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

Minutes of: Township Council Regular  
Date of Meeting: March 25, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 24

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

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 4, 2009; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

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

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

None.

Agenda No. II

**Presentations**

Recycling Committee – Presentation to Children that Designed Logo for Sweatshirt – Mayor Bieri invited the members of the Recycling Committee in attendance to join her at the podium to recognize the students who participated in this year’s competition for designing the beautification day sweatshirt. Bill Schug of the Recycling Committee invited Mr. Cali from the Macopin School to join the committee commending him and his students for participating in this contest and for the quality of work generated by these students. Mr. Cali thanked the students in his art class and invited those in attendance forward to accept their certificates of recognition. Mayor Bieri presented the children with their certificates and commended their designs. James Novack of the Recycling Committee announced that April 25<sup>th</sup> is beautification day and he asked everyone to participate. Supplies and refreshments will be provided for this community-focused day where residents can show their pride in their community.

UN Teacher and Students – Mayor Bieri stated that she is honored to welcome members of the High School United Nations to the Council meeting tonight. She has met with these impressive and involved students who are well versed on national and international affairs. She invited Greg Matlass who teaches at West Milford High School to the podium. Mr. Matlass advised that forty-two students at West Milford High School who participate in his class debate international policy. He introduced the president of the student UN, Heather Ryan, the treasurer, Matt Conlon. The model UN students will debate the Board of Education (BOE) candidates next week. Ms. Ryan advised that the West Milford model UN has been very proactively seeking to increase involvement, has visited many clubs and recently attended Philadelphia’s model international UN conference. At that prestigious event, West Milford received honors and the students are hoping to attend again next year. Mr. Conlon stated that for the first time in West Milford history, model UN students will moderate a debate in New Jersey politics. The students are hoping that all BOE candidates attend the debate and the result will be more enlightened voters. The candidates have all been invited and provided a list of topics to be covered. The debate will take place on April 9<sup>th</sup> at 7:30 p.m. at the High School auditorium. The model UN club relies on donations which funds are used to advance the goals of the model UN and fund conference trips. Mayor Bieri commended all the UN students.

Athletic Fields of America – Mayor Bieri invited Phil Piero to the podium to introduce himself and address the Council. Mr. Piero stated that he is a West Milford residents and introduced his partner, Paul Martino of *Applied Landscape Technologies* and *Athletic Fields of America*. Mr. Martino gave a brief overview of the company’s history advising that he has been developing High School recreation fields for years. He is here tonight to present a unique opportunity for West Milford that will benefit the residents and his company at the same time. Mr. Piero stated that he and Mr. Martino are proposing a project on Ridge Road opposite Carolyn Drive on the site known as Random Woods. This is an approximately 93-acre site which is restricted under the Highlands Act. They are proposing utilizing approximately eight acres that are not designated wetlands while leaving the rest of the property intact. They will construct a green-friendly facility with parking for about 90 cars and ultimately turn the facility over to the town. The structure will be a 360 X 220 square foot bubble housing a full size field with proper draining and be

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available for use all year. The presenters showed a PowerPoint presentation and conceptual plans for the facility. The 80,000 square foot structure would also house a track, provide for multiple sports, be climate controlled and house all amenities. Mr. Piero stated that there would be no cost to the taxpayers, will bring eco-tourism to West Milford and create local jobs. *Athletic Fields of America* (AFA) will provide a general manager to operate the facility which will be manned by Township personnel. There will be no charge for West Milford high school teams to use the facilities during off-peak hours and AFA will construct and donate an outdoor field to the Township. Peak hours are Monday through Friday from 4:00 p.m. to midnight and all weekend. Teams from other towns will pay to bring their students to this facility during peak hours for training and games. AFA will provide vouchers to the Township based on revenue and those vouchers can be used as the Township sees fit. He stated that this is a very innovative concept that create a synergy between the Township and this company.

Mayor Bieri acknowledged the positive response from the public noting that the meeting is very well attended this evening. Mr. Semrau explained the history of Township efforts to obtain Random Woods advising that thus far the acquisition of this property is contingent upon obtaining funding. At this time, the property owner is seeking \$2.3 million for this property and the Township has applied for County and State funding. Thus far there is a commitment from the County for \$250,000 and a potential commitment of \$500,000 from the State Green Acres program. However, the property is located within the Highlands and requires extensive approvals. Township officials recently met with DEP officials and there are a host of hurdles to be overcome. The next phase of approvals will be sought through the Highlands Council before applying to the DEP for their approvals. The property owner has agreed to stay the contract for an additional six months to allow the Township to seek more funding. Mayor Bieri advised that initial proposals for this property included a library and/or municipal complex comprising a 17,000 square foot building and a ball field. The presenters here tonight are proposing an 80,000 square foot building. She stated that the planning board engineer, Paul Ferriero, is in attendance tonight and asked him to address this matter. Mr. Ferriero stated that he has known Paul Martino for ten or fifteen years and has faith in his company. He was asked to attend tonight's meeting because of the next presentation regard West Milford Lake so was not consulted in advance about the proposal made here by Mr. Martino. Having listened to the presentation and been party to the recent meeting with the DEP pertaining to the Random Woods property, in his opinion there are insurmountable components to the proposed project. The DEP was not optimistic about the proposed municipal uses for this property and it is certain that, regardless of the proposal, the process for obtaining approvals will not be speedy. Mayor Bieri invited Matt Dank of the Land Conservancy forward to provide any insights he may have. She advised that Mr. Dank is in attendance this evening to discuss potential property acquisitions with the Council in executive session. Mr. Dank stated that he has worked on open space acquisitions for both passive and active recreation. In his opinion, it would be very difficult to obtain DEP, Highlands and Green Acres approvals for the type of project proposed here tonight. Open space funding is awarded with a lot of restrictions and he opined that this is a very ambitious project for a Highlands community.

Council President Smolinski stated that a couple of weeks ago he received an email from the West Milford PAL about this presentation with a request that Mr. Piero and Mr. Martino be afforded an opportunity to make the presentation to the Recreation Advisory Committee (RAC) which they did. He noted that many proposed projects have fallen victim to the Highlands legislation and municipal projects do not receive waivers despite their benefit to the local community. West Milford continues to offer substandard amenities while other towns and allowed to provide state of the art conveniences to their residents. Councilman Schimmenti echoed those sentiments and added that he would rather have tried to get approvals for this proposal to benefit the community than to fail without even trying. In response to queries from Councilman Weisbecker, Mr. Martino advised that construction of the proposed facility would take approximately six to eight months after approvals are in place and he stated that he should have conducted due diligence prior to proceeding with a presentation and conceptual plans. AFA would fund the entire project and maintain the facility thereafter. They will donate a field to the Township. Prior to making a commitment AFA would conduct a feasibility study and they can bond for this facility. This is a new concept and they do not have any on-going projects at this time. Mr. Martino stated that he will work with the Township to facilitate proceeding with this proposition and will submit a proposal to the Township that can then be sent to DEP and Highlands for approval. Council President Smolinski asked what the impact would be on existing Township recreation programs. Mr. Piero stated that there would be no affect and there should be no conflicts. Because the proposed facility is all-season the proposal may ultimately benefit existing programs because West Milford has issues with a lack of usable fields. Mayor Bieri asked Mr. Piero and Mr. Martino to submit their proposal as soon as possible and instructed the Administrator to schedule a workshop discussion of this matter as soon as the proposal is received. In response to Councilman Nolan, Mr. Martino stated that they will address the public/private partnership in the business plan.

At 9: 05 p.m. Mayor Bieri called for a short recess while residents left the meeting.  
Mayor Bieri reconvened the meeting at 9:12 p.m. with all Council members present as before.

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West Milford Lake – Marshall Hill LLC – Mr. Tibor with Conklin Associates joined Mr. Patire, the owner of West Milford Lake to address the Council. Mr. Tibor explained that they have requested an opportunity to speak before Council to discuss opportunities for future utilization of the bottom of West Milford Lake. This is a fourteen-acre property across from Shop Rite. The DEP has mandated that the dam on this property be decommissioned and the post decommissioning reconstruction would cost at least \$440,000. In his opinion, mitigation is the answer for West Milford Lake. Many developers are constantly seeking sites for mitigation and his research indicates that this is the highest and best use for this site. In the past, the West Milford Environmental Commission studied this property and his clients are proposing to pick up where the Environmental Commission left off: proposing a pond and a marsh. The property owner is seeking Council support with the Highlands Council and the DEP. He stated that this is similar to the mitigation project that is on-going at Wallisch and involves Ramapo College in partnership with the Township of West Milford. His client would prepare a mitigation plan and seek to market mitigation opportunities to developers both in West Milford and out of town for a profit. The DEP Division of Dam Safety has established timelines and conditions. However, there are also opportunities to address silt and pollutants. He introduced Peter Yuboldi from Global Ecology, a bio-remediation company from Perth Amboy New Jersey. Mr. Yuboldi explained that his company focuses on green technology for lake clean up. He described the process they use to remove contaminants which relies on adding live bacteria to the water. The process is EPA and USDA approved and his company seeks to obtain grants for clients. He expects that he could get grant money for the Township to engage his services for West Milford Lake at no cost to the residents. Mr. Tibor stated that this process facilitates mitigation projects and Greenwood Lake would ultimately benefit from the process. On behalf of his client, he is proposing that the Township would assume responsibility for the site after mitigation.

Mayor Bieri invited the Planning Board Engineer, Paul Ferriero to comment on the presentation. Mr. Ferriero advised that many development projects require mitigation plans and Mr. Tibor explained the mitigation process. He stated that West Milford Lake is a headwater that ultimately flows into Belchers Creek. If left alone, the site will become a swamp. Mr. Ferriero stated that the property owner plans on selling offsite credits to private developers to provide for their mitigation plans. Mr. Tibor stated that the ultimate goal is to have the property serve as a park and asked if West Milford would be interested in ownership of this site as a passive recreation park. In response to Mr. Ferriero, Mr. Tibor stated that his client is seeking support from the Council with the Highlands Council and the DEP. He asked the Township to submit a letter to the DEP supporting their request for an extension of the deadline date for decommissioning the dam. The owner needs an extension to obtain grant funding. Post decommissioning and mitigation, the owner would donate the property to the Township. Mr. Semrau asked how the Council can support this concept without knowing how the dam will be paid for and who will be responsible for the cost. Discussion ensued about the various types of mitigation required by the DEP and Mr. Tibor indicated that his firm can prepare and submit to the Township a specific plan that outlines all the parameters of the proposal.

Agenda No. III

**Proclamations**

None.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

None.

Agenda No. V

**Public Comments**

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

Noting the late hour, Councilwoman Lichtenberg asked to make an announcement. She stated that tomorrow night at Applebees there will be a fundraiser for a two-year old West Milford resident who has cancer. For every participant, Applebees will contribute a sum of money to the Delaney's medical bills. The family also has a five-year old son.

Wendy Watson-Hallowell, 50 Linwood Road, Hewitt invited everyone to attend the second annual Highlands Greenfest at Bubbling Springs on May 16<sup>th</sup>. She stated that the theme is the same as last year.

Ada Erik, Macopin Road, West Milford voiced support for the athletic facility presentation asking all residents to support the project.

Bob Nicholson, 20 High Road, Stockholm stated that he watched the last Council meeting on municipaltv.tv and learned that the Council is discussing reestablishing the Tourism Commission. He stated that he served on the last Commission. Sports and recreation are components of tourism and with

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the vast wilderness in West Milford there are opportunities at hand. He asked the Council to reinstate the Commission noting that the former members were very dedicated.

Bill Remia, 5 Yancy Terrace, Mount Laurel Lake stated the the field presenter failed to exemplify that they want to build a field. Other groups in town want to add the funding to install a turf field and this ultimately equates to three new fields in town. He asked the Council to invest in a retractable flat screen behind the dais for presentations.

James Warden, 199 Highcrest Drive, West Milford commended the DPW and the Township Engineer for their attention to timely street sweeping in town. He expressed surprise at the West Milford Lake presentation tonight. He attended presentations made by the Environmental Commission where everyone appeared involved and public funds were expended. He asked how this property managed to be sold in a tax lien sale and where the grant money went. While everyone would love to see the dome become a reality, it does not seem realistic. The Township has been working for years with the DEP to be allowed to use Jungle Habitat to no avail. Perhaps the presenters should deal directly with the DEP to have this facility built at Jungle Habitat.

Peter Bremy, Macopin Road, West Milford expressed support for the dome sports facility as presented. However, with existing parking in place and State ownership he suggested that Jungle Habitat would be a more logical site. Because of the zoning, such a facility at Jungle Habitat could potentially be open 24-hours a day.

Heather, 42D Lexington Lane, West Milford expressed her support for the dome project and favors its housing at Jungle Habitat. Because lights would be on at the field and Random Woods is in a residential zone, Jungle Habitat would be preferred.

Jim Novack, Larchmont Drive, West Milford noted that the Council will be considering resolution 128 tonight in support of tax rebates for seniors and the disabled. He supports this resolution. He stated that the resolution for the fireworks display authorizes a contract without competitive bidding and the Council should not approve that.

Ed Brown, 6 Croton Road, Hewitt supports the recreation project because West Milford has limited resources. The private organizations and volunteers do all they can and this is a perfect scenario for a private company to become involved and make a profit.

Michele Vogt, 66 Camelot Drive, West Milford stated that she is the director for youth lacrosse for West Milford. A facility as proposed would provide her group with a place to practice and would have many benefits for the community.

Doris Aaronson, 19 Bearfort Road, West Milford expressed hope that the Council will consider housing the proposed dome on Jungle Habitat. The traffic and noise impact would be minimized because Jungle Habitat is in a commercial zone. She asked the Council to empower the Township Attorney to fight the Newark tax appeals. Besides the lost revenue to the Township, this is a water protection issue.

Tara Donohue, Riverside Road, West Milford stated that she supports the proposed dome project because it would bring much needed revenue to the Township. If the school budget passes, the average taxpayer will see a \$200 increase. West Milford residents cannot continue to sustain these escalating costs and need relief.

Todd Maupai, 17 Carteret Street, West Milford thanked Mr. Piero and Mr. Martino for their vision. It is time to make this happen. Despite the fact that West Milford has a vision for recreation, only two fields have changed in 40 years. Negativity is the problem and he urged everyone to adopt a positive attitude and make this happen.

J.T. Bulger, 112 Lincoln Avenue, West Milford echoed Mr. Maupai's comments adding that regardless of location, this needs to happen. The Highlands has a stranglehold on West Milford and residents want this to happen.

Ron Kellerman, 100 Larson Road, West Milford stated that the children in West Milford need a facility like that proposed. Kids have only two choices in West Milford: sports or trouble. They have nowhere to go and the fields are all in bad shape.

Joseph Manganella, 55 Moore Road, West Milford stated that the vision vocalized here tonight is outstanding. He is actively involved in travel baseball and has seen facilities in other towns. It has cost him thousands of dollars over the years to travel to other towns and he urged Council to support this facility. Volunteers spend time, energy and money on our fields and this facility would benefit every segment of the population. Those who drafted the Highlands Act do not know West Milford and they certainly don't recognize that the residents must get something back. He urged for support of this project.

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

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

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Agenda No. VI

**Council Comments**

Councilman Schimmenti stated that Random Woods is the logical site for the proposed dome facility primarily because the State of New Jersey would demand all the profits if it were housed at Jungle Habitat. Random Woods is also sited closer to town. While Jungle Habitat is a beautiful site, the State of New Jersey is unreasonable in negotiations for that facility. Despite the hurdles, it would be easier and faster to develop Random Woods.

Councilman Jurkovic expressed support for the dome recreation facility and he agreed with the comments about it being a vision. The Highlands Act was enacted to protect Newark's water and the thanks to West Milford residents is the filing of a tax appeal. West Milford residents compromise our property values and cannot have development and now the beneficiaries of these hardships have the audacity to seek a reduction in contributing their fair share. Only 17% of the land in West Milford is owned by residents and those residents are paying the bulk of the taxes. Sixty percent of West Milford land will not generate revenue and yet the Township constantly purchases more open space. He stated that we must stop funding everything through property taxes. West Milford is being treated unfairly by the State and Newark there must be some equity and fairness.

Council President Smolinski stated that Newark has appealed their taxes before and won. They then sold their rights to the State of New Jersey. What is next? Eventually, West Milford will have a 100% loss of ratables. He does not oppose the concept of protecting the water supply but it should not be at the expense of West Milford residents and projects like this that would benefit this community. The powers that be in Trenton had prevented West Milford from using Jungle Habitat for years and the constant roadblocks are aggravating. He urged residents to make noise in Trenton and stated that the Council supports the dome concept.

Councilman Jurkovic stated that he and the Mayor met with the BOE committee and are expecting a proposed lease from the BOE by next Wednesday. Their attorney is working on it.

Councilman Weisbecker stated that he would like to have a workshop discussion about hiring a lobbyist to work for West Milford in Trenton.

Councilman Nolan stated that, in addition to Newark, tax appeals are being filed throughout the state. The Council is behind in the budget process and the deadline to apply for extraordinary aid has passed. West Milford has three elected State representatives and he asked that Senator Pennachio and Assemblymen DeCroce and Webber be invited to a meeting wherein Council can ask them to fight for change. We are facing a budget crisis.

Mayor Bieri thanked the public for coming out and sharing their ideas. She recommended that once the proposal is received, the Council pursue both properties simultaneously to avoid future delays. All options should be explored and she will try to exert influence with the Highlands Council and the Governor's office. She stated that with our professionals, she is confident that we can prevail in the Newark appeal process.

Mayor Bieri asked that the Council convene in executive session at this time. because Matt Dank of the Land Conservancy is in attendance to discuss property acquisitions.

~ Resolution No. 2009- 150 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 25<sup>th</sup> day of March, 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive

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- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
( ) b. (4) A collective bargaining agreement including negotiations.
( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
[ ] Safety – Building Security
(X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
[ ] Contract Negotiations – Hillcrest
[ ] Contract Negotiations – Open Space Property Acquisitions & Potential Acquisitions
o Block 5008, Lots 1 + 2 – Westbrook Road
o Block 5301, Lot 45 – Morsetown Road
o Block 5002, Lot 5 – Morsetown Road
o Block 9901, Lot 27.01 – Wooley Road
o Block 1701, Lot 24 – Bayonne Drive
o Block 5301, Lots 34 + 38 – Morsetown Road
o Block 9901, Lots 10 – Sussex Drive
o Block 9901, Lots 11 + 12 – Union Valley Road
( ) b. (8) Personnel matters.
( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 25, 2009

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

The Council convened in executive session at 11:00 p.m.
The Council reconvened in public at 11:38 with all present as before.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2009- 005~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 414 "FEES, LAND DEVELOPMENT" OF THE REVISED GENERAL ORDINANCES

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

§414-3. Subdivision of land and site plan review fee schedule.

In accordance with Chapter 470, Subdivision of Land and Site Plan Review, the following fee schedule constitutes application fees and escrow fees:

Table with 3 columns: SUBDIVISIONS, Application Fee, Escrow Fee. Rows include Concept/Sketch Plat and Minor Subdivision with their respective fees.

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Preliminary Subdivision Plat	\$350 + \$100/lot	\$1,200 + \$300/lot
Final Subdivision Plat	\$250 + \$50/lot	\$1,200 + \$150/lot

SITE PLANS

Concept/Sketch Plat                      One half (½) the application and escrow fee. If the application for development is filed within six months of the concept plan, full credit for the concept fees will be applied. After six months, the full application and escrow fees apply.

Minor Site Plan	\$200	\$800
Preliminary Site Plan	\$300 + \$.10/sq ft of proposed building & prop impervious coverage	\$800 + \$.30/sq. ft of prop. bldg. & prop. impervious coverage
Final Site Plan	\$200 + \$.10/sq ft of proposed building & prop impervious coverage	\$800 + \$.15/sq. ft of prop. bldg. & prop. impervious coverage

AMENDED PLANS

If filed within six months of the originally approved application for development one half (½) of the application and escrow fees apply. After six months, full application and escrow fees apply.

REVIEW AND INSPECTION OF DEVELOPMENT                      2.0 times the individuals hourly rate

<u>APPEALS NJSA 40:55D-70a</u>	\$150	\$500
<u>INTERPRETATION 40:55D-70b</u>	\$200	\$750

<u>VARIANCE NJSA 40:55D-70c</u>		
Private Road	\$55	\$450
Residential	\$205	\$950
Fencing on a Property containing a single-family dwelling	\$105	\$450

<u>USE VARIANCE NJSA 40:55D-70d</u>		
Additions to existing residences not exceeding a footprint of 250 sq. ft.	\$205	\$950
For signs	\$205	\$950
For all others	\$605	\$1,500

<u>ZONE CHANGE REQUEST</u>		
0 – 10 acres	\$ 250	\$1,500
10 – 100 acres	\$ 500	\$4,500
over 100 acres	\$1,000	\$7,500

<u>WIRELESS TELECOMMUNICATIONS FACILITIES</u>	\$1,000	\$4,000
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§414-4. Zoning Permits.

In accordance with Chapter 470, Subdivision of Land and Site Plan Review, the fee for a zoning permit shall be as follows:

- A. The fee for a zoning permit for additions, accessory buildings and garage alterations for existing single-family owner-occupied dwellings shall be: \$50.00
- B. Decks, fences, pools, sheds, walls and signs: \$40.00

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C.	Home Occupation:	\$40.00
D.	New Homes:	\$75.00
E.	Commercial:	\$150.00
F.	Commercial Additions:	\$100.00
G.	Change in Tenancy:	\$20.00
H.	Temporary Structures:	\$40.00

**§414-6 Temporary Outdoor Activity Permit**

A permit shall be required for each Temporary Outdoor Activity as defined in Chapter 420, §420-6 and as regulated in Chapter 500, §500-36.1. The fee for each permit shall be fifty dollars (\$50).

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

INTRODUCED: March 25, 2009

Discussion: Councilman Jurkovic asked that volunteer organizations such as the ambulance and fire department be exempted from paying the fees. Mr. Semrau advised that if the legislation were to exempt non-profit organizations that would include all non-profit organizations. The Council discussed various options and instructed Mr. Semrau to amend the ordinance to waive fees for all non-profit organizations that receive funds from the Township and serve a public purpose.

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

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Agenda No. VIII 2

**~ Resolution No. 2009- 045~**

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

**TABLED TO APRIL 1, 2009 WORKSHOP MEETING**

Mr. Boyle stated that the Township sent a reply to Ms. Pappas' attorney and have not had a response. Mr. Semrau advised that the Council may adopt this resolution now and Ms. Pappas will understand that this is the contract Council approved. Mr. Boyle stated that the administration did not agree with the changes proposed by Mr. Azar, counsel to Ms. Pappas, and believes that those changes would prove detrimental to the Township. Mr. Semrau stated that most of the provisions have been dealt with and the outstanding issues pertain to clarification of responsibilities. The Township Administrator takes issue with Ms. Pappas' proposal and the manner in which caretaker matters would be handled during the work day. The Administrator is of the opinion that such issues should be handled in a manner that would apply to any caretaker whether or not that person is in the employ of the Township. In response to Councilman Jurkovic, Mr. Semrau stated that if the Township were to allow one employee to leave work to handle personal problems, all employees must be allowed the same discretion. Council President Smolinski stated that he wants to await the response from Ms. Pappas attorney before taking action.

Council President Smolinski made a motion to table this resolution to the April 1, 2009 workshop meeting and extend the current caretaker agreement to that date.

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

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The following resolutions were moved as one 2009-126, 2009-127, 2009-128, 2009-129, 2009-130, 2009-131 and 2009-132

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

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

Minutes of: Township Council Regular  
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Agenda No. VIII 3

~ Resolution 2009 - 126 ~

**RESOLUTION 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 2008 budget year; and

ACCT. NO.	ACCOUNT DESCRIPTION	
25-243-100	Police Communications, Salaries & Wages	\$ 1,500.00
25-265-100	Fire Prevention, Salaries & Wages	\$ 1,000.00
26-294-200	Snow Removal, Other Expenses	\$ 83,000.00
27-330-100	Public Health, Salaries & Wages	\$ 2,000.00
27-340-100	Animal Control, Salaries & Wages	\$ 1,000.00
28-374-100	Hillcrest, Salaries & Wages	\$ 3,500.00
28-375-100	Parks, Salaries & Wages	\$ 2,000.00
<b>TOTAL</b>		<b>\$ 94,000.00</b>

**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.

20-161-200	General Services, Other Expenses	\$ 8,000.00
25-240-100	Police Patrol, Salaries & Wages	\$ 11,000.00
31-446-200	Natural Gas	\$ 27,000.00
31-460-200	Gasoline/Diesel	\$ 48,000.00
<b>TOTAL</b>		<b>\$ 94,000.00</b>

**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 of the 2008 appropriation reserves 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 2008 budget appropriations reserves:

<b>1. \$94,000.00</b>		<b>2. \$94,000.00</b>	CURRENT FUND
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A certified copy of the Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: March 25, 2009

Agenda No. VIII 4

~ Resolution No. 2009- 127~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING LEGISLATIVE SUPPORT TO REFORM THE CURRENT BINDING INTEREST ARBITRATION LAWS**

**WHEREAS**, the State of New Jersey and all 566 municipalities therein are facing unprecedented financial challenges associated with budgets, labor units, employee benefits and overall increases to operating expenses; and

**WHEREAS**, to address these crises in the State Budget, aid to municipalities has been drastically cut without any modifications to state mandates to help offset the burden placed on local government; and

**WHEREAS**, personnel and personnel related costs account for approximately 70% on average of municipal budgets and have been increasing at faster rates than other goods and services used by local governments; and

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

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**WHEREAS**, binding arbitration requirements are weighted adversely against local government compelling increased property taxes; and

**WHEREAS**, for more than three years the New Jersey League of Municipalities (NJLM) has continuously studied, made recommendations and encouraged the Governor and Legislature to modify the binding arbitration requirements to protect the public interest and the taxpayer's pocketbook.

**NOW, THEREFORE, BE IT RESOLVED**; that the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey strongly urges the Governor and the Legislature to place the reform of binding arbitration on the agenda for 2009; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to Governor Jon Corzine, the Legislators to the 26<sup>th</sup> District, and the New Jersey League of Municipalities.

Adopted: March 25, 2009

Agenda No. VIII 5

~ Resolution No. 2009- 128~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY URGING FULL FUNDING FOR PROPERTY TAX REIMBURSEMENT PROGRAM FOR SENIOR AND DISABLED CITIZENS**

**WHEREAS**, this Governing Body of the Township of West Milford recognizes the need and importance of the Property Tax Reimbursement Program for senior and disabled citizens; and

**WHEREAS**, this program is designed to reimburse senior citizens and disabled persons with limited income for property tax increases; and

**WHEREAS**, currently, the State of New Jersey is developing its fiscal year budget in one of the worst financial economic times in the history of our State; and

**WHEREAS**, the benefits under this program may be affected by the State's budgetary constraints; and

**WHEREAS**, program participants from the Township of West Milford, as well as the State of New Jersey, depend on this reimbursement each year.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford urge the Governor and the Legislature to fully fund the Property Tax Reimbursement Program for senior and disabled citizens in the upcoming fiscal year budget; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Jon Corzine; to Senator Joseph Pennacchio; to Assemblyman Alex DeCroce; to Assemblyman Jay Webber; to the Secretary to the New Jersey Senate; to the Clerk of the New Jersey Assembly; to the Passaic County Board of Chosen Freeholders; to the New Jersey State League of Municipalities; to the New Jersey Conference of Mayors; and to the Clerks of all Passaic County municipalities.

Adopted: March 25, 2009

Agenda No. VIII 6

~ Resolution No. 2009- 129~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP**

**WHEREAS**, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

**WHEREAS**, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford as follows:

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

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1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on April 22, 2009 at 6:00 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.
16. The resolution shall take effect immediately.

Adopted: March 25, 2009

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

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**~ Resolution No. 2009- 130~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING PASSAIC COUNTY PARA-TRANSIT TO TAKE OVER THE SCHEDULING OF CERTAIN SERVICES PROVIDED TO THE RESIDENTS OF WEST MILFORD TOWNSHIP**

**WHEREAS**, the Township of West offers and plans to continue offering transportation services to seniors, disabled and handicapped residents in addition to the fixed bus route; and

**WHEREAS**, these services provide eligible residents the ability to schedule transportation to medical and other critical appointments that cannot be accomplished through a fixed route system; and

**WHEREAS**, the Township of West Milford has agreed to have Passaic County Para-Transit undertake the scheduling of all appointments for these clients to begin on April 1, 2009; and

**WHEREAS**, the Township of West Milford has provided Passaic County Para-Transit with all the names and addresses of our current client list and all of this information has been entered into their database; and

**WHEREAS**, the Department of Community Services & Recreation will work with Passaic County Para-Transit to ensure a smooth transition and to notify all affected residents of these changes; and

**WHEREAS**, the Township of West Milford will continue to house the vehicles used to provide such services to residents in West Milford.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford does hereby authorize Passaic County Para-Transit to assume all facets of scheduling for the aforementioned transportation program effective April 1, 2009 or as soon as practicable thereafter; and

**BE IT FURTHER RESOLVED**, the Department of Community Services & Recreation shall work with Passaic County Para-Transit to ensure the smooth transition of this scheduling process for as long as it shall take to streamline the process; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be placed in the permanent project file.

Adopted: March 25, 2009

Agenda No. VIII 8

**~ Resolution No. 2009- 131~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO THE NEW JERSEY DIVISION OF PARKS AND FORESTRY FOR THE USE OF THE FORMER JUNGLE HABITAT PROPERTY TO HOLD A FIREWORKS DISPLAY**

**WHEREAS**, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 2, 2009 with a rain-date of July 10, 2009; and

**WHEREAS**, the use of the former Jungle Habitat property requires approval by the New Jersey Division of Parks and Forestry; and

**WHEREAS**, the Director of Community Services & Recreation prepared an Application to present to the State of New Jersey Department of Environmental Protection for the use of the property for this purpose.

**WHEREAS**, the Township Officials have reviewed the application and the report submitted to it by the Township Administrator.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and Garden State Fireworks to the New Jersey Division of Parks and Forestry, Ringwood State Park for the use of the former Jungle Habitat property to conduct a fireworks display on July 2, 2009 with a rain-date of July 10, 2009 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.

Adopted: March 25, 2009

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

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Agenda No. VIII 9

~ Resolution No. 2009- 132~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO GARDEN STATE FIREWORKS FOR TOWNSHIP FIREWORKS DISPLAY SERVICES REGARDING A FOURTH OF JULY CELEBRATION IN AN AMOUNT NOT TO EXCEED \$12,000.00**

**WHEREAS**, the Township is in need of professional Pyrotechnics Handler services regarding the Township of West Milford Community Affairs and Recreation Department Fourth of July celebration; and

**WHEREAS**, Garden State Fireworks has vast experience and expertise in providing such services in New Jersey, and to the Township; and

**WHEREAS**, the Township wishes to retain the services of Garden State Fireworks to assist the Township of West Milford in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition; and

**WHEREAS**, the total amount of the contract shall not exceed \$12,000.00 and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for these services and shall come from the current fund account number T-15-56-372-202.

**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

**WHEREAS**, Garden State Fireworks has received the Township's Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Garden State Fireworks from making any reportable contributions through the term of the contract, and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Garden State Fireworks, P.O. Box 403, Millington, New Jersey 07946 to assist the Township in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition in an amount not to exceed \$12,000.00.
2. This contract will be executed ten days after receipt of required documentation.
3. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
4. The total fee authorized for this contract shall not exceed \$12,000.00 without the prior written approval of the Township Council.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: March 25, 2009

Agenda No. VIII 9

~ Resolution No. 2009- 133~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL**





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

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH TRINITY RECYCLING OF NJ, INC. FOR PAYMENT OF 2008 OUTSTANDING BALANCE**

**WHEREAS**, the Township of West Milford had entered into a Contract with Trinity Recycling of NJ, Inc. effective January 1, 2007 for the sale of certain ONP, OCC, Mixed Paper, Curbside and Commingled recyclables;

**WHEREAS**, Trinity Recycling of NJ, Inc. failed to make payments for such recyclable materials in October, November and December of 2008; and

**WHEREAS**, the Township has negotiated a resolution of this matter which would call for the outstanding balance of \$27,819.04 to be paid in full by way of an initial down-payment of \$5,564.00, which has been paid, and equal installments of \$2,782.00 over an eight month period; and

**WHEREAS**, the agreement calls for certain penalties of ten percent (10%) interest and costs as well as an acceleration provision in the event the terms of such payment plan are not complied with.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to enter into a Settlement/Installment Agreement with Trinity Recycling of NJ, Inc. for amounts due and owing to the Township of West Milford. A copy of the Settlement/Installment Agreement shall be placed on file in the Township Clerk's Office.

Adopted: March 25, 2009

Agenda No. VIII 13

~ Resolution No. 2009- 137~

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

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

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

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

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township Administrator be and is hereby authorized to submit an ANJEC grant application in the amount of \$20,000 with a matching cash contribution of \$5,000 from the Township of West Milford (for a total cost of \$25,000) for the purpose of creating a Trails Master Plan.

Adopted: March 25, 2009

Agenda No. VIII 14

~ Resolution No. 2009- 138~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-015-009 - ANGELO JULIANO FOR THE 2008-2009 LICENSE YEAR**

**WHEREAS**, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-015-009, having no sited premise, held by Angelo Juliano; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- 1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).
4. Licensee has received a Special Ruling from the Office of the Attorney General for the 2008-2009 license year.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred as a "Pocket" license with the following conditions:

- 1. Any proposed premises must be inspected and approved by the Police Department before opening.
2. Food Handlers License must be current before issuance of License Certificate.
3. Certificate of Occupancy must be issued prior to opening.
4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12- page application, within ten days before or after the opening of the business to receive current license certificate.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the renewal and hold the license certificate until activated per conditions referenced above.

Adopted: March 25, 2009

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

Agenda No. VIII

Consent Agenda

~ Resolution No. 2009- 139~

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

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

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

Resolutions:

- a. Resolution 2009-140 – Cancel Taxes
b. Resolution 2009-141 – Refund Other Liens
c. Resolution 2009-142 – Refund Overpayments
d. Resolution 2009-143 – Refund Overpayments
e. Resolution 2009-144 – Refund Recreation Fees
f. Resolution 2009-145 – Refund Performance Guarantee
g. Resolution 2009-146 – Refund Police Department Fees
h. Resolution 2009-147 – Reinstate Taxes
i. Resolution 2009-148 – Approve Various 2009 Licenses

Applications:

- a. Application for an On Premise 50/50 Raffle – Apshawa PTA
b. Application to Amend Raffle License No. 2009-11 for Pull Tab Raffle – Raffle not held
c. Application for a Calendar Raffle – Saint Joseph Church
d. Application - On Premise 50/50 Raffle – Our Lady Queen of Peace Home School Assoc.

Adopted: March 25, 2009

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

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

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Motion carried.

Agenda No. VIII a

~ Resolution No. 2009- 140~

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

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

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

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

**REASON:**

- 1. Tax Exempt
- 2. 100% Disabled Veteran

BLOCK/LOT	NAME	AMOUNT	YEAR
9901-28	State of New Jersey- DEP	\$110.00	2009 First Half
4301-14	Araldo Luccioni	\$642.93	2008 4 <sup>th</sup> Qtr.
<b>Total</b>		<b>\$752.93</b>	

Adopted: March 25, 2009

Agenda No. VIII b

~ Resolution No. 2009- 141~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
07-014	4/03/07	00902-016	\$169.06	Chun T Li 9 Maljim court Wayne, NJ 07470
078-030	4/03/07	02001-011	\$1,324.67	Chun T Li 9 Maljim court Wayne, NJ 07470
07-030	4/03/07	03503-015	\$4,410.94	Douglas Balduini 103 Lee Ave. Haledon, NJ 07508
08-004	04/08/08	00403-006	\$18,296.78	Fidelity Tax LLC P.O. Box 5707 Ft. Lauderdale, FI 33310
08-102	4/08/08	13203-010	\$24,436.13	American Tax Funding LLC P.O. Box 862658 Orlando, FI 32886-2658
<b>Grand Total</b>			<b>\$48,637.58</b>	

Adopted: March 25, 2009

Agenda No. VIII c

~ Resolution No. 2009- 142~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

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

**REASONS:**

- |                                     |                          |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment                | 4. Homestead Rebate      |
| 2. Duplicate Payment                | 5. Tax Appeal            |
| 3. Senior Citizen/Veteran Deduction | 6. Received for Tax Sale |

Block/Lot	Name	Amount	Year	Reason
404-12	Guardian Title Services, LLC 7 Kingsbridge Road Fairfield, NJ 07004	\$1,868.00	2009	2
2710-5	R. & M. Gumbinger 14 Freehold Court Hewitt, NJ 07421	\$146.00	2009	1
3006-6	Drew K. Murray 230 West Parkway, Suite 3A Pompton Plains, NJ 07444	\$1,711.00	2009	2
3512-9	O. Shiffman 36 E. 36 <sup>th</sup> Street New York, NY 10016	\$3,706.00	2009	2
4002-6	M. Grischuk C/O School Bus Service 12 Bellview Place Palisades Park, NJ 07650	\$125.00	2009	1
6303-17	White Mountain Realty Group 110 Stillwater Road Barnegat, NJ 08005	\$194.00	2009	1
6404-17	Refund Department First American R.E. Tax Service 95 Methodist Hill Road Ste 100 Rochester, NY 14623	\$2,214.00	2009	2
7201-3	P. Carroll 64 Bearfort Road West Milford, NJ 07480	\$1,320.00	2009	2
07801-7.03	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$98.42	2009	6
7801-7.03	Spencer Savings & Loan Assoc. River Drive Center 3 611 River Drive Elmwood Park, NJ 07407	\$15.00	2009	1
9501-4	P. & C. Wicker 1447 Macopin Road West Milford, NJ 07480	\$98.92	2009	1
9705-15	S. & D. Wittner 8 Middlesex Court West Milford, NJ 07480	\$2,222.00	2009	2
10301-24	B. & B. Reilly 80 Krattiger Court West Milford, NJ 07480	\$237.52	2009	1
11501-10	R. & C. Brown 11 Schofield Road West Milford, NJ 07480	\$2,057.00	2009	2
12901-38	R. & B. Souders 391 High Crest Drive West Milford, NJ 07480	\$2,794.00	2009	2
16201-42	R. Sauter C/O Ohlendoff 301 Milltown Road East Brunswick, NJ 08816	\$255.00	2009	1
16304-11	Fairview Settlement Services, Inc 18 Fairview Street	\$1,989.00	2009	2

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

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Block/Lot	Name	Amount	Year	Reason
	Huntington, NY 11743			
803-1	First American Real Estate PHH Refund Team 95 Methodist Hill Road Ste. 100 Rochester, NY 14623	\$27.63	2009	1
TOTAL		\$21,078.49		

Adopted: March 25, 2009

Agenda No. VIII d

~ Resolution No. 2009- 143~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

REASONS:

- 1. Incorrect Payment
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Reduced Assessment
- 5. Homestead Rebate
- 6. Tax Appeal
- 7. 100% Disabled Veteran

Block/Lot	Name	Amount	Year	Reason
4301-14	A. & G. Luccioni 707 East Shore Road Hewitt, NJ 07421	\$642.93	2008	6
4301-14	A. & G. Luccioni 707 East Shore Road Hewitt, NJ 07421	\$1,967.00	2009	6
05701-1	Sunny Blue, LLC P.O. Box 509 Ridgewood, NJ 07451	\$3,839.00	2009	7
TOTAL		\$6,448.93		

Adopted: March 25, 2009

Agenda No. VIII e

~ Resolution No. 2009- 144~

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

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

Name & Address	Reason	Amount Refunded
Tracy Jelonnek 11 Glendale Road Hewitt, NJ 07421	Refund for withdrawal of enrollment in Princess Tea Party Celebration	\$30.00
Vincent Carlino 42F Lexington Lane West Milford, NJ 07480	Refund for cancellation of enrollment in St. Patrick's Day Fun	\$20.00

Adopted: March 25, 2009

Agenda No. VIII f

~ Resolution No. 2009- 145~

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

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERFORMANCE GUARANTEE**

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

<b>Name &amp; Address</b>	<b>Block &amp; Lot</b>	<b>Amount Refunded</b>	<b>Pg. No.</b>
Tara Builders 276 Lincoln Avenue 2 <sup>nd</sup> Floor Totowa, NJ 07512	2006/15	\$150.00	<u>52</u>
Tara Builders 276 Lincoln Avenue 2 <sup>nd</sup> Floor Totowa, NJ 07512	1608/11 & 12	\$125.00	<u>37</u>

Adopted: March 25, 2009

Agenda No. VIII g

~ Resolution No. 2009- 146~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT FEES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Chief of Police the following fees held in Police Trust Accounts be refunded:

<b>Name &amp; Address</b>	<b>Trust Account No.</b>	<b>Amount Refunded</b>
Upper Greenwood Lake Property Owners Association P.O. Box 457 Hewitt, NJ 07421	T-15-56-240-002	\$92.29

Adopted: March 25, 2009

Agenda No. VIII h

~ Resolution No. 2009- 147~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES**

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

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

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

REASON: 1. INSUFFICIENT FUNDS

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>YEAR</b>
3508-10.01	E. Schiappa	\$1,088.00	2009
10803-1	A. Tremblay	\$1,220.00	2009
11002-11	P. & S. Smith	\$1,149.00	2009
4701-31	W. & D. Neill	\$2,279.00	2009
3004-1	P. & M. Pullan	\$2,061.00	2009
15901-4	Panas Enterprises LLC	\$1,258.00	2009
13808-11	D. Decosta Dacosta	\$51.00	2009
05403-2	V. & V. Vaccarino	\$2,214.00	2009
13807-004	D. & H. Williams	\$1,340.00	2009

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

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2413-2	S. & S. Diodonet	\$915.00	2009
<b>TOTAL</b>		<b>\$13,575.00</b>	

Adopted: March 25, 2009

Agenda No. VIII I

**~ Resolution No. 2009- 148~**

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

**WHEREAS**, an applications have been made by a licensee for the renewal of a Pool Table License for the year 2009; and

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

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

<b>Pool Table License</b>		
<b>License No.</b>	<b>Applicant Name</b>	<b>T/A - Address</b>
2009 – 7	Suski Voytek 138 Cherry Tree Terrace Kinnelon, NJ 07405	Milford Steakhouse 3055 Route 23 N. Oak Ridge, NJ 07438
<b>Peddler License</b>		
<b>License No.</b>	<b>Applicant Name</b>	<b>T/A - Address</b>
2009 – 2	Roger Drew 1511 Greenwood Lake Tpk. Hewitt, NJ 07421	Doggin' Around 1511 Greenwood Lake Tpk. Hewitt, NJ 07421
<b>Taxicab/Limo Owner License</b>		
2009-10	Michael Hale 9 Gladstone Road Hewitt, NJ 07421	Fortress Limousine 9 Gladstone Road Hewitt, NJ 07421
<b>Taxicab/Limo Driver License</b>		
<b>License No.</b>	<b>Applicant Name</b>	<b>T/A - Address</b>
2009-10	Michael Hale 9 Gladstone Road Hewitt, NJ 07421	Fortress Limousine 9 Gladstone Road Hewitt, NJ 07421

Adopted: March 25, 2009

Agenda No. IX

**Approval of Expenditures**

**~ Resolution No. 2009- 149~**

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account. . . . .	\$207,814.01
2	Reserve Account . . . . .	13,998.03
3	Animal Control Trust	2,280.00
6	Capital. . . . .	72,520.32
7	Grants. . . . .	32,464.10
8	Refuse. . . . .	222.00
9	Refunds. . . . .	76,365.00
12	General Ledger. . . . .	
16	Heritage Trust. . . . .	

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

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14	Open Space Trust	45.00
17	Trust . . . . .	629.75
18	Development Escrow. . . . .	12,174.50
19	LOSAP	
20	Special Reserve	
Total		\$418,512.71
Less Refund Resolution		-76,365.00
<b>Actual Bill List</b>		<b>\$342,147.71</b>
Other Payments		
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$342,147.71</b>

Approved: March 25, 2009

Discussion: Councilman Nolan stated that there are payments to Mr. Kirkpatrick on pages 10 and 11. Mr. Kirkpatrick substituted at the zoning board meetings for Mr. Drew but such a substitution was not duly authorized by resolution. Therefore, these bills should not be paid. Councilman Jurkovic asked if Mr. Drew's contract listed a substitute to which Mr. Semrau answered in the affirmative. The Council concurred that the zoning board should adopt a resolution in the future for the substitute. Councilman Nolan noted that the Township expended \$300 this past month for attorney fees related to the caretaker agreement and Ms. Pappas.

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

Agenda No. X

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

Administrator Kevin Boyle stated that the streetscape lighting fixtures will be placed in front of town hall for the Mayor & Council to look at.

Township Attorney, Fred Semrau stated that he will not be at next week's meeting. He received a memo from the Tax Assessor regarding exempt properties and the deadline for filing appeals is April 1<sup>st</sup>.

Council President Smolinski asked Mr. Semrau about the Newark tax appeal. Mr. Semrau stated that an appeal was filed on all Newark properties. Mr. Semrau asked for a motion to authorize him to file a counter motion seeking an increase in the assessed values and he stated that he will discuss this matter in greater detail in executive session on April 8, 2009.

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

Agenda No. XI

**Appointments and Resignations**

None.

Agenda No. XII

**Executive Session**

~ Resolution No. 2009- 151 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 25<sup>th</sup> day of March, 2009 that:

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

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3. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - (X) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
    - Safety –Security Issues
  - ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
4. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 25, 2009

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

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Mayor and Council went into Executive Session at 12:25 a.m. on March 26, 2009.  
The Council reconvened in public at 12:40 a.m. with all present as before.

Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:40 a.m. on March 26, 2009.

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

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Approved: June 24, 2009

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK