
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: March 26, 2008
Time of Meeting: 7:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of January 6, 2008; 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, Carmelo Scangarello. Mayor Bettina Bieri.

Absent:

Also Present: Interim Township Administrator/Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Councilman Weisbecker requested a moment of silence in memory of Connie Nobis who recently passed away. He advised of funeral arrangements.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the February 13, 2008 Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the February 19, 2008 Special Meeting as presented.

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

Presentations

New Jersey Flag Presentation to Council President – Councilman Smolinski advised that due to a family emergency Mr. Webber could not attend this meeting.

Proclamations

None.
Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2008-005 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES,” OF THE REVISED GENERAL ORDINANCES

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

§ 135-2 Department of Parks and Recreation
The Department of Parks and Recreation is authorized to charge the following fees:

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- 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: \$215. Non-resident sponsored by resident family: \$285 (Number will be limited).
 - (2) Individual: a person age 13 through 61: \$100.
 - (5) Late fee: additional fee added to membership fee after the June deadline of each year: \$15.
- B. Bubbling Spring Park guest membership (per person):
 - (1) A person under two years of age: No charge.
 - (2) A person from two years to seventeen years of age: \$5.
- C. Swim lessons:
 - (1) Lake member.
 - (a) All children:
 - [1] One session: \$55 each.
 - [2] Two sessions: \$105 each prepaid.
 - [3] Three sessions: \$150 each prepaid.
 - (2) Nonmember.
 - (a) All children:
 - [1] One session: \$65 each.
 - [2] Two sessions: \$125 each prepaid.
 - [3] Three sessions: \$180 each prepaid.
 - (3) Swim team.
 - (a) First child: \$90 each.
 - (b) Each additional child: \$85 each.
- D. Day camp: children entering kindergarten through 8th grade.
 - (1) Each child: \$225 per two-week session; \$115 per one-week session.
 - (a) Prepaid five sessions: \$865.
- E. Teen camp: \$270 per two-week session; \$135 per one-week session.
 - (1) Prepaid five sessions: \$1,040.
- F. Early drop-off/late pickup, per child: \$80 per two-week session; \$40 per child per one-week session.
- G. Muppet camp: children ages three and four not entering kindergarten: \$105.
- H. A nonrefundable maintenance fee of \$25 shall be charged for each group use permit that requires the opening, closing and/or cleaning of a facility.
- I. Permit fees: Bubbling members will be charged a nonrefundable administrative/user fee of \$30 for guest groups numbering more than twenty-five. Permits must be filled out at the Parks & Recreation office. Groups under twenty-five do not need to have a permit or pay a maintenance fee. They must make arrangements with the Lake Director prior to the party.

§ 135-4 Department of Health

The Department of Health is authorized to charge the following fees.

- A. Public health programs:
 - (1) S.M.A.C. blood screening clinic: \$20.
 - (2) Female cancer screening program: \$50.
 - (4) Skin cancer screening program: \$15.
 - (6) Hepatitis B program:
 - (a) Adults: \$75 (\$25 each, three in a series).
 - (b) Children: \$30 (\$10 each, three in a series).
 - (7) Pneumovax program: \$29.
 - (9) TD (tetanus 7 diphtheria): \$20.
 - (10) Ear wax screening: \$12.
 - (13) Menomune vaccine: \$94.
 - (14) Hepatitis A: \$64.
 - (15) Hepatitis B (Adults): \$24
 - (16) Hepatitis B (Child): \$10
 - (17) TD/pertussis: \$34.
 - (18) Shingles Vaccine: \$154

§ 135-18 Food establishments

The following fees shall apply for licenses required under Chapter 163, Food Establishments, Retail:

- A. Temporary retail food establishment and agricultural markets: \$40.
- C. All other retail food establishments shall be \$150 annually except that for establishments which only offer prepackaged food for sale (for a period of seven days), the fee shall be \$40 annually.
- F. Nonprofit food license: \$40 per year.
- G. Risk Type 1: \$105
- H. Risk Type 2: \$160
- I. Risk Type 3: \$250
- J. Risk Type 4: \$250

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§ 135-29 Sewage disposal systems, individual subsurface

In accordance with Chapter 300, Sewers, Article I, Individual Subsurface Sewage Disposal Systems, septic installation fees and charges shall be as follows:

Soil log. For observation of tests by the licensed professional engineer or by the Health Officer, or registered environmental health specialist designated by the Township, for purposes of meeting the requirements of an application for an individual sewage disposal system, either to locate and construct one, or for subdivision approval, the sum of \$120; and for the alteration of an existing one, the sum of \$90.

- B. Plan review. For the filing and review of an application and plans to locate and construct a new individual sewage disposal system, the sum of \$240; and for the alteration of an existing one, the sum of \$185.
- C. Plan revision. For the review of a revised application and plans to locate and construct a new individual sewage disposal system, the sum of \$90; and for the alteration of an existing system, the sum of \$85.
- D. Installation permit. For the issuance of a permit to locate and construct a new individual sewage disposal system, the sum of \$185; or a permit for the alteration of an existing one, the sum of \$185.
- E. Installation permit, repair. For the filing of an application and issuance of a permit to repair an existing system, the sum of \$90.
- F. For each reinspection of an individual sewage disposal system, or part thereof, caused by the failure of the permitted to locate and construct, alter or repair the same in accordance with the terms of the permit issued or the terms of the aforesaid code, no charge.
- G. For the issuance of a license to engage in the business of constructing, reconstructing or extending septic tanks or other individual sewage disposal systems in accordance with § 300-6, Installer's license, a fee of \$120 shall be charged.
- H. Renewal of installation permits. For the renewal of an installation permit, the sum of \$65.

§ 135-34 Swimming pools

- A. In accordance with Chapter 344, Swimming Pools, Article I, Swimming Pool Code, the annual permit fee to be paid by the applicant for each public swimming pool shall be \$105.
- B. In accordance with Chapter 344, Swimming Pools, Article II, Public Bathing Places, the annual permit fee to be paid by the applicant for each public bathing place shall be \$105.

§ 135-35 Tattoo parlors and tattoo artists

In accordance with Chapter 348, Tattoo Parlors and Tattoo Artists, the following license fees apply:

- A. An application for an initial license to engage in the business of operating an establishment where tattooing is performed shall be accompanied by a fee in the amount of \$205.
- B. The renewal license fee for engaging in the business of operating a tattoo establishment shall be \$105 per year. The late fee for failure to renew the license shall be \$50 a month if not paid by final due date of April 30 annually.

§ 135-36 Taxicabs

In accordance with Chapter 353, Taxicabs, the following fees apply:

- (2) The fee for the renewal of a taxicab driver's license is \$40.

§ 135-39 Vital statistics; certified copies of certificates.

In accordance with Chapter 385, Vital Statistics, the Registrar of Vital Statistics shall receive for the Township the following fees:

- A. Certified copy of birth certificate: \$10.
- B. Certified copy of marriage certificate: \$10.
- C. Certified copy of domestic partnership certificate: \$10.
- D. Certified copy of death certificate: \$10.

§ 135-40 Water

- B. In accordance with Chapter 390, Water, Article IV, Individual and Semipublic Water Supply, the following fees apply:

- (2) The following fees and charges apply:
 - (a) For the filing of an application and plans, for the issuance of a permit to locate and drill or dig a well: \$160.
 - (b) For the issuance of a permit to install a pump and supply for an individual water supply system: \$55.
 - (f) For the renewal of a permit to locate and drill or dig a well: a fee of \$55 shall be charged.

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

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Mayor Bieri noted that this Ordinance was introduced on March 5, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Discussion: Councilman Nolan explained that this Ordinance amends the fees that the township charges. He thought that the agreement was to not raise the Bubbling Springs fees to families. Township Clerk Battaglia clarified that when the Ordinance was introduced it contained changes in the fees that had to be reflected in this amended Ordinance for final passage. The fees, however, had not changed from last year. Councilman Nolan further addressed the year-end report from the Department of Community Services and Recreation expressing concern of perhaps overcharging for fees as the 2007 income was reported to be \$85,000 and the expenses totaled \$65,000. He said that taking into consideration all expenditures including day camp, income exceeded expenses with overall revenue being \$287,000 and expenses being \$216,000, creating a surplus of \$71,000. He feels as if all residents should have the use of Bubbling Springs Park at no charge.

Agenda No. IV 2

~ Ordinance 2008 - 006 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, SUBDIVISION OF LAND AND SITE PLAN REVIEW, SECTION 470-27, REVIEW FEE ESCROW DEPOSITS, 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:

SECTION 1. Chapter 470, Subdivision of Land and Site Plan Review, Section 470-27, Review Fee Escrow Deposits of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 470-27. Review fee escrow deposits.

- A. In addition to the base application fees set forth pursuant to § 470-26, the applicant shall also pay to the Township of West Milford a review fee escrow deposit in the amount set forth in Chapter 414, Fees, Land Development.
- B. Deposits received from any developer pursuant to this section shall be deposited in a banking institution or savings and loan association in New Jersey insured by an agency of the federal government, or any other fund or depository approved for such deposits by the State of New Jersey:
 - (1) Deposits under \$5,000 received from any developer pursuant to this section will be placed in one account and monitored by separate ledger.
 - (2) Deposits in excess of \$5,000 received from any developer pursuant to this section shall be placed in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The deposits shall be deposited to a review fee trust account identified with the name of the applicant and the filing number of the application for development. The Township shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Township shall not refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him by the Township annually or at the time the deposit is repaid, as the case may be; except that the Township shall retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses.
- C. The review fee escrow deposit shall be applied to defray the actual and reasonable expenses incurred by the Township of West Milford for professional services in connection with the processing of the application for development.
 - (1) An applicant shall be responsible to reimburse the Township for:

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- (a) All expenses of professional personnel incurred and paid by it necessary to process an application for development before a municipal agency, such as, but not by way of limitation:
 - [1] Charges for reviews by professional personnel of applications and accompanying documents.
 - [2] Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by applicant.
 - [3] Charges for any telephone conference or meeting requested or initiated by applicant, his attorney or any of his experts.
 - [4] Review of additional documents submitted by applicant and issuance of reports relating thereto.
 - [5] Review or preparation of easements, developers agreements, deeds or the like.
 - [6] Preparation for and attendance *at the board meetings under certain circumstances in accordance with the Municipal Land Use Law*, including special meetings that were called at the applicant's request.
 - [7] The preparation of a resolution or memorializing resolution setting forth the findings and conclusions of the municipal agency with respect to the application.
 - (b) The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts; provided that the municipal agency gives prior notice to applicant of its intention to obtain such additional expert advice or testimony and affords applicant an opportunity to be heard as to the necessity for such additional advice or testimony and definition of the limitations of the nature and extent thereof.
 - (c) All professionals are required to submit their respective vouchers for the professional services rendered in the processing of the applications for development within the statutory time period as provided by the Municipal Land Use Law.
 - (d) If the salary, staff support and overhead for a Township professional are provided by the Township (and not through an independent contractor), the charge imposed shall be 200% of the hourly base salary of each Township professional, which salary is established by Ordinance.
- (2) If during the processing of the application the funds remaining in the escrow account are depleted below a sum equal to 25% of the original deposit or \$500, whichever is greater, the applicant shall deposit additional funds to bring the escrow account equal to the larger of either \$500 or 50% of the original deposit before the application shall continue to be processed by the approving authority and prior to action on the application. By mutual agreement, the applicant and the approving authority may agree to another payment schedule where the size and scope of the application may warrant it. Upon final disposition of the application, unused funds in the escrow deposit account shall be returned to the applicant, pursuant to the procedure set forth in N.J.S.A. 40:55D-53.2.

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

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

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

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

Mayor Bieri noted that this Ordinance was introduced on March 5, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

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Agenda No. IV 3

~ Ordinance 2008 - 007 ~

AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 153, ENTITLED "FIRE INSURANCE CLAIMS"

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

SECTION 1. The aforesaid Revised General Ordinances is hereby supplemented to establish a newly created chapter, chapter 153, "Fire Insurance Claims" to read as follows:

§ 153-1. Payment of fire insurance proceeds.

No insurance company shall pay any claim in excess of \$2,500 for fire damage on any real property located within the Township of West Milford pursuant to any fire insurance policy issued or renewed after the adoption of this chapter and after its filing with the State Commissioner of Insurance, except as follows:

- A. The insured individual or entity submits an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 certifying that all taxes, assessments or other municipal liens or charges, levied and assessed and due and payable against said property have been paid; and
- B. The insured person or entity has submitted a certification acknowledged by a notary public commissioned in the State of New Jersey that all demolition costs have been paid or that demolition is not required; or
- C. The Township provides the insurer with a certified resolution pursuant to which the Township has entered into an agreement with the owner of the fire-damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to N.J.S.A. 54:5-19 for the redemption of any tax sale lien by installment payments pursuant to N.J.S.A. 54:5-65 et seq., or the payment by installment of any anticipated costs of demolition.

§ 153-2. Request for official certificate of search.

Any request for an official certificate of search for municipal liens pursuant to this chapter shall specify that the search concerns fire-damaged property.

§ 153-3. Priority of municipal claim.

The Township's claim made in accordance with the provisions of this chapter shall be paramount to any other claims on the proceeds of the fire insurance policy, except as provided in N.J.S.A. 17:38-12, as it may be amended from time to time.

§ 153-4. Appeals.

In the event that an appeal is taken on the amount of any lien or charge, other than an appeal based upon the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall comply with the procedures set forth in N.J.S.A. 17:38-10 as it may be amended from time to time..

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

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

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

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

Mayor Bieri noted that this Ordinance was introduced on March 5, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

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Agenda No. IV 4

~ Ordinance 2008 - 009 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 90, BUILDINGS, NUMBERING OF, 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:

SECTION 1. Chapter 90, Buildings, Numbering Of, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 90-1. Adoption of House Numbering Map.

- A. The tax maps of the Township of West Milford shall serve as the "House Numbering Maps", a copy of which are on file with the Township Engineer. These maps are hereby made part of this chapter, and are hereby adopted and approved. The number shown thereon for each building and lot is hereby assigned to that building or lot.

§ 90-2. Assignment of numbers; corrections.

- A. Upon any subdivision of land in the Township resulting in a lot or lots other than those delineated on the map or maps, the Township Engineer shall assign a number to each lot resulting from the subdivision, which shall be in proper numerical sequence in relation to the number assigned to other lots fronting on the same street, and he shall record the same upon the map or maps and within 10 days of the filing of the approval given for such subdivision of land, notify the Tax Assessor.
- B. No subdivision of land, major or minor, requiring approval by the Planning Board shall be approved by it, unless a number shall be assigned by the Township Engineer for each building or lot.
- C. If the Township Engineer determines that an error has been made in assigning a number or street address to any building or lot or that a change in the assigned number or street address is in the best interests of the municipality, the Engineer shall advise the Tax Assessor and, upon approval from same, the Engineer shall correct the map and the Tax Assessor shall correct the number or street address to the appropriate designation.

§ 90-3. Display of numbers.

All homes within the boundaries of the Township of West Milford shall display their house number in numerals of at least three (3) inches in height in clear view by the front entrance door of their residence. If the residence has a street mailbox, it shall also have the house number displayed on it. All numbers shall be displayed in such a way that they are visible to persons passing by the premises on the abutting street. If a residence is not viewable from the street, numerals conforming to the specifications above shall also be placed at an area located on the property which is visible from the abutting street.

§ 90-4. Issuance of certificate of occupancy.

No certificate of occupancy shall be issued by the Building Inspector *or Fire Bureau* or any one in his Department for the occupancy of any building hereinafter erected or enlarged unless the provisions of the foregoing section or sections shall have been complied with.

§ 90-5. Enforcement.

The provisions of this Chapter shall be enforced by the Township Zoning Officer.

§ 90-6. Violations and penalties.

Property owners found to be in violation of this chapter shall be subject to the following penalties:

- A. First Offense: Property owner shall receive a written warning notice from the Township. Such notice shall allow the property owner one (1) week in which to cure the violation.
- B. Second and Subsequent Offenses: Property owner shall receive a fine of \$75.00 per offense.

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

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

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

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

Mayor Bieri noted that this Ordinance was introduced on March 5, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Discussion: Councilwoman Lichtenberg commented that she is hopeful that the residents will spread the word that house numbering is now a Township Ordinance.

Agenda No. IV 5

~ Ordinance 2008 - 010 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 353, TAXICABS, 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:

SECTION 1. Chapter 353, Taxicabs, of the aforesaid Revised General Ordinances is hereby deleted in its entirety and is further amended and supplemented to read as follows:

CHAPTER 353 TAXICABS, AUTOCABS AND LIMOUSINES

ARTICLE I Taxicabs

§ 353-1. Definitions.

As used in this article, the following terms shall have the meaning indicated:

DRIVER — Any person who drives a taxicab within this Township.

OPERATION — Of a taxicab, shall consist of transporting in such taxicab at least one but not more than nine persons, exclusive of the driver, for hire on any of the streets in this Township, accepting a passenger to be transported for hire within this Township or from a point within the Township to a point outside of the Township limits. The operation of a taxicab as above described by one other than the owner shall be deemed operation by the owner thereof as well as by the person actually driving the same. The transportation of any person other than the owner or driver in a taxicab as hereinafter defined shall be prima facie evidence of operation.

OWNER — Any person in whose name title to any taxicab is registered with the New Jersey Division of Motor Vehicles or who appears in such record to be the conditional vendee or licensee thereof.

SENIOR CITIZEN — Any person 62 years of age or older.

STREET — Includes any street, avenue, park, parkway, local, country, state or federal highway or other public roadway located within the Township, whether or not the same is an improved road.

TAXICAB — Any automobile or motor car capable of carrying up to nine passengers, exclusive of the driver, and which may commonly be referred to as a "taxi," "cab," "van" or "hack," duly licensed by the Township and engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated and run over any of the streets within the Township of West Milford and which accepts passengers for transportation from

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points and places within the Township to points and places within or without the same Township; provided, however, that nothing herein contained shall include autobuses or buses or designated routes, public deliveries or jitneys or such public conveyances as are by law exclusively subject to state and/or federal regulation.

TOWNSHIP — The Township of West Milford, Passaic County, New Jersey.

§ 353-2. License required; expiration.

No person shall operate a taxicab or engage in the taxicab business within the Township without first obtaining a license from the Township Council. The license shall expire December 31 of the year in which it was issued, unless sooner suspended or revoked by the Township Council.

§ 353-3. Types of licenses.

- A. Driver's license. The holder of a taxicab driver's license shall be entitled to operate within the Township any taxicab whose owner has been licensed under this chapter.
- B. Owner's license. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned by him within the Township, provided that the person driving the cab holds a valid taxicab driver's license.

§ 353-4. Licensing of taxicab owners.

- A. Application information. Applications for licenses shall be made by the owner, lessee or bailee of the vehicle in writing to the Township Administrator, and shall be sworn to and filed with the Township Clerk. The application shall state:
 - (1) The name and address of the owner, lessee or bailee of the vehicle.
 - (2) The name and address of the applicant.
 - (3) The physical location of the vehicle(s).
 - (4) Type of vehicle and date of last inspection.
 - (5) Length of time the vehicle has been in use.
 - (6) The number of persons the vehicle is capable of carrying.
 - (7) The motor power, make and value of the vehicle.
 - (8) Proof of insurance in conformance with the requirements of §353-4(B)
- B. Insurance.
 - (1) Each application for a taxicab owner's license shall be accompanied by a policy of insurance naming the Township of West Milford as an additional insured, with the premium prepaid thereon, written by an insurance company duly licensed to transact business under the insurance laws of the State of New Jersey, which shall be submitted to the Township Clerk and to the Township Attorney for approval as to form and sufficiency. A certificate of insurance must be submitted to the Township Clerk prior to a license being approved.
 - (2) Such policy shall be conditioned for payment of a sum required to satisfy all claims for damage by reason of bodily injury to or the death of all persons or property damage as follows: (1) Up to six-passenger vehicle: not less than \$500,000 combined single limit.
 - (3) Such policy shall provide coverage for every driver of each vehicle listed in the policy, and the acceptance of said policy by the Township of West Milford and the issuance of the license by the Township shall constitute an agreement by and between the applicant and the Township that applicant holds and saves harmless the Township from any and all claims from damages arising out of personal injury and/or property damage made by third parties as the result of the issuance of said license and the operation of a taxicab. In the event that such policy is canceled for any reason, a notice of such action must be delivered to the West Milford Township Clerk 20 days prior to the effective date of cancellation by the insurance company providing coverage to the taxi operator.
- C. License fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual license fee per vehicle is set forth in Chapter 135, Fees and Costs.
- D. Issuance of license; contents; display.
 - (1) Taxicab owner's licenses shall be granted by the Township Council and a license certificate shall be issued by the Clerk. The certificate shall contain:
 - (a) The name of the applicant.
 - (b) The official state license plate number of the taxicab.
 - (c) The applicant's place of business or taxi stand.
 - (d) A statement that in case of any complaint the Chief of Police shall be notified.
 - (2) The certificate shall be affixed to a conspicuous part of the interior of the taxicab and shall be open to the view of all passengers.

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- E. Limitation on number of licenses issued. The number of taxicab owner's licenses outstanding shall be limited to one per 1,200 residents of the Township, as shown by the last preceding federal census. Licenses shall be nontransferable.

§ 353-5. Taxicab driver's license.

- A. Applications.
 - (1) Applications for a taxicab driver's license shall be made to the Township Administrator. The forms and information required shall be established by the Township Administrator.
 - (2) The application shall be accompanied by the fee set forth in Chapter 135, Fees and Costs, for the initial license period.
- B. Issuance of license; contents. Upon approval of the application by the Township Administrator, the Clerk shall immediately issue the applicant a taxicab driver's license. The license shall contain a licensee's name and address, physical description, signature and photograph.
- C. Term of license; fees. An initial license to drive a taxicab shall be valid for the remainder of the calendar year in which it is issued. A taxicab driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of the fee set forth in Chapter 135, Fees and Costs.

§ 353-6. Township Council to make rules and regulations.

The Township Council shall, from time to time, make rules and regulations for the operation of taxicabs.

§ 353-7. Revocation or suspension of licenses.

The Township Administrator may, after due notice and hearing, suspend or revoke the license of any person who violates any provision of this chapter, or who violates any of the rules or regulations adopted by the Township Council pursuant to §353-6.

§ 353-8. Refusal to issue license; suspension or revocation; unused licenses; car seats.

- A. The Township Council or its designee may, in its discretion, refuse to issue or renew or may, after notice and hearing, revoke or suspend any license issued under the provisions of this article if the applicant has been convicted of any crime, disorderly persons offense or petty disorderly in this state or in any other state or territory, or has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey, or who violates any provision of this article or has any judgment unsatisfied of record arising out of an automobile accident or who has made false answers in the application for such license or any renewal thereof or who has failed or fails to render reasonably prompt, safe and adequate taxi services or who has not complied fully with the requirements of this article for such class of licensure, or if the licensee or applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of a motor vehicle or as to any taxicab owner's license if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants, and others, or if the policy of insurance required herein has once lapsed or such coverage is not maintained at all times, or a taxicab, at any time, carries more passengers than the same is authorized to carry by the terms of this article.
- B. Any taxicab owner's or driver's license which remains unused for a period of at least one year shall automatically revert to the Township and shall be deemed null and void.
- C. No taxicab owner's license or driver's license shall be issued to, or renewed for, any taxi owner or taxi driver unless and until proof shall have been given to the Township Clerk that the owner and/or driver has adequately provided for the safety of children under the age of five years who are passengers in the taxicab or cabs owned and/or operated by them. In the case of a taxi owner who owns more than one taxi, such proof shall consist of a written policy and posted notice at the base of operation and in all taxicabs owned by him, conspicuous to drivers, setting forth that, prior to the operation of the taxicab, children 18 months of age or younger, who are passengers in a taxicab, shall be placed in a federally approved child restraint seat, and children over the age of 18 months, but under the age of five years, must be placed in a car seat, if riding in the front seat of the taxicab or in a lap and/or lap and shoulder harness seat belt, if riding in the rear seat of the taxicab. The owner of more than one taxicab must, at all times, keep and maintain in his vehicles or at the base of operation a total number of federally approved car seats equal to 25% of the number of licensed taxicabs owned by him, which shall at all times be available for use by drivers of the cabs owned by said taxicab owner. In the case of an owner of a single taxicab, such proof shall consist of proof that the owner keeps and maintains a federally approved car seat in the passenger compartment or trunk of the licensed vehicle at all times, for use in accordance with this provision.

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§ 353-9. Violations and penalties; suspension or revocation of license.

Every person or persons, firm or corporation found guilty in a municipal court of competent jurisdiction of violating any of the provisions of this article shall be fined not less than \$100 nor more than \$2,000 and/or imprisoned for a period not to exceed 90 days and/or required to complete community service for not less than five days nor more than 30 days and/or suspension of an owner's and/or driver's license for a period not to exceed 60 days and/or a recommendation of a revocation of an owner's and/or driver's license to the Municipal Council. Each succeeding day of a violation shall be constructed as a new violation.

§ 353-10. Compliance with state vehicle laws.

Nothing in this article shall be construed to exempt any person, firm or corporation owning or operating a taxicab from complying with the laws relating to the ownership, regulation and operation of automobiles in the State of New Jersey.

ARTICLE II Autocabs and Limousines

§ 353-11. Definitions.

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

AUTOCABS — A limousine.

DRIVER — Any person who drives a limousine within this Township.

LIMOUSINE — A motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition shall be construed to include taxicab, hotel buses or buses regulated by the New Jersey Department of Transportation.

LIMOUSINE SERVICE — Includes the business of carrying passengers for hire by limousine.

OWNER — Includes any individual, copartnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.

STREET — Includes any street, avenue, park, parkway, highway, boulevard or other public place.

TOWNSHIP — The Township of West Milford, Passaic County, New Jersey.

§ 353-12. License required; expiration.

No person shall operate a limousine or engage in the limousine business within the Township without first obtaining a license from the Township Council. The license shall expire December 31 of the year in which it was issued, unless sooner suspended or revoked by the Township Council.

§ 353-13. Types of licenses.

There are hereby-established two classes of limousine licenses, to be known as "limousine driver's license" and "limousine owner's license."

- A. Driver's license. The holder of a limousine driver's license shall be entitled to operate within the Township any limousine whose owner has been licensed under this chapter. There shall be no limit to the number of limousine driver's licenses issued by the Township.
- B. Owner's license. The holder of a limousine owner's license shall be entitled to operate a limousine owned by him within the Township, provided that the person driving the cab holds a valid taxicab driver's license. There shall be no limit to the number of limousine owner's licenses issued by the Township.

§ 353-14. Licensing of limousine owners.

- A. Application information. Applications for licenses shall be made by the owner, lessee or bailee of the vehicle in writing to the Township Administrator, and shall be sworn to and filed with the Township Clerk. The application shall state:

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- (1) The name and address of the owner, lessee or bailee of the vehicle.
 - (2) The name and address of the applicant.
 - (3) The physical location of the vehicle(s)
 - (4) Type of vehicle and date of last inspection.
 - (5) Length of time the vehicle has been in use.
 - (6) The number of persons the vehicle is capable of carrying.
 - (7) The motor power, make and value of the vehicle.
 - (8) Proof of Insurance in conformance with the requirements of §353-15.
- C. License fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual license fee per vehicle is set forth in Chapter 135, Fees and Costs.
- D. Issuance of license; contents; display.
- (1) Limousine owner's licenses shall be granted by the Township Council and a license certificate shall be issued by the Clerk. The certificate shall contain:
 - (a) The name of the applicant.
 - (b) The official state license plate number of the limousine.
 - (c) The applicant's place of business.
 - (d) A statement that in case of any complaint the Chief of Police shall be notified.
 - (2) The certificate shall be affixed to a conspicuous part of the interior of the limousine and shall be open to the view of all passengers.

§ 353-15. Insurance: operation of limousines.

- A. Insurance requirements.
- (1) No limousine shall be operated wholly or partly along any street in this Township until the owner of the limousine shall have filed with the Township Clerk, in which the owner has his/her principal place of business within this Township, a certificate of insurance naming the Township of West Milford as an additional insured, by a company duly licensed to transact business under the insurance laws of this state, in the sum of \$1.5 million against loss by reason of the liability imposed by law upon every limousine for damages on account of bodily injury or death suffered by a person as result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street.
 - (2) The operation shall be permitted only so long as the insurance policy remains in full force and effect as to the full and collectible amount of \$1.5 million. Limousine owners, or anyone on its behalf, shall not undertake to cancel or have canceled any such policy without giving the Township Clerk 10 days' notice of the intention to do so. No such policy shall be filed by the Township Clerk unless such policy shall contain a provision to the effect that the Township Clerk shall be afforded at least 10 days' notice of the intention of the insurance company which issued such policy to cancel same.
 - (3) The insurance policy shall provide for a payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine upon any public street or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.
- B. Every person operating a limousine, whether an owner and/or driver, who is transporting a child under five years on roadways, streets or highways of this Township, shall be responsible for the protection of the child by properly using a child passenger restraint system that complies with federal vehicle safety standards. No driver shall operate a limousine in which a child five years of age or younger is a passenger unless:
- (1) A child 18 months of age or younger is in a car seat regardless of whether such child is in the front or rear seat;
 - (2) A child over 18 months of age but less than five years is in a car seat, if a front seat passenger, or is in a lap belt or lap belt and shoulder harness, if a rear seat passenger.
- C. Issuance of license of operation; drivers to be licensed.
- (1) The Township Clerk, upon the filing of the required application and certificate of insurance, shall issue a license, in duplicate, showing that the owner of the limousine service has complied with the terms and provisions of this chapter.
 - (2) The license shall state the name of the insurance company, the number and date of expiration of the policy and a description and the registration number of each limousine service insured thereunder. The duplicate license shall be filed with the Division of Motor Vehicles before any such vehicle is registered as a limousine service.
 - (3) A limousine shall not be operated by anyone for service within the Township unless the driver thereof has been issued a valid limousine driver's license.
- D. Availability of license for inspection; minimum equipment standards.
- (1) The original license shall be retained within the limousine and shall be available for inspection by any police officer of the state.

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- (2) No limousine shall operate on the highways of this state unless it has a license issued and the limousine is equipped, in accordance with minimum standards established by the Director of the Division of Motor Vehicles in the Department of Transportation, with:
 - (a) A two-way communications system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone.
 - (b) A removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle.
 - (c) Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level

§ 353-16. Limousine driver's license.

- A. Applications.
 - (1) Applications for a limousine driver's license shall be made to the Township Administrator. The forms and information required shall be established by the Township Administrator.
 - (2) The application shall be accompanied by the fee set forth in Chapter 135, Fees and Costs, for the initial license period.
- B. Issuance of license; contents. Upon approval of the application by the Township Administrator, the Clerk shall immediately issue the applicant a limousine driver's license. The license shall contain a licensee's name and address, physical description, signature and photograph.
- C. Term of license; fees. An initial license to drive a limousine shall be valid for the remainder of the calendar year in which it is issued. A limousine driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of the fee set forth in Chapter 135, Fees and Costs.

§ 353-17. Refusal of application for license; suspension or revocation of license.

The Township Council or its designee may, in its discretion, refuse to issue or renew or may, after notice and hearing, revoke or suspend any license issued under the provisions of this article if the applicant has been convicted of any crime, disorderly persons offense or petty disorderly in this state or in any other state or territory, or has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey or who violates any provision of this article or has any judgment unsatisfied of record arising out of an automobile accident or who has made false answers in the application for such license or any renewal thereof or who has failed or fails to render reasonably prompt, safe and adequate limousine services or who has not complied fully with all requirements of this article for such class of licensure, or if the licensee or applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of motor vehicle or as to any limousine owner's license if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants, and others, or if the policy of insurance required herein has once lapsed or such coverage is not maintained at all times, or a limousine, at any time, carries more passengers than the same is authorized to carry by the terms of this article.

§ 353-18. Limousine appearance.

No lettering, emblem or advertising may be placed on a licensed limousine.

§ 353-19. Solicitation prohibited.

Limousine drivers shall not knowingly solicit business in a manner similar to that of a taxicab or attempt to solicit business by knowingly misleading a prospective passenger.

§ 353-20. Compliance with state laws.

Nothing in this article shall exempt any person owning or operating a limousine from complying with the laws relating to the ownership, regulation and operation of limousines in the State of New Jersey.

§ 353-21. Violations and penalties.

A person who shall own and operate a limousine in any street in this state in violation of the provisions of this article shall be subject to the following penalties:

- A. For operating a limousine without a license issued by a municipality, operating a limousine without authority to operate a limousine in interstate service granted by the Federal Highway Administration, or the Interstate Commerce Commission, knowingly permitting a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver's license, if required, failure to have filed an insurance

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- policy, operating a limousine in which the number of passengers exceeds the maximum: a fine of \$1,000 for the first offense and a fine of \$2,000 for the second or subsequent offense.
- B. For operating a limousine without the special registration plates required or operating a limousine without the limousine being properly inspected: a fine of \$1,000 for the first offense and a fine of \$2,000 for the second or subsequent offense.
 - C. For operating a limousine without the attached sideboards, if required, failure to retain within the limousine appropriate proof of insurance or failure to execute and deliver to the Director of the Division of Motor Vehicles the power of attorney required: a fine of \$250 for the first offense and \$500 for the second and subsequent offense.
 - D. For failure to be equipped with a two-way communications system, a removable first-aid kit or an operable fire extinguisher: a fine of \$50 for the first offense and \$100 for the second and subsequent offense.

§ 353-22. Unlicensed drivers; liability of owner.

In the event that the limousine is being operated by a party who does not have the license called for in this article, both the driver and the owner of the limousine shall be subject to the penalty provisions hereinabove set forth.

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

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

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

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

Mayor Bieri noted that this Ordinance was introduced on March 5, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Agenda No. IV 6

~ Ordinance 2008 - 012 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15, "ADMINISTRATION OF GOVERNMENT," SECTIONS 15-48, "DIVISION OF FIRE PREVENTION," AND 15-50, "OFFICE OF EMERGENCY MANAGEMENT," OF THE REVISED GENERAL ORDINANCES AS AMENDED

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

SECTION 1. Chapter 15, Administration of Government, Section 15-48, Division of Fire Prevention, is hereby amended to read as follows:

§ 15-48 Division of Fire Prevention.

Within the Department of Public Safety there shall be a Division of Fire Prevention. The Division of Fire Prevention is comprised of the Fire Marshal and any Fire Inspectors.

- A. The duties of the Division of Fire Prevention shall be to enforce the fire prevention code of the Township, and to work in conjunction with the Fire Chief's Association and the Department of Public Safety towards better fire prevention and safety from fire and/or explosion. Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-206 and 27D-208, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Passaic County Construction Board of Appeals. The applications for the hearing shall be filed with the construction board of appeals by the 15th day after the receipt by the person of notice of the ruling, action, order or notice complained of.

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- B. Appointments, term of office, removal.
(1) Appointment of Fire Marshal. The Mayor shall appoint, with advice and consent of Council, the Fire Marshal. The Fire Marshal shall report to the Township Administrator in the course of day to day responsibilities.
(2) Inspectors and employees. Such inspectors and other employees as may be necessary for the local enforcing agency to properly carry out its responsibilities shall be appointed by the Mayor pursuant to Title 11, Civil Service, of the Revised Statutes.
(3) Removal from office. The Fire Marshal, inspectors and other employees of the enforcing agency shall be subject to removal by the Township Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or designated hearing officer, pursuant to Title 11, Civil Service, of the Revised Statutes.
C. Fire Marshal.
(1) The Fire Marshal shall be the supervisor of the Division of Fire Prevention and shall supervise the enforcement of the Uniform Fire Safety Act and the New Jersey Uniform Fire Code.
(2) The Fire Official may be the subcode official.

SECTION 2. Chapter 15, Administration of Government, Section 15-50, Office of Emergency Management, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 15-50 Office of Emergency Management.

- A. Emergency Management Council.
An Emergency Management Council, with powers and duties prescribed by general law, is hereby created in the Township; and within the limits of appropriation, shall establish an adequate organization to assist in supervising and coordinating the civilian defense and disaster control activities of the Township. The Council shall consist of no more than 15 persons, who shall be appointed by and who shall serve at the pleasure of the Council. They shall receive no compensation.
B. Emergency Management Coordinator.
(1) Appointment; Term; Compensation
A Municipal Emergency Management Coordinator shall be appointed by the Mayor with the advice and consent of the Council and serve as a member of the Emergency Management Council and as its Chairman. The Emergency Management Coordinator shall serve for a term of three years. The Emergency Management Coordinator shall receive such compensation as provided by Ordinance.
(2) Qualifications
The Emergency Management Coordinator shall be a resident of West Milford and shall have a minimum of two years experience in the planning, development and administration of emergency response activities such as those provided by police, fire, rescue, medical or Emergency Management units either in the public or private sector or in the military service.
(3) Training
As a condition of his appointment and his right to continue for the full term of his appointment, each Emergency Management Coordinator appointed shall have successfully completed at the time of his appointment or within one year immediately following his appointment, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any appointed Emergency Management Coordinator to fulfill such requirement within the period prescribed shall disqualify the Coordinator from continuing in the office of Coordinator and thereupon a vacancy in said office shall be deemed to have been created.
C. Deputy Emergency Management Coordinator.
The Emergency Management Coordinator may appoint a Deputy Emergency Management Coordinator with the approval of the Mayor and the advice and consent of the Council. The Deputy Coordinator shall be appointed from among the full-time, salaried employees or elected officials of the Township.

SECTION 3. Ordinance 2007-003, An Ordinance Concerning the Salaries and Compensation for Administrative, Confidential and Unaffiliated Employees, is hereby amended to read as follows:

Table with 3 columns: JOB TITLE, MINIMUM, MAXIMUM. Row 1: Confidential and Unaffiliated Employees. Row 2: Fire Marshal, \$40,000, \$80,000.

SECTION 4. All Ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

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SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mayor Bieri noted that this Ordinance was introduced on March 12, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Discussion: Referring to the appointment of a Fire Marshal, Councilman Scangarello said that he had recently attended a Fire Chief's Association meeting and also had spoken to West Milford Township Fire Marshal Woch regarding some of the wording in this Ordinance. His concern surrounded the appointment being made by the Mayor with Council consent. He said that in the past the code stated that the Fire Chiefs Association was required to give consent. Councilman Smolinski asked why the wording had been changed and Township Attorney Semrau explained that it had evolved into this wording and it was recommended to amend the Ordinance with this verbage. It was agreed to amend the motion and change the verbage to reflect the consent of the Fire Chief's Association.

Agenda No. IV 7

~ Ordinance 2008 - 013 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 152, "FIRE PREVENTION," 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:

SECTION 1. Chapter 152, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 152-1. Short title.

This chapter shall be known and cited as the "Fire Prevention Code of the Township of West Milford" and is herein referred to as the "code."

§ 152-2. Local enforcement of Uniform Fire Code.

Adoption and local enforcement of the New Jersey Uniform Fire Code, which includes the BOCA Basic Fire Prevention Code and the National Fire Codes.

- A. Local enforcement. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Township of West Milford.
B. Agency designation. The local enforcing agency shall be the Division of Fire Prevention in the Township of West Milford Division of Fire Suppression.
C. Duties. The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of West Milford, except owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
D. Life hazard uses. The local enforcing agency established by Subsection B of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
E. Organization. The local enforcing agency established by Subsection B of this section shall be a part of the Township of West Milford Division of Fire Suppression and shall be under the direct supervision and control of the Fire Marshal who shall report to the Director of Public Safety.
F. Legal counsel. The Township Attorney shall provide legal counsel to the Bureau of Fire Prevention pursuant to N.J.A.C. 5:70 et seq.

§ 152-3. Red light display over Division of Fire Suppression connection.

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A red light shall be illuminated 24 hours per day over any Division of Fire Suppression connection. In such suppression systems that siamese connections supply zoned areas of suppression, the red light shall flash intermittently over the siamese connection of the activated zone. The rate of flash shall not be less than 60 flashes per minute.

§ 152-4. Appeals.

Any person aggrieved by any order of the local enforcement agency shall have the right to appeal the Construction Board of Appeals of Passaic County.

§ 152-5. Permit and inspection fees.

Permit fees, smoke detector inspection and reinspection fees and annual inspection fees are set forth in Chapter 135, Fees and Costs.

§ 152-6. Violations and penalties; false alarms; tampering with equipment.

- A. Penalties and enforcement shall be as provided for in the Uniform Fire Code.
- B. False alarms.
 - (1) The following penalties shall be assessed for false alarms occurring within a thirty-day time period:
 - (a) First two alarms: warning only.
 - (b) Third alarm: \$200.
 - (c) Fourth alarm: \$300.
 - (d) Fifth through seventh alarm: \$400.
 - (e) Over seven alarms: \$1,400.
 - (2) The failure to pay a penalty assessed under this section within 30 days of the occurrence shall be deemed a violation of this chapter.
 - (3) All penalties collected pursuant to this section shall be placed in the Division of Fire Prevention account.
- C. Blocking, interfering, tampering with suppression equipment. Blocking access, interfering, tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid fire-fighting system, device, unit or part thereof shall result in a mandatory fine of \$50 per day per violation. During an actual alarm, condition shall result in a mandatory fine of \$200 per day per violation. Fines shall remain in effect until conditions are deemed corrected by the Fire Marshal. Failure to comply shall result in an issued summons to appear in court.

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

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

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

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

Mayor Bieri noted that this Ordinance was introduced on March 12, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Agenda No. V

Public Comments

Mayor Bieri opened the meeting to the public advising that each person wishing to be heard will be given five minutes to speak.

Carla Horton, 132 Bearfort Road – quoted from a book where children spoke about love. She expressed that not everyone has love, respect and quality relationships. There has recently been an issue in West Milford wherein a local instructor has been charged with assaulting young ladies. Ms. Horton works with teen dating abuse and said that very few kids will tell a parent if they have been abused in a relationship. She reviewed statistics and stated that these things are happening in every community. She advised that

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the PAL and Sandy Wells are hosting a program for parents and teens that emphasizes protecting oneself from sexual assault. She handed out a flier with specific details and listed sponsors of the program.

Caroline Adams, 368 Old Dutch Hollow Road, Monroe, New York – representing Mr. John Aiello, read a letter from Mr. Aiello to the Mayor and Council pertaining to Stainsby Road and the Townships action regarding paving and striping.

Carl Danckwerth, 18 Gold Lane, Oakridge – addressed the Mayor and Council regarding the upcoming Township Memorial Day Observance. He stated that the service and parade begins at Veterans Park at 10am on May 26, 2008. He reviewed the agenda and reminded that all groups and media are always welcomed to participate. He spoke about the importance of remembering our lost heroes and the sacrifices these citizens have made. He hopes that there are no more losses in the war in Iraq because veterans know about the sacrifice and loss. West Milford has always had a great turnout and hopes that this year will be no different. He spoke about the importance of not hanging banners and signs to be posted at Veterans Park. He expressed that it was disrespectful to the Veterans who had sacrificed their life.

Elsbeth Moore, representing the West Milford Lions Club – advised that she, along with other members of the Lions Club in attendance, invited all to the 4th Annual Broadway Variety Show being held on March 30, 3pm at the West Milford Township High School. She said that the funds raised will be used towards their Vision Screening Program, which is providing screenings for every preschool, and kindergarten aged students in West Milford schools. The screening is provided at no charge. She mentioned that eye screenings and hearing tests are not a prerequisite for children entering school. The Lions want to be proactive in addressing this. They are currently using a photo screener, and are raising funds to purchase a digitalized screener.

Tracy Margaret, Denville, NJ – advised that she is the Townships Ambassador working with Americorp Watershed and that she is able to provide presentations to school aged students as well as other services to West Milford. She is hosting a Fishing Derby on May 31st at Westbrook Park and invited all to attend. She is also able to teach individuals the procedure for doing stream assessments, which would be beneficial to the Environmental Committee. She is available to be contacted at any time.

Linda Connolly, 278 Wooley Road – read to the Mayor and Council a statement that she would also be reading to the Planning Board members on the following evening. The statement addressed the application for new construction at Wooley and Virginia Roads. The statement contained many questions to be posed to the Planning Board regarding permits that have been issued as well as the Well Testing Ordinance which is in place.

Joe, Vito and Michaels Restaurant – spoke regarding Stainsby Road, commenting that he was not made aware of the change the Township had intended on making. He stated that the change had adversely affected his business and asked that in the future he be kept apprised of any change which may influence his business.

Anawart Kourman – brought his concerns to the Mayor and Council regarding the problems that his brother, owner of the Q&S market on Greenwood Lake Tpke, is having with expansion. His complaints surrounded the Stainsby Road change and problems they are having with Mr. John Aiello regarding parking. He feels that the Mayor and Council are catering to Mr. Aiello and stated that they cannot continue to do so if they wish to maintain West Milford as a business friendly community. He is trying to move forward his application to the Township for the changes that they wish to make despite all of the problems.

Jim Aiello, 20 Dearhard Avenue – asked the Mayor and Council if the Parking Ordinance for Stainsby Road was being addressed this evening. It was replied, yes. He explained that his business is in close proximity to Vito and Michaels Restaurant as well as Q&S market and that it has been at the same location for many years. He stated that the current striping of Stainsby Road has created a hazard because cars are speeding by very close to where patrons are exiting his business. He said that the intersection is now very confusing and was dismayed that he had not been contacted regarding this change. He asked that the Mayor and Council review the records that surrounded the reconstruction of the building following a fire in 1981. He said that at that time he was required to secure permits and that to the best of his knowledge the plans at that time indicated parking spaces that now no longer exist because of the paving and striping.

Mike Thomas, 3 Burr Court – stated that since Stainsby Road had been paved he no longer has trouble getting to his home. However, exiting the street has become extremely dangerous because drivers are not able to get a good line of vision. He asked that the intersection be made safer.

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Jim Geist, 57 Bayonne Drive – said that he likes the change made to Stainsby Road. He patronizes the businesses in this strip mall and would like to see a traffic light installed.

There being no further comments further from the public, Councilman Smolinski made a motion to close the public portion of the meeting.

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

Agenda No. VI

Council Comments

Councilman Weisbecker – praised Elsbeth Moore and the Lions Club on their efforts for children and said he will make every effort to attend the Variety Show. He commended Tracy Margaret and Americor Watershed, saying that West Milford has been looking for assistance in handling the watershed property and that he welcomed her teaching interested residents. He asked that Linda Connolly keep him up to date on the Wooley Road issue. Referring to Stainsby Road he said that the Township does not give away public property. The Mayor and Council are trying to improve the conditions to benefit with residents and not jeopardize businesses. He said that there will be further discussion when the Parking Ordinance is addressed.

Councilman Smolinski – recommended the seminar being held at PAL that Carla Horton spoke about. He said that there were many issues on the Workshop Agenda of a previous meeting which addressed background checks. He said that West Milford is very proactive on protecting our children. He advised Tracy Margaret that the Environmental Committee meets the first Monday of each month and that the High School has an Environmental Club. He asked Ms. Connolly to email him regarding the outcome of the Planning Board meeting. He commented regarding the flag presentation being postponed however read a short statement from his daughter who is serving in Afghanistan.

Councilman Schimmenti – expressed his condolences to Dick Nobis on the loss of his wife. He agreed with Mr. Danckwerth that signs should be kept off of Veterans Park. He said in reference to Stainsby Road that on the dais are elected officials who want to reach agreeable solutions and that they would continue to work towards this goal.

Councilman Nolan – commended the Lions Club for their vision screening program. He asked how the procedure is followed in the event that a vision problem is discovered in a child whose family is experiencing financial difficulties. Ms. Elsbeth responded that the Lions work closely with a local eye doctor and that the Lions also provide eye glasses to children and senior citizens.

Councilwoman Lichtenberg – thanked the Lions for all of their programs. She said that as a member of CASA she will attend the sexual harassment awareness program. With regards to signs being hung in Veterans Park she believes that she has a solution. Across the street there is a section of property that the owner is willing to install removable posts to hang banners for various organizations and charitable events. She has asked the Township Zoning Dept. if there is any reason that this cannot be done and was told that it would be no problem. With regards to Stainsby Road she said that the intersection will probably undergo surveying if a traffic light is due to be installed and that would favor speed bumps being installed. She reminded all in attendance that she is available for contact on Thursdays from 10-12 at town hall.

Councilman Scangarello – commended the Lions Club and said that he will attend the Variety Show with his daughter. He thanked them for all of the good that they do. He addressed Tracy Margaret and said that he has worked with Americorp volunteers in the past and will help her in any way that he can.

Mayor Bieri – thanked Ms. Horton, Ms. Moore and Mr. Danckwerth for their presentations. She commented that she has met with Tracy Margaret in the past and complimented her on her good ideas. With regards to Wooley Road she stated that she expects that the administration will ensure that all actions taken by the developer are legal, approved and will continue to be monitored. Regarding Stainsby Road she agreed that a traffic light will address many safety issues and will look into speed bumps. She held fast that the road is a Township road and that the Council will be addressing an Ordinance which has nothing to do with the striping and paving of the road. She said that she feels for those who have been affected and that the Landlord of the building had been notified prior to paving beginning. He was not advised of the date it was to be striped. She contends that it is not of Township concern that there is not enough parking because the Township paved and striped a Township road. She said that she made her decision in fairness to all involved. She is not afraid to make the right decision and that the change with Stainsby Road is the right thing to do.

Township Attorney Semrau – said that he had met at the Stainsby Road site with the Township Administrator and the Township Engineer. He has reviewed the letter presented to the Council at the last

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meeting and has reviewed the survey and plans with the Township Administrator and Township Engineer. He said that the intersection has been approved for a traffic light and that you cannot have an intersection that is not properly striped. The striping allows for proper alignment. He said that the Township has acted legally and in a responsible manner. It is his belief that the improvement benefits the community and that there is no legal concerns. He hopes that all involved can resolve the parking issue and that the Township should not be involved with private negotiations. The roadway width is 20 feet and by state statute you must have 15 feet of clearance to have cars parked along the roadway. By state law the use of the parking area interfered with the roadway. Due to safety reasons, the Township cannot have cars parked on the road.

Township Clerk Battaglia – addressed Mr. Aiello’s concerns regarding securing records from 1981 and advised him that he should contact the Construction Department and that they should be able to, at his expense, provide him with any copies that he is seeking.

Agenda No. VII

New Business, Introduction or Ordinances, Resolutions

The following items were acted upon by the Town Council:

Agenda No. VII 1

~ Ordinance 2008 - 008 ~

NO ACTION

Discussion: Township Attorney Semrau said that the State statute prohibits parking on this roadway and that there is no basis for a No Parking Ordinance. He recommends that no action be taken. Councilwoman Lichtenberg said that the Ordinance says that 15 feet is required on either side. Township Attorney Semrau replied that the road is only 20 feet in width. Mr. John Aiello asked why the road is striped only by his building and Township Attorney Semrau replied that this was to align the roadway. Councilman Smolinski asked who owned the parking across the Stainsby Road and Mr. Kourman said that it is owned by Mr. Aiello. Councilman Smolinski continued by saying that he had only learned this evening that there had been notification of the road being paved. His concern was that there has been a long term practice of courtesy to neighbors when there is a capital improvement taking place. Township Attorney Semrau stated that the fact that the letter sent said that this was always used for parking is immaterial. The township right of way was being occupied, no rights were given to anyone. The roadway has now been distinguished to all travelers. Signs that permitted parking that were posted on the building were not erected by the Township. Councilman Weisbecker asked who was liable in the event of snow being plowed up to the side of the building. Township Attorney Semrau replied that there is space between the road and the building and that drainage accommodations have been installed. With regards to snow being pressed up to the side of the building, he cannot answer as to the liability. Councilman Weisbecker asked that the Township Engineer be asked to answer that question.

Agenda No. VII 2

~ Ordinance 2008 - 014 ~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION PART TIME AND SEASONAL EMPLOYEES

BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007 the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

TEMPORARY, PART TIME AND SEASONAL EMPLOYEES

JOB TITLE	WAGE RATE
Recreation Attendant (includes coffeehouse monitors, volley ball referees, program assistants)	\$7.15 - \$12.00 per hour
Substitute Lake Director & Day Camp Director	\$12.00 - \$17.00 per hour
Recreation Aide (includes waterfront supervision, concession/gate monitors, seasonal maintenance workers, day camp counselors, program specialist, athletic coordinator)	\$8.00 - \$16.00 per hour
Swim Instructor	\$1,200. - \$1,700. per season
Head Swim Instructor/Swim Team Coordinator	\$2,000. - \$2,500. per season
Tennis Instructors	\$400.00 - \$600.00 per season
Tennis Director	\$1,000. - \$1,600. per season

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§ 15-78. Municipal Prosecutor; Assistant Municipal Prosecutor.

- A. An attorney at law of the State of New Jersey shall be appointed by the Mayor with advice and consent of Council for a one-year term to act as prosecutor, under the supervision of the Attorney General or County Prosecutor, who may represent the state, county or Township in any matter within the jurisdiction of the Township of West Milford Municipal Court pursuant to P.L. 1999, c. 349, § 11.
B. An attorney at law of the State of New Jersey shall be appointed by the Mayor with advice and consent of Council for a one-year term to act as assistant prosecutor, under the supervision of the Attorney General or County Prosecutor, who may represent the state, county or Township in any matter within the jurisdiction of the Township of West Milford Municipal Court pursuant to P.L. 1999, c. 349, § 11 and who shall assist the municipal prosecutor in the performance of his/her duties.

SECTION 2. Ordinance 2007-003, An Ordinance Concerning the Salaries and Compensation for Administrative, Confidential and Unaffiliated Employees, is hereby amended and supplemented with the addition of the assistant municipal prosecutor to read as follows:

Table with 3 columns: JOB TITLE, MINIMUM, MAXIMUM. Row 1: Confidential and Unaffiliated Employees, \$250, \$5,000.

SECTION 3. All Ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

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

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

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing will be held on April 9, 2008 and the Ordinance shall be advertised on or about March 30, 2008.

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

Discussion: Mayor Bieri wanted to clarify to the public that this is a new position being created however there is no additional costs to the Township. She said that job responsibilities are being spread so as to assist the court in having a substitute prosecutor in the event of the prosecutors absence.

The following Resolution numbers 121, 122, 123, 124, 125, 126 127, 128, 129, 130, 131, 132, 133, 134, 135, 146 were moved as one.

Agenda No. VII 5

~ Resolution 2008 – 121 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO DAWG, INC. FOR THE PURCHASE OF BEAR RESISTANT GARBAGE CANS

WHEREAS, the Township of West Milford solicited bids on March 12, 2008 at 10:00 a.m. for the purchase of Bear Resistant Garbage Cans; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bid from DAWG, Inc.; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

WHEREAS, the bid received from DAWG, Inc. has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

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WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to *DAWG, Inc, 25 Lassy Ct., Terryville, CT 06786*.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number G-02-41-716-716; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *DAWG, Inc.* for the purchase of Bear Resistant Garbage Cans.

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 *DAWG, Inc.* in the amount of \$59,700.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with *DAWG, Inc.* in accordance with its bid for the purchase of Bear Resistant Garbage Cans.
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 Municipal Clerk.

Agenda No. VII 6

~ Resolution 2008- 122 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,
STATE OF NEW JERSEY AWARDING A CONTRACT TO TILCON NEW YORK, INC.
FOR ROAD MATERIALS**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 20, 2008 at 10:00 a.m. for road materials as per the Bid Specifications; and

WHEREAS, the Township of West Milford received two (2) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Engineer; and

WHEREAS, the bid received from Tilcon New York, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Tilcon New York, Inc.; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 8-01-26-290-360 - \$18,265.00 & C-04-07-943-624 - \$70,000.00.

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, Inc., 625 Mt. Hope Road, Wharton, NJ 07885 in an amount not to exceed \$88,265.00 for road materials as per the Bid Specifications
2. The Mayor be and is hereby authorized and directed to execute a contract with Tilcon New York, Inc. in accordance with its bid for said tub grinding services.
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 Clerk.

Agenda No. VII 7

~ Resolution 2008- 123 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,
NEW JERSEY AWARDING A CONTRACT TO PAT SCANLAN LANDSCAPING, INC.
FOR THE MAINTENANCE OF BALLFIELDS AND OTHER SITES**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on December 21, 2007 at 10:30 a.m. for maintenance of ball fields and other sites as per the Bid Specifications; and

WHEREAS, the Township of West Milford received two (2) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Community Services and Recreation and the Township Attorney; and

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WHEREAS, the bid received from the low bidder Pat Scanlan Landscaping, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 8-01-28-375-352.

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 Pat Scanlan Landscaping, Inc., 14 Plains Drive, New City, NY 10956 in amounts not to exceed \$6,730.00 for Schedule A Minor and \$35,165.00 for Schedule B Bulk as per the Bid Specifications for a total bid amount not to exceed \$41,895.00.
2. The Mayor or Interim Administrator be and is hereby authorized and directed to execute a contract with Pat Scanlan Landscaping, Inc. in accordance with its bid for said maintenance of ball fields and other sites in the Township of West Milford services.
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 Clerk.

Agenda No. VII 8

~ Resolution 2008- 124 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AWARDING A CONTRACT TO CAMPBELL FOUNDRY COMPANY FOR INLET CASTINGS

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 29, 2008 at 10:00 a.m. for inlet castings as per the Bid Specifications; and

WHEREAS, the Township of West Milford received two (2) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Engineer; and

WHEREAS, the bid received Campbell Foundry Company has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Campbell Foundry Company; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbers C-04-55-900-624 \$11,961.25; C-04-05-943-624 \$26,170.20; and C-04-07-943-624 \$24,216.55.

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 Campbell Foundry Company in amounts not to exceed \$62,348.00 for Inlet Castings as per the Bid Specifications
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Campbell Foundry Company in accordance with its bid for said Inlet Castings.
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 Clerk.

Agenda No. VII 9

~ Resolution 2008- 125 ~

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 HATCH MOTT MACDONALD FOR ENGINEERING CONSULTATIVE SERVICES REGARDING THE WANAUKE VALLEY REGIONAL SEWERAGE AUTHORITY, ADVISORY AND VALUATION SERVICES IN AN AMOUNT NOT TO EXCEED \$7,000.00

WHEREAS, the Township is in need of professional engineering consultative services regarding the engineering and wastewater planning considerations surrounding the potential dissolution of the Wanaque Valley Regional Sewerage Authority; and

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WHEREAS, Hatch Mott MacDonald has vast experience and expertise in providing such engineering consultative services regarding wastewater authorities in New Jersey; and

WHEREAS, the Township wishes to retain Hatch Mott MacDonald for the purpose of assisting the Township of West Milford with regard to the engineering and wastewater planning considerations surrounding the potential dissolution of the Wanaque Valley Regional Sewerage Authority and other various related services as outlined in the firm's proposal dated December 7, 2007; and

WHEREAS, the total amount of the contract shall not exceed \$7,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services and shall come from the current fund account number 8-01-20-100-450.

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, Hatch Mott MacDonald has completed and submitted both a 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 Hatch Mott MacDonald 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 Hatch Mott MacDonald, with offices located at 27 Bleeker Street, Millburn, New Jersey, 07041, as professional engineering consultant to assist the Township regarding the engineering and wastewater planning considerations surrounding the potential dissolution of the Wanaque Valley Regional Sewerage Authority in an amount not to exceed \$7,000.00 and in accordance with his proposal dated December 7, 2007.
2. 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.
3. The total fee authorized for this contract shall not exceed \$7,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Recused: Councilman Scangarello recused from Resolution 2008-125.

Agenda No. VII 10

~ Resolution 2008- 126 ~

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the term of a contract for this service is from March 26, 2008 through December 31, 2008; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from various accounts pursuant to Section 20 of the Local Bond Law.

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

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

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

1. The Township Administrator is hereby authorized to execute a contract with Hawkins, Delafield, & Woods for professional bond counsel services in an amount not to exceed \$6,820.79
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2008 calendar year.
4. The total fee authorized for this contract shall not exceed \$6,820.79 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Agenda No. VII 11

~ Resolution 2008- 127 ~

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 JM SORGE, INC. FOR ENVIRONMENTAL ASSESSMENT SERVICES

WHEREAS, the Township of West Milford wishes to engage the professional services of a environmental consultant to assist in the re-licensing of the West Milford Parks & Recreation Pre-School; and

WHEREAS, JM Sorge, Inc., 57 Fourth Street, Somerville, NJ 08876 has provided recommendations for such services completed in the past; and

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

WHEREAS, the Chief Financial Officer has certified the availability of funds said funds to be encumbered from account number 8-01-28-370-200; 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 Township Committee 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 Township Administrator and Township Clerk to execute an agreement with JM Sorge, Inc. in an amount not to exceed \$3,000.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$3,000.00 without the prior written approval of the Township Council.
4. The term of this contract shall be from March 26, 2008 through December 31, 2008.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.

Agenda No. VII 12

~ Resolution 2008-128 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A CARETAKER AGREEMENT FOR WESTBROOK PARK

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, Susanne Pappas is available to provide services in the capacity of a caretaker at Westbrook Park; and

WHEREAS, Renee Palermo, Director of Community Services and Recreation, has reviewed the agreement and recommends that it be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that it does hereby approve the Westbrook Park Caretaker Agreement with Susanne Pappas;

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized to sign the Agreement on behalf of the Township of West Milford.

Agenda No. VII 13

~ Resolution 2008- 129 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO FRED KNAPP, ESQ., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR LEGAL SERVICES

WHEREAS, the Township of West Milford appointed Fred Knapp, Esq. to represent the Township in pending labor matters that remain outstanding from 2007 and the matter known as O'Shea v. West Milford filed in the Superior Court on December 14, 2007 as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

WHEREAS, by virtue of resolutions 2008-033 and 2008-056 \$12,500 was appropriated to compensate for these legal services; and

WHEREAS, Mr. Knapp has indicated that he will require additional funding to conclude these legal matters at an estimated amount of \$10,000; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the term of a contract for this service is until the completion of the above referenced legal matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 8-01-20-155-202.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to amend the contract with Fred Knapp, Esq. of the firm Laufer Knapp, LLC for an amount not to exceed \$22,500.00; and

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

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

Agenda No. VII 14

~ Resolution 2008- 130 ~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Purchase of AN AUTOMOBILE through the Morris County Cooperative Purchasing Council, Contract #15-B, to Hertrich Fleet Services

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #15-B, for a compact size, 4-door sedan, 4-cylinder automobile for the 2008 year to Hertrich Fleet Services, 1427 Bay Road, Milford, Delaware 19963, and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for an automobile for the Administration Department; and

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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 a compact size, 4-door sedan, 4-cylinder automobile through the Morris County Cooperative Purchasing Council, Contract #15-B in an amount not to exceed \$11,643; 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 C-04-07-940-262.

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 one 2008 Ford Focus S, compact size, 4-door sedan, 4-cylinder automobile in an amount not to exceed \$11,643, through the Morris County Cooperative Purchasing Council contract #15-B awarded to Hertrich Fleet Services.
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 Clerk.

Agenda No. VII 15

~ Resolution 2008- 131 ~

Resolution of the township of West Milford, county of passaic, state of new jersey to transfer items of current fund appropriation reserves in accordance with the provisions 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 2007 budget year;

Account Number	Account Description	
20-140-100	Information Technology, Salaries & Wages	\$500.00
25-265-100	Fire Prevention, Salaries & Wages	\$2,500.00
27-330-100	Public Health, Salaries & Wages	\$1,100.00
28-370-100	Recreation Programs, Salaries & Wages	\$ 650.00
28-375-100	Recreation Parks, Salaries & Wages	\$700.00
30-431-100	Mass Transit, Salaries & Wages	\$3,200.00
43-490-100	Municipal Court, Salaries & Wages	\$50.00
	TOTAL	\$8,700.00

and

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:

Account Number	Account Description	
20-161-200	General Services, Other Expenses	\$8,700.00
	TOTAL	\$8,700.00

NOW THEREFORE BE IT RESOLVED, by the Township of West Milford, County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, the 2007 appropriation reserve 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 2007 budget appropriations reserves:

1. \$8,700.00
2. \$8,700.00 Current Fund

A certified copy of this resolution shall be forwarded by the Township Clerk to the Township Treasurer. This Resolution shall take effect immediately.

Agenda No. VII 16

~ Resolution 2008- 132 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 2008 TEMPORARY BUDGET

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WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2008 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% (Six Months) of the total appropriation in the 2007 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2007 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	2007 BUDGET	2008 TEMPORARY BUDGET
ADMINISTRATION			
ADMINISTRATOR			
Administrator S&W	01-20-100-100	\$237,000	\$124,425
Administrator O.E.	01-20-100-200	\$57,350	\$30,109
TOTAL		\$294,350	\$154,534
PERSONNEL			
Personnel S&W	01-20-105-100	\$75,500	\$39,638
Personnel O.E.	01-20-105-200	\$9,000	\$4,725
TOTAL		\$84,500	\$44,363
MAYOR & COUNCIL			
Township Mayor & Council S&W	01-20-110-101	\$34,000	\$17,850
Township Mayor & Council O.E.	01-20-110-200	\$5,000	\$2,625
TOTAL		\$39,000	\$20,475
INFORMATION TECHNOLOGY			
Information Technology S&W	01-20-140-100	\$72,700	\$38,168
Information Technology O.E.	01-20-140-200	\$52,400	\$27,510
TOTAL		\$125,100	\$65,678
Legal O.E.	01-20-155-200	\$255,000	\$133,875
GENERAL SERVICES			
General Services S&W	01-20-161-100	\$9,000	\$4,725
General Services O.E.	01-20-161-200	\$110,600	\$58,065
TOTAL		\$119,600	\$62,790
INSURANCE			
Insurance, Other	01-23-210-200	\$702,751	\$702,751
Insurance, Other, Less Library Charge Back	01-23-210-200	-\$10,000	\$(5,250)
Insurance, Group	01-23-220-506	\$2,902,500	\$1,523,813
Insurance, Group, Less Library Charge Back	01-23-220-506	-\$110,000	\$(57,750)
TOTAL		\$3,485,251	\$2,163,564
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
Heritage O.E.	01-20-173-200	\$3,000	\$788
CLERK'S OFFICE			
CLERK			
Clerk S&W	01-20-120-100	\$211,600	\$111,090
Clerk O.E.	01-20-120-200	\$22,800	\$11,970
TOTAL		\$234,400	\$123,060
ELECTIONS			
Elections S&W	01-20-146-101	\$5,000	\$2,625
Elections O.E.	01-20-146-101	\$12,600	\$6,615

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TOTAL		\$17,600	\$9,240
FINANCE			
TREASURER			
Treasurer S&W	01-20-130-100	\$251,000	\$131,775
Treasurer O.E.	01-20-130-200	\$31,455	\$16,514
Treasurer O.E. - Less Library Chargebacks	01-20-130-200	-\$2,000	\$(1,050)
TOTAL		\$280,455	\$147,239
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	\$169,000	\$88,725
Tax Collector O.E.	01-20-145-200	\$12,250	\$6,431
TOTAL		\$181,250	\$95,156
ASSESSOR			
Tax Assessor S&W	01-20-150-200	\$307,000	\$161,175
Tax Assessor O.E.	01-20-150-200	\$6,000	\$3,150
TOTAL		\$313,000	\$164,325
PLANNING AND BUILDING			
PLANNING BOARD O.E.	01-21-180-200	\$38,800	\$20,370
COMPREHENSIVE PLANNING			
Planning, Comp. S&W	01-21-181-100	\$301,000	\$158,025
Planning, Comp. O.E.	01-21-181-200	\$6,200	\$3,255
TOTAL		\$307,200	\$161,280
ZONING ADMINISTRATION S&W	01-21-185-100	\$69,000	\$36,225
BOARD OF ADJUSTMENT O.E.	01-21-186-200	\$20,450	\$5,368
HISTORIC PRESERVATION			
Historic Preservation S&W	01-20-175-101	\$1,500	\$788
Historic Preservation O.E.	01-20-175-200	\$2,300	\$1,208
TOTAL		\$3,800	\$1,995
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
TOURISM COMMITTEE (Formerly R/D)	01-20-171-200	\$3,000	\$-
BUILDING / CODE ENFORCEMENT			
Building S&W	01-22-195-100	\$414,000	\$217,350
Building O.E.	01-22-195-200	\$12,500	\$6,563
TOTAL		\$426,500	\$223,913
ENVIRONMENTAL COMMISSION			
Environmental Commission S&W	01-22-196-101	\$1,500	\$788
Environmental Commission O.E.	01-22-196-200	\$900	\$473
TOTAL		\$2,400	\$1,260
PUBLIC SAFETY			
POLICE DEPARTMENT			
Police Patrol S&W	01-25-240-100	\$4,152,000	\$2,179,800
Police Patrol O.E.	01-25-240-200	\$88,400	\$46,410
Police Patrol-Purchase of Police Vehicles	01-25-240-201	\$170,000	\$-
Police Detective S&W	01-25-241-100	\$508,000	\$266,700
Police Administration S&W	01-25-242-100	\$455,000	\$238,875
Police Communication S&W	01-25-243-100	\$293,000	\$153,825

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Police Comm. O.E.	01-25-243-200	\$30,000	\$15,750
Police Specials S&W	01-25-244-100	\$30,000	\$15,750
Police Specials O.E.	01-25-244-200	\$3,600	\$1,890
TOTAL		\$5,730,000	\$2,919,000
Emergency Management S&W	01-25-252-100	\$5,000	\$2,625
Emergency Management O.E.	01-25-252-200	\$25,000	\$13,125
TOTAL		\$30,000	\$15,750
FIRST AID SQUADS			
First Aid Organization Contributions	01-25-260-200	\$67,275	\$35,319
First Aid - UGL 1st Aid Squad	01-25-261-200	\$40,500	\$21,263
TOTAL		\$107,775	\$56,582
FIRE DEPARTMENT			
Aid To Vol. Fire Co.	01-25-255-200	\$90,000	\$47,250
Fire Prevention Bureau S&W	01-25-265-100	\$192,000	\$100,800
Fire Prevention Bureau O.E.	01-25-265-200	\$8,400	\$4,410
Fire Co. Admin. S&W	01-25-266-100	\$10,000	\$5,250
Fire Co. Admin. O.E.	01-25-266-200	\$309,350	\$162,409
LOSAP	01-25-267-100	\$110,000	\$ -
TOTAL		\$719,750	\$320,119
ENGINEERING AND PUBLIC WORKS			
ENGINEERING			
Engineering S&W	01-20-165-100	\$460,000	\$241,500
Engineering O.E.	01-20-165-200	\$33,100	\$17,378
TOTAL		\$493,100	\$258,878
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
DPW			
DPW Streets & Roads S&W	01-26-290-100	\$1,583,000	\$831,075
DPW Streets & Roads O.E.	01-26-290-200	\$350,500	\$184,013
DPW Buildings & Grounds S&W	01-26-291-100	\$99,000	\$51,975
DPW Buildings & Grounds O.E.	01-26-291-200	\$55,250	\$29,006
DPW Snow Removal S&W	01-26-294-100	\$178,000	\$175,000
DPW Snow Removal O.E.	01-26-294-200	\$756,500	\$756,500
DPW Vehicle Maintenance S&W	01-26-315-100	\$305,000	\$160,125
DPW Vehicle Maintenance O.E.	01-26-315-200	\$262,700	\$137,918
TOTAL		\$3,589,950	\$2,325,611
HEALTH DEPARTMENT			
HEALTH DEPARTMENT			
Public Health S&W	01-27-330-100	\$285,000	\$149,625
Public Health O.E.	01-27-330-200	\$50,975	\$26,762
Vital Statistics S&W	01-27-331-100	\$6,000	\$3,150
Vital Statistics O.E.	01-27-331-200	\$15,800	\$8,295
Housing Standard Bureau O.E.	01-27-332-441	\$2,500	\$1,313
Environmental Health S&W	01-27-335-100	\$263,000	\$138,075
Environmental Health O.E.	01-27-335-200	\$20,800	\$10,920
Animal Control S&W	01-27-340-100	\$77,000	\$40,425
Animal Control O.E.	01-27-340-450	\$0	\$ -
TOTAL		\$721,075	\$378,564
PARKS AND RECREATION			
RECREATION			
Recreation Programs S&W	01-28-370-100	\$378,000	\$198,450

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Recreation Programs O.E.	01-28-370-200	\$170,000	\$89,250
Recreation-Bubbling Springs S&W	01-28-371-100	\$167,000	\$56,000
Recreation-Bubbling Springs O.E.	01-28-371-200	\$65,000	\$34,125
Recreation-Admin. S&W	01-28-372-100	\$200,000	\$105,000
Recreation-Admin. O.E.	01-28-372-200	\$11,900	\$6,248
Recreation-Hillcrest S&W	01-28-374-100	\$117,000	\$61,425
Recreation-Hillcrest O.E.	01-28-374-200	\$23,100	\$12,128
Recreation-Parks Maintenance S&W	01-28-375-100	\$204,000	\$107,100
Recreation-Parks Maintenance O.E.	01-28-375-200	\$123,000	\$64,575
Senior Citizen Services S&W	01-28-376-100	\$99,000	\$51,975
Senior Citizen Services O.E.	01-28-376-200	\$13,225	\$6,943
TOTAL		\$1,571,225	\$793,218
VETERAN'S BUREAU			
Veteran's Bureau S&W	01-20-172-100	\$1,400	\$735
Veteran's Bureau O.E.	01-20-172-200	\$1,200	\$630
TOTAL		\$2,600	\$1,365
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
PUBLIC ASSISTANCE			
Public Assistance S&W	01-27-345-100	\$0	\$0
Public Assistance O.E.	01-27-345-200	\$0	\$0
TOTAL		\$0	\$0
Celebration of Public Events O.E.	01-30-420-200	\$20,300	\$10,658
Mass Transportation	01-30-421-200	\$84,821	\$44,531
LIBRARY			
LIBRARY			
Library S&W	01-29-390-100	\$410,000	\$215,250
Library O.E.	01-29-390-200	\$821,122	\$431,089
TOTAL		\$1,231,122	\$646,339
MUNICIPAL COURT			
MUNICIPAL COURT			
Municipal Court S&W	01-43-490-100	\$276,000	\$144,900
Municipal Court O.E.	01-43-490-200	\$14,225	\$7,468
Municipal Court Prosecutor S&W	01-43-491-101	\$26,000	\$13,650
Municipal Court Public Defender Fees	01-43-495-450	\$0	\$-
TOTAL		\$316,225	\$166,018
UTILITY EXPENSES & BULK PURCHASES			
UTILITIES & FUELS			
Utilities-Electricity	01-31-430-200	\$125,000	\$65,625
Utilities-Street Lights	01-31-435-200	\$40,000	\$21,000
Utilities-Telephone	01-31-440-200	\$150,000	\$78,750
Utilities-Natural Gas	01-31-446-200	\$145,000	\$65,000
Utilities-Fuel	01-31-460-200	\$320,000	\$168,000
TOTAL		\$780,000	\$398,375
MISCELLANEOUS AND STATUTORY EXPENDITURES			
PENSION & FICA			
PERS	01-36-471-532	\$240,000	\$-
PERS - Less Library Chargebacks	01-36-471-532	-\$30,000	\$-
Social Security	01-36-472-533	\$744,206	\$390,708

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Less Library Charge backs - Social Security	01-36-472-533	-\$34,200	\$ (17,955)
PFRS	01-36-473-534	\$649,000	\$-
TOTAL		\$1,569,006	\$372,753
Salaries & Wages Adjustment Account	01-37-480-501	\$0	\$-
Compensated Absences	01-46-887-529	\$150,000	
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
CAPITAL BUDGET			
CURRENT YEAR CAPITAL			
Capital Improvements Fund	01-44-900-200	\$110,900	\$-
Cap Improvements Fund Down Payments	01-44-900-200	\$395,974	\$-
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	\$ -	
TOTAL		\$506,874	\$-
GRANTS			
MASS TRANSIT GRANTS			
Grants-Mass Trans. State Share	02-41-702-100	\$31,672	\$-
Grants-Mass Trans. Federal Share	02-41-702-200	\$64,742	\$-
Grants-Mass Trans. Local Share	02-41-702-201	\$32,138	\$-
TOTAL		\$128,552	\$-
C.A.S.A. GRANTS			
Grants-C.A.S.A. County Share	02-41-705-200	\$47,200	\$-
Grants-C.A.S.A. - Local Share	02-41-705-201	\$11,575	\$-
TOTAL		\$58,775	\$-
INDV. WITH DISAB. GRANT			
Grants-Indv. with Disabilities-State	02-41-707-200	\$13,723	\$-
Grants-Indv. with Disabilities-Local	02-41-707-201	\$2,805	\$-
TOTAL		\$16,528	\$-
PUBLIC HEALTH PRIORITY GRANT	02-41-714-162	\$14,216	\$-
REREATION TRAILS PROGRAM GRANT			
Grants-Recreation Trails-State	02-41-715-109	\$15,000	\$-
Grants-Recreation Trails-Local	02-41-715-110	\$5,000	\$-
TOTAL		\$20,000	\$-
CLEAN COMMUNITIES GRANT	02-41-718-674	\$40,930	\$-
CULTURAL HERITAGE GRANT			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	\$1,936	\$-
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	\$968	\$-
TOTAL		\$2,904	\$-
DWI			
DWI State	02-41-000-000	\$13,083	
DWI Local	02-41-000-000	\$0	
TOTAL		\$13,083	\$-
HIGHLANDS COAH GRANT (CHAP 159)			
Grants-Highlands COAH	01-41-000-000	\$0	
Grants-Storm Drain Infstrctr. Inventory	02-41-000-000	\$0	
TOTAL		\$0	\$-
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200	\$0	
NJDEP ESP MAPPG GRANT			

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Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$2,500	
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$2,500	
TOTAL		\$5,000	\$-
TOURISM & DEVELOPMENT GRANT (CHAP 159)	02-41-000-000	\$0	
NJ DCJ BODY ARMOR GRANT	02-41-742-331	\$0	
POST BROOK S.W. STUDY GRANT			
Grants - Police Aggressive Driving-State	02-41-744-330	\$0	
Grants - Police Aggressive Driving-Local	02-41-744-331	\$0	
TOTAL		\$0	\$-
BELCHERS CREEK FECAL TESTING			
Grants - NJDEP-Belchers Creek -State	02-41-749-331	\$0	
Grants - NJDEP-Belchers Creek -Local	02-41-749-332	\$0	
TOTAL		\$0	
GRANT - GREENWOOD LK ANTI-PHOSPHORUS	02-41-750-331	\$913,600	\$-
GRANT - PANDEMIC INFLUENZA PREPARDNESS	02-41-000-000	\$0	
GRANT - CONTINGENT. LOCAL MATCH	02-41-745-999	\$25,000	
GRANT - FIRE DEPT EXHAUST SYSTEMS	02-41-746-331	\$0	
GRANT - POLICE, SPEEDING/AGGRESSIVE DRVNG	02-41-746-332	\$0	
GRANT - WONDER LAKE WATER IMPROVEMENT	02-41-746-334	\$0	
TOTAL		\$1,238,588	\$-
DEBT SERVICE			
Debt Service Total	01-45-000-000	\$2,036,000	\$-
DEFERRED CHARGES AND RESERVE FOR UNCOLLECTED TAXES			
Deficit in Dog Trust Fund	01-37-480-503	\$4,875	
Deficit in Assessment Cash	01-46-886-000	\$1,490	
Cancelled Assessments	01-46-886-648	\$7,918	
Reserve for Tax Appeals	01-46-886-667	\$20,000	
Prior Yrs Bills-Rentl of Polling Pls, N Jersey Media	01-46-887-528	\$714	
Def Charges - Bond Ordinance Unfunded	01-46-875-528	\$39,000	
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	\$0	
Reserve for Uncollected Taxes	01-50-899-200	\$1,770,000	
TOTAL		\$1,843,997	\$-
APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPOARY BUDGET
TOTAL OPERATING BUDGET		\$29,096,064	\$12,369,506
SOLID WASTE DISTRICT			
Solid Waste S&W	26-55-500-100	\$211,000	\$110,775
Solid Waste O.E. All Other	26-55-500-200	\$115,291	\$60,528
Contractual Services	26-55-500-202	\$1,292,000	\$678,300
Disposal Fees	26-55-500-203	\$1,050,000	\$551,250
Grants - Recycling County of Passaic	26-41-753-336	\$ 30,709	\$8,061
Prior Year's Bills	26-55-900-900	\$0	\$-
Commercial Pick Up	26-55-500-201	\$0	\$-
TOTAL		\$2,699,000	\$1,408,914

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Agenda No. VII 17

~ Resolution 2008- 133 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIING THE EXECUTION OF AN AGREEMENT WITH ANTOINETTE BATTAGLIA AS INTERIM ADMINISTRATOR

WHEREAS, Antoinette Battaglia was appointed as Interim Administrator effective March 17, 2008 by way of Resolution 2008-117; and

WHEREAS, the Mayor and Council have negotiated a temporary salary increase that coincides with Ms. Battaglia's additional responsibilities as Interim Township Administrator.

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 execute the attached Agreement which is made a part of this Resolution and provides additional compensation for Ms. Battaglia in the amount of \$500 per week for the term of this appointment.

Agenda No. VII 18

~ Resolution 2008- 134 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A TEMPORARY STIPEND FOR ADMINISTRATIVE STAFF IN THE ADMINISTRATOR'S OFFICE

WHEREAS, the position of Township Administrator became vacant on March 15, 2008; and

WHEREAS, the Mayor and Township Council appointed an Interim Administrator effective March 17, 2008; and

WHEREAS, the Mayor and Township Council recognize that the administrative staff in the office of the Township Administrator shall have additional work and assume additional responsibilities until a permanent appointment is made to the position of Township Administrator.

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 they do hereby approve additional compensation in the amount of \$250 per week each for Catherine Shanahan and Gail Van Hook in addition to each of the aforementioned persons regular pay for an interim period while Antoinette Battaglia is serving in the capacity of Interim Administrator.

Agenda No. VII 19

~ Resolution 2008- 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CERTIFYING RAYMOND BARRETT A VOLUNTEER FIREFIGHTER FOR THE TOWNSHIP OF WEST MILFORD

WHEREAS, Raymond Barrett served as a volunteer fireman at Apshawa Fire Company No. 1 in the Township of West Milford, New Jersey; and

WHEREAS, on March 9, 2008 while responding to a fire, Firefighter Raymond Barrett collapsed and suffered a fatal heart attack; and

WHEREAS, in accordance with State of New Jersey Voluntary Emergency Worker's Survivor's Pension, a surviving spouse is eligible for a survivor's pension; and

WHEREAS, in order to qualify for the pension to be paid to the surviving spouse, the Township of West Milford is required to certify to the State of New Jersey Department of the Treasury Division of Pensions and Benefits that Raymond Barrett was in fact a volunteer fireman in service to the Township of West Milford, and did in fact die in the course of providing emergency services;

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford does hereby certify that Raymond Barrett was a volunteer fireman who died in the course of responding to an emergency in the Township of West Milford on March 9, 2008; and

BE IT FURTHER RESOLVED that the Township Clerk be authorized to complete any and all necessary documents, applications and certifications that may be required by the New Jersey Department of the Treasury Division of Pensions and Benefits to qualify Raymond Barrett's service to the

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Township of West Milford and be eligible for a survivor's pension under Volunteer Emergency Worker's Survivor's Pension; and

BE IT FURTHER RESOLVED that the Township Clerk shall promptly serve and shall also obtain and transmit to the Division of Pensions and Benefits such other additional documents and data as may be required as soon as possible; and

BE IT FURTHER RESOLVED that the Township Clerk shall serve a certified copy of this Resolution on the Division of Pensions and Benefits immediately and shall not await the receipt of further documents that are not on hand before doing so.

Agenda No. VII 20

~ Resolution 2008- 146 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING THE GOVERNOR'S PROPOSED BUDGET ON THE BASIS THAT IT CALLS FOR A REDUCTION IN PROPERTY TAX RELIEF AND PLACES AN ENORMOUS BURDEN ON THE TOWNSHIP OF WEST MILFORD

WHEREAS, on February 26, 2008, in Trenton, Governor Jon S. Corzine presented his FY 2008 Budget proposal to a Joint Session of the State Legislature, which proposal now goes to the Legislature, which must pass a balanced budget by the start of the State's next Fiscal Year which begins on July 1; and

WHEREAS, the proposal, which represents what the Governor called "many unpleasant choices" calls for the elimination of two Departments of State Government (the Departments of Agriculture and Personnel) and the State Commerce Commission, and asks all other Departments to absorb funding cuts, and further calls for sacrifice in a number of other areas, including direct property tax relief, hospital aid, higher education assistance and Medicaid, with the inordinately deep cuts in municipal property tax relief funding; and

WHEREAS, the proposed budget calls for municipal property tax relief to be slashed by \$189.6 million; and

WHEREAS, for municipalities with a population of less than 5,000, there will be no CMPTRA funding this year; for municipalities with a population total between 5,000 and 10,000, this relief will be limited to one-half of the amount received in the State's 2006-2007 budget; and the \$32.6 million distributed according to the CMPTRA formula, which municipalities received last year as 2008 Municipal Property Tax Assistance, is gone; and

WHEREAS, under this budget the Township of West Milford will lose approximately \$288,000 in State aid; and

WHEREAS, last year's \$32 million in Municipal Homeland Security Funding is gone, Special Municipal Aid funding is cut from \$153 million to \$145.4 million, a loss of \$7.6 million, Extraordinary Aid funding is reduced by \$1.7 million, from \$34 million to \$32.3 million, and the \$8 million Regional Efficiency Aid Program will not be funded; and

WHEREAS, the Township of West Milford, which is a community that is entirely located within the Highlands Preservation Area (which has placed financial pressures on the Township) and has endured the financial pressures of State mandates and loss of State Aid seeks to protect its residents from these budget pressures.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township Council of the Township of West Milford, County of Passaic and State of New Jersey calls on its elected representatives in Trenton, Senator Joseph Pennachio and Assembly Members Alex DeCroce and Jay Webber to work with their colleagues in the Legislature and with the Governor to take affirmative action to restore program funding sufficient to honor state statutes and their stated commitment to the cause of property tax relief in all New Jersey municipalities; and be it further

RESOLVED, that no State Aid should be cut for municipalities that are 100% within the Highlands Preservation Area, as revenue generation for such municipalities has already been halted as a result of said legislation, placing a disproportionate financial burden on said municipalities; and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Jon S. Corzine, Acting State Treasurer R. David Rousseau, Senate President Richard J. Codey, Senate Minority Leader Thomas H. Kean, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, the Chairs and Members of the Senate and Assembly Budget and Appropriations Committees, our own Senator Pennachio and Assembly Members DeCroce and Webber and to the New Jersey League of Municipalities.

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

Discussion: Councilman Smolinski asked if the per can cost needed to be included in Resolution 2008-121. Township Attorney Semrau said that it was not necessary and that it was included in the bid. Regarding Resolution 2008-125, Township Attorney Semrau said that Councilman Scangarello should recuse himself. Councilman Scangarello agreed and recused himself. Councilman Smolinski asked if this Resolution was for a study and Township Attorney said that it is for an evaluation of the utilities value to the Township. Councilman Smolinski asked if it was a moot issue because Ringwood was not participating. Township Attorney Semrau said that Wanaque has indicated that they will proceed and have threatened legal action if they do not have consent to proceed from Ringwood and West Milford. He went on to say that if this is approved that he can notify Wanaque that the Township is investigating and will need additional time. Councilman Smolinski asked about authorizing up to \$7000 to perform a study. Township Attorney Semrau explained that this would factor into the Council's decision making process and to help the Council come to a final determination to move forward or not.

Agenda No. VIII

Consent Agenda

~ Resolution 2008 - 136 ~

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; and

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

Resolutions:

- a. Resolution 2008 - 137 - Refund Other Liens
b. Resolution 2008 - 138 - Refund Overpayments
c. Resolution 2008 - 139 - 2008 Licenses
d. Resolution 2008 - 140 - Reinstatement of Taxes
e. Resolution 2008 - 141 - Signatures on Township Accounts
f. Resolution 2008 - 142 - Tax Lien Sale
g. Resolution 2008 - 143 - Submit and Accept ANJEC Grant

Applications:

- a. Application for Social Affair Permit - West Milford Chamber of Commerce for June 1, 2008
b. Application for Tricky Tray Raffle License - UGL PTA for May 2, 2008
c. Application for On Premise 50/50 License - UGL PTA for May 2, 2008

Moved: Scangarello Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Scangarello.
Voted Nay: None.
Recused: Councilwoman Lichtenberg recused on Resolution 2008-136 Chamber of Commerce application only
Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution 2008 - 137 ~

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.

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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	Reimburse Amt	Pay to the Lien Holder
07-013	04/03/2007	01903-008	\$11,775.86	USBANK-CUST/SASS MUNI V DTR 2 Liberty Place 50 South 16 th . St. Ste 1950 Philadelphia, PA 19102
07-81	04/03/2007	16604-002	\$27,690.07	LIEN TIMES LLC 203 Stephens Road West Milford, NJ 07480
Grand Total			\$39,465.93	

Agenda No. VIII b

~ Resolution 2008 - 138 ~

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

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
506-2	M. Rudeen 13 Island Trail Hewitt, NJ 07421	\$1,515.00	2008	2
2006-4	O. Amaya 20 Paterson Road Hewitt, NJ 07421	\$1,044.00	2007	2
2305-3	Francis J. Battersby, Esq. P.O. Box 370 Oakland, NJ 07436	\$2,194.00	2008	2
2402-31	M. & N. Johnson 353 Lakeshore Drive Hewitt, NJ 07421	\$195.00	2008	1
2406-8	A. & M. Giantonio 13 Audubon Road Hewitt, NJ 07421	\$437.10	2008	1
2406-18	Angelo Dattolo, Esq. 5 East Main Street Ste. 22 B Denville, NJ 07834	\$855.00	2008	2
3009-11	E. Julian 487 Lakeside Road Hewitt, NJ 07421	\$1,176.00	2008	2
3401-1	Almar 2 Kiel Avenue #202 Kinnelon, NJ 07405	\$1,109.16	2008	2
3503-18.01	Almar 2 Kiel Avenue #202 Kinnelon, NJ 07405	\$205.33	2008	2
3503-18.02	Almar 2 Kiel Avenue #202 Kinnelon, NJ 07405	\$542.50	2008	2
4107-6	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$964.75	2008	6
4303-11	L. & K. Soodak	\$1,677.00	2008	2

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	120 Lake Park Terrace Hewitt, NJ 07421			
6202-1	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$687.58	2008	6
6605-15	R. Sacco 5 Louis Avenue West Milford, NJ 07480	\$1,337.00	2008	2
6715-10	W. & E. Visser 38 Aspen Lane West Milford, NJ 07480	\$1,303.00	2008	2
7801-7.04	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,217.23	2008	6
7801-48.02	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$649.73	2008	6
7801-52.04	Ricci, Fava & Saracino, LLC 500 Union Boulevard Totowa, NJ 07512	\$1,491.00	2008	2
8201-22	P. Vander Veen 1855 Macopin Road West Milford, NJ 07480	\$2,955.00	2008	1
8603-9	J. & M. Des Verney 39 Cherbourg Drive West Milford, NJ 07480	\$287.75	2008	1
8802-46	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,072.40	2008	6
9501-46	P. & L. Schwab 25 Bisset Drive West Milford, NJ 07480	\$2,468.00	2008	2
9601-8	S. Papini 1477 Macopin Road West Milford, NJ 07480	\$387.28	2008	1
9707-11	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,613.29	2008	6
9709-2	M. & J. Minadeo 8 Somerset Place West Milford, NJ 07480	\$288.00	2008	5
10102-22	G. & M. Oppenheimer 24 Clover Road Newfoundland, NJ 07435	\$2,391.00	2008	2
10204-5.02	Fahey & Fahey Esq. 55 Skyline Drive Ste. 208 Ringwood, NJ 07456	\$2,490.00	2008	2
10301-20	Robert A. Wiannecki Esq. 718 Main Street Boonton, NJ 07005	\$2,247.00	2008	2
10503-8	T. Nelson 29 Osage Drive West Milford, NJ 07480	\$504.84	2008	1
10602-53	First American R.E. Tax 1 First American Way Westlake, Texas 76262	\$1,350.00	2008	2
10701-9	R. & L. Giannone 20 Cliffside Drive West Milford, NJ 07480	\$1,587.00	2008	2
10808-44	A. & E. Stanton 390 N. Orange Suite #260 Orlando, FL 32801	\$432.00	2008	1
12108-1	Fein,Such,Kahn, & Shepard 7 Century Drive Suite 201 Parsippany, NJ 07054	\$751.00	2008	2
13704-10	K. Smyth-Sodano 111 Germantown Road West Milford, NJ 07480	\$1,193.00	2008	2
16201-22	Wells Fargo R.E. Tax Service X2301-02C/BAV REIMB ARU	\$1,001.00	2007	2

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	P.O. Box 14506 Des Moines, IA 50306-9395			
TOTAL		\$41,618.94		

Agenda No. VIII c

~ Resolution 2008 - 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF LICENSES FOR LICENSE YEAR 2008

WHEREAS, applications have been made by various business owners for the renewal various Licenses for the year 2008; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of *Licenses for 2008 as listed below:*

Peddler License No.		Applicant Name	T/A - Address
2008 - 3		Sandra Qutishat	S & A Ice Cream 74 Martha Avenue Elmwood Park, NJ 07407
Taxi License No.		Applicant Name	T/A - Address
DRIVER	OWNER		
2008-1	2008-1	Sande Hoffman	1582 Greenwood Lake Tpk., Hewitt, NJ
2008-2		Juan Galindo	211 Stiles Street, Elizabeth, NJ
2008-3	2008-2	Maria Gamba	1582 Greenwood Lake Tpk., Hewitt, NJ
2008-4	2008-3	Thomas Murphy	1501 Macopin Rd, West Milford, NJ
2008-6	2008-4	Frank McCagh	Distinguished Limousine Service 18 Sweetman Lane, West Milford, NJ
2008-5	2008-6 & 7	Michael Hale	Fortress Limousine, Inc. 9 Gladstone Rd, Hewitt, NJ
2008-6	2008-8	Alexander Neymark	Alex's Limo, Inc. 48B Beacon Hill Rd, West Milford, NJ
2008-7	2008-9 & 10	John Karwoski	S & J Limousine 9 Trenton Rd, Hewitt, NJ
Solicitor License No.		Applicant Name	T/A - Address
2008-01		Joe David	Greenwood Lake Vending 71 Dogwood Lane Hewitt, NJ

Agenda No. VIII d

~ Resolution 2008 - 140 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
1406-10	J. & J. Wakemen	\$1,892.00	2008
4701-1	T. Washer	\$2078.00	2008
12208-19	J. & B. Koch	\$1,559.00	2008
5904-9	G. & A. Pizza	\$2,395.00	2008
9501-4	P. & C. Wicker	\$2,161.00	2008
15701-37	T. & J. Dayon Family Fund	\$20,000.00	2008
2602-16	J. McGrane, Jr.	\$2,540.00	2008
7801-31.01	J. Martellacci	\$1,618.00	2008
501-3	B. & R. Bishop	\$2,637.00	2008

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Table with 4 columns: Item ID, Name, Amount, Year. Row 1: 6202-11, M. Haitmanek, \$1,000.00, 2008. Row 2: TOTAL, \$38,122.00, 2008.

Agenda No. VIII e

~ Resolution 2008 - 141 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CONCERNING SIGNATURES ON TOWNSHIP ACCOUNTS

BE IT RESOLVED, by the Township Council of the Township of West Milford that Mayor Bettina Bieri, or Interim Township Administrator Antoinette Battaglia, and Chief Financial Officer Arthur Magnotti will be the required signers on Township checks.

BE IT FURTHER RESOLVED, that Lakeland Bank is hereby authorized to accept the manual or facsimile signatures of Mayor Bettina Bieri, or Interim Township Administrator Antoinette Battaglia, and Chief Financial Officer Arthur Magnotti on Township checks.

Agenda No. VIII f

~ Resolution 2008 - 142 ~

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

WHEREAS, the Collector of Taxes has requested that the Township conduct a Tax Title Lien Sale on Tuesday - April 8, 2008 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 Tuesday - April 8, 2008 at 10:00 a.m.

Agenda No. VIII g

~ Resolution 2008 - 143 ~

RESOLUTION 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 SMART GROWTH PLANNING ASSISTANCE GRANT

WHEREAS, the West Milford Environmental Commission has recommended that the Council approve the submittal of a grant application to the Association of New Jersey Environmental Commissions (ANJEC) to assist the Township lake communities with guidance in the maintenance of their water bodies; and

WHEREAS, if funding is received, the Township's Environmental Commission would hire a lake scientist to perform initial assessments of a number of lakes and create a manual providing direction in what an association's volunteer member base would do to create a lake characterization plan; and

WHEREAS, the Environmental Commission has prepared a grant application for funds in the amount of \$7,500 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 Interim Township Administrator be and is hereby authorized to submit an ANJEC grant application in the amount of \$7,500 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 assisting the Township lake communities with guidance in the maintenance of their water bodies.

Payment of Bills

Agenda No. IX

~ Resolution 2008 - 144 ~

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.

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

Acct #	Account Name	Amount
1	Current Account.	\$249,399.79
2	Reserve Account	24,284.96
3	Animal Control Trust	53.28
6	Capital.	123,266.35
7	Grants.	5,495.52
8	Refuse.	7,133.50
9	Refunds.	81,139.87
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	5,169.25
18	Development Escrow.	3,222.50
19	LOSAP	
20	Special Reserve	
Total		\$499,165.02
Less Refund Resolution		(81,139.87)
Actual Bill List		\$418,025.15
Other Payments		100.00
Less Refund Resolution		
Total Expenditures		\$418,125.15

Moved: Nolan Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Scangarello.
 Voted Nay: Councilman Nolan nay on Hawthorne only.
 Recuse: Councilman Smolinski recused himself from 2008-125 only.
 Abstain: None.
 Motion carried.

Discussion: Councilman Nolan asked a question pertaining to an invoice being paid on an ambulance and Township Clerk Battaglia said that it was for repair due to an accident and was reimbursed by an insurance company less deductible. He asked regarding the purchase of a turbo charger and was told that it was an standard item in one of the Engineering Dept. vehicles that was repaired; and with regards to Jamestown Advanced Products payment for picnic tables and frames, he was under the impression that these were budgeted in the 2008 budget which has not been approved and wondered why they were being paid for now. Township Clerk Battaglia said that these tables were different from the ones in the 2008 budget.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilwoman Lichtenberg – advised that the Older Adult Services is available to help any seniors with filling out tax returns. She announced that the Friends of the Library are having their annual book sale April 16-18 at the Presbyterian Church. Donations can be dropped off at 80 Ridge Road. She said that she is available for anyone to speak to her on Thursdays from 10-12 at town hall.

Councilman Scangarello – said that it had been brought to his attention that a new generator had been installed at Hillcrest. He is concerned that the generator will need to be enclosed and protected from the elements as well as providing safety. He recommended that Gerry Storms, Township Director of Public Works be contacted about this. Additionally he said that he had met with the Fire Chief's Association and despite their agreement with the proposed shand report they insist that the fire truck be replaced. He is waiting for a report from Chief Reilly and when secured will forward a copy to Administration. He commented that the Fire Companies agree with the Volunteer Auxiliary Ordinance and that they are eager to begin working with these volunteers. Regarding changing the duties of Fire Prevention he wished to go on the record that he feels they should stay as is. He also commended West Milford for

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having 174 strong volunteer firemen. He offered his condolences to the family of Raymond Barrett saying that West Milford has lost a long time volunteer. He also offered his condolences to the Nobis family on the passing of Connie.

Councilman Weisbecker – Expressed his condolences to the Nobis family and said that Connie will be sorely missed and that West Milford had lost a very active member of the community. He said that her wake would be on Friday at Richards Funeral Home. He said that he is looking forward to continuing to interview for a new administrator. There has been no decision yet and there are four more applicants to review. He added to Councilman Nolan’s report that Project Graduation would be another local charity.

Councilman Nolan – wanted to respond to an article which had been printed in the Aim newspaper where he had commented on charities. He wanted to clarify that before giving to a charity to review the charity through one of a number of online services. He said that it is not advisable to contribute to charities who use paid fundraisers. He additionally gave names, addresses and telephone numbers to charities that the Barrett family wishes to have donations sent and recommended that they be contacted prior to sending donations. He also reminded that there are a number of local charities which are in need of donations. He also expressed concerns over new telephone and email scams and warned that one not fall prey.

Mayor Bieri – expressed the enormity of the loss of Raymond Barrett. She said that his funeral services were lovely and that she has reached out to his widow and offered any assistance. She then said that Connie Nobis had passed away in the morning and said that she will provide funeral details as they are made. She said that in lieu of flowers that donations to the West Milford Animal Shelter were requested and gave the address. She said that two eagle scout awards were coming up but that she would not be able to attend due to work commitments. She said that Councilman Smolinski and Councilwoman Lichtenberg will attend. She notified residents that petitions are available at local businesses in town to show support to another local business. She said that she, the Township Administrator and Township Attorney had visited Sycamore Lane to address residents complaints. She reminded that there are great hiking programs available and now that spring has sprung, it would be a good time to participate. She also promoted two local eco-friendly businesses.

Township Clerk Battaglia – reminded the Council of the upcoming Budget Meeting on April 1st at 7:30pm.

Township Attorney Fred Semrau - said that he is working on an Email policy. He has met with the new Planning Board Attorney and is addressing issues that the Planning Board has been having with Eagle Ridge and Valley Ridge. He will also speak with him regarding concerns surrounding Green Valley. He said that the closing is nearing for Hollowbrook Estates. In conjunction with the Administrator they are working on a Personnel Handbook which when completed and changed and training for harrassment completed, the Township deductible will go from \$50,000 to \$10,000. He commented that there was no need to discuss the WVRAs and that he has sent out the Bi-State Weed Harvester Agreement but has not heard anything back. He said that all COAH comments were sent to Trenton. He said that tonight there were 11 Ordinances and were 8 Executive Discussion Items: Stelmach v. West Milford is pending in Passaic County; the Tax Lien List is still discussion Attorney Client confidentiality; O’Shea V. West Milford is pending litigation; Block 2801, Lot 1 is under negotiations for potential property acquisition; Jungle Habitat is under lease agreement negotiations; Random Woods is property acquisition and Newark Watershed is not for discussion regarding re-zoning but rather valuation.

Agenda No. XI

Appointments

~ Resolution 2008 – 145 ~

MAYOR’S APPOINTMENT OF THOMAS KACZKA, ESQ. AS MUNICIPAL PROSECUTOR WITH COUNCIL CONSENT

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor’s appointment of Thomas Kaczka, Esq. to the position of Interim Municipal Prosecutor for a term to expire on December 31, 2008.

Councilman Scangarello nominated Councilwoman Lichtenberg to serve as Council Liaison to CASA.

Motion: Weisbecker Second: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Abstained: None.
Motion carried.

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Agenda No. XII

Executive Session

~ Resolution 2008-147 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 26th day of March, 2008, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) 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.
 - Random Woods
 - Jungle Habitat
 - Block 2801, Lot 1 Anjo Associates
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Stelmach v. West Milford
 - Foreclosure Lists(s)
 - O'Shea v. West Milford {Docket # PAS-L-825-08}
 - Newark Watershed
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

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

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

Discussion: Councilman Nolan asked who would be joining the Mayor and Council in Executive Session. Township Attorney Semrau said that Matt Krauser, a real estate appraiser was hired with respect to Random Woods and was asked to stay and possibly help with Newark Watershed and Lot 2801, lot 1.

The Council went into Executive Session at 9:49 p.m.

The Council reconvened in public session at 11:07 p.m. with all present as before.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:07 p.m.

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

Approved: May 14, 2008

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Respectfully Submitted:

MAYOR BETTINA BIERI
PRESIDING OFFICER

Judy Manning, Part Time Secretary

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK