TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Joint Meeting with Board of Education
Date of Meeting: March 25, 2006
Time of Meeting: 9:00 A.M.

This being a joint meeting conducted as two special meetings held in unison, the Board of Education (BOE) President called her meeting to order and took her roll call.

Mayor Joseph Di Donato called the Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Mayor Di Donato read the following statement:
Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this special meeting was advertised in the Herald News in its issue of March 24, 2006; copies were provided to the Record, Star Ledger, Suburban Trends 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 Di Donato and Mrs. Touw (BOE President) led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, William Gervens, Robert Nolan, James Warden, Carmelo Scangarello
Mayor Joseph DiDonato
Absent:
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,

Purpose of Meeting

Mayor DiDonato noted that the purpose of this meeting is to discuss shared services, share information and current topics. He advised that there will be discussion about the Wallisch and Hillcrest properties. Formal action may be taken.

Discussion

BOE President, Midge Touw, thanked the Mayor and Council for attending this meeting and she distributed baseball hats to each member of the Township Council. She called on the Business Administrator, Steven Cea, to review the shared services currently in place between the two organizations. Mr. Cea distributed a summary and reviewed each item therein. He commended Administrator Kunze for his efforts to create a positive working relationship with the school's administration. He noted that the relationship is informal and cooperative and is one where each entity can share ideas. BOE President Touw stated that it is important for the Township and the Board of Education to work together and she noted that she would like to see more meetings like this one in the future.

Ms. Touw directed both BOE members and the Council to the proposal submitted to the Council for the Wallisch property. She advised that a lot of work has gone into this proposal and it is a good starting point for discussion. The estimates contained in the proposal are not current. She read some of the specifics contained in the proposal. One Board member stated that it makes sense to allow one entity to have control of the Wallisch property while both entities continue working to resolve ongoing issues at Hillcrest. Mayor DiDonato thanked Drew and Midge for their hard work drafting this proposal. He noted that it was needed to begin discussions of this nature. He also noted that the joint ownership relationship has proved to be cumbersome and complex for both parties. Conveying interest to one entity is a positive solution. The Township's Engineering Department will be instructed to look at the proposal and report back to the Council. Additionally, professional advice will be critical.

Council President Gervens noted that significant repairs are needed at Hillcrest. Ms. Touw advised that the building is still classified as a school building and some infrastructure repairs are needed. However, regardless of the plans for future use, repairs are necessary to bring the building up to code. The Board of Education is currently using three classrooms in this facility; the Township uses the remaining rooms. The BOE does not envision using this building in its entirety as a school in the near future. Discussion on this matter ensued.

Councilman Warden recommended that the BOE determine their needs at Hillcrest so that the Township can use that figure to determine the ultimate cost for the Wallisch property. Councilman Scangarello noted that we should bring Hillcrest up to current safety standards. He advised that we use that building for many community events including as an Emergency Shelter. Ms. Touw advised that the BOE needs input from the Township because the Township would continue to use the space at Hillcrest.

Administrator Kunze advised that Township staff toured the building last year and did a preliminary study which included estimates. The study focused primarily on the base systems, asbestos, heating, and the roof. Councilman Warden cautioned that the proposals from the BOE would have the Township rehabilitate Hillcrest and then the Township would have to spend additional funds on the Wallisch

property. Councilman Smolinski noted that both entities have fiscal responsibilities to the Taxpayers. He recommended that we determine what needs to be done at Hillcrest so that we can continue to use that property. A BOE member stated that we should focus on minimum improvements to bring the building up to state standards, and he recommended having the report updated and to schedule another meeting with both entities so that the dialogue can continue to move forward.

Discussion ensued about possible dates to meet again. Consensus was given from both the Board of Education and the Council to meet on Saturday, June 10, 2006 at 9:00 a.m. Board member Wayne Gottlieb stated that we should have a work product available by then.

Mayor DiDonato advised that the Historic Preservation Commission (HPC) made a presentation at a recent Council meeting wherein they sought approval to apply to the National Historic Register for the Wallisch building to be placed on the Register. The staff has looked at the property and conducted a preliminary study. The HPC has received a grant to get technical assistance in this endeavor. The BOE will forward a copy of the request to their attorney and respond accordingly. Council President Gervens raised concerns about the elevated cost of repairs to buildings that are listed on the Historic Register.

Ms. Touw asked that the Council advise the Board of activities and issues associated with the Wallisch estate. She outlined instances where Board members have noticed activity when driving past the property and instances where bills have been presented for payment with no advance notice of the need for services. Administrator Kunze advised that the Township is now doing most of the maintenance at Wallisch and have initiated tighter controls to allow for better supervision at the site.

Public Comments

Mayor Di Donato opened the meeting to the public. The following persons expressed interest in being heard.

Martin O'Shea, 22 Greenbrook Drive, West Milford advised that, if the Township and the Board of Education give up their rights to the Walllisch estate, the will mandates that the property will go to the Audubon Society. He noted that several years ago windows were replaced at the museum. The cost for these replacements was several thousand dollars higher because that building is on the Historic Register.

Mike Pitch, 186 Rockland Pass, West Milford commended both the Council and the BOE for this meeting. He noted that it is very encouraging to see both entities engaging in these discussions.

Councilman Weisbecker made a motion to close the public portion of the meeting.

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

On behalf of the Council, Mayor DiDonato thanked all the members of the Board of Education for today's meeting. Ms. Touw adjourned the BOE meeting.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:43 A.M.

Moved: Weisbecker Seconded: Nolan
Voted Aye: By voice vote the Council gave unanimous consent.
Voted Nay: None.
Motion carried.

Approved:

_____
MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

_____
ANTOINETTE BATTAGLIA
TOWNSHIP CLERK

The Regular Meeting of the West Milford Township Council was called to order by Council President Gervens

Adequate Notice Statement

Council President Gervens advised 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 issues of January 23, and January 30, 2006; 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

Council President Gervens led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, William Gervens, Robert Nolan, James Warden (arrived at 8:51 p.m.), Carmelo Scangarello.

Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Township Attorney Frederick Semrau.

Presentation

Council President Gervens noted that he is altering the course of the agenda this evening. He noted that Congressman Scott Garrett is in attendance and invited the Congressman to come forward. Council President thanked the Congressman for attending tonight's meeting despite his busy schedule. He advised that Congressman Garrett was instrumental in assisting Councilman Scangarello obtain a streetscape grant for the Township and that he wishes to present the check for this grant to Councilman Scangarello.

Councilman Scangarello joined Congressman Garrett at the podium. Congressman Garrett advised that he is delighted to be here tonight to bring some federal funds back to West Milford. He noted that we sent more money to Washington and Trenton than many municipalities and we do not get our fair share back. He was delighted to play a role in bringing funds back to the municipal budget. He applauded the Mayor and Council's efforts to get this grant money. He advised that local businesses are the backbone of the United States economy and that focusing on revitalization of Main Street supports those businesses. We have learned in the past 24-hours that the State will not be returning funds to municipalities and that our state sales tax will be increased. Congressman Garrett stated that Councilman Scangarello has worked hard to ensure that the streetscape grant monies come to West Milford. He presented Councilman Scangarello with a ceremonial check in the amount of $350,000 for the Township. Amidst the applause of the audience, Congressman Garrett thanked the residents and took his leave.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the February 22, 2006 Executive Session Meeting as presented.
Moved: Nolan Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Scangarello.
Voted Nay: None.
Abstained: None.
Councilman Warden had not arrived as yet.
Motion carried.

Bids & Awards

The Council considered the following resolutions which were read by title by Council President Gervens:

Agenda No. II 1

- Resolution 2006-093 -

RESOLUTION AUTHORIZING THE PURCHASE OF PAVING MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #5, PAVING MATERIALS

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #5, Paving Materials, for the 2006 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need to purchase paving materials in 2006; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase paving materials through the Morris County Cooperative Purchasing Council, Contract #5, Paving Materials in an amount not to exceed $50,000; 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 6-01-26-290-361.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Paving Materials, in an amount not to exceed $50,000, through the Morris County Cooperative Purchasing Council, contract #5, Paving Materials awarded to Tilcon New York, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: March 22, 2006

Moved: Nolan Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Scangarello.
Voted Nay: None.
Councilman Warden had not arrived as yet.
Motion carried.

Agenda No. II 2

- Resolution 2006-094 -

RESOLUTION AUTHORIZING THE PURCHASE OF SNOW GRITS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #4, SNOW GRITS

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #4, Snow Grits, for the 2006 year to Van Orden Sand & Gravel 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 to snow grits in 2006; 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 snow grits through the Morris County Cooperative Purchasing Council, Contract #4, Snow Grits in an amount not to exceed $75,000; 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 6-01-26-294-348.

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:

4. The Township Council hereby authorizes the Township Engineer to purchase Snow Grits, in an amount not to exceed $75,000, through the Morris County Cooperative Purchasing Council, contract #4, Snow Grits awarded to Van Orden Sand & Gravel
5. The Township's Chief Financial Officer has certified the availability of funds for same.
6. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: March 22, 2006

Councilman Nolan noted that we have expended approximately $63,000 on these materials thus far this year and he asked if we should have adopted this resolution before making those expenditures. Township Attorney Fred Semrau advised that we were compelled to purchase because we had to have the materials for storms. We previously had a contract with Tilcon and we currently have contract issues to resolve with them. He has drafted a letter to Tilcon seeking approximately $16,000 due to their inability to meet the contractual obligation.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Scangarello.
Voted Nay: None.
Councilman Warden had not arrived as yet.
Motion carried.

Agenda No. II 3

- Resolution 2006-095 -

RESOLUTION AUTHORIZING THE AWARD OF A ROAD RESURFACING CONTRACT THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #6, ROAD RESURFACING, FOR PHASE I OF THE 2006 ROAD RESURFACING PROJECT IN THE TOWNSHIP OF WEST MILFORD

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6, Road Resurfacing, for the 2006 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford has designated 3.26 miles of road in the Township as part of the 2006 Phase I road Resurfacing Project; 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 award a Contract to Tilcon New York, Inc. through the Morris County Cooperative Purchasing Council, Contract #6, Road Resurfacing, in an amount not to exceed $650,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this project, said funds to be encumbered from account number C-04-05-943-624.

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

1. The Township Council hereby awards a contract to Tilcon New York pursuant to their Contract with the Morris County Cooperative Purchasing Council contract and associated specifications in an amount not to exceed $650,000 for the Phase I Road Resurfacing Project in the Township of West Milford.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Tilcon New York, Inc. in accordance with its Contract with the Morris County Cooperative Purchasing Council, contract #6, Road Resurfacing.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: March 22, 2006

Administrator Kunze advised the Council that the rejection of this bid is based on the fact that the bidder failed to include a consent of surety with his bid packet.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Scangarello.
Voted Nay: None.
Councilman Warden had not arrived as yet.
Motion carried.

Presentations

Council President Gervens invited members of the Historical Preservation Commission (HPC) to come forward to make their presentation.

The Commission Chairman, James Van Hooker, and Commissioner Steve Bosard stepped up to the podium and introduced themselves. They thanked the Council for supporting their grant application. They invited Wayne McCabe to come forward and advised that Mr. McCabe has been hired as a consultant as part of the grant and to guide the HPC through this process. Mr. McCabe explained that the grant that the municipality has received allows the HPC to engage services such as his for technical assistance. Through October the HPC will be offering free technical assistance to residents on how to preserve historical structures in addition to offering limited design assistance. They can visit homes and businesses to address specific site issues. They will advertise and will be holding two technical training sessions with commission members to ensure that they receive the mandatory training and to ensure that they have up-to-date knowledge. Training sessions will also be offered to the public. They plan to schedule a workshop in May to which they will invite Council members, as well as members from other commissions and committees such as the planning and zoning boards. They wish to discuss issues such as land development and how that process affects historic sites and are hoping for a Saturday meeting. Mr. McCabe asked for the Administrator's assistance is scheduling and arranging such a meeting. Mr. McCabe advised that the regulatory agency did not approve the Tichenor House for National Register designation because the building does not qualify. This rejection is primarily because of the deteriorated condition of the house. After reviewing a number of properties in Town, it is hoped that the Wallisch property would qualify for placement on the National Register of Historic Places. The HPC voted earlier this evening to pursue this and Mr. McCabe requested Council concurrence for this endeavor. Council President Gervens noted that the Township owns this property jointly with the Board of Education and thus cannot sanction any action. Mr. McCabe advised that making such an application requires a lot of work, time and effort. The deadline is September and, therefore, he needs authorization to move forward sooner rather than later. Council President Gervens advised that the subject can be broached with the Board of Education at Saturday's joint meeting. Council President Gervens thanked Mr. McCabe for his presentation tonight.

Proclamations

Council President Gervens announced that he is delighted to present two proclamations tonight on behalf of Mayor DiDonato. He approached the podium and advised that the first proclamation is for Autism Awareness Month and he invited any associated parties to join him. Mr. Tom Cibenko for the Association for Special Children and Families came forward. Council President Gervens read the following proclamation and presented it to Mr. Sybanko.

- Proclamation -

Autism Awareness Month

WHEREAS, Autism is a severely incapacitating, lifelong developmental disability, resulting in significant impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal, and reciprocal communication; and

WHEREAS, Autism is the third most common developmental disability, affecting more than 500,000 individuals nationwide, and hundreds of individuals in this state; and

WHEREAS, Autism is the result of a neurological disorder affecting the functioning of the brain, but few members of the general public understand this complex syndrome; and

WHEREAS, although a cure for Autism has not been found, persons with Autism can be helped to reach their greatest potential. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of the individual; and

WHEREAS, support groups, such as "Walk Far For NAAR" and "The Association for Special Children and Families" in West Milford, along with all the Chapters of the Autism Society of America, have dedicated years of service in their ongoing efforts to advocate for the rights, humane treatment, and appropriate education of all persons with Autism; and

WHEREAS, these groups remain committed to their cause and to educating families, professionals, and the general public to better understand this lifelong disability; and

WHEREAS, Autism is a complex disability that requires increased research to one day find a cure and prevention, and greater recognition and understanding to ensure that individuals with Autism living in West Milford and all other Americans with Autism are accurately diagnosed and appropriately treated throughout their lives.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, on behalf of the Township of West Milford Town Council and residents of the Township of West Milford, do hereby proclaim the month of April 2006 as

NATIONAL AUTISM AWARENESS MONTH

in the Township of West Milford, County of Passaic, New Jersey.

Mr. Cibenko thanked the community, the Mayor and the Council for their support. He noted that it means a lot to those families who are afflicted with such needs. The audience applauded.

Council President Gervens noted that the second proclamation is for National Library Worker's Day. He invited representatives from the Township's Library Board to come forward to accept this proclamation.

- Proclamation -

National Library Workers Day

WHEREAS, the staff of the West Milford Township Library provides excellent and invaluable service to library users in our community regardless of age, ethnicity, or socioeconomic background; and

WHEREAS, the library provides residents with the knowledge and information they need to live, learn and work in the 21st Century; and

WHEREAS, the librarians and library support staff bring a world of knowledge in person and online, as well as personal service and expert assistance in finding what is needed when it is needed; and

WHEREAS, it is important to recognize the unique contributions of all library workers and the value to individuals and society of those contributions; and

WHEREAS, librarians and other library workers must be brought to the table at public policy discussions on key issues, such as intellectual freedom, equity of access, and narrowing the digital divide; and

WHEREAS, libraries, library workers, and library supporters across America are celebrating National Library Workers Day sponsored by the American Library Association-Allied Professional Association (ALA-APA).

NOW, THEREFORE, BE IT RESOLVED that I, Joseph A. DiDonato, Mayor of the Township of West Milford, in the County of Passaic, New Jersey do hereby proclaim Tuesday, April 4, 2006 as

"National Library Workers Day"

I encourage all in this community to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

The Library Board President, Gene Valenta, thanked the Mayor and Council on behalf of the Library Board of Trustees. He also thanked the entire library team for their hard work. He noted that the new librarian, Pat Hannan, is doing a great job. The audience applauded.

Unfinished Business, Final Passage of Ordinances

None.

Public Comments

Council President Gervens opened the meeting to the public.

Tim Barnes stated that he is a pastor at a local church. He advised that six local churches are engaged in a collaboration to benefit the community. They are presenting a drama titled *The Living Last Supper* which is a reenactment of the last supper and is a great production. He advised that it is the combination of talent, funding, and resources from the six churches involved and 100% of the proceeds will go toward the restoration of the Creative Playground. The tickets will cost $5 in advance and $7 at the door. *The Living Last Supper* will be presented on Friday April 14, 2006 at the West Milford High School. Pastor Barnes offered the Council complimentary tickets to this event. Council President Gervens advised that the Council will make those tickets available to those persons in the community less fortunate than they and the Council will purchase tickets as needed. Pastor Barnes advised that tickets can be purchased by calling 973-728-4300. Marilyn Lichtenberg thanked Pastor Barnes and all the congregations on behalf of the Creative Playground Committee.

Ada Erik, 1643 Macopin Road, West Milford thanked the Council for pushing for enforcement of the helmet law. She advised that the grits have not been swept from the bikeway on Ridge Road and this is causing a safety hazard for bicyclists. Ms. Erik introduced Master Brian Eckelberger who is ten years old and the newest volunteer in West Milford. Last week, Brian counted the number of houses on his street and he also counted the number of houses on this street that have house numbers. There are 74 houses on his street and 7 of these have house numbers displayed. To thank Brian for his altruistic endeavors, Ms. Erik presented his and his two sisters with a gift certificate to *Town Cycle* to get fitted for bicycle helmets. She advised that it was decided at the Blood Drive last week that those involved in the blood drive will start collecting used bicycle helmets, have them repaired, and will distribute them to kids who do not have helmets.

Elaine Young-Duffy, 24 Greenbrook Drive, West Milford advised that she has learned that the Tichenor House is not being considered for future State or Federal designation as an historic landmark. She advised that, in her opinion, this has been a political football which has caused frustration to the *Friends of the Tichenor House*. They now plan to take matters into their own hands to raise funds for the necessary restoration of this historic property. She will act as a liaison. The first priority will be to repair the roof. They will establish an e-mail and membership campaign seeking donations and contributions. She presented a number of possible scenarios for the use of this house.

Frank Hannan, 83 Krattiger Court, West Milford thanked Congressman Garrett and Councilman Scangarello for their work to get grant money for West Milford. He noted that he recently read an article in the *Trends* about a proposed water tax. He opined that the proposed state tax provides a high tax for preservation but no tax relief for the town. He urged the Council to send a message to the state expressing that tax relief should be a priority. The state is proposing using the generated revenue for infrastructure which means that tax funds will be used by Newark so that they can use our water to make a profit.

Martin O'Shea, 22 Greenbrook Drive, West Milford stated that fees for Bubbling Springs are raised every year. Successive councils have forgotten that these are taxes and that the government has a responsibility to provide services. He questioned why the Council would consider charging a penalty to anyone who loses a badge. He asked that the Township analyze the recreation fees. He stated that the action items on the agenda tonight do not provide sufficient description to the public. He also stated that the Township should give all information to the reporters so that we get better news coverage.

Bob Pawlo, 7 Madelyn Avenue, West Milford stated that the Tichenor House was built in 1754 and is a pre-revolutionary war structure. The property has been abused for decades. He stated that he attended Saturday's joint meeting with the Board of Education where the Wallisch property was discussed. He has know this property all his life and recalls that Mr. Wallisch often said that the property would be preserved for the residents for all times. He stated that the

Wallisch property is a recharging area for drinking water and that when the Wallisch estates built four houses some years ago it had a negative impact on the well water in that area. Nothing, he said, can be built on the Wallisch property. All the properties in that area are wetlands and swamp. He stated that something has to be done to protect the Wallisch property and its intended use was for kids and education.

Marilyn Lichtenberg, 37 Hudson Street (Lindy's Lake), West Milford stated that the lake communities in town charge fees for the use of facilities. People who do not belong to a lake community use Bubbling Springs. By comparison to the fees charged by private lake communities, Bubbling Springs fees are very reasonable and the services are great.

Paul Bailey, 1349 Macopin Road, West Milford asked everyone to consider what they are doing here today. He stated that it is in the best interest of this community to end personal attacks. Debates can take place in Town Hall and those involved in such debate should leave the building as friends. He asked that tonight mark the end of bullying tactics. He stated that mayors, councilmen, and commissioners should all rise above this behavior and become positive role models.

Thomas McCann, West Milford stated that he is a long time resident and business owner. He stated that he provided information for distribution to the Council relative to his property off Canistear Road. He stated that this property was intended for development. Then, along came the Highlands Act. He stated that this property lends itself to open space and he was approached by green acres in this vein. Prior to Highlands, the State valued this property at $1.4 million; after the Highlands Act was passed they offered him $400,000. He asked the Council members to visit his property to see that it is suitable for open space. He advised that he intends to ask the County to match the State's $400,000 offer and he asked the Council to consider matching the $400,000 also. He stated that this property should be open space that can be used by all the residents in this town. He advised that this property could satisfy everyone's needs; recreation, trails, ball fields, hiking, cross-country skiing, etc. He cannot afford to accept the State's offer and wants the Council to help make the offer reasonable so that he can obtain a price comparable to the value placed on this property before the Highlands Act. He stated that he pays taxes in excess of $81,000 to West Milford each year. He thanked the Council for listening to him tonight.

Kathleen Caren, 16 Quince Tree Lane, West Milford stated that she is here tonight as a private citizen. She advised that the Highlands Council will be hosting a forum in Chester from 6-9 p.m. on April 5th. She reviewed the agenda. She stated that the recent advances on the Jungle Habitat property are a wonderful outcome for West Milford and this region and she congratulated the Council on this. She advised that any plans for this site will need Highlands and DEP approvals. She stated that the recreation programs in this town are great; they minimize obesity and have a positive impact on childhood health. She stated that our taxes will not continue to rise because we will not continue to build and will not have a need for additional services as a result of the Highlands legislation. She will gladly pay higher taxes to have clean air and the ability to walk in the woods. She stated that, in her opinion, our taxes will stabilize and that the Pinelands is proof of that. She stated that the State is not getting funds from the Federal government and she asked that the Council urge the President to roll back the tax breaks to the wealthy.

Patty Lotz-Moore, 1292 Westbrook Road, West Milford stated that everyone has a right to voice opinions. She stated that ratables do decrease taxes for residents. Our President should not be brought up in this forum; we are here to discuss the town and what we are going to do for the residents of this town. She thanked Congressman Garrett for the money he brought back to this town. She asked the Council to continue recognizing the benefits of the Historic Preservation Commission. She congratulated those people who work with and advocate for autistic children.

Gregor Siratoff, Warwick, New York stated that our President should be brought up in this forum if any person wants to broach the subject. Anything can be said in here about our country because this is a democracy.

Arthur McQuaid, 31 Morsetown Road, West Milford thanked the Council for affording him this time to speak. He noted that Councilman Weisbecker appeared in last week's newspaper while out on the jobsite at Deadman's Curve; Councilman Scangarello was commended in yesterday's paper for the efforts he has made for this town. He noted that the Council is currently working on the budget and he knows that they are attempting to keep taxes low. He stated that it is okay to have user's pay for services they use such as the services at Bubbling Springs. He is glad that the Council understands that the taxes are citizen's money. He stated that the Highlands Act stole many people's retirement and equated that to any entity stealing a 401K plan. Noting that

the government does not have the right to take away people's property and future, he asked for support for a proposed bill that would rescind the Highlands Act.

Councilman Weisbecker moved to close the Public Comments portion of the meeting at 8:44 p.m.

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

Council Comments

Councilman Weisbecker congratulated Ada Erik on a great job and welcomed Brian as the newest volunteer in West Milford. He stated that the water tax is a travesty noting that watershed communities are not receiving any relief. He asked for Council consensus for a resolution to be sent to Governor Corzine asking for such relief. Councilman Nolan stated that it might be better to ask our representatives in the twenty-sixth district to arrange a meeting and then petition them to lobby in Trenton for us to get such relief. Councilman Weisbecker agreed but asked for the resolution also. Council President Gervens stated that it would be wise to let our neighboring communities know our plans and determine if they would like to lobby with us. The Council gave consensus for a resolution endorsing that water tax funds be used for property tax relief. Councilman Weisbecker addressed Mr. Bailey and advised him that this dais has been very active and productive lately. He noted that the Council members are working well as a unit for West Milford. He stated that Mr. McCann's property is beautiful and stated that it may be possible that it is suited for open space. He asked the Council to direct the environmental commission to look at the property and report back to the Council. The Council gave consensus and instructed the Administrator likewise. Councilman Weisbecker stated that he would like to see the open space committee resurrected. He stated that the Council is attempting to keep taxes in check.

Councilman Warden arrived at the meeting at 8:51 p.m.

He reviewed some budget discussions. He stated that the Highlands Act was rushed through without consideration of funding to those municipalities most affected. Since 1996, our state aid has been reduced by $800,000. The Pinelands communities were destroyed by what happened in that part of the state and the watershed communities should have been included in the Highlands process from the beginning.

Councilman Smolinski stated that he walked the McCann property today and it is beautiful. He stated that the McCann family has been in West Milford for a long time and they have contributed a lot to this community; we owe them any assistance we can provide. He noted, in response to Ms. Caren's earlier comments, that there is no proposed school construction, we have volunteer fire and ambulance and yet taxes continue to rise with no end in sight. The county and state continue to increase their taxes and we have no control. He stated that we need to go to Trenton and oppose the proposed state budget because West Milford is always forgotten. He noted that the Governor made comments last night that contradict the statements he made during his campaign. When the water tax was first proposed, there was no talk using the funds for infrastructure. The Highlands Act has negatively impacted our property values; we are the guardians of this watershed and we are not getting the needed financial help.

Council President Gervens echoed what has already been said about the water tax. He stated that the Council must act, have the attorney draft a resolution, and plan a meeting with our representatives.

Councilman Nolan advised Ms. Duffy that she has his support with her efforts for the Tichenor House and he believes that he can confidently say that she has Mr. Warden's support also. He thanked Mr. Siratoff from Warwick; people should be free to speak their minds. He stated that he supports the Highlands Act and noted that Riverdale is turning into Paramus as far as traffic is concerned. He noted that, while we do need tax relief, we cannot build and build and build. He does not want to see West Milford subjected to the traffic congestion that is plaguing many other parts of this state. In response to the user fees, Mr. Nolan noted that we charge for copies of documents requested under OPRA, noted the fee schedule and advised that we collected less than $400 last year.

Councilman Warden apologized for his lateness tonight. He stated that without the Highlands Act, we would have four hundred more homes in town which would necessitate the construction of more schools. We would now be facing even higher taxes. He stated that there is a problem with the current system; all seven elected officials should get angry and go to Trenton to fight for relief from the water tax. We are the guardians of the water supply and Trenton should compensate us for that.

Councilman Scangarello stated that his fellow Councilmen adequately expressed his sentiments. Newark is flourishing; they are making money from our water and we are charged with protecting that water for them. In return, we are getting nothing. He stated that Mr. Bailey's words did not fall on deaf ears and he thanked him. He thanked Ada and welcomed West Milford's newest volunteer. He thanked Congressman Garrett for his assistance with the streetscape grant. He stated that it was a pleasure working with the Congressman and his staff and he is looking forward to working with him on obtaining a grant for Upper Greenwood Lake.

New Business, Introduction of Ordinances, Resolutions

The Mayor and Township Council proceeded to take action on the following resolutions:

Agenda No. VIII 1

~ Ordinance 2006-002 ~

AN ORDINANCE TO AMEND AND SUPPLEMENT
'THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD
1976, AS AMENDED', CHAPTER XXIV FEES AND COSTS
(PARKS & RECREATION DEPARTMENT FEES)

WHEREAS, the Township Council has determined that various fees and costs currently imposed by the Township do not adequately defray the expense incurred by the Township in performing services relating thereto; and the Township Council has reviewed all Township fees and costs and adjusted the same to reasonably reflect present expenses; and

NOW, THEREFORE, BE IT ORDAINED that the 'Revised General Ordinances of the Township of West Milford, 1976, as Amended' are hereby further amended as follows:

Section 24-2 Fees.

Section 24-2.1 The Department of Parks and Recreation is authorized to charge the following fees.

A. Bubbling Springs Membership and Badge:

1. Family - consists of parent(s) and all children up to and including full-time students living at home - $205.00

2. Individual - a person age thirteen (13) through sixty-one (61) - $ 90.00.

3. Senior Citizen - a person age sixty-two (62) or over - $ 15.00
   Senior Couple - persons age sixty-two (62) or over - $ 25.00

4. Late Fee – add'l fee added to membership fee after the June deadline of each year - $ 15.00

5. Lost Badge - $ 10.00 each

B. West Milford Parks Guest Membership (per person):

A person under five (5) years of age - $ 3.00

A person from five (5) years to fifteen (15) years of age - $ 4.00

A person from sixteen (16) years to sixty-one (61) years of age - $ 10.00

Seniors (Age 62+) $2.00

C. Tennis Programs:

	Drill Groups -		$ 30.00.
D.	Swim Lessons:		
	LAKE MEMBER		
	All children	1 session	$ 45/each
		2 sessions	$ 85/each
		3 sessions	$120/each
	NON-MEMBER		
	All children	1 session	$ 55/each
		2 sessions	$105/each
		3 sessions	$150/each
2.	Swim Team		
		1st. child	$ 95/each
		Each additional child	$ 90/each
E.	Day Camp - children entering kindergarten through 8th. grade.		
		Each child	$205/session
		Prepaid three sessions	$585
		Teen Camp	$240/session
		Prepaid three sessions	$690
		Early Drop Off/Late Pick Up/per child	$ 65/session

ALL ORDINANCES OR PARTS OF AN ORDINANCE which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

THIS ORDINANCE shall take effect upon its enactment as provided by law.

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

Council President Gervens stated that the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for April 12, 2006. Notice of this public hearing shall be published in the *New Jersey Herald* on or about March 26, 2006.

Agenda No. VIII 2

~ Resolution 2006-097 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ELIMINATING AND REPEALING THE POSITIONS OF CONSTABLES WITHIN THE TOWNSHIP

WHEREAS, in the past and currently, the Township of West Milford has appointed individuals pursuant to N.J.S.A. 40A:9-120 et seq. to serve as constables without compensation; and

WHEREAS, the appointment of such constables is not mandatory but optional pursuant to the aforementioned state statute; and

WHEREAS, the Mayor and Township Council have discussed the use and need of constables within the Township of West Milford; and

WHEREAS, the Mayor and Township Council after researching the matter and receiving input from the Township Police Department and other Township staff, have determined that there currently is no need to continue the appointments of the Township constables.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the position of constable of the Township of West Milford is hereby eliminated; and

BE IT FURTHER RESOLVED, that the current constable positions being retained by approximately eight (8) individuals within the Township of West Milford are hereby repealed; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of West Milford shall notify the current individuals holding constable positions, via certified mail, that their respective positions are repealed as of the effective date of this resolution.

Adopted: March 22, 2006

Moved: Nolan Seconded: Warden
Voted Aye: Smolinski, Nolan, Warden, Scangarello.
Voted Nay: Weisbecker.
Abstained: Gervens
Motion carried.

Agenda No. VIII 3

~ Resolution 2006-098 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATION RESERVES IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4-58

Councilman Weisbecker made a motion to have this resolution placed on the floor for discussion. Councilman Smolinski seconded the motion.

Discussion: Administrator Kunze advised that this is the final transfer resolution for 2005 budget reserves. The transfer allows for a transfer from the current funds to the planning and zoning budgets to cover legal fees. Councilman Warden stated that the Council should have additional information before taking action on this resolution.

Administrator Kunze left the meeting to obtain additional information for the Council from his office.

Councilman Weisbecker moved to have this resolution tabled until later in the evening. Councilman Smolinski seconded the motion.

Agenda No. VIII 4

~ Resolution 2006-099 (Amended) ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE 2006 TEMPORARY BUDGET

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2006 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, said temporary appropriations are extended and now limited to 52.5% of the total appropriation in the 2005 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2005 budget,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

APPROPRIATION	**ACCOUNT NUMBER**	**2005 BUDGET**	**TEMPORARY BUDGET**
ADMINISTRATION			
ADMINISTRATOR			
Administrator S&W	01-20-100-100	$186,000	$97,650
Administrator O.E.	01-20-100-200	$46,000	$24,150

TOTAL		$232,000	$121,800
PERSONNEL			
Personnel S&W	01-20-105-100	$67,000	$35,175
Personnel O.E.	01-20-105-200	$8,100	$4,253
TOTAL		$75,100	$39,428
MAYOR & COUNCIL			
Township Mayor & Council S&W	01-20-110-101	$39,000	$20,475
Township Mayor & Council O.E.	01-20-110-200	$5,000	$2,625
TOTAL		$44,000	$23,100
INFORMATION TECHNOLOGY			
Information Technology S&W	01-20-140-100	$64,000	$33,600
Information Technology O.E.	01-20-140-200	$45,900	$24,098
TOTAL		$109,900	$57,698
Legal O.E.	01-20-155-200	$277,500	$145,688
GENERAL SERVICES			
General Services S&W	01-20-161-100	$9,000	$4,725
General Services O.E.	01-20-161-200	$137,700	$72,293
TOTAL		$146,700	$77,018
INSURANCE			
Insurance, Other	01-23-210-200	$616,500	$323,663
Insurance, Other, Less Library Charge Back	01-23-210-200		$0
Insurance, Group	01-23-220-506	$2,810,000	$1,475,250
Insurance, Group - Less Library Chargebacks	01-23-220-506		$0
TOTAL		$3,426,500	$1,798,913
Heritage O.E.	01-20-173-200	$2,000	$0
CLERK'S OFFICE			
CLERK			
Clerk S&W	01-20-120-100	$243,000	$127,575
Clerk O.E.	01-20-120-200	$23,200	$12,180
TOTAL		$266,200	$139,755
ELECTIONS			
Elections S&W	01-20-146-101	$12,000	$6,300
Elections O.E.	01-20-146-101	$19,600	$10,290
TOTAL		$31,600	$16,590
FINANCE			
TREASURER			
Treasurer S&W	01-20-130-100	$253,000	$132,825
Treasurer O.E.	01-20-130-200	$18,750	$9,844
Treasurer O.E. - Less Library Chargebacks	01-20-130-200		$0
TOTAL		$271,750	$142,669
ANNUAL AUDIT			
Annual Audit	01-20-135-200	$40,000	$21,000
Annual Audit Additional Services	01-20-135-201	$10,000	$5,250
TOTAL		$50,000	$26,250
TAX COLLECTOR			
Tax Collector S&W	01-20-145-100	$245,000	$128,625

Tax Collector O.E	01-20-145-200	$9,500	$4,988
TOTAL		$254,500	$133,613
ASSESSOR			
Tax Assessor S&W	01-20-150-200	$287,000	$150,675
Tax Assessor O.E.	01-20-150-200	$4,500	$2,363
TOTAL		$291,500	$153,038
PLANNING AND BUILDING			
PLANNING BOARD O.E.	01-21-180-200	$42,100	$22,103
COMPREHENSIVE PLANNING			
Planning, Comp. S&W	01-21-181-100	$375,000	$196,875
Planning, Comp. O.E.	01-21-181-200	$8,400	$4,410
TOTAL		$425,500	$223,388
ZONING ADMINISTRATION S&W	01-21-185-100	$61,000	$32,025
BOARD OF ADJUSTMENT O.E.	01-21-186-200	$19,300	$10,133
HISTORIC PRESERVATION			
Historic Preservation S&W	01-20-175-101	$600	$315
Historic Preservation O.E.	01-20-175-200	$1,000	$525
TOTAL		$1,600	$840
TOURISM COMMITTEE (Formerly R/D)	01-20-171-200	$14,000	$0
BUILDING / CODE ENFORCEMENT			
Building S&W	01-22-195-100	$344,000	$180,600
Building O.E.	01-22-195-200	$11,900	$6,248
TOTAL		$355,900	$186,848
ENVIRONMENTAL COMMISSION			
Environmental Commission S&W	01-22-196-101	$1,000	$525
Environmental Commission O.E.	01-22-196-200	$1,000	$525
TOTAL		$2,000	$1,050
PUBLIC SAFETY			
POLICE DEPARTMENT			
Police Patrol S&W	01-25-240-100	$3,482,000	$1,828,050
Police Patrol O.E.	01-25-240-200	$67,800	$35,595
Police Patrol-Purchase of Police Vehicles	01-25-240-201	$165,000	$0
Police Detective S&W	01-25-241-100	$712,000	$373,800
Police Administration S&W	01-25-242-100	$420,000	$220,500
Police Communication S&W	01-25-243-100	$267,000	$140,175
Police Comm. O.E.	01-25-243-200	$30,000	$15,750
Police Specials S&W	01-25-244-100	$27,000	$14,175
Police Specials O.E.	01-25-244-200	$3,000	$1,575
TOTAL		$5,173,800	$2,629,620
EMERGENCY MANAGEMENT O.E.	01-25-252-200	$23,000	$12,075
FIRST AID SQUADS			
First Aid Organization Contributions	01-25-260-200	$96,000	$50,400
First Aid - UGL 1st Aid Squad	01-25-261-200	$0	$25,200
TOTAL		$96,000	$75,600
FIRE DEPARTMENT			
Aid To Vol. Fire Co.	01-25-255-200	$90,000	$47,250
Fire Prevention Bureau S&W	01-25-265-100	$181,000	$95,025

Fire Prevention Bureau O.E.	01-25-265-200	$7,100	$3,728
Fire Co. Admin. S&W	01-25-266-100	$9,000	$4,725
Fire Co. Admin. O.E.	01-25-266-200	$345,250	$181,256
LOSAP	01-25-267-100	$100,000	$0
TOTAL		$732,350	$331,984
ENGINEERING AND PUBLIC WORKS			
ENGINEERING			
Engineering S&W	01-20-165-100	$408,000	$214,200
Engineering O.E.	01-20-165-200	$19,100	$10,028
TOTAL		$427,100	$224,228
DPW			
DPW Streets & Roads S&W	01-26-290-100	$1,431,000	$751,275
DPW Streets & Roads O.E.	01-26-290-200	$315,000	$275,000
DPW Buildings & Grounds S&W	01-26-291-100	$84,000	$44,100
DPW Buildings & Grounds O.E.	01-26-291-200	$61,500	$32,288
DPW Johner Building O.E.	01-26-293-200	$0	$0
DPW Snow Removal S&W	01-26-294-100	$300,000	$300,000
DPW Snow Removal O.E.	01-26-294-200	$670,500	$670,500
DPW Vehicle Maintenance S&W	01-26-315-100	$278,000	$145,950
DPW Vehicle Maintenance O.E.	01-26-315-200	$205,500	$107,888
TOTAL		$3,345,500	$2,327,000
HEALTH DEPARTMENT			
HEALTH DEPARTMENT			
Public Health S&W	01-27-330-100	$273,000	$143,325
Public Health O.E.	01-27-330-200	$56,100	$29,453
Vital Statistics S&W	01-27-331-100	$63,000	$33,075
Vital Statistics O.E.	01-27-331-200	$1,200	$630
Housing Standard Bureau O.E.	01-27-332-441	$3,000	$0
Environmental Health S&W	01-27-335-100	$230,000	$120,750
Environmental Health O.E.	01-27-335-200	$22,700	$11,918
Animal Control S&W	01-27-340-100	$71,000	$37,275
Animal Control O.E.	01-27-340-450	$13,400	$7,035
TOTAL		$733,400	$383,460
PARKS AND RECREATION			
RECREATION			
Recreation Programs S&W	01-28-370-100	$148,000	$77,700
Recreation Programs O.E.	01-28-370-200	$158,000	$82,950
Recreation.-Bubbling Springs S&W	01-28-371-100	$150,000	$78,750
Recreation.-Bubbling Springs O.E.	01-28-371-200	$60,000	$31,500
Recreation.-Admin. S&W	01-28-372-100	$337,000	$176,925
Recreation.-Admin. O.E.	01-28-372-200	$11,600	$6,090
Recreation.-Westbrook Park O.E.	01-28-373-200	$5,000	$0
Recreation.-Hillcrest S&W	01-28-374-100	$72,000	$37,800
Recreation.-Hillcrest O.E.	01-28-374-200	$22,700	$11,918
Recreation.-Parks Maintenance S&W	01-28-375-100	$221,000	$116,025
Recreation.-Parks Maintenance O.E.	01-28-375-200	$115,800	$60,795
Senior Citizen Services S&W	01-28-376-100	$137,000	$71,925
Senior Citizen Services O.E.	01-28-376-200	$13,000	$6,825

TOTAL		$1,451,100	$759,203
VETERAN'S BUREAU			
Veteran's Bureau S&W	01-20-172-100	$1,250	$656
Veteran's Bureau O.E.	01-20-172-200	$200	$105
TOTAL		$1,450	$761
PUBLIC ASSISTANCE			
Public Assistance S&W	01-27-345-100	$7,000	$0
Public Assistance O.E.	01-27-345-200	$1,900	$0
TOTAL		$8,900	$0
Celebration of Public Events O.E.	01-30-420-200	$41,000	$21,525
Mass Transportation	01-30-421-200	$66,507	$34,916
LIBRARY			
LIBRARY			
Library S&W	01-29-390-100	$510,000	$267,750
Library O.E.	01-29-390-200	$439,900	$230,948
TOTAL		$949,900	$498,698
MUNICIPAL COURT			
MUNICIPAL COURT			
Municipal Court S&W	01-43-490-100	$250,000	$131,250
Municipal Court O.E.	01-43-490-200	$12,900	$6,773
Municipal Court Prosecutor S&W	01-43-491-101	$23,000	$12,075
Municipal Court Public Defender Fees	01-43-495-450	$0	$0
TOTAL		$285,900	$150,098
UTILITY EXPENSES & BULK PURCHASES			
UTILITIES & FUELS			
Utilities-Electricity	01-31-430-200	$115,000	$60,375
Utilities-Street Lights	01-31-435-200	$40,000	$21,000
Utilities-Telephone	01-31-440-200	$139,000	$72,975
Utilities-Natural Gas	01-31-446-200	$110,000	$57,750
Utilities-Fuel	01-31-460-200	$200,000	$105,000
TOTAL		$604,000	$317,100
MISCELLANEOUS AND STATUTORY			
EXPENDITURES			
PENSION & FICA			
PERS	01-36-471-532	$49,000	$140,000
PERS - Less Library Chargebacks	01-36-471-532		$0
Social Security	01-36-472-533	$732,000	$384,300
Less Library Charge backs - Social Security	01-36-472-533		$0
PFRS	01-36-473-534	$250,000	$430,000
TOTAL		$1,031,000	$934,300
Salaries & Wages Adjustment Account	01-37-480-501	$246,000	$300,000
Compensated Absences	01-46-887-529	$50,000	$0
CAPITAL BUDGET			
CURRENT YEAR CAPITAL			
Capital Improvements Fund	01-44-900-200	$313,200	$0
Cap Improvements Fund Down Payments	01-44-900-200	$149,050	$0
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	$0	$0

TOTAL		$462,250	$0
GRANTS			
MASS TRANSIT GRANTS			
Grants-Mass Trans. State Share	02-41-702-100	$22,833	$0
Grants-Mass Trans. Federal Share	02-41-702-200	$45,670	$0
Grants-Mass Trans. Local Share	02-41-702-201	$22,834	$0
TOTAL		$91,337	$0
C.A.S.A. GRANTS			
Grants-C.A.S.A. County Share	02-41-705-200	$47,200	$0
Grants-C.A.S.A. - Local Share	02-41-705-201	$12,300	$0
TOTAL		$59,500	$0
INDV. WITH DISAB. GRANT			
Grants-Indv. with Disabilities-State	02-41-707-200	$20,000	$0
Grants-Indv. with Disabilities-Local	02-41-707-201	$3,000	$0
TOTAL		$23,000	$0
PUBLIC HEALTH PRIORITY GRANT	02-41-714-162	$14,216	$0
DDEF GRANT	02-41-715-109	$0	$0
CLEAN COMMUNITIES GRANT	02-41-718-674	$33,000	$0
CULTURAL HERITAGE GRANT			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	$1,518	$0
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	$1,100	$0
TOTAL		$2,618	$0
JUV ACCT INCENT BLK GRANT			
Grants-Juvenile Acct. Incent. Blk -State	02-41-728-669	$0	$0
Grants-Juvl Acct. Incent. Blk - Local	02-41-728-670	$0	$0
TOTAL		$0	$0
STORM DRAIN INFSTR GRANT			
Grants-Storm Drain Infstrctr. Inventory	02-41-730-330	$0	$0
Grants-Storm Drain Infstrctr. Inventory	02-41-730-331	$0	$0
TOTAL		$0	$0
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200		$0
NJDEP ESP MAPPG GRANT			
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	$2,500	$0
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	$2,500	$0
TOTAL		$5,000	$0
PASSAIC COUNTY TOBACCO GRANT	02-41-739-331	$0	$0
NJ DCJ BODY ARMOR GRANT	02-41-742-331	$5,000	$0
POST BROOK S.W. STUDY GRANT			
Grants - NJDEP- Pst Brk S.W. Study	02-41-744-330	$20,619	$0
Grants - NJDEP- Pst Brk S.W Study Local	02-41-744-331	$0	$0
TOTAL		$20,619	$0
NJDEP GREENWOOD LK GRANT			
Grants - NJDEP-Greenwood Lake-State	02-41-745-331	$0	$0
Grants - NJDEP-Greenwood Lake-Local	02-41-745-332	$0	$0
TOTAL		$0	$0
BELCHERS CREEK FECALTESTING		$0	$0
Grants - NJDEP-Belchers Creek -State	02-41-749-331		$0

Grants - NJDEP-Belchers Creek -Local	02-41-749-332		$0
NJDEP BEAR PROOF GARBAGE CAN STUDY	02-41-750-331		$0
GRANT - CONTINGENT. LOCAL MATCH	02-41-745-999	$25,000	$0
TOTAL		$279,290	$0
DEBT SERVICE			
Debt Service Total	01-45-000-000	$1,825,000	$0
DEFERRED CHARGES AND			
RESERVE FOR UNCOLLECTED TAXES			
Judgments - Banker Road	01-37-480-503	$0	$0
Deficit in Assessment Cash	01-46-886-000	$4,000	$0
Cancelled Assessments	01-46-886-648	$0	$0
Reserve for Tax Appeals	01-46-886-667	$25,000	$0
Prior Years Bills	01-46-887-528	$5,000	$0
Def Charges - Bond Ordinance Unfunded	01-46-875-528	$0	$0
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	$10,000	$0
Reserve for Uncollected Taxes	01-50-899-200	$1,825,000	$0
TOTAL		$1,869,000	$0
TOTAL OPERATING BUDGET		$26,103,097	$12,358,507
3/16/2006 9:26			
SOLID WASTE DISTRICT			
Solid Waste S&W	26-55-500-100	$227,000	$119,175
Solid Waste O.E. All Other	26-55-500-200	$74,350	$39,034
Contractual Services	26-55-500-202	$1,212,000	$636,300
Disposal Fees	26-55-500-203	$1,000,000	$525,000
Grants - Recycling County of Passaic	26-41-753-336	$ 30,709	$0
Prior Year's Bills	26-55-900-900	$0	$0
Commercial Pick Up	26-55-500-201	$290,000	$0
TOTAL		$2,834,059	$1,333,509

Adopted: March 22, 2006

Councilman Weisbecker made a motion to have this resolution placed on the floor for discussion. Councilman Smolinski seconded the motion.

Discussion: Councilman Nolan stated that, with all the recent budget meetings, this resolution should have been discussed with Council. He noted that we may have to lay people off and yet the temporary budget includes an appropriation for tourism. This temporary budget also shows increased numbers for the pension contributions and those numbers do not match the bill list.

Councilman Weisbecker made a motion to have this resolution tabled until later in the evening. Councilman Smolinski seconded the motion.

Noting that the Administrator had returned to the meeting, Councilman Weisbecker made a motion to readdress Resolution 2006-099.
Councilman Smolinski seconded the motion.

Discussion: Councilman Nolan stated that the temporary budget reflects pension payments to PERC and PFRS in amounts that are different to those reflected on the bill list. If we approve this temporary budget, we cannot pay the bills as reflected on the bill list or we will exceed the temporary budget appropriations. He asked why the temporary budget has an appropriation for tourism when this is an on-going discussion with Council that has not been resolved. Administrator Kunze advised that the temporary budget is based on a percentage of last year's budget and that the resolution being presented tonight is less than the amount allowed by law. The temporary budget does not affect budget decisions. Individual items can be changed as the

Council sees fit. Administrator Kunze advised that he will have to seek clarification on the pension amounts from the CFO; he asked the Council to proceed with the resolution tonight, amending it to include the increased amount. He also advised that the tourism appropriation can also be removed through an amendment tonight. Councilman Nolan recommended amending the resolution to appropriate $430,000 to the PFRS as opposed to the $425,000 reflected in the temporary budget, increase the appropriation for PERS from $135,000 to $140,000 and remove the $6,000 appropriated to tourism for a net increase to the temporary budget of $14,000 bringing the total to $12,372,507.

Councilman Weisbecker made a motion to amend resolution 2006-099 pursuant to the recommendations made by Councilman Nolan.

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

Agenda No. VIII 3

~ Resolution 2006-098 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATION RESERVES IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4-58

WHEREAS, there appears to be insufficient funds in the following appropriations reserves to meet the demands thereon for the balance of the 2005 budget year:

ACCT. NO.	ACCOUNT DESCRIPTION	AMOUNT
21-180-200	Planning Board, Other Expenses	$ 7,000.00
21-186-200	Board of Adjustment, Other Expenses	$ 9,000.00
	TOTAL	**$ 16,000.00**

WHEREAS, there appears to be a surplus in the appropriation reserves over and above the demand deemed to be necessary for the balance of the year:

ACCT. NO.	ACCOUNT DESCRIPTION	AMOUNT
20-155-200	Legal, Other Expenses	$ 16,000.00
	TOTAL	**$ 16,000.00**

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of **N.J.S.A. 40A:4-58,** part the 2005 appropriation budget heretofore mentioned be and the same are hereby transferred to the appropriations reserves mentioned as being insufficient to meet prior demands, and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to make the following transfers in the 2005 budget appropriations reserves:

1. $ 16,000.00 2. $ 16,000.00 CURRENT FUND

A certified copy of this **Resolution** shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: March 22, 2006

Councilman Weisbecker made a motion to have this resolution placed on the table for discussion. Councilman Warden seconded the motion.

Discussion: Councilman Nolan asked the Administrator how much was in the budget and what is the full appropriation amount for legal expenses for the planning and zoning boards after this transfer. Administrator Kunze advised that the planning board exceed their legal appropriation by approximately $6,000 and the zoning board exceeded their legal appropriation by approximately $7,600. Councilman Warden asked if these additional costs were incurred as a result of the O'Shea litigation and was answered in the affirmative. He asked that the Council instruct the Township Attorney to intervene in this matter in an effort to have it resolved without

incurring any further legal costs. He noted that the Township, through Mr. Semrau's efforts, settled a similar matter with Mr. O'Shea. Discussion ensued about the possibility of holding the legal bills until Mr. Semrau has had an opportunity to address this subject with the Planning Board attorney. The Council gave consensus for Mr. Semrau to speak with the Planning Board attorney. Mr. Semrau urged the Council to act on the transfer resolution as a house-cleaning matter. The Council also asked Councilman Weisbecker, as liaison to the Planning Board, to address this subject with the board.

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

Agenda No. VIII 5

~ Resolution 2006-100 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE WEST MILFORD PLANNING BOARD

WHEREAS, the Planning Board of *West Milford Township, Passaic County,* State of New Jersey, adopted the Housing Element of the Master Plan on December 8, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 8, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford, Passaic County, New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the *West Milford Township* Planning Board; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the filing; and

BE IT FURTHER RESOLVED that the Township Council of West Milford Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-2.2, requests that the Council on Affordable Housing accept the Housing Element and Fair Share Plan of West Milford Township as adopted by the *West Milford Township* Planning Board on *December 8, 2005* for filing without a petition requesting substantive certification.

Adopted: March 22, 2006

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

Agenda No. VIII 6

~ Resolution 2006-101 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING RESOLUTION 2006-016 TOWNSHIP AUDITOR CONTRACT

WHEREAS, the Township Council of the Township of West Milford adopted resolution number 2006-016 on January 4, 2006; and

WHEREAS, said resolution authorized the award of a non-fair and open contract for the position of Township Auditor to Charles Ferraioli, Jr. of Ferraioli, Wielkotz, Cerully & Cuva, P.A. in an amount not to exceed $50,000; and

WHEREAS, there is a need to amend the not-to-exceed amount of the authorizing resolution to reflect anticipated payments for services provided to effectuate the sale of an offering of $5,166,000 General Bonds of 2006 of the Township of West Milford; and

WHEREAS, the anticipated cost for these services if $22,500 in addition to the general and auditing services being provided under the terms of the Auditor Contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from account numbers 6-01-20-135-200 and C-04-05-943-539.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby authorizes an amendment to resolution #2006-016; and

BE IT FURTHER RESOLVED that the aforementioned amendment shall increase the compensation for the 2006 calendar year from an amount not to exceed $50,000 to an amount not to exceed $72,500.

Adopted: March 22, 2006

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

Discussion: Councilman Nolan expressed concern that the Council does not hear about contracts exceeding the designated amounts until after the fact. He stated that the professionals must assume some responsibility and let the administration know in advance if their appointing resolutions do not have sufficient appropriation or if circumstances have caused them to possibly exceed the amount reflected in their appointing resolution. In this instance, the Auditor should have noticed and advised the Township that the cost of the bond sale was not included in his appointing resolution.

Agenda No. VIII 7

~ Resolution 2006-102 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF A GREEN ACRES AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State") provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Milford desires to further the public interest by obtaining a grant of $650,000 from the State to fund Apple Acres/Open Space Acquisition Projects.

NOW, THEREFORE, the governing Body resolves that the Township Administrator is hereby authorized to:

a. Make application for such a loan and/or such a grant
b. Provide additional application information and furnish such documents as may be required
c. Act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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

1. That the Township Administrator is hereby authorized to execute an agreement and any amendment thereto with the State known as Apple Acres/Open Space Acquisitions, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of $650,000, and
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and
5. This resolution shall take effect immediately.

Adopted: March 22, 2006

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

Discussion: Councilman Nolan asked if we wanted the verbiage in the second paragraph to read "apple acres/open space". The Township Attorney recommended that the resolution be adopted using this language to satisfy the State and stated that we can then seek changes after our open space plan is approved.

Agenda No. VIII 8

~ Resolution 2006-103 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A 604(B) WATER QUALITY MANAGEMENT PLANNING GRANT AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately $108,217 to fund the Development of an Onsite Wastewater Treatment Systems (OWTS) Management Plan for the New Jersey End of the Greenwood Lake Watershed, Passaic County, New Jersey.

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 is authorized

a. To make application for such a grant
b. If awarded, to execute a agreement with the State for a grant in an amount of approximately $108,217, and
c. To execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Township of West Milford agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance pursuant to the agreement.

Adopted: March 22, 2006

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

Administrator Kunze advised that the DEP wishes to expand the scope of a previously approved grant agreement for a septic management plan at Belcher's Creek. By virtue of this resolution, we agree to additional funds totaling $108,217 for more advanced monitoring, research, and outreach.

Agenda No. VIII 9

~ Resolution 2006-104 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING APPLICATION TO THE UNITED STATES OF AMERICA HOMELAND SECURITY ADMINISTRATION FOR AN ASSISTANCE TO FIREGIGHTERS GRANT (AFG)

WHEREAS, the Township of West Milford is desirous of having each Fire House within the Township equipped with a 50KV Generator; and

WHEREAS, each Fire House in the Township of West Milford is an integral part of our community and they serve the community in the provision of fire fighting services, emergency services, emergency shelter, and support in matters of homeland security; and

WHEREAS, the Homeland Security Administration has a 2006 Assistance to Firefighters Grants (AFG) program which monies may fund the purchase of generators to assist our Fire Fighters to provide services to this community during times of emergency; and

WHEREAS, the Township is desirous of submitting a grant in the amount of $90,000 with a required match of 10% by the Township which match amounts to a sum of $9,000.

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 2006 Assistance to Firefighters Grants (AFG) grant application in the amount of $90,000 with a matching cash contribution of $9,000 from the Township of West Milford for the purpose of three (3) 50 KV Generators for Township Fire Houses.

Adopted: March 22, 2006

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

Administrator Kunze advised that, if we receive the funds being applied for, it will complete our program and every firehouse in the Township would have a generator. Councilman Smolinski asked the Administrator to find out if the ambulance squad can qualify for these grants too.

Agenda No. VIII 10

~ Resolution 2006-105 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) FOR A GREEN INFRASTRUCTURE STUDY GRANT

WHEREAS, West Milford Lake is located within the West Milford township Central Business District;

WHEREAS, the Township's Environmental Commission is desirous of conducting a Green Infrastructure Study of this site; 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 $15,000 for this study with a matching cash contribution from the Township of $3,750 and an in-kind match of $3,750.

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 $15,000 with a matching cash contribution of $3,750 and an in-kind match of $3,750 from the Township of West Milford for the purpose of conducting a green Infrastructure Study at West Milford Lake.

Adopted: March 22, 2006

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

Motion carried.

Discussion: Councilman Weisbecker stated that he has concerns about the Township applying for this grant. It was not discussed at a workshop and he does not want the Township to be tied into anything at West Milford lake. It is a private lake where we have had issues before. If this dam is breached, it is incumbent on the association to restore the lake bottom to its original condition. Administrator Kunze advised that this application does not tie us into fixing anything on private property and that the application is due before the end of this month. Councilman Smolinski stated that the Environmental Commission is very excited about this grant. Councilman Nolan noted that this resolution simply authorizes applying for the grant; if awarded, we can discuss whether or not we want to accept it. Councilman Smolinski suggested inviting a representative from the Environmental Commission to a future meeting to discuss this.

Agenda No. VIII 11

~ Resolution 2006-106 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT WITH THE BOARD OF EDUCATION (BOE) CONCERNING THE USE OF BOE OWNED ATHLETIC FIELDS AND THE MACOPIN TENNIS COURTS

WHEREAS, the Township of West Milford and the Board of Education have negotiated an Interlocal Agreement for the use of Board of Education Athletic Fields and the Macopin Tennis Courts by the Township's Parks and Recreation Department; and

WHEREAS, the specifics of the agreement and a listing of the affected fields are outlined in the agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, and State of New Jersey that the Mayor and the Township Clerk be and are hereby authorized to execute the Interlocal Agreement on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that a copy of this resolution and the Interlocal Agreement will be maintained on file in the Office of the Township Clerk and the Department of Parks and Recreation.

Adopted: March 22, 2006

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

Agenda No. VIII 12

~ Resolution 2006-107 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE STATE AND AN AMENDMENT WITH THE GORDON LAKES HOMEOWNER'S ASSOCIATION

The Township Attorney requested that the Council not take any action on this resolution tonight. He advised that he was contacted today by the Gordon Lakes Homeowner's Association's attorney requesting an extension of time for further review of the amendments. Council agreed.

Agenda No. VIII 13

~ Resolution 2006-109 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE TEMPORARY ACCESS EASEMENT AGREEMENT BETWEEN THE TOWNSHIP AND MR. & MRS. DAVID J. LYNCH

WHEREAS, Mr. and Mrs. David J. Lynch are the owners of property located at 520 Lakeshore Drive, West Milford, New Jersey, Block 1904, Lot 3; and

WHEREAS, in the past the Township has received a grant of easement to enter upon the Lynch's property to construct, reconstruct, and maintain certain drainage pipes; and

WHEREAS, the Lynch's have requested that the Township enter upon their respective property to remove certain trees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into the temporary access easement agreement with Mr. And Mrs. David J. Lynch to enter upon their property located at 520 Lakeshore Drive, West Milford, New Jersey, Block 1904, Lot 3 to remove certain trees.

Adopted: March 22, 2006

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

Agenda No. IX 1

~ Resolution 2006-110 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

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

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

Resolutions:
Resolution 2006-111 – Authorize Cancellation of Tax
Resolution 2006-112 – Authorize Refund of Liens
Resolution 2006-113 – Authorize Refund of Overpayments
Resolution 2006-114 - Authorize Reinstatement of Taxes
Resolution 2006-115 - Authorize Amendment to Resolution 086
Resolution 2006-116 – Authorize Refund - Performance Bonds
Resolution 2006-117 – Authorize Tax Lien Sale

Applications:
RL-2006-14 – St. Joseph Church – Off-Premise Calendar Raffle
RL-2006-15 – Our Lady Queen of Peace HSA – On-Premise 50/50 May 20, 2006
RL-2006-16 – Our Lady Queen of Peace HSA – On Premise Night at the Races, May 20, 2006
RL-2006-17 – Macopin School PTA – On Premise 50/50, April 28, 2006
RL-2006-18 – Macopin School PTA – Tricky Tray, April 28, 2006

Adopted: March 22, 2006

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

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. IX 1a

~ Resolution 2006-111 ~

RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY 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:

REASON: 1. DELETED FROM DUPLICATE

NOW, **THEREFORE**, **BE IT RESOLVED** by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to cancel as hereafter listed below:

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
6201-21	Kathleen M. Hanlon	$2,936.00	2006 First Half	1
	TOTAL	$2,936.00		

Adopted: March 22, 2006

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Agenda No. IX 1b

~ Resolution 2006-112 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Cert. No	Certificate Date	Block/Lot/ Qual	Reimburse Amt	Pay to the Lien Holder
02-015	04/08/2002	02008-009	$ 7,681.01	MD SASS-IV (A); WACHOVIA BANK NA 123 S. BROAD ST. PA13285 PHILADELPHIA, PA 19109
03-012	04/07/2003	02008-009	$ 4,535.20	WACHOVIA-COLL AGT/SASS MUNI IV M. GRASSO TAX SPECIALIST 123 S. BROAD ST. PA1328S PHILADELPHIA;, PA 19109
04-054	04/05/2004	07801-052.02	$ 9,766.22	NANCY DENAGEL 71 CATSKILL COURT BELLE MEAD, NJ 08502
05-021	03/09/2005	01912-004	$ 115.27	DOROTHY MATONTI 32 HURLEY AVENUE WYCKOFF, NJ 07481
05-024	03/09/2005	02008-009	$ 401.89	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
05-045	03/09/2005	03401-001	$ 4,586.16	LARRY NACH 8 COLFAX AVE CLIFTON, NJ 07013
05-046	03/09/2005	03503-015	$ 985.95	WACHOVIA AS CUST FOR PHOENIX FUND TAX LIEN SERVICES GROUP 123 SO BROAD ST PA 1328P PHILADELPHIA, PA 19109
05-047	03/09/2005	03503-018.01	$ 295.30	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
05-048	03/09/2005	03503-018.02	$ 1,249.91	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
05-049	03/09/2005	03503-019	$ 200.11	CHUN T LI 9 MALJIM COURT
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				WAYNE, NJ 07470
GRAND TOTAL			**$ 29,817.02**	

Adopted: March 22, 2006

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Agenda No. IX 1c

~ Resolution 2006-113 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1202-1	Legacy Title, LLC 239 Old Tappan Road Old Tappan, NJ 07675	$1,146.00	2006	2
1816-31	Skyward Construction, LLC 308 Ridge Road West Milford, NJ 07480	$50.00	2006	1
2901-1	Upper Greenwood Lake Property Owners Association P.O. Box 457 Hewitt, NJ 07421	$105.10	2006	1
3512-7	Charles L. Smith 16 Rocky Point Road Hewitt, NJ 07421	$113.08	2006	1
5902-8	Mary Kearney 60 Mt. Circle N. West Milford, NJ 07480	$67.90	2006	1
6701-7.03	Kings Plaza Medical Arts Bldg. 10 Ronald Regan Blvd. Warwick, NY 10990	$4,247.08	2006	1
7801-4.01	Kenneth DeFilippo 4A New Bedford Road West Milford, NJ 07480	$71.00	2006	1
8101-3	Antonio & Maria Miraglia 461 Ridge Road West Milford, NJ 07480	$92.00	2006	1
8602-9	Todd & Kathleen Pierce 5 Orleans Lane West Milford, NJ 07480	$12.99	2006	1
8701-24	R. & J. Carovillano 1662 Macopin Road West Milford, NJ 07480	$123.00	2006	1
9102-4	Louis & Beatrice Iozia 15 Ridge Road West Milford, NJ 07480	$26.53	2006	1
9501-2.01	Anthony & Paula Curcio 1459 Macopin Road West Milford, NJ 07480	$12.40	2006	1
10603-4	John & Constance Cornwell 453 Otterhole Road West Milford, NJ 07480	$80.12	2006	1
10704-7	Thomas & Elsie Germann 11 Plumridge Road	$31.50	2006	1
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	West Milford, NJ 07480			
13401-2	Richard Lindstrom Jr. 586 Macopin Road West Milford, NJ 07480	$29.84	2006	1
14105-1.2 Bldg.	City of Newark Division of Water 40 Clinton St. 4th Floor Newark, NJ 07102	$615.29	2006	1
14901-36	Anthony DiLorenzo 36 Oxbow Lane Newfoundland, NJ 07435	$15.67	2006	1
16005-3	Elizabeth Pisano 56 Grove Street Oak Ridge, NJ 07438	$19.26	2006	1
	TOTAL	**$6,858.76**		

Adopted: March 22, 2006

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Agenda No. IX 1d

~ Resolution 2006-114 ~

RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES

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

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

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

REASON: 1. Insufficient Funds

BLOCK/LOT	**NAME**	***AMOUNT***	**YEAR**	**Reason**
14113-38	Jan & Anna Krol	$2,262.00	2006	1
6303-5	James Worth Realty LLC	*$4,430.00*	2006	1
TOTAL		***$6,692.00***		

Adopted: March 22, 2006

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Agenda No. IX 1e

~ Resolution 2006-115 ~

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 2006-086 REINSTATEMENT OF TAXES

WHEREAS, by virtue of resolution 2006-086 adopted on March 1, 2006 the Township Council authorized the reinstatement of taxes as requested from the Township Tax Collector; and

WHEREAS, said resolution contained errors which need to be rectified.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford that resolution 2006-086 is hereby amended as follows:

REASON: 1. Insufficient Funds

BLOCK/LOT	**NAME**	**AMOUNT**	**YEAR**	**Reason**
3611-11	R. & S. Castronova	$250.08	2005 4th Qtr.	1

6401-1	S. & R. Holdings, LLC C/O R. Castronova	$8,383.82	2005 4th Qtr.	1
3610-30	R. & S. Castronova	$666.44	2005 4th Qtr.	1
~~3506-10~~ 6401-9	R. & S. Castronova	~~$2,000.45~~ $1,322.30	2005 Full Year	1
~~6711-8~~ 6401-10	R. Castronova	~~$544.16~~ $1,317.24	2005 Full Year	1
~~7601-2~~ 6401-11	Castronova Holdings, LLC	~~$5,241.09~~ $8,935.72	2005 Full Year	1
4301-21	R. & J. Charnecky	$3,876.09	2005 First Half	1
10815-8	Joanne Klosz	$1,214.00	2005 4th Qtr.	1
9101-13	Albert & Carolyn Evans	$5.03	2005 4th Qtr.	1
2601-35	Jill Wei	$1,100.00	2006 1st Qtr.	1
2003-2.02	N & L Lengares	$165.90	2006 1st Qtr. SP	1
2003-11	N & L. Lengares	$181.10	2006 1st Qtr. SP	1
	TOTAL	**~~$23,628.16~~** **$27,417.72**		

Adopted: March 22, 2006

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Agenda No. IX 1f

~ Resolution 2006-116 ~

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

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

Name & Address	*Block & Lot*	*Amount Refunded*	*Pg. No.*
Bald Eagle Commons (Wine Store) Cahill Cross Road	5308/3	$ 550.00	70
Mark & Cindy Lindsay 1089 Union Valley Road West Milford, NJ 07480	5006/2	$2,650.00	66

Adopted: March 22, 2006

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Agenda No. IX 1g

~ Resolution 2006-117 ~

RESOLUTION AUTHORIZING TAX TITLE LIEN SALE

WHEREAS, the Collector of Taxes has requested that the Township conduct a Tax title Lien Sale on April 11, 2006 at 10:00 a.m.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a Tax Title Lien Sale in the Township Main Meeting Room on April 11, 2006 at 10:00 a.m.

Adopted: March 22, 2006

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Payment of Bills

Agenda No. X
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~ Resolution 2006-11 ~

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:

Acct #	Account Name		Amount
1	Current Account.		$ 699,363.03
2	Reserve Account		14,180.06
3	Animal Control Trust		
6	Capital.		23,699.95
7	Grants.		904.98
8	Refuse.		173,813.85
9	Refunds.		36,675.78
12	General Ledger.		
16	Heritage Trust.		
14	Open Space Trust		
17	Trust		860.00
18	Development Escrow.		758.50
19	LOSAP		
20	Special Reserve		
	Total		$ 950,256.15
	Less Refund Resolution		(36,675.78)
	Actual Bill List		**$ 913,580.37**
	Other Payments		
	Less Refund Resolution		
	Total Expenditures		**$ 913,580.37**

Adopted: March 22, 2006

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Councilman Nolan abstained from the Valley Health and the Riedel Sign bills.
Motion carried.

Reports of Administrator, Mayor and Members of the Council

Council President Gervens advised that Mayor DiDonato is unwell this evening and thus could not attend tonight's meeting.

Administrator Kunze reminded the Council that there is a joint meeting on Saturday with the Board of Education (BOE) at 9:00 a.m. in the faculty lounge at the high school. An agenda will follow. He advised that he has received a request from the tourism commission asking the Council to reconsider the Percepture bill. He asked for Council consensus to move this to the next bill list. Council President Gervens noted that, regardless of personal feelings, the purchase order has been issued and therefore we are under a contractual obligation to pay this bill. He stated that this bill is for an initial payment and, after paying it, we may decide and instruct the

vendor to cease work. Councilman Warden stated that he believes that this expenditure made simply because the funds were appropriated for tourism. He stated that he is opposed to this and cannot condone spending $12,000 on tourism when we may have to lay people off; it is an ill-conceived concept. He suggested taking the $12,000 to hire a lobbyist to go to Trenton to lobby for tax relief through the water tax. Councilman Scangarello noted that, failure to pay the bill could ultimately cost the Township much more in legal fees. He supports further discussion at the next workshop meeting.

Administrator Kunze asked the Council if they had made a decision as to whether or not we should apply for extraordinary aid. Councilman Nolan stated that $43 million was appropriated for extraordinary aid in the 2006 State budget; this year's budget is proposing an appropriation of $30 million. He believes we will not quality. The Council agreed and the consensus was that the Township of West Milford will not apply for extraordinary aid this year.

Councilman Weisbecker stated that a member of the Greenwood Lake Bi-State Commission is resigning. He advised that the Beautification and Recycling Commission has found that bear resistant garbage cans are successful. He noted that the SLAP crew has been cleaning in a number of areas in town. He requested that the Council consider adopting an ordinance requiring use of clear garbage bags. He also encouraged local businesses to bring their paper to our recycling center. He noted that the planning board is scheduled to meet tomorrow night and he will report back to the Council. He provided an overview of a seminar he attended on pay-to-play and noted that he and Councilman Nolan plan to attend another seminar on this topic. He provided a brief comparison of the fair and open process versus the non-fair and open process and noted that there is a lot of confusion surrounding this legislation. Municipalities that have adopted pay-to-play ordinances have been required to amend those ordinances repeatedly to conform to the ever-changing state statute.

Councilman Smolinski noted that, while the weather remains somewhat chilly, the bears are out of hibernation. He cautioned residents about telephone scams and advised that some residents have been receiving calls from an entity claiming to be the NJ Rebate Program. He advised that the NJ Rebate Program does not make such telephone contact with residents. He would like to see the Police Chief engage in educational initiatives for residents telling them about such scams.

Council President Gervens had no report.

Councilman Nolan advised that the Heritage Committee will be showcasing a collection of 9 prints that will be housed in their new home at the museum henceforth. The exhibit will be on April 1st and 2nd from 12:00 to 4:00 p.m. He provided a brief overview of the artist's life and works. He advised that the Heritage Committee's annual tennis tournament is scheduled for May 20th and 21st. This is the thirteenth year for this annual fundraiser and this year it is dedicated to the memory of Bob Baker who past away last year. The Heritage Committee is seeking sponsors and interested parties can contact Tonya Cubby. He congratulated Councilman Scangarello on the press coverage in Tuesday's Record about the Jungle Habitat property. He noted that Commissioner Bailey requested tonight that the Council consider bygones to be bygones. However, he noted that Mr. Elcavage continues to sit on the MUA and he wants him removed because he is Democat. He advised that he attended the Saint Patrick's Day parade in New York City last week and he congratulated the West Milford High School Band for a job well done.

Councilman Warden stated that the Bi-State Commission is scheduled to sign the weed harvesting agreement tonight. He advised that Mr. Dombrowski is resigning from the commission because he has other commitments. He stated that Richard Dykes is interested in being appointment. He advised that the weed harvester is being prepared and will be in the water by April 15th. He advised that a dinner will be held on April 22nd to acknowledge a number of people throughout the State including Bradley Campbell. He advised that Doris Aaronson, a notable West Milford resident, is being honored at that dinner for her efforts to save the Eagle Ridge property from development. He would like to see the Council recognize Ms. Aaronson for her work and her assistance with legal issues. He advised that more news will be forthcoming on the fleecing investigation. He cannot elaborate at this time. We urged the Council to remove Mr. Elcavage from all committees and boards in Town.

Councilman Scangarello stated that he is seeking donations and volunteers for Jungle Habitat. He referenced a March 10th article in the AIM written by Kathleen Caren of the Passaic County Open Space Council. He advised that the article was addressed to him and that Ms. Caren expressed consternation that the elected officials in West Milford asked questions about the use of open space funds. He stated that, as he understands the role of elected officials, it is their job to ask questions. Eagle Ridge is a high priority for West Milford and, to reiterate Councilman

Warden's sentiments, we do not want improper name-calling or attacks. This article came from a County employee who called Councilman Scangarello prejudiced in the article. He stated that Ms. Caren does not know anything about him and advised that he is not prejudiced. She has no right to make such statements, especially given her position as a County employee. He stated that he demands an apology from Kathleen Caren.

Report of Township Clerk

The Township Clerk asked if the Council had any questions with regard to her memo. There being no questions, the Clerk had no further report.

Report of Township Attorney

Township Attorney Fred Semrau referred the Council to the chart pertaining to pay-to-play distributed by Councilman Weisbecker and noted that there is no limit on contributions if you award through fair and open. He directed the Council to a letter in their packets dated March 10th in reference to a small tax appeal for 40 Old Route 23. He asked the Council for approval to move a resolution on this matter for consideration on April 5th. The Council granted consensus. Mr. Semrau advised that the remediation in the Farrell Field matter was not completed because the Contractor failed to complete the work. He has put $15,000 in trust and the report for recreation is that the field is nowhere near completion and the work that has been done is substandard. Mr. Semrau recommended that, if the work is not completed by the end of April, we should file suit. He provided a summary of the lease for Jungle Habitat and noted that this item will be scheduled for more in-depth discussion at a future workshop meeting. He advised that the weed harvester agreement has been sent out for signature to the County and the Commission. He further advised that he is pursuing Tilcon for breach of contract for their failure to provide snow removal product pursuant to their contract. The Township engineer has calculated our damages to be $16,000. He advised that the Council is required to appoint a Chief Municipal Public Defender and that this discussion will be scheduled for a workshop agenda.

Appointments, Resignations, Terminations

Agenda No. XII a

~ Resolution 2006-119 ~

RESOLUTION OF APPOINTMENT TO THE TELECOMMUNICATIONS ADVISORY COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby appoint **Gary Oppenheimer** to the **Telecommunications Advisory Committee** for a term to expire on December 31, 2006.

Adopted: March 22, 2006

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

Agenda No. XII b

~ Resolution 2006-120 ~

RESOLUTION OF APPOINTMENT TO THE WEST MILFORD ENERGY COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby appoint **Gary Oppenheimer** to the **Township's Energy Committee** for a term to expire on December 31, 2006.

Adopted: March 22, 2006

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

Agenda No. XII c

~ Resolution 2006-121 ~

RESOLUTION OF APPOINTMENT TO THE WEST MILFORD ENERGY COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby appoint **William Messmer** to the **Township's Energy Committee** for a term to expire on December 31, 2006.

Adopted: March 22, 2006

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

Agenda No. XII c

~ Resolution 2006-122 ~

RESOLUTION OF APPOINTMENT TO THE BEAUTIFICATION & RECYCLING COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby appoint **KATHLEEN CAREN** to the **Beautification and Recycling Committee**, for a term to expire on December 31, 2006.

Adopted: FAILED

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Nolan, Warden
Voted Nay: Smolinski, Gervens, Scangarello
Motion carried.

Executive Session

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:15 P.M.

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

APPROVED:

_____
COUNCIL PRESIDENT GERVENS
PRESIDING OFFICER

_____
ANTOINETTE BATTAGLIA
TOWNSHIP CLERK