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

Minutes of: Township Council Regular  
Date of Meeting: April 8, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 17

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

**Adequate Notice Statement**

Mayor Bieri read the following statement:

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

**Pledge of Allegiance**

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

**Roll Call**

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

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

None.

Agenda No. II

**Presentations**

Mayor Bieri announced that the Council will make presentations on April 22, 2009 for the Mary B. Haase Lifetime Award and the Volunteer of the Year Award. Mr. and Mrs. Robert Kochka will be joint recipients of the Lifetime Award and Ms. Julia Held will be honored as Volunteer of the Year. She congratulated the award recipients and commended Diane Curcio of the Clerk's office for her hard work on these awards.

Certificate of Recognition: Matthew Perricone (The Buddy Rule) – Mayor Bieri invited Councilman Salvatore Schimmenti to join her at the podium to present a certificate of recognition to Matthew Perricone whose bravery was brought to the Council's attention by Councilman Schimmenti. Matthew joined them at the podium and Councilman Schimmenti read a letter Matthew wrote aloud. Matthew's letter explained how he, a twelve-year old West Milford resident helped save the life of his friend while on a skiing trip by following the "buddy-rule". While on a school-sponsored field trip, Matthew's friend Billy had a bad accident. The boy's teacher had repeatedly told the children to abide by "the buddy rule" whereby one did not leave one's buddy side even during bad moments until help arrives. When Billy fell and was off the main slope, Matthew stayed by his side telling him not to move and keeping him awake until help arrived. While help arrived swiftly, Matthew said it seemed like an eternity. Billy suffered some broken bones but was in attendance to see Matthew recognized. Mayor Bieri presented Matthew with a certificate of recognition and commended him on his bravery. Councilman Schimmenti thanked Matthew and his teacher and stated that we can learn from our children. Matthew kept a level head even in a stressful situation.

Agenda No. III

**Proclamations**

Honoring Our Troops – Mayor Bieri read a proclamation honoring our troops and presented it to Mr. Karl Danckwerth. Mr. Danckwerth encouraged everyone to take a moment to thank our troops and our veterans. May 25, 2009 is Memorial Day and he invited everyone to join the celebration which is intended to acknowledge and celebrate our heroes.

National Library Week – Mayor Bieri read a proclamation celebrating national library week which will be provided to the Library Director.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

~ Ordinance No. 2009- 005~

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

**TABLED TO MAY 6, 2009 COUNCIL REGULAR MEETING**

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Mayor Bieri opened the meeting to the public to speak to this ordinance only. There being no comments from the public, Councilman Nolan made a motion to close the public portion, seconded by Councilman Weisbecker and carried by unanimous roll call vote.

Councilman Weisbecker made a motion seconded by Councilwoman Lichtenberg to place this ordinance on the table for discussion.

Discussion: Mr. Semrau asked Council to table adoption of this ordinance to May 6<sup>th</sup> to allow for the insertion of proposed edits. Councilman Weisbecker made a motion to table this ordinance to May 6, 2009.

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

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Agenda No. V

**Public Comments**

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

Debbie Mann, Turn the Page Counseling stated that she operates a non-profit organization to address youth issues in town. She has received funding for Passaic County to operate a program that will provide services to young people who do not participate in sports and other extra-curricular activities. The program is intended to mentor these kids after school and she is seeking a location. She asked Council for suggestions.

Bob Nicholson, 20 Hyde Road, Stockholm stated that a stop sign at the bridge on Canistear Road would be a cost-effective benefit at this dangerous intersection. He stated that Vernon recently hired Bruno Associates, a grant consultant, to obtain grants for them and he suggested that West Milford should consider a similar grant writing contract. He stated that the Township should update the Township master plan before reinstating the Tourism Commission so that we qualify for state funding.

Ada Erik, Macopin Road, West Milford stated that voters will be asked to consider a \$68.2 million school budget at the upcoming election. If the budget is defeated it will come before Council for action and she urged them to make cuts. West Milford residents are not receiving tax relief and there should be cuts to every level of government. Everyone is doing more with less and this school budget is ridiculous.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she wishes to debunk statements made by Councilman Weisbecker at the last meeting about bats. She stated that Council should not waste time discussing bats that do not reside in West Milford but should focus on the important matters facing this community such as reducing taxes.

James Warden, 199 Highcrest Drive, West Milford stated that it appears that Council is not concerned about budget issues. Taking time to discuss bats when the average homeowner is facing tax increases of over \$250 is cavalier at best. During the budget process, he stated, the entire governing body should be in attendance at the meetings. He asked how a private entity managed to purchase West Milford Lake through a municipally-run tax lien sale when the Township has rated this as an open space priority. He asked that the Council focus on the impending tax increases from the school budget and Passaic County and forego discussing bats.

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

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

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Agenda No. VI

**Council Comments**

Councilwoman Weisbecker stated that bats are an important component in the balance of nature and their potential demise could pose serious health risks for all our residents. While he is concerned about this problem it is not the only issue he has confronted head on. Had it not been for his perseverance, Deadman's Curve would not have been corrected. He stated that he can withstand the nickname

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“Batman” because batman saved Gotham City. He stated that the Council should not comment on the school budget because they may have to take action on it if it is defeated. All living creatures, he said, deserve batman’s help.

Council President Smolinski commended Matthew Perricone for his acts of bravery on the ski slopes which helped his friend. His parents should be very proud and adults train for years to develop these skills. He asked that everyone take an opportunity to show appreciation to our troops. He stated that the budget process is too slow but the Council is not dragging their feet. The Council asked for a different approach this year so that they receive complete budget requests from each department. They will be reviewing the final department next week and are committed to working in unison on this budget. Each member is acutely aware of the challenges facing our residents especially in this economic climate. The County increase, he stated, equates to \$44.57 to the average homeowner.

Councilman Schimmenti stated that the Council welcomes all constructive input and criticism as they review the municipal budget.

Councilman Nolan stated that he will have many comments on the budget as the process evolves. He has heard the concerns expressed and he is also concerned that the Council is engaging in busy work in this process rather than addressing the issues at hand. He stated that Ms. Mann’s organization is receiving funds from a care management organization from Passaic County. He asked Ms. Mann to contact him and he will help in any way he can with this worthy cause.

Councilwoman Lichtenberg stated that she is also willing to assist Ms. Mann in any way possible and suggested that perhaps there may be space available at either Hillcrest or one of the school facilities.

Councilman Jurkovic gave a thumbs up to Matthew Perricone. While he believes that his generation has not been the greatest stewards, he is optimistic about the future when he sees young people like Matt, the model UN students and our service men and women. They have it right.

Mayor Bieri suggested that Debbie Mann contact the Administrators office for assistance in finding a location for her program. She stated that the Planning Board has formed a subcommittee that is working on the master plan. In anticipation of a possible defeat of the school budget she believes that the Council may need professional assistance in the process. She stated that the Council continues working on the municipal budget and, in her opinion, both the school budget and the municipal budget must be cut. Local expenditures must be reduced to realize long term relief for our taxpayers and she recommends reopening negotiations with the labor units in West Milford to negotiate some costsaving measures.

Agenda No. VII

**Discussions**

1	Planning Board Comments and Recommendations on the Streetscape Project – Mayor Bieri stated that, while it is uncommon to have discussion items on the agenda at a regular meeting, she has requested that this topic be discussed tonight because it is time sensitive. Councilman Weisbecker stated that the Planning Board has worked diligently on the streetscape project and he reviewed their recommendations. Mayor Bieri stated that, due to funding restrictions, the Planning Board is recommending that this project be executed in a number of phases. Council President Smolinski asked how sidewalks by the Presbyterrian Church will be addressed to which the Mayor replied that the engineering consultant will be addressing that problem.
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Agenda No. VIII 1

**New Business, Introduction of Ordinances, Resolutions**

**~ Ordinance No. 2009- 006~**

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 33 , “PERSONNEL” OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF ARTICLE X, ENTITLED “CRIMINAL HISTORY BACKGROUND CHECKS OF CERTAIN TOWNSHIP EMPLOYEES”**

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

**SECTION 1.** Chapter 33, Personnel, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Article X, Criminal History Background Checks of Township Employees, to read as follows:

**ARTICLE X Criminal Background Checks of Certain Township Employees**

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**§ 33-24. Background checks as condition of employment.**

All current Township employees and successful candidates for employment by the Township of West Milford in the Health department or the department of Community Services & Recreation or any such department that is or shall be charged with providing services to minors, the elderly, persons who are physically or developmentally disabled or those who are infirm shall be the subject of a background investigation by the West Milford Township Administration Department subject to the limitations as hereinafter stated. The background check shall be required upon all current Township employees as well as successful candidates, 18 years of age or older, for paid positions with the Township of West Milford which employment regularly involves contact with minors, the elderly, persons who are physically or developmentally disabled or those who are infirm. This section shall also apply to those individuals, 18 years or older, that contract with the Township to perform work which regularly involves contact with minors, the elderly, persons who are physically or developmentally disabled or those who are infirm.

**§ 33-25. Background check procedure, costs.**

All individuals subject to the performance of a background investigation, as set forth above, must consent to submit to a criminal history background check to be conducted through the Township Administration Department within a reasonable amount of time to be determined by the Administration Department. Such applicants shall fully complete the required form(s) made available through the offices of the Department of Administration and return said form(s) to the Township Administrator. Applicants who fail to submit the required form(s) to the Township Administrator or otherwise refuse to consent to or cooperate in securing a criminal history background check shall not be considered for employment by the Township. All costs associated with the conducting of the criminal history check(s) and subsequent checks shall be covered by the Township for all of the full time Township employees required to submit to same pursuant to this Article. Part time employees, contractors and other individuals who are not full time employees of the Township shall be responsible for the cost of a background check.

**§ 33-26. Conditions under which person is disqualified from service.**

A person may be disqualified from serving as an employee within the Township if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (A) In New Jersey, any crime or disorderly persons offense:
  - (1) Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1, et seq., such as criminal homicide; N.J.S.A. 2C:12-1, et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1, et seq., such as kidnapping; N.J.S.A. 2C:14-1, et seq., such as sexual assault; or, N.J.S.A. 2C:15-1, et seq., such as robbery;
  - (2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;
  - (3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.
  - (4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.
- (B) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection 33-26(A) of this section.

In addition to the aforementioned, failure by an individual to be truthful in disclosing information regarding prior convictions in his/her employment application or failure to submit to a background check within the time frame established by the Department of Administration may be cause for disqualification from service.

**§ 33-27. Submissions; exchange of background check information.**

- (A) All current and prospective Township employees shall submit their name, address, social security number and written consent to the Township for the criminal history record background check to be performed.
- (B) The Administration Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this section.
- (C) The Township Administrator or his designee shall coordinate a criminal history record background check every three (3) years after the initial check is performed with the Township bearing the costs for the subsequent criminal history record background checks.

**§ 33-28. Limitations on access and use of criminal history record information.**

- (A) Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the Department of Administration, Personnel Coordinator and appropriate department head(s), on a need-to-know basis, as authorized

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- by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this section.
- (B) Such individuals shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating the federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**§ 33-29. Employee, volunteer or appointee may challenge accuracy of report.**

If this criminal history record may disqualify an individual for any purpose, the Department of Administration shall provide the applicant with an opportunity to challenge the accuracy of the information contained in the criminal history record. The applicant shall be afforded a reasonable period of time, not to exceed fourteen (14) days, in which to correct the record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

**§ 33-30. Evidence of affirmative rehabilitation.**

Notwithstanding anything herein to the contrary, if such current or prospective employee's criminal history record background check reveals a disqualifying offense, but such person has affirmatively demonstrated rehabilitation, such rehabilitation may be considered as a factor in the determination of whether or not to disqualify such individual from service.

**§ 33-31. Exemptions.**

The Township shall only permit the following exemptions under this Chapter:

- (A) Any person who, by virtue of their occupation, is required by statute to undergo a Federal and State criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirement hereunder until three (3) years have elapsed since the most current background check. Thereafter, those individuals shall be required to submit to additional background checks in accordance with Section 33-27(C). This section would apply to members of the Township Police Department.

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

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

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

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

Introduced: April 8, 2009

Discussion: Councilwoman Lichtenberg stated that section 33-24 references contractors. She asked that 33-25 be amended so that the Township does not pay for contractors. With concurrence from the Council, Mr. Semrau will make that change prior to public hearing and final adoption.

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

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Agenda No. VIII 2

~ Resolution No. 2009 - 045 ~

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

**TABLED INDEFINITELY**

Councilman Weisbecker moved to place this resolution on the table for discussion, seconded by Council President Smolinski.

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Discussion: Mr. Semrau stated that the Council received a letter recently from Ms. Pappas indicating that she is not interested in continuing her caretaker arrangement at Westbrook Park beyond June 30, 2009. Discussion ensued about approving the agreement without having a contractor in place. Mayor Bieri recommended that the Council not limit the Township to the terms of this contract but rather negotiate to the Township's benefit when the time is right. The current contract was drawn in favor of Ms. Pappas and any subsequent caretaker agreements will focus on terms more favorable to the municipality. Mr. Semrau stated that the terms of this contract have remained the same since 1999 and the new agreement simply sought to outline those terms in clear language.

Councilman Weisbecker made a motion to table this resolution indefinitely and to extend the current caretaker agreement to June 30, 2009.

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

The following resolutions were moved as one 2009-155, 2009-156, 2009-157, 2009-158, 2009-159, 2009-160, 2009-161, 2009-162, 2009-163, 2009-164

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

Discussion: Council President Smolinski stated that resolution 2009-158 is to accept DEP funding for the wastewater management plan. The State of New Jersey has mandated that this plan be updated and they provided funding to the various counties in the State to effectuate this mandate. While most counties complied, Passaic County refused and now the municipality is compelled to draft the plan. He stated that the Township cannot complete this work for \$10,000 and we should not accept such a trifling sum. He asked for consensus to have this scheduled for a workshop discussion.

Agenda No. VIII 3

~ Resolution No. 2009 - 155 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING COMMENTS AND RECOMMENDATIONS FROM THE WEST MILFORD PLANNING BOARD WITH REGARD TO A PROPOSED STREETScape PLAN PROJECT

WHEREAS, the Township of West Milford did engage the services of Dewberry-Goodkind to prepare a conceptual plan and design for a proposed streetscape project within the Township; and

WHEREAS, Dewberry-Goodkind has presented said design to the West Milford Planning Board, consulted with the Planning Board, and incorporated recommendations and suggestions from the Planning Board into the design; and

WHEREAS, the West Milford Planning Board has given this matter significant attention and has submitted a detailed letter outlining their comments and recommendations to the Township Council for the proposed streetscape design.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the comments and recommendations submitted by the West Milford Planning Board are hereby approved by the Governing Body; and

BE IT FURTHER RESOLVED that the Township Council does hereby authorize that this project proceed to the next phase; and

BE IT FURTHER RESOLVED that the Township Council shall be provided updates as the project continues and that no decisions beyond those contained in the Planning Board letter of April 3, 2009 shall be made by any Township official or Township appointee without the express approval of the Township Council.

Adopted: April 8, 2009

Agenda No. VIII 4

~ Resolution No. 2009 - 156 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

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**WHEREAS**, the County of Passaic anticipates having \$864,476 available to the nine communities of the County and to eligible non-profit agencies under the Community Development Block Grant (CDBG); and

**WHEREAS**, the Township Council of the Township of West Milford has determined that there is a need for these grant funds in order to construct the Marshall Hill Road sidewalk, Phase II.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Community Development Block Grant (CDBG) for \$247,644 with a Township contribution of \$100,000 for the construction of the Marshall Hill Road sidewalk, for Phase I and Phase II.

**BE IT FURTHER RESOLVED** that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant should it be awarded.

Adopted: April 8, 2009

Agenda No. VIII 5

~ Resolution No. 2009 - 157 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP AND THE DIVISION OF STATE POLICE FOR THE ACCEPTANCE OF A FINGERPRINT IDENTIFICATION SYSTEM (FIFIS)**

**WHEREAS**, the West Milford Police Chief has been notified by the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of State Police that the Township of West Milford has been selected to participate in the Fully Integrated Fingerprint identification System (FIFIS); and

**WHEREAS**, FIFIS provides for the electronic transmission of criminal fingerprint cards 24 hours a day from the point of booking to the State Bureau of Identification; and

**WHEREAS**, the New Jersey State Police (NJSP) has secured State Police funding to cover the cost of participation.

**NOW THEREFORE BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey, that the West Milford Chief of Police be and is hereby authorized to execute the "Live Scan User Agreement" between the Township of West Milford and the Division of State Police which will commit the Township of West Milford to participation in the Fully Integrated Fingerprint Identification System (FIFIS) in accordance with the terms and conditions outlined in the aforementioned agreement.

Adopted: April 8, 2009

Agenda No. VIII 6

~ Resolution No. 2009 - 158 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A GRANT APPLICATION WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE CREATION OF A WASTEWATER MANAGEMENT PLAN**

**WHEREAS**, the Governing Body of the Township of West Milford desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,000 to fund the creation of a Wastewater Management Plan (WMP) for the Township in accordance with N.J.A.C. 7:15 and N.J.S.A. 58:11A-1 et seq; and

**WHEREAS**, N.J.A.C. 7:15 allocated the responsibility for the WMP on each of the counties throughout the State; and

**WHEREAS**, in November 2008, Passaic County notified the State of New Jersey that the County would not assume this responsibility for the sixteen municipalities located with Passaic County; and

**WHEREAS**, a Wastewater Management Plan (WMP) is a document that provides 20 year planning for wastewater and certain other water quality concerns.

**NOW THEREFORE BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey, that the Township Administrator be and is hereby authorized to make application for such a grant and if awarded, to execute a grant agreement with the State for a grant in an amount of not less than \$10,000 and to execute any amendments thereto.

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

Adopted: April 8, 2009

Agenda No. VIII 7

~ Resolution No. 2009 - 159 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A 2008 RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Richard McFadden to ensure that the said application is properly filed.

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted: April 8, 2008

Agenda No. VIII 8

~ Resolution No. 2009 - 160 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A STIPULATION OF SETTLEMENT IN THE MATTER OF KRZYSZTOF J. CZUJ vs. THE TOWNSHIP OF WEST MILFORD, OAL DOCKET NO. CSVLW 03814-2008N**

**WHEREAS**, the Township of West Milford has negotiated a settlement in the matter of Krzysztof J. Czuj vs. the Township of West Milford, OAL Docket No. CSVLW 03814-2008N; and

**WHEREAS**, said settlement warrants the payment of \$750 to the Appellant, Krzysztof J. Czuj, and releases the Township of West Milford from any and all claims in the matter which bears docket number CSVLW 03814-2008N; and

**NOW THEREFORE BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey, that the Township Administrator be and is hereby authorized to execute a stipulation of settlement in the matter of Krzysztof J. Czuj vs. the Township of West Milford, OAL Docket No. CSVLW 03814-2008N in an amount not to exceed \$750.

Adopted: April 8, 2009

Agenda No. VIII 9

~ Resolution No. 2009 - 161 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE 2007 - 2008 TAX APPEALS ENTITLED WACHOVIA BANK, N.A., VS. TOWNSHIP OF WEST MILFORD INVOLVING BLOCK 6303, LOT 16**

**WHEREAS**, appeals of the 2007 - 2008 real property tax assessment of Block 6303, Lot 16 in the Township of West Milford have been filed with the Tax Court of New Jersey; and; and

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

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**WHEREAS**, said property is owned by Wachovia Bank, N.A.; and

**WHEREAS**, settlement of these appeals is in the best interest of the Township.

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

1. Settlement of the tax appeals filed with the Tax Court of New Jersey challenging the assessed valuation of Block 6303, Lot 16 is hereby authorized as follows:

<u>Tax year</u>	<u>Total Original Assessment</u>	<u>Total County Tax Board Assessment</u>	<u>Total Proposed Assessment</u>
2007	\$708,400.	\$708,400.	\$708,400.
2008	\$708,400.	\$708,400.	\$588,000

2. These settlements are conditioned upon the taxpayer waiving any interest due on the refund of taxes.

3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

Adopted: April 8, 2009

Agenda No. VIII 10  
 ~ Resolution No. 2009 - 162 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO TRANSFER 2008 BALANCE OF SNOW REMOVAL RESERVE TO TRUST FUND FOR FUTURE SNOW REMOVAL EXPENDITURES**

**WHEREAS**, N.J.S.A 40A:4-62-1, amended by P.L. 2001, Chapter 138 permitting the establishment of a Snow Removal Reserve via passage and DCA approval of a Dedication by Rider resolution; and

**WHEREAS**, the law provides that unexpended balances budgeted annually for snow removal may be lapsed into a dedicated Trust Account Reserve; and

**WHEREAS**, the amount(s) to be (lapsed) transferred from the reserve should be authorized by resolution of the governing body in accordance with the provisions of N.J.S.A. 40A:4-58 and 59 (adopted by not less than 2/3's vote of the full council membership); and

**WHEREAS**, the funds may be used for any purpose related to snow or ice removal after the current year's budget appropriations for that purpose have been expended and;

**WHEREAS**, permitted expenditures from this reserve would include snow removal, related to snow removal, salt, grits, sand, related maintenance, outside contractors, and equipment.

**NOW THEREFORE BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey, that the 2008 Budget Appropriation Reserve Transfers totaling \$83,000.00 are to be made in the follow matter:

	FROM	TO
Snow Removal Other Expenses	\$83,000.00	
Inter-fund – Due to Dedicated Trust		\$83,000.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution is forwarded to the Township Auditor and the Finance Department for their records.

Adopted: April 8, 2009

Agenda No. VIII 11  
 ~ Resolution No. 2009 - 163 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 1 TO THE REHABILITATION OF WESTBROOK TENNIS COURTS CONTRACT AWARDED TO SITA CONSTRUCTION CO., INC.**

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

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**WHEREAS**, the Township awarded a contract to Sita Construction Co., Inc. on September 24, 2008 by virtue of Resolution 2008 - 347 for the rehabilitation of Westbrook Tennis Courts in a total amount not to exceed \$452,520.00; and

**WHEREAS**, the Township Engineer has recommended approval of a change order to the Rehabilitation of Westbrook Tennis Courts Contract awarded to Sita Construction Co., Inc. in a total amount not to exceed \$2,410.00; and

**WHEREAS**, the increased cost recommended in the approval of the change order is \$2,410.00, which is less than 20% of the original contract amount; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from account number C-04-06-942-370.

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

1. The Township Council hereby approves a change order to the contract with Sita Construction Co., Inc. in an amount not to exceed \$2,410.00, representing an increase to the original approved amount of less than 20%.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: April 8, 2009

Agenda No. VIII 12

~ Resolution No. 2009 - 164 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH AREA**

**WHEREAS**, the Upper Greenwood Lake Property Owners Association wishes to hold a display of fireworks on June 27, 2009 at the Upper Greenwood Lake launch area; and

**WHEREAS**, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

**WHEREAS**, the Upper Greenwood Lake Property Owners Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on June 27, 2009 at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owners Association will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owners Association, and the cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owners Association in the amount of \$1,200.00 in advance.

Adopted: April 8, 2008

**Consent Agenda**

Agenda No. IX

~ Resolution No. 2009 - 165 ~

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

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

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

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

**Resolutions:**

- a. **Resolution 2009-166** – Refund other liens
- b. **Resolution 2009-167** – Refund Overpayments
- c. **Resolution 2009-168** – Refund Tax Appeal Overpayments
- d. **Resolution 2009-170** – Recreation Refund
- e. **Resolution 2009-171** – Refund Performance Bond
- f. **Resolution 2009-172** – Reinstate Taxes
- g. **Resolution 2009-173** – Various 2009 Licenses

**Applications:**

- a. **Application** for Off Premise 50/50 Raffle Lic. No. 2009-20 – Our Lady Queen of Peace HSA
- b. **Application** for On Premise 50/50 Raffle Lic. No. 2009-21 by the West Milford Rotary
- c. **Application to Amend Raffle Lic. RL2009-18 to Cancel Raffle** by Our Lady Queen of Peace HSA

Adopted: April 8, 2009

Councilman Nolan made a motion to place the consent agenda on the table for discussion. Councilman Weisbecker seconded the motion.

Discussion: The Township Clerk requested that resolution 2009-171 be pulled from the agenda as the maintenance bond for this project has not been posted as yet. Councilman Nolan amended his motion and asked that resolution 2009-171 be removed from the consent agenda.

Moved: Nolan Seconded: Weisbecker  
 Voted Aye: Weisbecker, Schimmenti, Smolinski, Nolan, Lichtenberg, Jurkovic.  
 Voted Nay: None.  
 Recused: Councilwoman Lichtenberg recused Rotary Application only.  
 Motion carried.

Agenda No. IX a  
 ~ Resolution No. 2009 - 166 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OTHER LIENS**

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
07-043	4/03/07	06002-029	\$52,262.77	USBANK-CUST/SASS MUNI TR 2 LIBERTY PLACE 50 SOUTH 16 <sup>TH</sup> . ST STE 1950 PHILADELPHIA, PA 19102
<b>Grand Total</b>			<b>\$52,262.77</b>	

Adopted: April 8, 2009

Agenda No. IX b  
 ~ Resolution No. 2009 - 167 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

**REASONS:**

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

Block/Lot	Name	Amount	Year	Reason
15803-10	Pam Investors 127 South Washington Avenue Bergenfield, NJ	\$5,141.56	2008	1
2006-4	Omar & Iris Amaya 20 Patterson Road Hewitt, NJ 07421	\$61.92	2009	1
4010-5	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,304.26	2009	6
6204-15	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$312.58	2009	6
8901-13	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$156.97	2009	6
		\$6,977.29		

Adopted: April 8, 2009

Agenda No. IX c

~ Resolution No. 2009 - 168 ~

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

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

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

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

**REASON: TAX APPEAL**

Block/Lot	Name	Amount	Year	Reason
9901-10	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$1,420.65	2006	4 <sup>th</sup> Qtr.
9901-10	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$1,489.12	2007	2 <sup>nd</sup> Half
9901-10	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$1,545.75	2008	2 <sup>nd</sup> Half
9901-10	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$387.00	2009	1 <sup>st</sup> Qtr.
9901-11	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$941.41	2006	4 <sup>th</sup> Qtr.
9901-11	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$ 986.76	2007	2 <sup>nd</sup> Half

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

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Block/Lot	Name	Amount	Year	Reason
9901-11	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$1,024.31	2008	2 <sup>nd</sup> Half
9901-11	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$256.00	2009	1 <sup>st</sup> Qtr.
9901-12	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$4,178.31	2006	4 <sup>th</sup> Qtr
9901-12	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$4,379.58	2007	2 <sup>nd</sup> Half
9901-12	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$4,546.23	2008	2 <sup>nd</sup> Half
9901-12	Apple Valley Estates C/O Thomas F. Carroll, III, Esq. 202 Carnegie Center Princeton, NJ 08540	\$1,136.00	2009	1 <sup>st</sup> Qtr.
<b>TOTAL</b>		<b>\$22,291.12</b>		

Adopted: April 8, 2009

Agenda No. IX d  
 ~ Resolution No. 2009 - 169 ~

**NUMBER NOT USED**

Agenda No. IX e  
 ~ Resolution No. 2009 - 170 ~

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

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

Name & Address	Reason	Amount Refunded
Lauren Fiorilla 1432 Macopin Road West Milford, NJ 07480	Refund for cancellation of the Costumes and Characters Program	\$65.00
Karen Vacca 50 Continental Road West Milford, NJ 07480	Refund for cancellation of the Costumes and Characters Program	\$65.00
Lorrie Muniz 7 Greenwood Ave. Hewitt, NJ 07421	Refund for withdrawal of enrollment in Kidsafe Karate	\$65.00

Adopted: April 8, 2009

Agenda No. IX f  
 ~ Resolution No. 2009 - 171 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNRTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A REFUND OF A PERFORMANCE (CASH) BOND FOR VANESSA COURT – MORSETOWN ACRES**

**NO ACTION TAKEN**

Agenda No. IX g  
 ~ Resolution No. 2009 - 172 ~

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

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
13906-2.01	G. & S. Foster	\$1,206.93	2009
12001-13	B. Benjamin	\$1,991.83	2009
<b>TOTAL</b>		<b>\$3,198.76</b>	

Adopted: April 8, 2009

Agenda No. IX h

~ Resolution No. 2009 - 173 ~

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

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

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

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

<b>Peddler License</b>		
License No.	Applicant Name	T/A - Address
2009 - 3	Sandra Cruz-Qutishat 74 Martha Avenue Elmwood Park, NJ 07407	Owner/Operator S & A Ice Cream 74 Martha Avenue Elmwood Park, NJ 07407
2009 - 4	Jamal A. Odeh 639 Crooks Ave., 2 <sup>nd</sup> Floor Clifton, NJ 07011	Operator S & A Ice Cream 74 Martha Avenue Elmwood Park, NJ 07407
<b>Pool Table License</b>		
License No.	Applicant Name	T/A - Address
2009 - 8	Bruno Walczak 26 Patania Ct Lincoln Park, NJ 07035	Old School Pub 551 Warwick Tpk. Hewitt, NJ 07421
2009 - 9	Tracey Bennett P.O. Box 676 Newfoundland, NJ 07435	Big John's Pub 49 Old Rte. 23 Newfoundland, NJ07435

Adopted: April 8, 2009

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2009 - 174 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

Acct #	Account Name	Amount
1	Current Account. . . . .	\$326,920.39

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<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
2	Reserve Account . . . . .	3,283.32
3	Animal Control Trust	0.00
6	Capital. . . . .	144,796.75
7	Grants. . . . .	5,425.90
8	Refuse. . . . .	120,728.55
9	Refunds. . . . .	81,726.18
12	General Ledger. . . . .	2,576.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	990.00
17	Trust . . . . .	3,285.00
18	Development Escrow. . . . .	2,439.60
19	LOSAP	
20	Special Reserve	
<b>Total</b>		<b>\$692,171.69</b>
Less Refund Resolution		<u>-81,726.18</u>
<b>Actual Bill List</b>		<b>\$610,445.51</b>
Other Payments		570.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$611,015.51</b>

Approved: April 8, 2008

Discussion: Councilman Jurkovic asked that copies of the invoices related to the public defender fund be provided to him for review.

Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
 Voted Nay: None.  
 Abstain: Councilman Jurkovic abstained on payments to Mr. Glatt only  
 Motion carried.

Agenda No. XI

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

Councilman Nolan asked what the the cost will be to the Township after the initial two year period for the fingerprinting equipment just accepted by the Township. Mr. Boyle stated that the cost would be minimal, the training will be done inhouse by the one staff member who went to Rhode Island to be trained. Councilman Nolan wished everyone a Happy Passover and a Happy Easter. Tomorrow night the model UN students will moderate a debate amongst the BOE candidates at the High School and the election is scheduled for April 21<sup>st</sup>. He reviewed the tax collection numbers for March noting that it is a reflection of the economy that people appear to be having a problem paying their taxes. He suggested applying to Passaic County for open space funding to complete the proposed roller hockey rink project which is estimated to cost \$95,000. He stated that Passaic County is taking advantage of the pension deferral in their budget and they have outsourced the juvenile detention center to Morris County. Passaic County has reduced their staffing levels by 20% in the past year.

Councilwoman Lichtenberg stated that the national economic crisis is also affecting the tax lien sale list which is lengthy this year too. The library will be having a book sale starting on April 27<sup>th</sup> and there is an upcoming rabies clinic for cats. She gave a thumbs up to all servicemen and women thanking those who are serving and those who have served in our armed forces. She is here every Thursday from 10 a.m. to noon. She wished everyone a Happy Holiday.

Councilman Jurkovic wished everyone a Happy Easter.

Councilman Weisbecker wished everyone a Blessed Holiday.

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Mayor Bieri stated that the BAN sale was held yesterday with TD Bank the successful bidder at a rate of 0.8533% which is great news for the Township. She stated that Dominic DiYanni of the firm Dorsey Semrau welcomed his daughter Caprice into the world yesterday. She congratulated Dominic and Kristen and wished everyone well. She stated that she recently spoke with Eileen Swan of the Highlands Council and is setting up a meeting with her and various Township officials to proceed with various projects.

Administrator Boyle stated that after the Easter holiday he will be sending out a letter seeking public input on the discussion about reestablishing a Tourism Commission. He has received a request from the U.S. Geological Society for a right-of-way on La Rue Road to monitor temperatures on certain watershed properties. He will schedule this for a workshop discussion. He has been working with staff on the certificate of habitability ordinance and has scheduled Jackie Kashman of Bat World NJ for a future presentation. He is awaiting a recommendation from the DPW Superintendent for the truck bids and will schedule a workshop discussion about seeking Council support for proposed amendments to the re-assessment procedures. He will be meeting with state representatives about the live where you work program and he met with the County Administrator on April 6<sup>th</sup> to discuss a host of issues. Passaic County now offers residents the ability to report potholes online. He stated that he is working on scheduling more budget meetings and stated that the introduced budget is preliminary and subject to amendments.

Township Attorney Fred Semrau stated that he met with the Land Use Administrator and the Construction Official to review a number of issues pertaining to their department. They are working on a policy to streamline the application process. He plans to meet with the Health Officer next week. Newark Watershed did file appeals on all their properties in West Milford and he was authorized by the Township Council to file counter complaints at the State and County tax boards. He explained the process and asked to continue the discussion in executive session at a later date. All counter claims have been timely filed and now he will begin to strategize, work with an appraiser, and defend the appeal. Discussion ensued about using other watershed land values in this appeal process and Mr. Semrau advised that the appeals in tax court are driven by sales data not assessments. He is researching how to obtain information on sales of watershed properties. He stated that he received a draft lease from the BOE for Hillcrest and will discuss that and Random Woods with Council in executive session.

Agenda No. XII

**Appointments and Resignations**

None.

Agenda No. XIII

**Executive Session**

Mayor and Council went into Executive Session at 9:49 pm

**~ Resolution No. 2009 - 175 ~  
MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 8<sup>h</sup> day of April 2009 that:

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

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

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- Potential Litigation - Newark Watershed Appeals
- Contract Negotiations – Hillcrest Lease
- ( ) 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: April 8, 2009

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

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The Council reconvened in public with Council President Smolinski absent having left during executive session.

Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:00 p.m.

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

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Approved: July 8, 2009

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK