES | | |
|--|-----------------------|------------|
| <i>Licenses subject to a satisfactory Health Department Inspection</i> | | |
| Peddler License No. | Applicant Name | T/A |

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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| | | |
|----------|------------------|----------------|
| 2010-04` | Anas M. Alolimat | Anas Ice Cream |
|----------|------------------|----------------|

Adopted: March 17, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010-132 ~

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 | \$756,662.22 |
| 2 | Reserve Account | 35,856.09 |
| 3 | Animal Control Trust | 2,234.50 |
| 6 | Capital. | 6,040.40 |
| 7 | Grants. | 5,903.51 |
| 8 | Refuse. | 37,399.63 |
| 9 | Refunds. | 93,872.18 |
| 12 | General Ledger. | 0.00 |
| 16 | Heritage Trust. | 0.00 |
| 14 | Open Space Trust | 1,909.84 |
| 17 | Trust | 2,100.00 |
| 18 | Development Escrow. | 4,769.00 |
| 19 | LOSAP | 0.00 |
| 20 | Special Reserve | 0.00 |
| Total | | \$946,747.37 |
| \$Less Refund Resolution | | -93,872.18 |
| Actual Bill List | | \$852,875.19 |
| Other Payments ck# 41797 cyo acquisition | | 0.00 |
| Less Refund Resolution | | |
| Total Expenditures | | \$852.875.19 |

Approved: March 17, 2010

Discussion: Councilman Nolan stated that there is a payment for \$800 on the bill list to Mr. Glatt, the Zoning Board attorney. He advised that the February Zoning Board meeting lasted one hour and the agenda for the March meeting appears to be very light. Governor Christie, he said, has been taking issue with the Passaic Valley Sewage Commission who he accuses of spending tax monies to make payments for limited effort. Councilman Nolan stated that West Milford appears to be engaging in that practice with Mr. Glatt. He also stated that, in his opinion, the applicants should be paying for work performed by Mr. Glatt on their applications. Councilman Jurkovic stated that 10% or more of this budget is paying for employee benefits. These expenses keep growing and must be paid before one even addresses the need for road repairs or any municipal services. The problem continues to compound and the expenses keep growing.

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: Councilman Nolan voted no to Mr. Glatt's bill only and Councilman Jurkovic abstained on Mr. Glatt's bill only.

Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. X

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

Councilman Jurkovic – stated that there is limited or no enforcement provisions to ensure compliance with ADA legislation. He stated that there are a number of issues that are not being addressed including replacement of damaged signs, snow plowing that blocks handicapped parking spaces, and construction violations. He asked for a future workshop discussion on this subject. He stated that Chief Costello has obtained a quote from the FBI to conduct a study of the police department that will be completed more timely than the DCA study requested by Mayor Bieri. The cost is \$12,000 which Councilman Jurkovic stated would be money well spent.

Councilman Weisbecker – stated that West Milford was severely impacted by the recent storm and he commended the DPW for their efforts. He advised that the Lakes Committee will be presenting ideas to Administrator Boyle for distribution to the Township Engineer and DPW Superintendent about lake issues and related road issues. He wished everyone a Happy St. Patrick's Day.

Council President Smolinski - stated that he received calls last week from two New Jersey marinas expressing concern about the proposed boat user fee for Greenwood Lake as well as the dock & wharf fee being imposed on Greenwood Lake waterfront homeowners, commercial docks and marinas. The Council, he said, did not support those provisions. In November members of the Greenwood Lake Bi-State Commission came before the Council saying that they would oppose dock fees. The Council supported boat user fees and relied on the Commission's opposition to dock fees. He feels sandbagged and reiterated that this Council supported proposed legislation without dock fees. He subsequently spoke with Steve DeFeo and Erick Hastings of the Greenwood Lake Bi-State Commission who told him they were equally taken aback at the inclusion of dock fees in the adopted legislation. Council President Smolinski stated that the fees are absurd and equates to an unfair tax to these property owners. He asked for Council consensus to have a resolution prepared expressing opposition to the dock fees and he urged the Bi-State Commission to do likewise. Discussion ensued about the New York bill and the Bi-State Commission's commitment not to charge dock fees regardless of whether or not the state legislation contains such a provision. The Council asked Administrator Boyle to get answers from the Greenwood Lake Bi-State Commission as well as an explanation about their plans to address this issue. Council President Smolinski stated that the Governor's speech was depressing especially when it outlined the loss of watershed aid. He reviewed many of the subjects in the Governor's address including binding arbitration and unfunded mandates. He stated that the Council will need to revisit the 2010 budget in light of the Governor's address.

Councilman Ramaglia – stated that he read an article in last week's paper about Sheriff Speziale giving out vehicles seized from drug-related offenses. He contacted the Sheriff to have West Milford placed on the list for consideration and was advised that West Milford may get a vehicle in October. Councilman Weisbecker credited Freeholder O'Connell for the idea.

Councilman Nolan – stated that he has concerns about the West Milford MUA who have been the subject of news reports of late pertaining to problems they are experiencing. He has reviewed meeting agendas for some months and he listed some agenda items. He requested minutes or draft minutes which was declined by the MUA who answered that draft minutes are exempt from disclosure. He reminded the Council that the MUA Chairman promised cooperation with the Council last year. Councilman Nolan stated that the Council passed a resolution at the budget meeting regarding the time of decision rule. Despite the New Jersey League of Municipalities' objection to this legislation and the Township's resolution opposing this law, the legislature passed it and it is going to the Governor's desk for signature. This is bad legislation for municipalities. He asked for Council consensus to have Mayor Bieri send a letter to the Governor requesting that he veto this legislation. Councilman Nolan stated that he surmised from the Governor's address that state aid will be cut by 17.3%, the Highlands protection fund aid has been cut by 63%, and payment in lieu of taxes for open space has been cut by 35%. He thanked Passaic County for providing bullet-proof glass for the court offices. He stated that the Township has \$170,000 for the rehabilitation of Westbrook park that was appropriated in 2001. He stated that this money was borrowed in 2001 and has not yet been spent. He would like to know when the work will be done and stated that it appears that most of the work is cosmetic.

Councilwoman Lichtenberg – asked Administrator Boyle to work with department heads to compile a list of state mandates that are not funded. Mr. Boyle stated that he created such a list last year and he will provide it to her. Councilwoman Lichtenberg listed a series of upcoming local events. She urged residents to respond to the census which is currently being received in the mail. She wished everyone a Happy St. Patrick's Day and a Happy Easter.

Mayor Bieri – announced that the Township is seeking nominations for the 2009 volunteer of the year awards which are due on March 19th. She reviewed the process by which the winners are chosen. She stated that she has not seen the proposal for an alternative police department study and stated that the

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DCA study she requested is very extensive and focuses on all facets of the department. She plans to proceed with that study regardless of any other studies. She stated that she treats the Council with respect when conducting meetings and she asked for like respect in return.

Township Administrator – Mr. Boyle stated that Highlands approval has been granted for the proposed library project. He reviewed some upcoming deadline dates and advised that he will be attending meetings regarding the Passaic County master plan. He directed Council to a sample resolution from the NJLM regarding interest arbitration reform. He reviewed upcoming bid openings and advised that the recent storm cost the Township \$454,883.

Township Attorney – Mr. Semrau advised that he will follow up with the Hillcrest lease.

Agenda No. XI

Appointments and Resignations

Councilman Nolan nominated William Gervens to the Municipal Utilities Authority Committee seconded by Councilman Weisbecker.

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

Agenda No. XII

Executive Session

None.

Adjournment

Agenda No. XIII

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

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

Approved: July 7, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK