
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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asked the West Milford schools to assist in designing a shirt. Tonight the committee is here to honor the students who participated in designing a shirt and acknowledge the winner of the competition whose design was chosen. Mr. Simmers invited the members of the Beautification & Recycling Committee to join him in making his presentations. The winner of the contest was Danielle LaRue and JR Screen Printing. John Cali the art teacher in West Milford coordinated the contest and Mr. Simmers thanked him, the principal and the school personnel who made this a reality. All the students did a fine job and Mr. Simmers showed some of the artwork as he presented shirts to the artists. He invited Danielle LaRue to join him, school personnel, Mayor DiDonato and the committee for a photo. Mr. Simmers listed some other projects the Beautification & Recycling Committee is working on and invited any interested parties to become involved. Mayor DiDonato thanked everyone for their hard work.

Eagle Scouts

Mayor DiDonato stated that he is delighted to be honoring two young residents who recently attained the status of Eagle Scout. He invited Dan Gow and his family to join him at the podium. He stated that Master Gow had his court of honor on Sunday and he asked him about his project. Master Gow advised that he built a nature trail behind the Apsawa School. The project took approximately nine hours to complete and his father helped him a lot.

Mayor DiDonato invited Glenn Proctor and his mother to join him at the podium. He advised that Master Proctor's court of honor was held on Sunday and he asked him to explain his project. Master Proctor advised that his final project was to restore the Westbrook storage building with his troop. It took about 20 scouts and 10 adults to complete in 412 hours.

Mayor DiDonato commended these young men and their families for their accomplishments. He noted that West Milford has about 170 eagle scouts and advised that these names have been added to the plaque(s) in Town Hall.

Proclamations

Autism Awareness

Mayor DiDonato invited Mr. Cebanko to join him at the podium. Mr. Cebanko thanked the Mayor and Council for supporting autism awareness month noting that a lot is being done to help affected kids. The community has and continues to play a significant role and he thanked the residents of West Milford for their support. West Milford, he noted, is good to these kids. Mayor DiDonato read the proclamation.

- Proclamation -

AUTISM AWARENESS MONTH

WHEREAS, Autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

WHEREAS, Autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

WHEREAS, as more and more health professionals become proficient in diagnosing Autism, more children are being diagnosed on the Autistic Spectrum, resulting in rates as high as one in 150 children; and

WHEREAS, while there is no cure for Autism, it is well documented that if individuals with Autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, the New Jersey Center for Outreach and Services for the Autism Community (COSAC), and Autism Speaks is spearheading an awareness effort in order to educate parents, professionals and the general public about Autism and its effects.

NOW, THEREFORE, I, JOSEPH A. DIDONATO, Mayor of the Township of West Milford, on behalf of the Township Council and Township residents, do hereby proclaim the month of **April 2007** as

AUTISM AWARENESS MONTH

in the Township of West Milford, Passaic County, New Jersey and urge all residents to participate and support Autism Awareness Month activities in order to become better educated on the subject of Autistic Spectrum Disorders.

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Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2007-002 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO
TO REPEAL ORDINANCE NO. 2003-50 ENTITLED
ATTORNEY ACCOUNTABILITY ORDINANCE**

WHEREAS, the West Milford Township Mayor and Council have discussed whether there is still a need for an Attorney Accountability Ordinance as attorney disciplinary information is publicly available.

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

SECTION I: West Milford Ordinance No. 2003-50 entitled Ordinance Concerning Attorney Accountability of the Township of West Milford, County of Passaic, State of New Jersey is hereby amended to read as follows:

“Ordinance Concerning Attorney Accountability: This Ordinance, including all sections contained therein is hereby repealed except that the repeal shall not apply to any contracts or employment for legal services awarded prior to January 1, 2007 and the provisions of this Section, as in effect prior to the effective date of this Ordinance, shall be applicable to those contracts.”

SECTION II: All ordinances of the Township of West Milford that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III: 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 IV. This ordinance shall take effect immediately upon final passage, approval and publication in accordance with law.

Mayor DiDonato noted that this ordinance was introduced on March 7, 2007 and is scheduled for public hearing tonight. He opened the meeting to the public to speak on this issue only.

Andrew Gargano, 45 Apshawa Crossroad, West Milford noted that he has addressed Council on this issue several times. The township Attorney has said that he does not have a problem with the current ordinance and he has also said that compliance is easy. If the Council is following Councilman Weisbecker on this matter, he said, that is folly. He questioned Councilman Weisbecker’s judgment and stated that Councilman Weisbecker wishes to repeal this ordinance because he has a personal vendetta against Martin O’Shea and John Paff. This, he said, does not make for a good Council and he expressed hope that everyone understands the significance of repealing this ordinance. This ordinance gives West Milford residents good, ethical legal counsel. The fertilizer ordinance that is scheduled for tonight may subject the Township to litigation. He appealed to Mayor DiDonato to exercise his veto power if the Council repeals this ordinance.

Carla Horton, 132 Bearfort Road, West Milford stated that she has had first-hand experience with what previous Township attorneys have done in West Milford. She stated that she is proud of Mr. Semrau and if he says this ordinance is good, that should be enough for the Council. Past attorneys were not ethical and this type of ordinance protects residents from such people.

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

Discussion: Councilman Weisbecker stated that he has no personal vendetta and he recalled that he has pushed to allow Mr. O'Shea to speak in the past. The fertilizer ordinance is in effect in many municipalities without any lawsuits. However, no other municipality has adopted an attorney accountability ordinance. This ordinance, he said, has already cost the Township over \$40,000 and the possibility of future litigation is very real. There are many reasons he believes this ordinance should be repealed. The Council can discuss the possibility of adopting better legislation.

Councilman Warden stated that this is a very telling vote. The Council, he said, is being disingenuous to voters and it was the Council who gave instruction in the past to withhold public information and to fight against its release. The ordinance did not cost the Township money; the Council did not want Mr. DeMarco's ethical history released and they defended the lawsuit. He said that he was part of the Council and sat in on those executive session discussions. If the Council wants to repeal this ordinance, that is their decision. He and Councilman Nolan are in the minority and cannot stop the majority. However, they will get another ordinance in place.

Councilman Smolinski stated that the Council has heard the same rhetoric for weeks. He recommends repealing this ordinance and constructing new, better legislation. He expressed respect for the original intention of the Council but noted that they acted without the benefit of legal advise at the time. Repealing this ordinance and rebuilding by enacting better legislation will ultimately provide better protection.

Councilman Nolan stated that the entire Council does not share that opinion. If Councilman Smolinski has a better ordinance, he asked where it is. He stated that he knows what happens when the municipality hires ethically challenged attorneys.

Councilman Schimmenti stated that the Township currently has a great attorney. If the Council constructs a new ordinance with his assistance and guidance, it will be better.

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

Agenda No. IV 2

~ Ordinance 2007-003 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

Mayor DiDonato confirmed that the Council had read the confidential memo from the Township Attorney on this matter. Mr. Semrau noted that this ordinance was advertised for final adoption and public hearing tonight. However, a legal issue has arisen and he recommends that, while the issues is being worked out, the Council table this matter to April 11, 2007. The public hearing can be held tonight, and, if the Council agrees, the ordinance will be tabled and advertised for public hearing and final adoption on April 11, 2007. Mayor DiDonato opened the meeting to the public to speak on this matter only.

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

Councilman Weisbecker made a motion to table this ordinance to April 11, 2007.

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

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Agenda No. IV 3

~ Ordinance 2007-005 ~

AN ORDINANCE SUPPLEMENTING SECTION FIVE (GENERAL REGULATIONS), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 5.26, ENTITLED "FERTILIZERS, APPLICATION OF"

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 5, General Regulations, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 5.25, "Fertilizers, Application Of" to read as follows:

§ 5.26.1 Purpose.

The Township of West Milford has determined that the surface water quality of the lakes and streams within the Township is being negatively affected by phosphorous loadings in part by fertilizers entering the waterways from storm water runoff. The purpose of this chapter is to decrease the amount of phosphorous in our waterways by limiting the use of fertilizers containing phosphorous within the Township.

§ 5.26.2 Definitions.

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

1. Fertilizer. The term "fertilizer" shall mean any substance used to promote soil fertility.
2. Phosphorous Fertilizer. The term "phosphorous fertilizer" shall mean any fertilizer that contains phosphorous, expressed as P²O₅ with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials or woodashes that have been amended to increase their nutrient content.
2. Commercial Farm. The term "commercial farm" shall mean: a farm management unit of no less than five acres producing agricultural or horticultural products worth \$500 or more annually, which has been devoted to such activities for at least two successive years and which, satisfies the criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L. 1964 c. 48 (C.54:4-23.1 et seq.).

§ 5.26.3 Prohibited Conduct.

1. No person, firm, corporation, franchise or other entity shall do the following:
 - A. Apply phosphorous fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation application issued by Rutgers Cooperative Research and Extension Service.
 - B. Deposit leaves or other vegetative material on roads or within any lake or stormwater drainage system.
2. Exceptions.
 - A. Application of phosphorous fertilizer needed for the establishing of vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et. seq.
 - B. Application of phosphorous fertilizer needed from the re-establishing or repair of a turf area.
 - C. Application of phosphorous fertilizer that delivers liquid or granular fertilizer under the soil's surface, directly to the feeder roots.

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- D. Application of phosphorous fertilizer to residential container plantings, flowerbeds, or vegetable gardens.
- 3. Buffer Zone.
 - A. Any fertilizer applications shall not be made within ten (10) feet of any wetland or body of water, lake, stream, pond, storm drainage system or watercourse.

§ 5.26.4 Commercial Landscapers – Licensure Required.

No person, firm, corporation, franchise or entity shall engage the services of a landscaper or fertilizer applicator to apply fertilizer within West Milford Township, unless such landscaper or applicator is licensed in accordance with this ordinance.

§ 5.26.5 Commercial Fertilizer Application Licensure.

- 1. License Required. No person, firm, corporation or other entity shall engage in the business of fertilizer application within the Township unless a municipal license has been obtained from the West Milford Township Department of Health as provided herein.
- 2. Licensing Procedure. Applications for a commercial fertilizer applicator license shall be submitted to the West Milford Township Department of Health. The application shall consist of the following:
 - (a) Identification. Name, address, telephone number of applicant and any individuals authorized to represent the applicant, and New Jersey commercial pesticide application license number (if licensed).
 - (b) Fertilizer Formula. A copy of the formula for fertilizer mixtures meeting the limitations of Section 5.26.3(1) to be applied within the Township shall be submitted along with the initial application for a license, and, thereafter, at least thirty days before fertilizer composition changes are implemented.
 - (c) License Fee. The license fee for all commercial landscapers and/or fertilizer applicators shall be \$50.00 which shall be paid annually. The license shall be effective from January 1 until December 31 of the year in which the license was applied for. A separate copy of the license will be issued for each vehicle owned or used by the applicant for an additional fee of \$5.00 per additional vehicle. The license fee shall not be pro-rated.
- 3. Conditions of License. Fertilizer application licenses shall be issued subject to the following conditions, which shall be specified on the license form.
 - (a) Random Sampling. Commercial fertilizer applicators shall permit the Township to sample any commercial fertilizer mixture to be applied within the Township at any time after issuance of the initial license. The licensee shall pay the cost of such sampling.
 - (b) Possession of License. The commercial fertilizer application license or a copy thereof shall be in the possession of any party employed by the fertilizer applicator when making fertilizer applications within the Township.
- 4. Revocation or Suspension of License. All licenses issued under this section shall be deemed to be granted upon the express condition that, in addition to any other sanction or penalty, the Health Officer may:
 - (a) After due notice by personal service or certified mail and, after a due process hearing before the Township Administrator and Health Officer, suspend or revoke the license of any person for violating any provision of this section.
 - (b) Suspend temporarily, pending a hearing or notice thereof, any such license when deemed by the Health Officer to be immediately necessary to prevent emergent danger to the public welfare. Any such temporary suspension without a hearing shall be for a period not longer than twenty (20) days.

§ 5.26.6 Exemptions.

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1. During the initial growing season, newly established turf areas shall be exempt from the provisions of Section 5.26.3(1) of this ordinance for a period not to exceed three (3) months.
2. Recreational (public, private and golf course) field owners shall be exempt from the provisions of Section 5.26.3(1) of this ordinance upon a showing, through a Township-approved testing procedure, that there is a need for phosphorus in excess of the limits herein or other demonstrable necessity.
3. Commercial farms, as defined in this section, shall be exempt from the provisions of Section 5.26.3(1) for a period of two (2) years after the enactment of this ordinance.

§ 5.26.7 Penalty for Violation.

Any person, firm, corporation or franchise violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine not to exceed \$2,000, imprisonment for a term not to exceed ninety (90) days or by a period of community service not to exceed ninety (90) days or by any combination thereof. Such penalties may be in addition to the revocation or suspension of the license, as provided in Section 5.26.5. Each incident or violation (as measured on a daily basis) shall be considered a separate offense. However, in the case of a violation that is issued to a property owner who is not required to obtain a commercial license, a written warning shall be issued for a first 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.

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 DiDonato advised that this ordinance was introduced on March 7, 2007 and published in the Herald News on March 18, 2007. He opened the meeting to the public to speak to this issue only.

Renee Alessio, 39 Hillcrest Drive, Upper Greenwood Lake thanked the Council for taking action on this matter. She stated that, in a community with 20-plus lakes, this will be positive in helping the lakes and water.

There being no further 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, Nolan, Warden, Scangarello.
Voted Nay: None.
Abstained: None.
Motion carried.

Mayor DiDonato stated that this ordinance controls the type of fertilizer that can be used on lawns. He encouraged residents to view this ordinance and confirmed that the Township Clerk will be posting it on the website. Mr. Semrau added that residents who utilize the services of commercial landscapers should advise them that the Township now has licensing requirements.

Agenda No. IV 4

~ Ordinance 2007-006 ~

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$4,688,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,465,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

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BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$4,688,250, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$223,250 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$4,688,250 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$4,465,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$4,465,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the construction, reconstruction, surfacing and resurfacing of various roads in and by the Township so as to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including, without limitation, Ridge Road, Clinton Road, Stainby Road, Lambert Road, Durant Road, Burr Court, Yonder Lane, Camelot Road, Center Street, Melody Lane, Cliff Road, Terrace Road, Edgescumb Road, Glencross Road, Gwynath Road, Fremont Terrace, Lindsay Road, Neilson Place, Newland Drive, Woodridge Drive, Moore Road, Paradise Road, Stephens Road, Weaver Road and Wooley Road, together with all curbing, sidewalks, drainage facilities, landscaping, milling, embankment stabilizing, guide rails, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$4,465,000.

The estimated cost of said purpose is \$4,688,250, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$223,250 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond

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ordinance by \$4,465,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$223,250 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Mayor DiDonato advised that this ordinance was introduced on March 7, 2007 and published in the Herald News on March 11, 2007. He opened the meeting to the public to speak to this issue only.

Carla Horton, 132 Bearfort Road, West Milford expressed hope that something will be done to improve the conditions on Bearfort Road.

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 with the exception of Councilman Smolinski who recused himself.

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

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AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY CHANGING THE NAME OF THE ROADWAY CURRENTLY KNOWN AS EITHER "EVANSTAN ROAD" OR "EVANSTAN AVENUE" TO "EVANSTAN AVENUE EAST" AND "EVANSTAN AVENUE WEST"

WHEREAS, there is a certain roadway located within the Township of West Milford which intersects Gordon Lakes; and

WHEREAS, due to the location of this roadway intersecting Gordon Lakes and other factors, this roadway has been identified over the years on various Township tax maps and references in deed descriptions as having two names, "Evanstan Road" and "Evanstan Avenue"; and

WHEREAS, based upon the review and recommendation of the Township Engineer, the roadway should be changed to reflect consistency in the Township's records with the new name of the roadway being, "Evanstan Avenue East" and "Evanstan Avenue West"; and

WHEREAS, it shall serve the best interests of the Township and its residents to change the name of the roadway reflecting both the "East" and "West" relation to Gordon Lakes as the proposed change shall now assist those residents driving along the roadway as well as the Township's police department and other emergency services vehicles in maneuvering more effectively and efficiently at or near the location; and

WHEREAS, the Township Council of the Township of West Milford has no objection to the requested name change.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that:

1. The Township Council of the Township of West Milford hereby changes, accepts and adopts the name "Evanston Avenue East" and "Evanston Avenue West" as the name of the roadway, rather than the previously used names of "Evanstan Avenue" and "Evanstan Road".
2. Evanstan Avenue East shall be that portion of the road that intersects at Otterhole Road; Evanstan Avenue West shall be that portion of the road that intersects at Setting Sun Trail.
3. The Township Engineer is hereby directed to make the requisite changes to the Township's tax maps to reflect the new names of the roadway.
4. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

This ordinance shall not become effective until twenty (20) days after its final passage.

Ms. Battaglia advised Council that the second enumerated item had been inserted into the ordinance since its introduction in an effort to provide clarification. Mr. Semrau advised that the change is minor and it came from the Township Engineer.

Mayor DiDonato advised that this ordinance was introduced on March 7, 2007 and published in the Herald News on March 11, 2007. He opened the meeting to the public to speak to 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: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.
Voted Nay: None.
Abstained: None.
Motion carried.

Public Comments

Mayor DiDonato opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

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Joseph Elcavage, 59 Dunn Road, Hewitt read a prepared statement. He advised that he is a former Councilman who resigned in February 2006 and currently serves as a board member on the MUA. He offered a public apology to Councilman Warden and Bettina Bieri, taking responsibility for defamatory postings he made on the internet. In the past he made untrue statements about his involvement in these activities. He stated that other Republicans were also involved in these internet postings with an intent to force Mr. Warden and Mr. Nolan off the Township Council. He said that these anonymous statements were untrue and rather than it being free speech, it is hate speech. This behavior promotes intolerance and these tactics have no place in West Milford politics. He stated that Councilman Warden has already accepted his apology and he wanted to apologize publicly in an effort to restore the damage he has done and begin the healing process. He expressed hope that everyone will begin to respect other's privacy and cautioned those who continue these practices that nothing posted on the internet is anonymous. He called on the Republican Party and its leaders to denounce and condemn such actions. He reiterated his apology to Councilman Warden and Ms. Bieri and further apologized to West Milford residents.

Martin O'Shea, 10 Lakeshore Road East, Stockholm congratulated Councilman Warden. It is not every day that a Councilman delivers what he promises but James Warden did and he thanked him. Councilman Warden has exposed people who should be exposed. People should know that there is a consequence for practicing dirty politics. He stated that people in this room gave approval to these deplorable actions by remaining silent. He offered a round of applause for Councilman Warden.

Carla Horton, 132 Bearfort Road, West Milford stated that Councilman James Warden and Bettina Bieri are two very dear friends and she respects them both. She congratulated them on seeing that justice is served. She commended Councilman Warden for accepting Mr. Elcavage's apology. She stated that what has been done in the name of politics in West Milford is repulsive and recalled her negative experiences when she previously ran for office. She thanked Mr. Elcavage for finally admitting what he did.

Richard Randazzo, 278 Wooley Road, West Milford stated that throughout the application process for a development in his neighborhood, residents expressed concern about the development. The council hired a consultant, dug wells and tested them. Initially seventeen wells were to be tested in 2003. However that number was reduced to five to spare the applicant the financial burden. The ensuing report raised questions that were shared with the planning board not the least of which was that the test duration was not sufficient, drilling logs were not legible and all wells were slow to recover. This information was shared with the Planning Director. He stated that he is disgusted that, throughout his process, resident concerns were minimized and the Township did nothing to help residents protect the water supply. He asked who can put a stay on construction until further testing is done. He asked the Council to amend the ordinance to minimize construction noise in residential neighborhoods.

Ada Erik, Macopin Road, West Milford stated that she is the chair person for the adopt-a-spot program in West Milford. She is seeking volunteers to adopt a section of road or a corner for beautification. West Milford, she said, has a poor record for clearing road sides and weeds & grass consistently grow too high. She issued a challenge to all residents to get out and clean up our roadsides. She has sent letters out to local businesses.

James Buntmeyer, 1617 Macopin Road, West Milford stated that there is a problem with continued accumulation of garbage on Highlander Drive. Sustainable West Milford and the West Milford Environmental Club have decided to tackle this problem and they are seeking volunteers. The Beautification & Recycling Committee has provided gloves, bags, and sweatshirts. He asked residents to come out on March 31 and April 1 from 10 a.m. to 5 p.m. to assist in this endeavor. Those who help are invited to attend a picnic on April 21, 2007.

Jim Novack, Mount Laurel, West Milford stated that the volunteer groups are hoping to remove a lot of garbage on Highlander Drive. He urged that the Township's illegal dumping ordinance be enforced more vigorously, especially on Highlander Drive. Noting that there is garbage pickup five days every week at the school, he expressed disgust that the school has done nothing about this problem. He urged all residents to join in this endeavor.

Elaine Duffy, Warwick Turnpike, West Milford congratulated Councilman Warden. She noted that she has requested assistance in the past to restore the Tichenor House. Last week, the HPC sent a letter to Passaic County advising them of the extent of disrepair. She has established a non-profit group called Friends of Tichenor House and wishes to raise funds to establish a learning center at this site. The house continues to deteriorate and the cost of restoration is prohibitive. With diagnoses of autism in children rising at alarming rates, the Tichenor House is a perfect environment to establish a learning center for these children. She asked the Council to help in any way they can.

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Bettina Bieri, 17 Bearfort Road, West Milford congratulated the Council on their efforts drafting a great resolution outlining their comments on the Highlands master plan. The current resolution states that the Council opposes purple blotches around our lake communities and she asked Council to consider expanding that statement to express opposition to purple blotches anywhere in West Milford. High-density development, she said, leads to negative ratables. Noting that there is a proposed increase for dog and cat license fees she stated that the increase is long overdue. These fees are not a tax, rather, they support animals. She stated that the animal shelter gets hundreds of cats every year and overpopulation of cats throughout the state is problem. Many people do not spay or neuter their cats because of the cost. She asked that the cat license fees coordinate with the policy for dog licenses. That is, she recommended that owners be charged \$10 to license a cat that has been spayed or neutered and \$20 for a cat that has not. This, she said, will give people incentive to have their cats fixes. She thanked Mr. Elcavage for his apology noting that partisan politics do not have to be ugly. Each person should show respect for other's opinions.

Brenda Fietkiewicz, 9 Banker Road, West Milford stated that she has spoken before many Councils usually because they have disappointed her. Finally, the township has an ordinance that is right for the town and this Council did away with it tonight. She is not surprised because, in her opinion, the majority on this Council could not stand up for ethics.

Wayne Gottleib, 20 South Ridgefield Road, West Milford stated that he was pleasantly surprised by Mr. Elcavage's apology and he shook Councilman Warden's hand. He stated that he read the attorney accountability ordinance for the first time three weeks ago and he commended the Council for repealing it noting that it was a formula for lawsuits. The Council, he said, is accountable for appointments. Now that there is a clean slate, there is an opportunity to set a standard for appointments. In the legal profession, there are over 35 practice specialties, not including corporate specialties. If the Council is serious about screening attorneys the focus should be on practice specialty after ensuring that the applicant has an active law license. He urged Council to seriously consider setting standards and hire lawyers who have a history of winning.

Andrew Gargano, Apschawa Crossroad, West Milford expressed support for Ms. Bieri's request to have purple blotches removed from the Highlands master plan. If development is allowed in West Milford, there will be water issues. He asked Mayor DiDonato to explain the thought process when appointing Mr. DeMarco in the past and to further explain the thought process behind withholding his ethics history. He thanked Councilman Warden for bringing people to justice. The character assassinations, he said, were awful. Anyone who had knowledge of these activities but remained silent is as guilty as the party posting.

Frank Hannan, Krattiger Court, West Milford expressed disagreement with removing all development zones in West Milford. He supports efforts to eliminate development zones in lake communities but stated that the township may want to develop Brownfield properties in the future. Making a broad statement to remove all development may hinder expansion of current properties or repairing properties in need of repair. Additionally, such action may have a negative impact on grant applications. He stated that he supports the Council resolution as it is currently written.

There being no more speakers, the Council closed the public portion of the meeting.

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

Council Comments

Township Attorney Fred Semrau noted that there is a pending application before the planning board on the development on Wooley Road. The Council cannot act on pending applications, the planning board must hear all the information. He encouraged Mr. Randazzo to take the information to the planning board and avail of the opportunities to be heard. The Council could jeopardize their ability to act if they were to comment from the dais. Mayor DiDonato advised that State laws govern applications before the planning board and those same laws prohibit interference from the Council.

Councilman Nolan thanked everyone for their comments this evening. He first met James Warden about three years ago and they ran for Council together. The assassination campaign began shortly after their election. Councilman Warden, he said, is tough to have put up with these attacks and to see it through. He is the most honest and ethical man Councilman Nolan knows. He thanked Jeffrey Warden for his work on this case. There are still more people to be held accountable. Hopefully, he said, this will end the character assassinations.

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Councilman Weisbecker encouraged everyone to come out to clean up Highlander Drive.

Councilman Warden stated that it is not easy being on Council. Regardless of decisions made, you cannot please everyone and someone will always disagree. That, he said, is what is beautiful about America. However, anonymous character assassinations are cowardly. He and Councilman Nolan have been barraged since they got elected. It is hard to constantly refute these lies. He made a promise that everyone involved in these dastardly deeds will see the light of day. He applauded Mr. Elcavage for having the courage to come forward tonight. He now considers him a friend even though the consequences could have been bad for Mr. Elcavage. The investigation will continue. He thanked his brother, his brother's staff, and his law firm who worked so hard on this tireless effort. Anyone who knows Bettina, he said, and everything she has done for this Township, knows that she did nothing wrong. It has not been easy for he and Bettina to endure what they have been subjected to but he expressed hope that this is the beginning of the end. He expressed hope that someday West Milford will return to non-partisan politics. In the meantime, he will continue his efforts to catch the other cowards. Anyone still posting should know that there is no such thing as anonymous postings on the internet.

Council President Smolinski expressed hope that this apology sends a message that these actions will not be tolerated. People, he said, can disagree on issues but anonymous postings of this nature are wrong and it needs to stop. People who are participating in such activities should stop.

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance 2007-009 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RIGHT-OF-WAY DEDICATIONS FOR A PORTION OF BLOCK 16504, LOT 4

WHEREAS, CEFES Financial, Inc., is the owner of certain real property located in the Township of West Milford, County of Passaic, State of New Jersey, designated as Block 16504, Lot 4 on the official Tax Map of the Township of West Milford; and

WHEREAS, CEFES Financial, Inc., was required to provide a right of way dedications to the Township of West Milford pursuant to a condition of approval from the Township Zoning Board of Adjustment; and

WHEREAS, CEFES Financial, Inc. has dedicated a portion of Block 16504, Lot 4, also known as Apple Tree Lane/Dan Jennings Road/Bonter Road, West Milford, New Jersey, for roadway purposes to the Township of West Milford by Deed; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said right of way pursuant to the Resolution of the Zoning Board of Adjustment; and

WHEREAS, the Zoning Board of Adjustment Engineer and the Township Attorney have reviewed and approved the Deeds of Dedication; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedications of the within rights of way as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. That the three Deeds of Roadway Dedication for a portion of Block 16504, Lot 4, also known as Apple Tree Lane/Dan Jennings Road/Bonter Road, West Milford, New Jersey, said legal descriptions attached hereto and incorporated herein by reference, be accepted by the Township of West Milford.
2. The Township Attorney is authorized and directed to accept the Deeds of Dedication and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

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- 4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

- 5. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that he second reading and public hearing for this ordinance is scheduled for April 11, 2007.

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

Agenda No. VII 2

~ Ordinance 2007-010 ~

AN ORDINANCE SUPPLEMENTING SECTION FIVE (GENERAL REGULATIONS), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 5.27, ENTITLED HAZARDOUS MATERIALS

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 5, General Regulations, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 5.27, "Hazardous Materials" to read as follows:

§ 5.27.1 Purpose.

The purpose of this chapter is to provide for the replacement and/or reimbursement of specialized and sometimes disposable equipment required by state and federal law to be available in the Township of West Milford in order to cleanup a discharge, leak, spill or release of hazardous materials. This chapter shall also entitle the Township of West Milford to reimbursement for labor costs incurred in any such cleanup process.

§ 5.27.2 Definitions.

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

COLLECTING AGENCY — The Township of West Milford.

DISCHARGE — Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or pumping of hazardous substances into any waters which flow within the jurisdiction of the Township or any land within the jurisdiction of this Township or into the waters or land outside the jurisdiction of the Township when damage may result to the people, lands, waters, or natural resources within the jurisdiction of the Township.

EXPENDABLE ITEMS — Any items used to extinguish or prevent any hazardous material or fire or stop or contain any leak, release or spill involving any hazardous material which cannot be reused or replenished without cost after that particular incident. These expendable items include, but are not limited to, fire-fighting foam, chemical extinguishing agents, absorbent materials, sand, recovery drums, and any protective equipment and clothing, to include but not be restricted to chemical protective suits, gloves, boots, goggles and any other item owned or controlled by the Township of Howell or owned or controlled by any volunteer organization or other municipal organizations rendering assistance.

HAZARDOUS MATERIALS — Any material, solid, liquid or gas, listed as a hazardous substance or material, including but not necessarily limited to the NFPA Guide of Hazardous Materials, the Department of Transportation Guide Book, the list of hazardous substances and toxic pollutants designated by the Federal Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection pursuant to Section 311 of the Federal Water Pollution Control Act, Amendment of 1972, as amended by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the list of toxic pollutants designated by Congress or the EPA pursuant to Section 307 of the Federal Water Pollution Control Act, and hospital or medical waste, including but not limited to syringes, bandages and discarded

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pharmaceutical products and any material warranting removal or cleanup in the opinion of the West Milford Township Office of the Fire Marshal.

TOWNSHIP — Includes the Township of West Milford's employees, agents, officers, officials and supporting units as directed by the Township Fire Marshal.

VEHICLE — Any motorized equipment, registered or unregistered, including but not limited to a passenger car, motorcycle, truck, tractor trailer, construction equipment, farm machinery, watercraft, aircraft, and trains.

VESSEL — Any container, drum, box, cylinder, bottle or tank used to hold, contain, carry or store any hazardous materials, whether or not said container was manufactured for the containment of hazardous material.

VOLUNTEER ORGANIZATION — Any duly incorporated volunteer fire, ambulance, first aid, emergency or rescue company or squad.

§ 5.27.3 Reimbursement of costs to Township.

- A. Costs incurred by the Township of West Milford for the following items in connection with the suppressing, control or cleanup of a fire, leakage or spillage involving any hazardous materials shall be reimbursed to the Township of West Milford by the responsible parties as set forth in § 5.27.5 below:
 - 1. The cost of replacement of expendable items.
 - 2. The expenses incurred by the Township for the wages (regular and/or overtime) paid to its employees/agents, as a result of a hazardous material incident.
 - 3. Any and all medical costs incurred by responding personnel.
 - 4. Any and all environmental tests required to ensure a hazard-free environment (soil-water-air).
 - 5. A fixed hourly rate for the use of apparatus at incidents computed at the rate of \$100 for use of a ladder truck and \$50 for use of any other vehicles.
 - 6. Services rendered by any recovery company, towing company or other technical assistance called for by the Fire Department to handle such incidents.
- B. This article also provides a penalty for the violation of the article for either committing a spill or for failure to report the same.

§ 5.27.4 Discharge prohibited; notice; liability for costs.

- A. The discharge of hazardous substances is prohibited within the Township. This article shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a federal or state permit.
- B. Any person who may be subject to liability for a discharge or who becomes aware of a discharge which occurred prior to or after the effective date of this article shall immediately notify the Township of West Milford's Fire Marshal during normal business hours or through the West Milford Township Police Department after business hours.
- C. Whenever any hazardous substance is discharged, the Township may, in its discretion, act to remove or arrange for the removal of such discharge.
- D. Any person who has discharged a hazardous substance or who has failed to report a discharge or who is in any way responsible for any hazardous substance which has been or shall be removed by the Township shall be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs and shall be liable for the costs associated with the use of Township or volunteer organization vehicles, expendable items and equipment and for the wages (regular and overtime) paid to Township employees, agents, and servants and those persons from local municipalities who render non-volunteer services as a result of an incident involving a hazardous material fire or leak, release or spill of a hazardous material and for the costs of medical and hospital treatment for injuries incurred by agents, servants and employees of the Township of West Milford as well as those persons who render voluntary service as part of a volunteer

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organization and/or those persons who render non-voluntary service for the Township of West Milford as a result of the incident.

§ 5.27.5 Parties responsible.

Reimbursement to the Township for expendable items used shall be made by the owner or operator of the vehicle responsible for any hazardous material fire or leak or spill of hazardous material; the owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence; the owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence; and any person responsible for any hazardous material fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence.

§ 5.27.6. Reimbursement for services.

Any person causing any hazardous material fire or leak, spill or release involving a hazardous material must provide reimbursement for services rendered by any recovery company, towing company or any other technical assistance called for by the Township to handle such incident as expressed in § 5.27.3 above. In the event of a vehicle having been responsible for an incident, such vehicle shall be impounded until such time as it has been deemed safe to proceed by the responsible official in conjunction and cooperation with the Township of West Milford and until such time arrangements have been made to reimburse the Township and the towing company for their expenditures under the terms of this article.

§ 5.27.7. Period for payment.

The person or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Township the full price of expendable items and costs used to extinguish such fire, or to stop or contain such leak, or to control such spill, within thirty (30) days after receipt of a bill therefor. In the event the person or entity responsible does not reimburse the Township within thirty (30) days, the Township shall have the right to charge interest at the then applicable rate and to initiate a collection action against such person or entity, costs of such collection action to be the sole responsibility of such person or entity. The collections agency shall utilize its best efforts to collect costs hereunder and shall reimburse its agents or the local units for amounts collected. In the event that the collection agency is not able to collect said costs or only a portion thereof, the collection agency shall not be responsible to its agents or the local units for the full amount of the same.

§ 5.27.8. Violations and penalties.

The person or entity responsible for any fire, leak or spill of hazardous material who or which fails to reimburse the Township within the time required shall be subject to a fine of not less than \$300 nor more than \$500 per day or to imprisonment for a period of not more than six months, or both. The person or entity responsible for committing a spill, or who or which fails to report the same, will be liable for the same penalties as aforesaid stated.

§ 5.27.9. Enforcement.

The provisions of this chapter shall be enforced by the Township of West Milford Fire Marshal, Police Department, Fire Prevention Bureau or any other official designated by the Mayor and Township Council.

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 DiDonato advised that second reading and public hearing for this ordinance has been scheduled for April 11, 2007.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Scangarello.

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Voted Nay: Nolan, Warden.
Motion carried.

Agenda No. VII 3

~ Resolution 2007-103 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OFFERING COMMENTS TO THE HIGHLANDS COUNCIL ON THE HIGHLANDS DRAFT MASTER PLAN

WHEREAS, the Township of West Milford consists of over 82 square miles and is identified in the Highland Water Protection and Planning Act as being entirely within the “preservation area”; and

WHEREAS, the preservation area has been defined as the most sensitive area and in need of protection of public drinking water; and

WHEREAS, the Township of West Milford alone contains 22 surface water bodies that are classified as category C-1 waters that have been designated for protection from measurable changes in water quality and is a category of water that should obtain the highest level of protection; and

WHEREAS, State studies show that many of these 22 water bodies in the Township are already threatened by the effects of pollution; and

WHEREAS, the reservoirs located in West Milford Township serve millions of residents throughout the State of New Jersey, including the City of Newark; and

WHEREAS, the State of New Jersey has already determined that the Township of West Milford and other similarly situated municipalities are over its own aquifer build out capacity causing a region-wide water deficit; and

WHEREAS, a number of residents in West Milford Township and other Highlands communities have suffered from instances of depleted water supplies from residential wells during periods in prior years; and

WHEREAS, the Highlands Council issued its Draft Regional Master Plan in November of 2006; and

WHEREAS, the Township will be required to bring its Master Plan into conformance with the final Regional Master Plan; and

WHEREAS, the Mayor and Council recognize that the requirements in a final Regional Master Plan may have significant environmental, social and economic effects upon the Township; and

WHEREAS, having reviewed the Draft Regional Master Plan, the Mayor and Council wish to provide comments to the Highlands Council with the intention of calling to their attention a variety of issues that are important for the long range sustainability of the community; and

WHEREAS, the Draft Regional Master Plan ignores significant features such as wetlands, flood plains, waterway buffers (including lake buffers), well head protection areas, and steep slopes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford that the Township of West Milford hereby submits the following as its public comments on the Highlands Draft Regional Master Plan.

1. Elimination of Special Zones. The Plan calls for several areas of the Township of West Milford to be identified as part of special planned areas which have been designated according to the plan to maintain the character of established communities and permit growth. The Township opposes such designation within the municipality relating to its lake communities as it mischaracterizes the efforts of the municipality and its planning goals in its own Master Plan to maintain the character of the various residential communities.

This designation is inconsistent with the goals and objectives originally set forth by the Highlands Planning and Protection Act; the State Plan for Development and Redevelopment and the overall goals and objectives of Highlands Master Plan. The planned community zone for the lake communities will conflict with the overall preservation designation within the Township, and the conservation and preservation goals of West Milford.

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2. Sanitary Sewer Collection and Treatment Systems: The Township opposes any plans or references in the Regional Master Plan that calls for the expansion of a sewer service area. The Township is not served by sewers in 21 of 22 of its lake communities. Sewer expansion is inconsistent with the goals and objectives of the Highlands Act as well as the Township's Master Plan.

3. The plan fails to address the municipality's affordable housing obligations. The Highlands Act and Regional Master Plan do not address that the municipality may be obligated to provide additional affordable housing which directly conflicts with the Highlands Act and the Master Plan. The municipality, located within the preservation area does not have the ability to develop, sustain or provide infrastructure for any additional significant residential development. Therefore, it is incumbent upon the Highlands Council to take necessary action to protect municipalities and exempt municipalities such as West Milford Township entirely in the Preservation Area from third round Council of Affordable Housing obligations in order to recognize that the development opportunities within municipalities such as West Milford in the Highlands preservation area are most limited.

4. Municipal Opportunities. The Highlands Act does not provide for any exemptions for governmental activities, active recreation, public buildings and facilities and other types of municipal improvements for the benefit and use of the general public. The municipality requests that the Highlands Council calls for certain relief and exemptions for those municipalities such as West Milford Township located entirely in the preservation area so that the residents are not deprived of various recreational, social and other government services.

5. The Plan fails to resolve the financial inequities that exist for municipalities in the preservation area such as West Milford Township. The Plan does not provide for any certain equitable remedies for townships in the preservation areas such as West Milford. Specifically, while the municipality is identified as part of a preservation area, which severely restricts growth and development in exchange for the benefits and protection of the water supply of millions of residents throughout the State, there is no State funding that will rightfully compensate the municipality for its stewardship of these water supplies and as protector and supplier of water throughout the State of New Jersey.

The Township of West Milford will not financially benefit from any additional growth in ratables by preserving a significant portion of the State's water supply. The legislature has failed to provide for a water consumer fee to end users to offset the financial sacrifice and burden placed on the taxpayers of Highlands communities, especially those situated entirely in the preservation area. The fee should be guaranteed to municipalities in the Highlands and such funding should be coordinated to an appropriate inflation index to provide equity in future years. The Plan is incomplete as it only sets forth preservation of environmental and natural resources. It does not provide for a financial solution or equity to the taxpayers in municipalities that preserve such resources, but places the entire financial cost of preservation entirely upon the 26,000 residents of the Township of West Milford.

The Township requests that a thorough and responsible financial plan be included in the Regional Master Plan that shall include financial projections or analysis on the local level that includes loss of tax revenue, and reservation of revenue to Highlands municipalities. This should be completed prior to adoption of the Regional Master Plan.

There are a substantial number of mandates required of the municipality in the Highlands Master Plan that would place an enormous financial hardship on the municipality and its residents. These State mandates should be fully funded as they are a means to protect the finite water supply for millions of New Jersey residents. This financial responsibility should not be borne by the residents and municipality of West Milford and Highlands communities.

Highlands Tax Stabilization Aid is currently structured so that municipalities are reimbursed for lost property tax revenue resulting from reductions in assessed property values due to the Highlands Act. The aid is 100% in the first year and declines 10% each year so that after year 10, municipalities must shoulder the entire financial burden caused by the Highlands Act. This aid should be restructured so that municipalities receive permanent 100% funding for the full loss of property tax revenue.

6. Open Space Acquisitions: The Draft Regional Master Plan appears to subordinate local municipal priorities to those set forth by the State and County. A process should be developed and coordinated through the Department of Environmental Protection whereby local priorities, under certain circumstances, have precedence and priority for funding.

7. Tourism: The Township requests that the State provide for additional sources of leadership, guidance and financial resources to make tourism a viable reality in the Highlands Preservation Area.

8. Public Comment Period: The Draft Master Plan includes significant "pre-conformance" items that the Highlands Council must complete before municipalities can begin to conform with the requirements of a final Highlands Regional Master Plan. The Highlands Council should hold a second round of public hearings and provide for a second comment period prior to the adoption of the final

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Highlands Regional Master Plan so that local governments and the public can offer comments on the results of the "pre-conformance" process.

BE IT FURTHER RESOLVED, that a copy of this Resolution be served upon the Governor of the State of New Jersey, Township Legislative Representatives, the Highlands Council.

Adopted: March 28, 2007

Councilman Weisbecker motioned to adopt this resolution as presented. Seconded by Councilman Scangarello.

Discussion: Councilman Nolan asked the Council if they agreed with the insertions proposed earlier in the evening by Ms. Bieri. Councilman Weisbecker expressed concern that asking for elimination of special zones throughout the Township may impact the ability to address commercial rehabilitations and Brownfield sites and he urged caution. Councilman Warden stated that, if the Council is truly opposed to high density residential development, they should include a statement expressing that opposition throughout the entire township. The Council agreed to leave the resolution as currently drafted. Mr. Semrau advised that he had some minor grammatical and spelling changes which he outlined.

Councilman Weisbecker made a motion to amend this resolution to include the changes outlined by Mr. Semrau.

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

Agenda No. VII 4

~ Resolution 2007-104 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2007-027 TO
EXTEND THE TERM OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE
POSITION OF LABOR COUNSEL**

WHEREAS, the Township of West Milford appointed Labor Counsel as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5* at the Annual Reorganization meeting on January 3, 2007 for a term to expire at the end of the first quarter of 2007; and

WHEREAS, the Township of West Milford wishes to extend the term of contract through the second quarter of the 2007 calendar year; and,

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account 7-01-20-155-202; 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 contract for this service is from April 1, 2007 through June 30, 2007; and,

WHEREAS, Fred Knapp, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that their 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 Laufer, Knapp from making any reportable contributions through the term of the contract, and,

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 Township Administrator and the Municipal Clerk to enter into a contract with Laufer Knapp, LLC as described herein to the satisfaction of the Township Administrator; and

BE IT FURTHER RESOLVED said contract shall authorize compensation for services rendered at an hourly rate of \$130, not to exceed \$11,250 for the contract period; and,

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

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United States Senators Robert Menendez and Frank Lautenberg to actively seek restoration of funding initiatives for school resource officers in our communities; and

BE IT FURTHER RESOLVED that said funding be authorized to allow municipalities to continue assigning experienced officers currently on the local police force to serve the municipality in local schools.

Adopted: March 28, 2007

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

Agenda No. VII 7

~ Resolution 2007-107 ~

A RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF TEN (10) SOFTWARE LICENSES ISSUED BY INFO-COP SYSTEMS WHICH ARE NO LONGER OF USE TO THE TOWNSHIP

WHEREAS, the Police Department of the Township of West Milford is in possession of and no longer needs ten (10) software licenses issued by INFO-COP systems; and

WHEREAS, pursuant to N.J.S.A. 40A: 11-36(2), the Township of West Milford may sell personal property not needed for public use, without the need for the advertisement of bids, to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax-raised funds, any foreign nation which has diplomatic relations with the United States, or any governmental unit in the United States; and

WHEREAS, the municipalities of Ringwood and North Haledon, which are governmental units exempt from public bidding, have made an offer to the Police Department of the Township of West Milford to purchase the aforementioned software licenses for an amount of \$250 per license; and

WHEREAS, the Township Administration, with the advise of the Township Police Chief, Paul Costello, has reviewed the offers and has determined the offers to be reasonable.

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 it be and hereby is authorized to transfer the ten (10) software licenses as follows: eight (8) to the Borough of Ringwood at \$250 per license; and two (2) to the Borough of North Haledon at \$250 per license.

BE IT FURTHER RESOLVED, that the monies received pursuant to this transfer shall be deposited into account number C-04-55-900-634, Police Equipment, to help offset the Department's costs in purchasing additional Mobile Reporting software and hardware.

Adopted: March 28, 2007

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

Agenda No. VII 8

~ Resolution 2007-108 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$6,241,585 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

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

Pursuant to a bond ordinance of the Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance appropriating \$3,783,225, and authorizing the issuance of \$3,186,450 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 7, 2005 (#05-12), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,186,450 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,459,500, and authorizing the issuance of \$3,055,135 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on March 14, 2007 (#2007-007), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,055,135 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 and 2 described, shall be combined into a single and combined issue of bonds in the principal amount of \$6,241,585.

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

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

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

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

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

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

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

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to

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this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

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

This resolution shall take effect immediately.

Adopted: March 28, 2007

Discussion: Councilman Nolan noted that the Council did not discuss at the workshop meeting. Administrator Kunze advised that this resolution authorizes issuance of notes to finance the amount of funding authorized in the 2005 and 2006 bond ordinances. The Auditor recommended short-term financing for a year before going out for permanent financing which is not unusual. The proceeds will be used to fund the projects which have been funded with cash in hand thus far.

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

Agenda No. VII 9

~ Resolution 2007-109 ~

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

WHEREAS, there appears to be insufficient funds in the following appropriations reserves to meet the demands thereon for the balance of the 2006 budget year:

ACCT. NO.	ACCOUNT DESCRIPTION	AMOUNT
20-105-200	Human Resources, Other Expenses	\$ 200.00
20-140-200	Information Technology	\$ 1,000.00
22-195-100	Building, Salaries & Wages	\$ 400.00
31-460-200	Gasoline & Diesel	\$ 5,000.00
	TOTAL	\$ 6,600.00

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

ACCT. NO.	ACCOUNT DESCRIPTION	AMOUNT
6	General Services, Salaries & Wages	\$ 6,600.00
	TOTAL	\$ 6,600.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of **N.J.S.A. 40A:4-58**, part the 2006 appropriation budget heretofore mentioned be and the same are hereby transferred to the appropriations reserves mentioned as being insufficient to meet prior demands, and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to make the following transfers in the 2006 budget appropriations reserves:

1. \$ 6,600.00 2. \$ 6,600.00 CURRENT FUND

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

Adopted: March 28, 2007

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.

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Voted Nay: None.
 Motion carried.

Agenda No. VII 10

~ Resolution 2007-110 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE 2007 TEMPORARY BUDGET

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2007 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, said temporary appropriations are extended and now limited to 52.5% of the total appropriation in the 2006 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2006 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	2006 BUDGET	2007 TEMPORARY BUDGET
ADMINISTRATION			
ADMINISTRATOR			
Administrator S&W	01-20-100-100	\$202,000	\$106,050
Administrator O.E.	01-20-100-200	\$57,350	\$30,109
TOTAL		\$259,350	\$136,159
PERSONNEL			
Personnel S&W	01-20-105-100	\$67,000	\$35,175
Personnel O.E.	01-20-105-200	\$8,000	\$4,200
TOTAL		\$75,000	\$39,375
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	\$63,500	\$33,338
Information Technology O.E.	01-20-140-200	\$41,500	\$21,788
TOTAL		\$105,000	\$55,125
Legal O.E.	01-20-155-200	\$260,000	\$136,500
GENERAL SERVICES			
General Services S&W	01-20-161-100	\$9,000	\$4,725
General Services O.E.	01-20-161-200	\$115,600	\$60,690
TOTAL		\$124,600	\$65,415
INSURANCE			
Insurance, Other	01-23-210-200	\$636,825	\$334,333
Insurance, Other, Less Library Charge Back	01-23-210-200	-\$8,835	(\$4,638)
Insurance, Group	01-23-220-506	\$3,015,000	\$1,582,875
Insurance, Group - Less Library Chargebacks	01-23-220-506	-\$83,225	(\$43,693)
TOTAL		\$3,559,765	\$1,868,877
Heritage O.E.	01-20-173-200	\$500	\$263
CLERK'S OFFICE			
CLERK			
Clerk S&W	01-20-120-100	\$208,500	\$109,463
Clerk O.E.	01-20-120-200	\$26,800	\$14,070
TOTAL		\$235,300	\$123,533

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ELECTIONS			
Elections S&W	01-20-146-101	\$5,000	\$2,625
Elections O.E.	01-20-146-101	\$12,600	\$6,615
TOTAL		\$17,600	\$9,240
FINANCE			
TREASURER			
Treasurer S&W	01-20-130-100	\$247,732	\$130,059
Treasurer O.E.	01-20-130-200	\$20,275	\$10,644
Treasurer O.E. - Less Library Chargebacks	01-20-130-200	-\$1,100	(\$578)
TOTAL		\$266,907	\$140,126
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	\$173,000	\$90,825
Tax Collector O.E.	01-20-145-200	\$10,300	\$5,408
TOTAL		\$183,300	\$96,233
ASSESSOR			
Tax Assessor S&W	01-20-150-200	\$267,000	\$140,175
Tax Assessor O.E.	01-20-150-200	\$5,475	\$2,874
TOTAL		\$272,475	\$143,049
PLANNING AND BUILDING			
PLANNING BOARD O.E.	01-21-180-200	\$44,700	\$23,468
COMPREHENSIVE PLANNING			
Planning, Comp. S&W	01-21-181-100	\$333,500	\$175,088
Planning, Comp. O.E.	01-21-181-200	\$7,500	\$3,938
TOTAL		\$341,000	\$202,493
ZONING ADMINISTRATION S&W	01-21-185-100	\$61,000	\$32,025
BOARD OF ADJUSTMENT O.E.	01-21-186-200	\$19,700	\$10,343
HISTORIC PRESERVATION			
Historic Preservation S&W	01-20-175-101	\$1,500	\$788
Historic Preservation O.E.	01-20-175-200	\$500	\$263
TOTAL		\$2,000	\$1,050
TOURISM COMMITTEE (Formerly R/D)	01-20-171-200	\$8,500	\$0
BUILDING / CODE ENFORCEMENT			
Building S&W	01-22-195-100	\$359,000	\$188,475
Building O.E.	01-22-195-200	\$12,000	\$6,300
TOTAL		\$371,000	\$194,775
ENVIRONMENTAL COMMISSION			
Environmental Commission S&W	01-22-196-101	\$1,000	\$525
Environmental Commission O.E.	01-22-196-200	\$1,000	\$525
TOTAL		\$2,000	\$1,050
PUBLIC SAFETY			
POLICE DEPARTMENT			
Police Patrol S&W	01-25-240-100	\$3,869,669	\$2,031,576
Police Patrol O.E.	01-25-240-200	\$73,200	\$38,430
Police Patrol-Purchase of Police Vechicles	01-25-240-201	\$110,000	\$0
Police Detective S&W	01-25-241-100	\$584,000	\$306,600
Police Administration S&W	01-25-242-100	\$420,000	\$220,500
Police Communication S&W	01-25-243-100	\$267,000	\$140,175
Police Comm. O.E.	01-25-243-200	\$30,000	\$15,750
Police Specials S&W	01-25-244-100	\$28,000	\$14,700
Police Specials O.E.	01-25-244-200	\$3,600	\$1,890

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TOTAL		\$5,385,469	\$2,769,621
EMERGENCY MANAGEMENT O.E.	01-25-252-200	\$26,000	\$13,650
FIRST AID SQUADS			
First Aid Organization Contributions	01-25-260-200	\$66,665	\$34,999
First Aid - UGL 1st Aid Squad	01-25-261-200	\$41,110	\$21,583
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	\$176,000	\$92,400
Fire Prevention Bureau O.E.	01-25-265-200	\$7,000	\$3,675
Fire Co. Admin. S&W	01-25-266-100	\$9,000	\$4,725
Fire Co. Admin. O.E.	01-25-266-200	\$325,350	\$170,809
LOSAP	01-25-267-100	\$140,000	\$0
TOTAL		\$747,350	\$318,859
ENGINEERING AND PUBLIC WORKS			
ENGINEERING			
Engineering S&W	01-20-165-100	\$405,000	\$212,625
Engineering O.E.	01-20-165-200	\$18,650	\$9,791
TOTAL		\$423,650	\$222,416
DPW			
DPW Streets & Roads S&W	01-26-290-100	\$1,400,800	\$735,420
DPW Streets & Roads O.E.	01-26-290-200	\$325,500	\$170,888
DPW Buildings & Grounds S&W	01-26-291-100	\$87,000	\$45,675
DPW Buildings & Grounds O.E.	01-26-291-200	\$58,750	\$30,844
DPW Johner Building O.E.	01-26-293-200	\$0	\$0
DPW Snow Removal S&W	01-26-294-100	\$157,770	\$82,829
DPW Snow Removal O.E.	01-26-294-200	\$716,000	\$375,900
DPW Vehicle Maintenance S&W	01-26-315-100	\$279,000	\$146,475
DPW Vehicle Maintenance O.E.	01-26-315-200	\$236,200	\$124,005
TOTAL		\$3,261,020	\$1,712,036
HEALTH DEPARTMENT			
HEALTH DEPARTMENT			
Public Health S&W	01-27-330-100	\$253,000	\$132,825
Public Health O.E.	01-27-330-200	\$50,975	\$26,762
Vital Statistics S&W	01-27-331-100	\$63,000	\$6,000
Vital Statistics O.E.	01-27-331-200	\$1,200	\$8,000
Housing Standard Bureau O.E.	01-27-332-441	\$2,000	\$0
Environmental Health S&W	01-27-335-100	\$240,000	\$126,000
Environmental Health O.E.	01-27-335-200	\$23,200	\$12,180
Animal Control S&W	01-27-340-100	\$70,000	\$36,750
Animal Control O.E.	01-27-340-450	\$0	\$0
TOTAL		\$703,375	\$348,517
PARKS AND RECREATION			
RECREATION			
Recreation Programs S&W	01-28-370-100	\$139,000	\$72,975
Recreation Programs O.E.	01-28-370-200	\$171,000	\$89,775
Recreation.-Bubbling Springs S&W	01-28-371-100	\$167,000	\$87,675
Recreation.-Bubbling Springs O.E.	01-28-371-200	\$60,000	\$31,500
Recreation.-Admin. S&W	01-28-372-100	\$354,000	\$185,850
Recreation.-Admin. O.E.	01-28-372-200	\$11,200	\$5,880
Recreation.-Westbrook Park O.E.	01-28-373-200	\$0	\$0
Recreation.-Hillcrest S&W	01-28-374-100	\$74,500	\$39,113
Recreation.-Hillcrest O.E.	01-28-374-200	\$23,300	\$12,233
Recreation.-Parks Maintenance S&W	01-28-375-100	\$222,268	\$116,691

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Recreation.-Parks Maintenance O.E.	01-28-375-200	\$120,000	\$63,000
Senior Citizen Services S&W	01-28-376-100	\$70,000	\$36,750
Senior Citizen Services O.E.	01-28-376-200	\$12,800	\$6,720
TOTAL		\$1,425,068	\$748,161
VETERAN'S BUREAU			
Veteran's Bureau S&W	01-20-172-100	\$1,300	\$683
Veteran's Bureau O.E.	01-20-172-200	\$1,200	\$630
TOTAL		\$2,500	\$1,313
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	\$22,800	\$11,970
Mass Transportation	01-30-421-200	\$84,740	\$44,489
LIBRARY			
LIBRARY			
Library S&W	01-29-390-100	\$394,000	\$206,850
Library O.E.	01-29-390-200	\$676,541	\$355,184
TOTAL		\$1,070,541	\$562,034
MUNICIPAL COURT			
MUNICIPAL COURT			
Municipal Court S&W	01-43-490-100	\$252,000	\$132,300
Municipal Court O.E.	01-43-490-200	\$14,050	\$7,376
Municipal Court Prosecutor S&W	01-43-491-101	\$23,000	\$12,075
Municipal Court Public Defender Fees	01-43-495-450	\$0	\$0
TOTAL		\$289,050	\$151,751
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	\$157,050	\$82,451
Utilities-Natural Gas	01-31-446-200	\$145,000	\$76,125
Utilities-Fuel	01-31-460-200	\$270,000	\$141,750
TOTAL		\$737,050	\$386,951
MISCELLANEOUS AND STATUTORY EXPENDITURES			
PENSION & FICA			
PERS	01-36-471-532	\$140,000	\$222,500
PERS - Less Library Chargebacks	01-36-471-532	-\$17,500	(\$9,188)
Social Security	01-36-472-533	\$734,285	\$385,500
Less Library Charge backs - Social Security	01-36-472-533	-\$30,000	(\$15,750)
PFRS	01-36-473-534	\$430,000	\$648,000
TOTAL		\$1,256,785	\$1,231,062
Salaries & Wages Adjustment Account	01-37-480-501	\$496,000	\$260,400
Compensated Absences	01-46-887-529	\$130,000	\$50,000
CAPITAL BUDGET			
CURRENT YEAR CAPITAL			
Capital Improvements Fund	01-44-900-200	\$138,800	\$0
Cap Improvements Fund Down Payments	01-44-900-200	\$186,675	\$0
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	\$0	\$0
TOTAL		\$325,475	\$0
GRANTS			
MASS TRANSIT GRANTS			
Grants-Mass Trans. State Share	02-41-702-100	\$28,427	\$0

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Grants-Mass Trans. Federal Share	02-41-702-200	\$56,313	\$0
Grants-Mass Trans. Local Share	02-41-702-201	\$28,427	\$0
TOTAL		\$113,167	\$0
C.A.S.A. GRANTS			
Grants-C.A.S.A. County Share	02-41-705-200	\$47,200	\$0
Grants-C.A.S.A. - Local Share	02-41-705-201	\$11,575	\$0
TOTAL		\$58,775	\$0
INDV. WITH DISAB. GRANT			
Grants-Indv. with Disabilities-State	02-41-707-200	\$14,025	\$0
Grants-Indv. with Disabilities-Local	02-41-707-201	\$2,805	\$0
TOTAL		\$16,830	\$0
PUBLIC HEALTH PRIORITY GRANT	02-41-714-162	\$14,216	\$0
DDEF GRANT	02-41-715-109	\$0	\$0
CLEAN COMMUNITIES GRANT	02-41-718-674	\$34,259	\$0
CULTURAL HERITAGE GRANT			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	\$1,656	\$0
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	\$828	\$0
TOTAL		\$2,484	\$0
JUV ACCT INCENT BLK GRANT			
Grants-Recreation Trails-State	02-41-728-669	\$25,000	\$0
Grants-Juvl Acct. Incent. Blk - Local	02-41-728-670	\$5,000	\$0
TOTAL		\$30,000	\$0
STORM DRAIN INFSTR GRANT			
Grants-DWI State	02-41-730-330	\$13,675	\$0
Grants-DWI Local	02-41-730-331	\$0	\$0
TOTAL		\$13,675	\$0
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200		\$0
NJDEP ESP MAPPG GRANT			
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$2,500	\$0
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$2,500	\$0
TOTAL		\$5,000	\$0
PASSAIC COUNTY TOBACCO GRANT	02-41-739-331	\$0	\$0
NJ DCJ BODY ARMOR GRANT	02-41-742-331	\$4,305	\$0
POST BROOK S.W. STUDY GRANT			
Grants - Police Aggressive Driving-State	02-41-744-330	\$7,500	\$0
Grants - Police Aggressive Driving-Local	02-41-744-331	\$0	\$0
TOTAL		\$7,500	\$0
NJDEP GREENWOOD LK GRANT			
Grants-Fire Department Exhaust System-State	02-41-745-331	\$160,308	\$0
Grants-Fire Department Exhaust System-Local	02-41-745-332	\$0	\$0
TOTAL		\$160,308	\$0
BELCHERS CREEK FECALTESTING			
Grants - Wonder Lake Water Improvement-State	02-41-749-331	\$250,600	\$0
Grants - Wonder Lake Water Improvement-Local	02-41-749-332		\$0
		\$250,600	\$0
NJDEP BEAR PROOF GARBAGE CAN STUDY	02-41-750-331		\$0
GRANT - CONTINGENT. LOCAL MATCH	02-41-745-999	\$25,000	\$0
TOTAL		\$736,119	\$0
DEBT SERVICE			
Debt Service Total	01-45-000-000	\$1,991,000	\$0
DEFERRED CHARGES AND			
RESERVE FOR UNCOLLECTED TAXES			

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Judgments - Banker Road	01-37-480-503	\$0	\$0
Deficit in Assessment Cash	01-46-886-000	\$6,110	\$0
Cancelled Assessments	01-46-886-648	\$12,890	\$0
Reserve for Tax Appeals	01-46-886-667	\$20,000	\$0
Prior Years Bills	01-46-887-528	\$314	\$0
Def Charges - Bond Ordinance Unfunded	01-46-875-528	\$39,000	\$0
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	\$0	\$0
Reserve for Uncollected Taxes	01-50-899-200	\$1,759,000	\$0
TOTAL		\$1,837,314	\$0
TOTAL OPERATING BUDGET		\$27,357,778	\$12,215,632

SOLID WASTE DISTRICT			
Solid Waste S&W	26-55-500-100	\$212,000	\$111,300
Solid Waste O.E. All Other	26-55-500-200	\$98,200	\$51,555
Contractual Services	26-55-500-202	\$1,222,000	\$641,550
Disposal Fees	26-55-500-203	\$1,000,000	\$525,000
Grants - Recycling County of Passaic	26-41-753-336	\$30,709	\$0
Prior Year's Bills	26-55-900-900	\$0	\$0
Commercial Pick Up	26-55-500-201	\$0	\$0
TOTAL		\$2,562,909	\$1,329,405

Adopted: March 28, 2007

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

Agenda No. VII 11

~ Resolution 2007-120 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2007-092 TO CLARIFY THE GRANT AMOUNT ON THE APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) FOR A GREEN INFRASTRUCTURE STUDY GRANT

WHEREAS, the Township Council authorized submittal of an ANJEC grant application by virtue of resolution 2007-092 on March 7, 2007; and

WHEREAS, said resolution indicated that the Environmental Commission would apply for a \$15,000 grant; and

WHEREAS, the application is for grant funds in the amount of \$7,500 with matching funds and in-kind services in an amount of \$7,500; 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 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 conducting a green Infrastructure Study at West Milford Lake.

Adopted: March 28, 2007

Discussion: Administrator Kunze advised that the Township Council previously authorized submittal of this grant application for \$15,000. However, the GIS specialist has asked for clarification in the resolution.

Moved: Weisbecker Seconded: Nolan

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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello, DiDonato.
Voted Nay: None.
Motion carried.

Agenda No. VIII 1

~ Resolution 2007-111 ~

**RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA
(AS AMENDED)**

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 2007-112 – Refund Other Liens
- b. Resolution 2007-113 – Refund Overpayments
- ~~c. Resolution 2007-114 – Refund MUA Overpayments~~
- d. Resolution 2007-115 – Reinstate Taxes
- e. Resolution 2007-116 – Cancellation of Premiums
- f. Resolution 2007-117 – Authorize Tax Title Lien Sale

Applications:

- a. Application - On Premise 50/50 Raffle – West Milford Rotary
- b. Application – Calendar Raffle – St. Joseph’s Church

Adopted: March 28, 2007

Councilman Weisbecker moved this resolution, seconded by Councilman Nolan.

Discussion: Councilman Nolan noted that resolution 114 is to refund MUA overpayments and he asked for an explanation. Administrator Kunze advised that money is owned at the end of the year to the MUA. The township collects these funds in the same way we collect taxes and they are then turned over to the MUA. Councilman Nolan asked that his resolution be tabled pending an explanation as to why the resolution is titled refund MUA overpayments.

Councilman Weisbecker amended his motion to exclude resolution 2007-114 from the consent agenda and table it to the next Council meeting.

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

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

Agenda No. VIII 1a

~ Resolution 2007-112 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
85-33	10/23/1985	06607-003	\$1,043.87	ARAM CALFAYAN

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				76 EAST PROSPECT STREET WALDWICK, NJ 07463
86-28	10/28/1986	06607-003	\$1,435.06	ARAM CALFAYAN 76 EAST PROSPECT STREET WALDWICK, NJ 07463
87-17	10/06/1987	06607-003	\$1,361.64	ARAM CALFAYAN 76 EAST PROSPECT STREET WALDWICK, NJ 07463
88-29	10/06/1988	06607-003	\$1,469.47	JOHN KARDNOW 104 LINCOLN AVENUE WEST MILFORD, NJ 07480
89-71	10/05/1989	06607-003	\$ 412.39	JOHN KARDNOW 104 LINCOLN AVENUE WEST MILFORD, NJ 07480
05-018	03/09/2005	01816-020	\$21,173.50	FIDELITY TAX LLC P.O. BOX 5707 FORT LAUDERDALE, FL 33310
05-065	03/09/2005	06604-001	\$32,885.06	CRUSADER SERVICING CORP 179 WASHINGTON LANE JENKINTOWN, PA 19046
05-077	03/09/2005	07801-052.02	\$21,839.89	FIDELITY TAX LLC P.O. BOX 5707 FORT LAUDERDALE, FL 33310
05-103	03/09/2005	13701-042	\$31,009.87	FIDELITY TAX LLC P.O. BOX 5707 FORT LAUDERDALE, FL 33310
06-011	04/11/2006	02003-007	\$10,922.11	ALMAR 2 KIEL AVENUE #202 KINNELON, NJ 07405
Grand Total			\$123,552.86	

Adopted: March 28, 2007

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 Agenda No. VIII 1b

**~ Resolution 2007-113 ~**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

REASONS:

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

| Block/Lot | Name                                                      | Amount     | Year | Reason |
|-----------|-----------------------------------------------------------|------------|------|--------|
| 602-4     | Daniel & Susan O'Dea<br>20 Allaire Road, Hewitt, NJ 07421 | \$788.00   | 2007 | 5      |
| 804-7     | Heather Lavelle<br>10 Haddon Road, Hewitt, NJ 07421       | \$103.00   | 2007 | 2      |
| 811-10    | John & Kathleen Waer<br>17 Wayside Road, Hewitt, NJ 07421 | \$645.00   | 2007 | 2      |
| 1808-4    | Maureen Conklin<br>17 Avalon Road, Hewitt, NJ 07421       | \$1,217.00 | 2007 | 2      |
| 2001-15   | Gopal Viswanathan<br>8 Quinton Road, Hewitt, NJ 07421     | \$72.00    | 2007 | 5      |
| 2010-5    | David & Marina Hunt<br>59 Lakewood Road, Hewitt, NJ 07421 | \$1,073.00 | 2007 | 1      |
| 2405-1    | Catherine Ferguson<br>6 Tenafly Court, Hewitt, NJ 07421   | \$12.00    | 2007 | 5      |
| 2412-2    | Scott Nickerson                                           | \$72.41    | 2007 | 1      |

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|           |                                                                                              |                    |      |   |
|-----------|----------------------------------------------------------------------------------------------|--------------------|------|---|
|           | 14 Chatham Road, Hewitt, NJ 07421                                                            |                    |      |   |
| 2509-11   | Beatrice Kikendall<br>11192 Rt. 9W, Coxsackie, NY 12051                                      | \$212.54           | 2007 | 1 |
| 4106-4    | H. & C. Rea<br>117 Long Pond Road, Hewitt, NJ 07421                                          | \$46.00            | 2007 | 1 |
| 4107-9    | M. Turner & N. Roiter<br>190 Long Pond Road, Hewitt, NJ 07421                                | \$45.00            | 2007 | 1 |
| 4302-14   | Douglas & Joann Berrian<br>127 Lake Park Terr, Hewitt, NJ 07421                              | \$1,823.00         | 2007 | 2 |
| 4401-13   | William & Jeanne Reddan<br>3662 Shore Pkwy, Brooklyn, NY 11235                               | \$144.42           | 2007 | 1 |
| 4404-9    | D.R., D.G., & D.S. DeMilt<br>150 West 84 <sup>th</sup> St. Apt 5 D, New York, NY 10024       | \$28.00            | 2007 | 5 |
| 5504-3.15 | Elizabeth Masters<br>1315 Richmond Road, West Milford, NJ 07480                              | \$116.13           | 2007 | 1 |
| 6902-8    | C. Pamorski & M. Hashimoto<br>97 Warwick Turnpike, Hewitt, NJ 07421                          | \$177.87           | 2007 | 1 |
| 7002-8    | Dennis & Lynda DeMarco<br>40 Edgecumb Road, West Milford, NJ 07480                           | \$127.00           | 2007 | 1 |
| 7005-16   | Joseph & Jessie Murray<br>60 Edgecumb Road, West Milford, NJ 07480                           | \$110.31           | 2007 | 1 |
| 7402-8    | John E. Parkin<br>241 Bearfort Road, West Milford, NJ 07480                                  | \$84.00            | 2007 | 1 |
| 8101-32   | Vasil & Vasa Savov<br>1846 Macopin Road, West Milford, NJ 07480                              | \$75.00            | 2007 | 1 |
| 8501-29   | Bogdan & Helen Ostros<br>1 Patton Street, Lodi, NJ 07644                                     | \$9.45             | 2006 | 5 |
| 8501-29   | Bogdan & Helen Ostros<br>1 Patton Street, Lodi, NJ 07644                                     | \$174.00           | 2007 | 5 |
| 8706-9    | Countrywide Home Loans<br>P.O. Box 5012, Woodland Hills, CA 91365-5012                       | \$2,289.00         | 2007 | 2 |
| 9501-39   | Robert & Barbara Choma<br>58 Bisset Drive, West Milford, NJ 07480                            | \$687.67           | 2006 | 5 |
| 9501-39   | Robert & Barbara Choma<br>58 Bisset Drive, West Milford, NJ 07480                            | \$344.00           | 2007 | 5 |
| 11202-6   | John & Lois Romeo<br>103 Larsen Road, West Milford, NJ 07480                                 | \$125.57           | 2007 | 1 |
| 14701-1   | James Brennan<br>43 Kanouse Road, Newfoundland, NJ 07435                                     | \$47.22            | 2007 | 1 |
| 14901-13  | Gordon Campbell<br>45 Timber Lane, Newfoundland, NJ 07435                                    | \$256.00           | 2007 | 1 |
| 7402-7.01 | Land America, C/O America's Servicing Co.<br>4910 Rivergrade Rd. Ste 301, Irwindale CA 91706 | \$2,897.00         | 2004 | 6 |
| 7402-7.01 | Land America, C/O America's Servicing Co.<br>4910 Rivergrade Rd. Ste 301, Irwindale CA 91706 | \$953.00           | 2005 | 6 |
|           | <b>TOTAL</b>                                                                                 | <b>\$14,754.59</b> |      |   |

Adopted: March 28, 2007

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 Agenda No. VIII 1c

~ Resolution 2007-114 ~

TABLED

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 Agenda No. VIII 1d

~ Resolution 2007-115 ~

**RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES**

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

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

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

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REASON: 1. INSUFFICIENT FUNDS

| <u>BLOCK/LOT</u> | <u>NAME</u>          | <u>AMOUNT</u>             | <u>YEAR</u> |
|------------------|----------------------|---------------------------|-------------|
| 4009-2           | J. & K. Veenstra     | \$1,854.00                | 2007        |
| 8501-8           | B. Lepold            | \$1,678.00                | 2007        |
| 8903-15          | M. Ryan              | \$3,503.32                | 2006        |
| 9001-1           | H. & J. Herman       | \$3,671.00                | 2007        |
| 2302-5           | H. & S. Demirbulakli | \$1,278.00                | 2007        |
| 4701-1           | T. Washer            | \$1,983.00                | 2007        |
| 4014-1           | S. & T. Pizza        | \$1,862.00                | 2006        |
| 8802-11          | M. & K. Caiola       | \$2,147.05                | 2007        |
| 5317-1.03        | A. & A. Colgate      | \$835.00                  | 2007        |
|                  | <b>TOTAL</b>         | <b><u>\$18,811.37</u></b> |             |

Adopted: March 28, 2007

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 Agenda No. VIII 1e

~ Resolution 2007-116 ~

RESOLUTION AUTHORIZING CANCELLATION OF PREMIUMS

WHEREAS, the Township Auditor has requested that the Township cancel tax certificate premiums received which have not been redeemed for five years;

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 cancel tax certificate premiums as listed below:

REASON: PREMIUM OVER 5 YEARS OLD

YEAR	AMOUNT
1957	\$37.00
1973	\$50.00
TOTAL	\$87.00

Adopted: March 28, 2007

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 Agenda No. VIII 1f

~ Resolution 2007-117 ~

**RESOLUTION AUTHORIZING TAX TITLE LIEN SALE**

**WHEREAS**, the Collector of Taxes has requested that the Township conduct a Tax Title Lien Sale on April 3, 2007 at 10:00 a.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a Tax Title Lien Sale in the Township Main Meeting Room on April 3, 2007 at 10:00 a.m.

Adopted: March 28, 2007

**Payment of Bills**

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 Agenda No. IX

~ Resolution 2007-117 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS
 (AS AMENDED)**

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

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

Acct #	Account Name	Amount
1	Current Account.	\$ 132,740.86
2	Reserve Account	12,797.53
3	Animal Control Trust	
6	Capital.	
7	Grants.	845.00
8	Refuse.	1,455.00
	Refunds.	449,905.34
9	As Amended	138,307.65
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	1,175.77
18	Development Escrow.	
19	LOSAP	
20	Special Reserve	
	Total	\$ 298,919.47
	Less Refund Resolution	449,905.34
	As amended	<u>138,307.65</u>
	Actual Bill List	\$ 149,014.16
	Other Payments	\$2,764.20
	Less Refund Resolution	
	Total Expenditures	\$ 151,778.36

Adopted: March 28, 2007

Councilman Weisbecker moved the bill list as presented. Seconded by Councilman Scangarello.

Discussion: Councilman Nolan stated that the MUA payment is on the bill list. Therefore he sought to amend the resolution to exclude that MUA payment.

Councilman Weisbecker amended his motion to exclude the payment to the MUA.

Moved: Weisbecker Seconded: Scangarello
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained: Councilman Nolan abstained from the Valley Health payment only.
 Motion carried.

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato advised that he attended the honor courts for the Eagle Scouts this past weekend.

Administrator Kunze stated that Councilman Nolan had asked for an update on the Wallisch estate. He is waiting to hear from the Audubon Society. He received the site plans for the wetlands project and Ramapo will be out this year. The planning and zoning boards have asked the planning director to research the method used by other municipalities for paying their bills in response to Councilman Nolan's request that they approve their bills by resolution prior to Council consideration.

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Councilman Weisbecker recalled that the Council had discussed the possibility of poles for banners on Union Valley Road. He reviewed the work he has done to facilitate this and asked about the status. Administrator Kunze advised that the engineering department is scheduled to mark out the area for utilities. He contacted Orange & Rockland to seek donations. Councilman Weisbecker noted that previous councils had off-site meetings that were successful. Administrator Kunze advised that this is scheduled for Council discussion at the next workshop. Councilman Weisbecker thanked the Newark Council persons who came to West Milford to meet with him, Mayor DiDonato and Council President Smolinski. He advised that they appear to be very interested in working with West Milford. He recognized local reporter Terry McGahan on recently becoming a United States citizen.

Council President Smolinski stated that the meeting with Newark was very positive. It was nice, he said, that the largest property owner in the municipality came to West Milford to see the land they own. The Parks & Recreation Department, he said, are looking for 2 full-time seasonal helpers and interested parties should call that department. He thanked Clerk Battaglia for arranging for voting machines to come to West Milford on April 5th.

Councilman Schimmenti thanked everyone who came out to speak at tonight's meeting. He recognized Council President Smolinski for all his efforts to educate residents and high school students on the use of the voting machines.

Councilman Nolan stated that how one votes does have consequences. He is not surprised that the attorney accountability ordinance was repealed. The majority, he said, appear to be intent on dragging out the budget process. He listed the names of those people who serve on the MUA saying that they continue to cost West Milford money. They continue to side with a developer causing the Council to expend taxpayer money. The DEP is not forcing the MUA to enter into development agreements with companies building Eagle and Valley Ridge. The Council continues appointing people to the MUA who favor development. He asked that MUA members be invited to a workshop meeting to answer why they ignored the GRC. Again, these actions cost West Milford money. He thanked Councilman Warden for the courage he displayed in tracking down those people who posted slanderous statements on-line. He congratulated Mr. Rauth on his promotion to lieutenant.

Councilman Warden stated that he would like to see discussion of a new attorney accountability ordinance on the next workshop agenda.

Councilman Scangarello asked everyone to watch for children in the streets now that the good weather has returned. He asked Administrator Kunze to call Cable Vision about telephone poles.

Mayor DiDonato stated that he discussed a new attorney accountability ordinance with Mr. Semrau and the work is beginning already. If the preliminary work is done it will allow for meaningful discussion at a future workshop.

Report of Township Attorney

Mr. Semrau advised that the State has sent the balance of funds from the redevelopment sale to the Township. He thanked the Construction Department for all their help. He advised that the Tax Assessor is recommending that the Township file a motion in tax court to adjust the tax records for 2006 at 321 Otterhole Road. The building at that location has been torn down and we must make a refund to the property owner. He listed the items to be discussed in executive session tonight.

Appointments, Resignations, Terminations

None.

Executive Session

Agenda No. XIII

~ Resolution 2007-119 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 28th day of **March**, 2007, 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):

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- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () 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.
 - ❑ Martin O'Shea v. Township of West Milford – Docket # PAS-L-00681-07
 - ❑ West Milford v. TCR NJ/PA Land Acquisition, LP - Valley Ridge - Docket No. PAS-L-1429-06
 - ❑ K. Hovnanian v. West Milford - Eagle Ridge - Docket No. A-6031-04T3
 - ❑ Shortway v. Township of West Milford (Action No. 06-2933)
 - ❑ Borough of Ringwood – Notice of Claim, Pierce Morgan et al v. Ford Motor Company et al
- () b. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: March 28, 2007

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

The Council went into Executive Session at 9:55 p.m.

The Council reconvened in public session at 10:02 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 10:04 p.m.

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

APPROVED: May 9, 2007

JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK