
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 23

- School. The Township residents are proud of him. The audience in attendance applauded Daniel for his endeavors.
- 2) Beautification Committee to Announce T-shirt Winners
Mayor Bieri invited Carol Sparkes, the Beautification and Recycling Task Force Committee Chair; Cathy Griswald and John Caillie, a Macopin School Art Teacher forward. She asked Carol to share the accomplishments of the Beautification Committee. Carol gave an overview and explained that they were involved in organizing the April 19, 2008 Township Beautification Day. She reviewed what the events of the day are scheduled to be and advised that there will be a picnic at Town Hall from 12pm-3pm. There will also be an unveiling of an art exhibit from artists who have been painting steel drums. However, tonight she is honoring the students of Macopin School. Teachers have asked students to design a logo; her committee reviewed all of the drawings and chose one winner and four runners up. Mayor Bieri clarified that the winning art will appear on this year's t-shirts that are given to volunteers. She then invited the runners up forward and presented them with a t-shirt and a certificate. Winner, Andrea Siberstein was congratulated and presented with a t-shirt and a certificate. Mayor Bieri invited the winner and all runners up with the Beautification Committee forward for a photo opportunity with her.
- 3) American Cancer Society Relay for Life
Caren Fallor, volunteer and committee co-chair explained that Relay for Life is a community based, overnight event nationwide. This year it is to be hosted at the West Milford High School Track beginning on May 31, 2pm and running through 7am, June 1. The purpose of the relay is to celebrate survivors, remember those who have been lost to cancer and to help caregivers. She deferred to her co-volunteer Heather, who explained that her presence at tonight's meeting is to extend an invitation to each person to attend this relay. She asked Mayor Bieri to sign a proclamation asking for May 1 to be "May Day for Relay Day" and May to be "Relay for Life Month". She wants to work with the Township to get word out to the community and neighborhoods and to work with the Council to support this event. She explained some of the committee's ideas for the celebration, one of which is to paint a purple stripe on the road from Town center to the event as well as posting purple flags. They would like to have the Township Health Department become involved. It has been their experience that Relays with Township Council support are most successful and that with both Council and community support, the impact will be greater. Cancer survivors are invited to the opening ceremony. She reviewed some of the specifics of the event and said that the goal of this years relay is to celebrate life and remember love.

Agenda No. III

Proclamations

1. American Cancer Society Relay for Life – Mayor Bieri invited the Relay for Life Committee to join her at the podium. It was the Mayor's honor to read the proclamation. She said that everyone been affected by cancer. She read the proclamation and presented it to the Committee.
2. National Day of Prayer - Mayor Bieri read and presented the proclamation to Helen Sedlak, Coordinator for the National Day of Prayer in West Milford. Helen thanked the Township and said that there will be a gathering in front of Town Hall for the day on May 1st from 10am to 9pm for prayer and bible reading. There are two services, one at 12noon and at 7pm. She hopes that many will participate

Agenda No. IV

Return to Presentations

- 1) COAH and the Proposed New Third Round Rules – Township Planning Director Bill Drew - Postponed

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2008-014 ~

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

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

TEMPORARY, PART TIME AND SEASONAL EMPLOYEES

JOB TITLE	WAGE RATE
Recreation Attendant (includes coffeehouse monitors, volley ball referees, program assistants)	\$7.15 - \$12.00 per hour
Substitute Lake Director & Day Camp Director	\$12.00 - \$17.00 per hour
Recreation Aide (includes waterfront supervision, concession/gate	\$8.00 - \$16.00 per hour

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
 Date of Meeting: April 9, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 3 of 23

monitors, seasonal maintenance workers, day camp counselors, program specialist, athletic coordinator)	
Swim Instructor	\$1,200. - \$1,700. per season
Head Swim Instructor/Swim Team Coordinator	\$2,000. - \$2,500. per season
Tennis Instructors	\$400.00 - \$600.00 per season
Tennis Director	\$1,000. - \$1,600. per season
Seasonal Omni Bus	\$12.00 - \$16.00 per hour
Disabled Programs	
Summer Aide	\$ 7.15 - \$ 8.00 per hour
Aide	\$ 8.00 - \$12.00 per hour
Teacher	\$13.00 - \$16.00 per hour
Pre School Teacher	\$10.00 - \$16.00 per hour
Building Service Worker	\$9.00 - \$14.00 per hour

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistency.

This ordinance shall take effect 20 days after its final passage by the Township Council.

Mayor Bieri advised that this ordinance was introduced on March 26, 2008 and the Notice of Public Hearing was published in the Herald News on March 30, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak to this ordinance only.

There being no interested parties; Councilman Nolan moved to close the public portion, seconded by Councilman Smolinski and carried by unanimous roll call vote.

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

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

Agenda No. IV 2

~ Ordinance 2008-015 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REPEALING CHAPTER 212, LOITERING, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 212, Loitering, of the aforesaid Revised General Ordinances is hereby repealed.

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

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

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

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

Mayor Bieri advised that this ordinance was introduced on March 26, 2008 and the Notice of Public Hearing was published in the Herald News on March 30, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak to this ordinance only.

There being no interested parties; Councilman Smolinski moved to close the public portion, seconded by Councilman Lichtenberg and carried by unanimous roll call vote.

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

Agenda No. IV 3

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 23

~ Ordinance 2008-016 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, ADMINISTRATION OF GOVERNMENT, SECTION 15-78, MUNICIPAL PROSECUTOR OF THE REVISED GENERAL ORDINANCES AND THE SALARY ORDINANCE WITH THE ADDITION OF THE POSITION OF ASSISTANT PROSECUTOR

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

SECTION 1. Chapter 15, Administration of Government, Section 15-78, Municipal Prosecutor, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

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

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

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

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

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

SECTION 4. 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 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mayor Bieri advised that this ordinance was introduced on March 26, 2008 and the Notice of Public Hearing was published in the Herald News on March 30, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak to this ordinance only.

There being no interested parties; Councilman Lichtenberg moved to close the public portion, seconded by Councilman Scangarello and carried by unanimous roll call vote.

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

Agenda No. V

Public Comments

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

Renee Alessio, 39 Hillcrest Drive – said that the people of West Milford have a vision for the Township and that most people want open space. She furthered by saying that even though the Township is over 80 square miles it retains its small town feel. Visioning sessions drew standing room only crowds supporting the vision of Streetscape with a walking village in Town center. She said that they support local business. Most Township employees live and work in town. The Township thrives on volunteerism. The Township is proud of the kids and supports them. We are the working middle class, feeling the economic crunch. Many things that happen within the Federal or State government affect West Milford. At times it appears to be out of our control. She feels that the Township needs a solid master plan with Ordinances and Codes. Often the Township legislation is too weak. Recent events have come to mind and this is evidenced by Walgreens being allowed to open a store in the town. However, previous Council's, boards, committees and commissions have made mistakes in the past. She feels the Planning Department is far from perfect but has attained over \$1million in grant money for town. In her opinion the idea of outsourcing is frightening. The township needs a new Township Master Plan and to create Ordinances based on that plan to promote and protect the vision of the Township. Ordinances should

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 23

support the local economy. We must take control of our future now and work together to create a sustainable community. She feels that the Sign Ordinance is deficient but that in the meantime she wants to see work on a Master Plan. She invited everyone to the Sustainable West Milford Greenfest at Bubbling Springs on May 3rd.

John Aiello, East Shore Road, Hewitt – expressed that he was in attendance to discuss the striping of Stainsby Road. He read a letter to the Council that discussed that he had not been in contact with anyone within the Township regarding this matter. He wanted to see the matter resolved with dialogue as he feels that there is a solution that will benefit everyone. However, this has apparently fallen on deaf ears. After 87 years, complaints have now been coming in. What has caused them? He has asked for a meeting with the Mayor, Council, representatives from Q&S Market, and residents of Stainsby Road. He does not want private discussions but rather reasoning in total day light. He feels that cooperation from the Council in calling such a meeting will be of a greater benefit. He believes that the Mayor and Council are not aware of everything that is happening in this situation. Therefore it is best to have a meeting where he can explain the entire situation. He feels that the entire mess can be remedied by the results of a meeting. A meeting will allow everyone to speak and arrive at solutions. He would like everyone involved to sit down and reason together and to put this behind us.

Joann Jordan, 27 Dover Road – thanked everyone for their help and objectivity on Township road issues, especially Parlin Court. At the April 2, 2008 Council Workshop Meeting she was pleased to see that the Township did not vacate Parlin Court. However the issue is still not resolved. Hopefully there is an end in sight. She said that after a lot of thought regarding access to 10 Parlin Court she feels that if the septic lines are installed for 7 Parlin Court, future improvement of Parlin Court could be compromised. Parlin Court must be improved to give access to 10 Parlin Court and allow lake access to all property owners. The improvement of Parlin Court should be done when the septic work is being done. With the Township now focusing on improving West Milford roads she is asking for assistance in improving Parlin Court and ending the issue. She is asking for fair and equitable treatment for all. She requested that the facts be carefully considered before septic lines are installed.

Stan Frey, 27 Dover Road – distributed maps and began by saying that he has worked with Township Attorney Semrau for approximately 2 years regarding the Township roads. At the last Workshop Meeting he heard untruths about Parlin Court. Lot 5 is the lot in question. He referred to the deed of 10 Parlin Court which is Lot 5. He clarified that 29 Dover Road is not the address for 10 Parlin Court. 29 Dover Road is State property governed by The Upper Greenwood Lake Property Owners Association. The UGLPOA has prevented driveway access to protect their parkland property. There are neither visible house numbers nor emergency accesses. There is no identification for this home. The landlord and investor fail to maintain stairs, claiming that the road needs to be extended to this property. He is asking the Council to improve the road so to allow for property access. He feels that just as the Council addressed the needs of property owners on Stainsby Road, he is asking the Council to address the road improvement and access of Parlin Court. There is more involved here than septic lines. He feels that all three property owners would benefit from the improvement. He said that the Township Council needs to address all dirt roads. This is necessary to prevent damage to vehicles and maintain property values.

Martin O'Shea, 10 Lakeshore Road, Stockholm – said that he has been attending Council meetings for some time. He is recommending that the Council solve the Dover Road problem so that everyone is relieved of the matter. He also said that he was offended that Mr. Aiello requested a private meeting on a public matter. He knows that the council cannot agree to that. He then congratulated Councilman Weisbecker for being on time today as the last time he saw him he was running late.

Ada Erik, Macopin Road – said that she does volunteer work for the Veterans Administration. She is asking everyone to attend the monthly blood drive on April 20th. West Milford has a great reputation for blood donations throughout the State. She said that if someone is unable to donate blood they send others to donate in their place. Donors give their blood for others. One veteran she knows of had a transfusion of 160 units of blood. Donating blood takes a short amount of time and does not hurt.

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

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

Agenda No. VI

Council Comments

Township Attorney Semrau – stated that there are a number of formidable reasons that the Township took action to pave and stripe Stainsby Road. He said, however, that if the Council would like to hear this matter, there can be a public meeting with time limitations. This would ensure that this is not considered

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 23

a comedy. He does not want to negate residents comments but they (Aiello and Q&S) are in litigation and the Township cannot become involved in this litigation. The Ordinances and a Master Plan are in the cycle to be addressed and it is probably overdue. There is nothing in an Ordinance that can zone to preclude a certain business. There are other planning options. He said that the Parlin Court applicant took all the steps required. This license arrangement is to protect all property owners. It would not interfere with any row or road rights.

Councilman Smolinski – commented that West Milford's blood must be green. He thanked Assemblyman Webber for making the flag presentation. He said that he and his family are grateful. He apologized for not congratulating him on the birth of his new baby boy. He said that on behalf of everyone who has kids in town that he never thought he would see his daughter with the kids in Afghanistan at the orphanage with a gun and a smile. He is proud of his daughter.

Councilman Nolan – said that he cannot believe that Mr. Aiello would want a personal meeting with the Mayor and Council while threatening litigation.

Councilman Scangarello – expressed congratulations to Councilman Smolinski and his family and commended his daughter for serving for us. They have done a great job raising Jennifer. Regarding Ms. Erik speaking about blood donation he said that the Blood Center comes to his work and when he has worn his West Milford jacket, it has been commented that West Milford is a top donor in New Jersey.

Councilman Schimmenti – thank Jennifer Smolinski and Daniel McGrath for representing West Milford.

Councilwoman Lichtenberg – seconded Councilman Schimmenti's comments and commended all of the soldiers serving in Iraq and Afghanistan.

Councilman Weisbecker – Echoed the sentiments of others in expressing pride in our soldiers . He too is proud of Jennifer Smolinski. She should be saluted and supported. He respects the armed services and all volunteers. They are protecting our way of life. He commended Councilman Smolinski and his family. He supports all blood drives.

Mayor Bieri – stated that she asked for the Road Assessment program to be put back on the agenda and with thanks to the Engineering Department, the Administration and the Council, it is on the agenda. She said that prioritizing will take time and is based upon time, staffing and money. She said that her daughter gives blood regularly at school and at home. She commented that she feels some people have lost sight of the fact that Stainsby Road is a Township road. She said that paving and striping it was a directive that she will stand by . This has taken a lot of time and is far from a comedy. She stands by it being the right decision for the Township.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

The following items were acted upon by the Town Council:

Agenda No. VII 1

~ Ordinance 2008 - 017~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, ADMINISTRATION OF GOVERNMENT, ARTICLE IX, DEPARTMENT OF PUBLIC SAFETY, SECTION 15-47, DIVISION OF FIRE SUPPRESSION, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SUBSECTION (L), AUXILIARY MEMBERS

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

SECTION 1. Chapter 15, Administration of Government, Article IX, Department of Public Safety, Section 15-47, Division of Fire Suppression, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Subsection (L), Auxiliary Members, to read as follows:

L. Auxiliary Members.

- (1) Within the Division of Fire Suppression there shall be auxiliary members, who shall be subject to the following provisions:
 - (a) The purpose of establishing the position of auxiliary members within the Division of Fire Suppression shall be to supplement and administratively assist the West Milford Township Volunteer Fire Companies in the performance of its duties.
 - (b) Each auxiliary officer shall be at least eighteen (18) years old and assigned to one of the six (6) fire companies in the Township.
 - (c) Each fire company within the Township may have auxiliary members to be appointed by the Mayor upon recommendation of the Fire Commissioner. Any

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 23

- applicant denied membership shall have the right to appeal pursuant to Subsection J.
- (d) Auxiliary members shall receive no clothing allowance or L.O.S.A.P. and shall have no voting powers. Auxiliary members shall not be allowed to hold any offices within the Division of Fire Suppression except that members shall be permitted to hold a civil position if no other individual shows interest or is qualified to hold such office within such individual fire company.
 - (e) The status, administrative assignment and supervision of auxiliary members shall be under the control of the applicable fire company Chief.
 - (f) Auxiliary members will have no seniority and will have no line number in the Fire Suppression Division.
 - (g) Auxiliary members shall provide their respective volunteer fire company, to which they are assigned or appointed, assistance in the administrative functions and operations of the fire company.
 - (h) Any auxiliary member who wishes to move to active membership in the volunteer fire company must complete all requirements established by the applicable fire company bylaws and Township Code provisions.

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

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

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

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

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for May 7, 2008 and it shall be advertised as required by law.

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

Discussion: Councilman Nolan stated that each fire company is a non-profit corporation. His concern is that by adopting this Ordinance by-laws of those organizations may be adversely affected. Councilman Scangarello said that this is new because they never had auxiliary firefighter volunteers. No concerns have been expressed about bylaws. The only concern they have is that the appointment is by the mayor. They wish to have the right to appoint. Township Attorney Semrau clarified that it is a customary practice which is used to confirm appointments. It is more administrative rather than an appointment. Councilman Scangarello asked for notice explaining that to them. Councilman Smolinski asked why there is mayoral appointment. Township Clerk Battaglia explained that from an administrative perspective the appointment is by the mayor on the recommendation of the fire commissioner. This begins an administrative process of tracking the volunteer for purposes of LOSAP and other entitlements. Councilman Weisbecker asked regarding Section C, where applicants are denied pursuant to section J, where the Section J was. Township Attorney Semrau stated that Section J is the appeals section of the code. It already exists in this section of the code. Councilman Nolan asked why this ordinance is needed. He feels that each fire company can insert this into their bylaws. Township Attorney Semrau said that this came to his attention through the town. He recommends that they keep it so the Township may track the volunteers. He said that he will defer to Interim Administrator Battaglia regarding the terminology of Mayor vs. Administrator.

Agenda No. VII 2
~ Ordinance 2008 - 018~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 414, "FEES, LAND DEVELOPMENT", SECTION 414-2 "SOIL REMOVAL AND SOIL FILL PERMITS" OF THE LAND DEVELOPMENT ORDINANCE

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 414, "Fees, Land Development," Section 414-2 "Soil Removal and Soil Fill Permits," of the aforesaid Land Development Ordinance for the Township of West Milford is hereby amended and supplemented to read as follows:

§414-2 Soil removal and soil fill permits

In accordance with Chapter 460, Soil Removal and Soil Fill, fees for a soil removal or soil fill permit are as follows:

- A. Minor soil removal or soil fill permit: \$100 plus inspection fees required during the course of operation.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 23

- B. Major soil removal or soil fill permit: \$750 initial escrow fee deposit, plus \$0.05 per cubic yard of soil to be moved or removed, 1/3 of which shall be paid upon the filing of an application. The balance of the permit fee shall be prorated as determined by the Planning Board, based upon the anticipated period of time of the operation and the proposed schedule of soil removal, fill or movement.

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 shall take effect upon final passage and approval in accordance with law.

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for May 7, 2008 and it shall be advertised as required by law.

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

No discussion

~ Ordinance 2008 - 019 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 110, CONSTRUCTION CODES, UNIFORM, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SECTION 110-7, ADDITIONAL REQUIREMENTS FOR RESIDENTS OF LAKE COMMUNITIES

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 110, Construction Codes, Uniform, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Section 110-7, Additional requirements for residents of lake communities, to read as follows:

§ 110-7. Additional requirements for residents of lake communities.

- A. Applicability. All residents whose property is part of a Property Owners Association within the Township of West Milford shall, in addition to the requirements for obtaining building and/or construction permits through the Township Planning and Building Department, and pursuant to the Uniform Construction Code, provide notice to their respective Property Owners Association as to the filing of the building and/or construction permit(s).
- B. Procedure. All applicants for a building and/or construction permit, shall, within five (5) business days of the filing of such permit(s), notify their respective Property Owners Association, via regular and certified mail, return receipt requested, of their intentions in applying for such building and/or construction permit(s). The notification shall be in the form of a copy of the application and shall be addressed to the Property Owners Association. The Property Owners Association shall have fourteen (14) calendar days, upon receipt of the notice, to review same and to place any objections it may have as to the permit application with the Township Planning and Building Department. Failure of the Property Owners Association to respond within the fourteen (14) calendars or failure of the Property Owners Association to respond at all to the notification, shall consider such notification to be acceptable to such Association.
- C. Enforcement. The provisions of this Section shall be enforced by the Township Construction Code Official.
- D. Violations and penalties. Lake resident property owners found to be in violation of this Section shall be subject to a penalty of \$250.00 per offense. For purposes of this Section, failure to provide the adequate notice on each and every building and/or construction permit application shall be considered a separate 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 Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for May 7, 2008 and it shall be advertised as required by law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 23

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

No discussion

Agenda No. VII 4
~ Ordinance 2008 - 020 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 135, "FEES AND COSTS," OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SECTION 135-42, "MARRIAGE AND CIVIL UNION CEREMONIES"

WHEREAS, N.J.S.A. 37:1-13 et seq. permits Mayors to perform such ceremonies to solemnize marriages and civil unions; and

WHEREAS, in accordance with N.J.S.A. 40:48-1, fees collected in association with the service or performance of a marriage or civil union ceremony shall be established and collected pursuant to an ordinance.

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 1. Chapter 135, Fees and Costs, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Section 135-42, Marriage and Civil Union Ceremonies, to read as follows:

§ 135-42. Marriage, civil union and domestic partnership ceremonies.

The Township shall impose a fee of \$100.00 for marriage, civil union and/or domestic partnership ceremonies conducted by the Mayor pursuant to N.J.S.A. 37:1-13 et seq. Said fee shall be collected by the office of the Township Registrar.

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

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

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

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

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for May 7, 2008 and it shall be advertised as required by law.

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

No discussion

Agenda No. VII 5
~ Ordinance 2008 - 021 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 420, LAND USE PROCEDURES, SECTION 420-6, DEFINITIONS AND CHAPTER 500, ZONING, ARTICLE IV, COMMERCIAL DISTRICTS, OF THE REVISED GENERAL ORDINANCES PERTAINING TO THE LAKE COMMERCIAL ZONE

TABLED TO JUNE 4, 2008 WORKSHOP MEETING

Councilman Nolan motioned to Table Ordinance 2008-021 and seconded by Mayor Bieri.

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

Discussion: Councilman Nolan stated that at a previous Workshop Meeting the issue was raised regarding adult entertainment. If excluded in the Lake Community Zone, it must be allowed elsewhere in

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 23

township. He feels this Ordinance has changed considerably and asked if the Council can legally put into effect this Ordinance if the Township does not have an area in town. He questioned if it should go to the Planning Board and the Bistate Commission. Councilwoman Lichtenberg expressed concerns surrounding oil companies. Township Attorney Semrau asked the Council allow him additional time to review this further stating that there must be care in how the municipality addresses the prohibiting of adult entertainment. He asked the council to table this pending his further research and report back. He is concerned about how it is set forth here. Mayor Bieri asked Township Attorney Semrau to be allowed to do research and to send this back to the Planning Board, Environmental Committee and Bistate Commission for their comments before moving this forward. Councilman Smolinski said that these are the same issues brought up at a July workshop meeting. He asked what has happened since then. Direction was to have this issue discussed at the next Planning Board meeting. Township Attorney asked if the Council wanted this sent to the Planning Board to coordinate all comments. It was agreed that it must be back to Council for the 6/4/08 workshop packets. Councilman Smolinski asked Mayor Bieri to make this a priority.

The following Resolutions 2008-150, 2008-152, 2008-153, 2008-154, 2008-155, 2008-156, 2008-157, and 2008-158 were moved as one.

Councilman Nolan stated that he would like to have discussion on Resolution 151.

Agenda No. VII 6
~ Resolution 2008 - 150 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING FOR AND ACCEPTANCE OF A 2007 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.

Agenda No. VII 7

~ Resolution 2008 - 151 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF PASSAIC FOR THE REHABILITATION OF WESTBROOK PARK

TABLED TO THE APRIL 23, 2008 TOWNSHIP COUNCIL WORKSHOP MEETING

Discussion: Councilman Nolan stated that after reading the Resolution he has concerns with taking \$60,000 from the Open Space Fund for the rehabilitation of Westbrook Park. He feels tht the Township cannot use Open Space Funds for this purpose. He suggested that the Finance Director, Arthur Magnotti be asked about the Certification of Funds.

Councilman Scangarello motioned to Table Resolution 2008-151 and Councilwoman Lichtenberg seconded.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 23

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

Agenda No. VII 8

~ Resolution 2008 – 152 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO SCHENLEY CONSTRUCTION, INC. FOR RIDGE ROAD IMPROVEMENTS – SECTION 3, CONTRACT 2

WHEREAS, the Township of West Milford solicited bids on February 20, 2008 at 10:15 a.m. for Ridge Road Improvements – Section 3 Contract 2; and

WHEREAS, in response to the “Notice to Bidders” the Township received eight (8) bids; and

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

WHEREAS, the bid received from the low bidder Crossroad Construction Corp. has been determined to be disqualified by the Township Attorney as having prior negative experience pursuant to the provisions of the Local Public Contracts Law and specifically, N.J.S.A. 40A:11-4; and

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Schenley Construction, Inc., 731 Warwick Turnpike, Hewitt, NJ 07421; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number C-04-07-943-624; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Schenley Construction, Inc. for Ridge Road Improvements – Section 3 Contract 2.

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

1. The Township Council hereby awards a contract to Schenley Construction, Inc. in the amount of \$676,035.55.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Schenley Construction, Inc. in accordance with its bid for Ridge Road Improvements – Section 3 Contract 2.
3. The Township’s Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Agenda No. VII 9

~ Resolution 2008 – 153 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO NACIREMA ENVIRONMENTAL SERVICES CO., INC. FOR HYDRAULIC HAMMER SERVICES

WHEREAS, the Township of West Milford solicited bids on February 29, 2008 at 10:15 a.m. for Hydraulic Hammer Services; and

WHEREAS, in response to the “Notice to Bidders” the Township received three (3) bids; and

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

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Nacirema Environmental Services Co, Inc, P.O. Box 183, Bayonne, NJ 07002; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number C-04-07-943-624; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 23

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

1. The Township Council hereby awards a contract to Nacirema Environmental Services Co, Inc. in the amount of \$49,975.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Nacirema Environmental Services Co. Inc. in accordance with its bid for Hydraulic Hammer Services.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Agenda No. VII 10

~ Resolution 2008-154 ~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing the Purchase of TRAFFIC STRIPING ON ROADWAYS through the Morris County
Cooperative Purchasing Council, Contract #36 to DENVILLE LINE PAINTING, inc.**

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #36, traffic striping on roadways to Denville Line Painting, Inc.

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Traffic Striping in 2008; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase traffic striping on roadways through the Morris County Cooperative Purchasing Council, Contract #36 in an amount not to exceed \$80,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers C-04-07-943-624 (\$35,000.00) and 8-01-26-290-623 (\$45,000.00).

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

1. The Township Council hereby authorizes the Township Engineer to purchase Traffic Striping on Roadways, in an amount not to exceed \$80,000, through the Morris County Cooperative Purchasing Council, contract #36, to Denville Line Painting, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Agenda No. VII 11

~ Resolution 2008-155 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
JERSEY AUTHORIZING ISSUANCE OF DUPLICATE MUNICIPAL TAX SALE CERTIFICATES
PERTAINING TO DOCKET NO. F-6945-05**

WHEREAS, at a Municipal Tax Sale conducted by the Tax Collector of the Township Of West Milford, on July 28, 1981, covering Block 3703, Lot 5.01 Tax Sale Certificate No. 81-47, was sold to the Township Of West Milford; And

WHEREAS, at a Municipal Tax Sale conducted by the Tax Collector of the Township Of West Milford, on October 28, 1980, covering Block 13808, Lot 14, Tax Sale Certificate No. 80-74 was sold to the Township Of West Milford; and

WHEREAS, a foreclosure of these and other municipal tax sale certificates appears in the foreclosure by the Township Of West Milford under, Docket No. F-6945-05, in which Tax Sale Certificate No. 81-47 is noted as Schedule No. 10, and Tax Sale Certificate No. 80-74 is noted as Schedule No. 17; and

WHEREAS, the Tax Collector has been noticed by counsel conducting the foreclosure of Municipal Tax Sale Certificates that the aforesaid tax sale certificates are not recorded within the county

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 23

recording office, as required in furtherance of the foreclosure of these and other municipal tax sale certificates; and

WHEREAS, the Tax Collector is unable to locate the original Tax Sale Certificate of 81-47 and 80-74, which appear to be lost, and that the official records maintained in the office of the Tax Collector do not reveal that these municipal tax sale certificates have been assigned, transferred or otherwise disposed or discharged and the liens are open and enforceable;

NOW THEREFORE BE IT RESOLVED, by the Council Of The Township Of West Milford as follows:

1. Pursuant to the authority in N.J.S.A. 54:5-52.1 the Tax Collector of the Township Of West Milford is granted the authority to issue and execute a duplicate Certificate of Tax Sale to the Township OF WEST MILFORD for Tax Sale Certificate No(s) 81-47 covering Block 3703, Lot 5.01, appearing as Schedule No. 10 in Docket No. F-6945-05; and as to Certificate Of Tax Sale No. 80-74, covering Block 13808, Lot 14, appearing as Schedule No. 17 in the aforesaid foreclosure complaint.
2. That affixed or appearing on each of the Tax Sale Certificates a statement that the newly issued Municipal Tax Sale Certificate is a duplicate of the original one which has been lost or destroyed and shall contain the duplicate date of the original tax sale, the date of the tax sale and the name of the Tax Collector issuing the duplicate certificate.

That the Tax Collector or Designee shall arrange for recording of each duplicate issued tax sale certificate with the County recording office.

Agenda No. VII 12

~ Resolution 2008-156 ~

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

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

Section 1. 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 (#2005-12), 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 therefore.

Section 2. 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 (#2007-07), 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 therefore.

Section 3. 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.

Section 4. The following matters in connection with said Bond Anticipation Notes are hereby determined:

- a) 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 one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and 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;
- b) 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
- c) 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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 14 of 23

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.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. 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 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.

Section 9. 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.

Section 10. This resolution shall take effect immediately.

Agenda No. VII 13

~ Resolution 2008-157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A SAFETY COMMITTEE

WHEREAS, the Mayor and Township Council desires to establish a Safety Committee to review and discuss with management safety issues concerning the Township of West Milford.

WHEREAS, the purpose of the Safety Committee is to provide greater flexibility in complying with future safety requirements and meeting the needs of the Township of West Milford.

MEMBERSHIP: The Committee shall consist of seven (7) members as follows:

- 1 Staff Member - Health Department
- 1 Staff Member - Building & Planning Departments
- 1 Staff Member - Administration
- 1 Staff Member - Police Department
- 1 Staff Member - Department of Public Works
- 1 Staff Member - Fire Department
- Fire Commissioner

WHEREAS, the Personnel Administrator shall serve as the secretary to the Safety Committee responsible for providing meeting notifications, preparing agendas, and filing related reports with the Morris County Joint Insurance Fund (JIF) and/or its affiliates as necessary.

WHEREAS, each of the following organizations shall be notified of every scheduled safety meeting to provide them an opportunity to send one representative to the meeting, said representatives to be afforded the right to fully participate in the meeting(s):

- Each of the Township's Bargaining Units
- Ambulance Squad(s)
- Township's Insurance Committee

BE IT FURTHER RESOLVED, that the Safety Committee shall report to the Township Administrator, making recommendations, rendering opinions and providing input with respect to safety issues affecting the Township of West Milford.

Agenda No. VII 14

~ Resolution 2008-158 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 15 of 23

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A PASSAIC COUNTY GRANT FOR CULTURAL AND EDUCATIONAL PROGRAMS FOR THE WEST MILFORD CITIZENS AGAINST SUBSTANCE ABUSE (CASA) COMMITTEE

WHEREAS, the Mayor and Township Council of the Township of West Milford has determined that there is a need for cultural events and educational programs for residents of all ages and abilities; and

WHEREAS, Passaic County has grant monies available that may be used to assist the Township in realizing this goal; and

WHEREAS, the West Milford Department of Community Affairs and Recreation has developed a series of cultural and educational programs that could benefit from these funds.

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of West Milford hereby authorizes the submittal of Passaic County Grants as follows:

- 1) Senior Citizens "Friends of Friday" program - grant in the amount of \$700.00
- 2) Family and Youth "Mischief Night Bonfire" event – grant in the amount of \$2,000.00
- 3) Middle School "Olweus Bullying Program – grant in the amount of \$330.00

WHEREAS, as a provision of the grant process, the Township will be required to provide matching funds in the amount of \$757.50 if the grant application is successful and;

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account no. 8-01-41-705-657.

NOW, THEREFORE, BE IT RESOLVED that the Director of Community Affairs and Recreation is hereby authorized and directed to arrange for the submission of grant applications for the above referenced purposes and the acceptance of said grant monies.

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

Agenda No. VII 15

~ Resolution 2008-166 ~
A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO THE NEW JERSEY DIVISION OF PARKS AND FORESTRY FOR THE USE OF THE FORMER JUNGLE HABITAT PROPERTY TO HOLD A FIREWORKS DISPLAY

WHEREAS, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 3, 2008 with a rain-date of July 11, 2008; and

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

WHEREAS, the Recreation Director has obtained said approval from the State of New Jersey Department of Environmental Protection for the use of the property for this purpose.

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and Garden State Fireworks to the New Jersey Division of Parks and Forestry, Ringwood State Park for the use of the former Jungle Habitat property to conduct a fireworks display on July 3, 2008 with a rain-date of July 11, 2008 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 17 of 23

DEFEATED BY UNANIMOUS ROLL CALL VOTE

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

Discussion: Councilman Weisbecker stated that he would like to see something stating that the Township Council will address this dangerous tressel before signing off on this Resolution, expressing that the Township has requested this in the past. His concern is that the danger will continue to slip through the Council's fingers. He feels that the Township should secure something from the Railway company which shows real faith from them towards remedying the problem. Interim Township Administrator Battaglia explained that grants have been applied for by the railroad which outline the scope of work to be performed. Each municipality that is affected is required to provide a Resolution to the railroad allowing such work. There is no room for modification without jeopardizing the grant funding. She said that she has spoken to the company regarding the tressel and it was explained to her that the tressel is the responsibility of the NJ Department of Transportation. The railroad company has a good working relationship with the DOT and they feel that they would be able to assist in opening communication between West Milford Township and the NJDOT. Councilman Nolan suggested to vote down the Resolution and request a representative from the railroad to appear before the Council to address concerns. Interim Township Administrator Battaglia said that she will call the railroad on 4/10/08 to schedule this.

Agenda No. VIII

Consent Agenda

~ Resolution 2008 - 159 ~

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

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

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

Resolutions:

- a. Resolution 2008 - 160 - Refund Overpayments
b. Resolution 2008 - 161 - Refund Performance Guarantees
c. Resolution 2008 - 162 - Refund Site Improvement Plan Fee

Applications:

- a. Application for Carnival Games License - Our Lady Queen of Peace Church
b. Application for Off Premise Draw Raffle - Our Lady Queen of Peace Church
c. Application for On Premise 50/50 License - Our Lady Queen of Peace Church

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution 2008 - 160 ~

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

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

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

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

REASONS: TAX SALE MUA

Table with 4 columns: Block/Lot, Name, Amount, Year

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
 Date of Meeting: April 9, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 23

3602-1	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$429.06	2007
4104-5	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,179.34	2007
4107-2	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,244.28	2007
4201-26	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$242.34	2007
6203-1	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,037.20	2007
6714-7	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$462.46	2007
7801-23.02	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$921.82	2007
7801-40.05	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,279.18	2007
8301-3.02	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,307.16	2007
8401-3.01	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,623.59	2007
8901-11	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$645.74	2007
9703-1	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,563.69	2007
9705-11	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,502.00	2007
9710-18	West Milford MUA, 1480 Union Valley Road West Milford, NJ 07480	\$1,323.06	2007
TOTAL		\$14,760.92	

Agenda No. VIII b

~ Resolution 2008 - 161 ~

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

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

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Puritan Building 41 Stetson Road Ringwood, NJ 07456	2202/1	\$2,050.00	67

Agenda No. VIII c

~ Resolution 2008 - 162 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF SITE IMPROVEMENT PLAN FEE

WHEREAS, Bruce Demay, 243 Otterhole Road, West Milford, NJ applied for a Site Improvement Plan for grading at his residence; and

WHEREAS, the Construction Official has determined that the footprint of the area is under 500 square feet and does not require a Site Improvement Plan; and

WHEREAS, the Construction Official recommends the refund of the Site Improvement Plan fee in the amount of \$125.00 to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$125.00 to Bruce Demay, 243 Otterhole Road, West Milford, NJ to refund the aforementioned plan fee.

Payment of Bills

Agenda No. IX

~ Resolution 2008 - 163 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
 Date of Meeting: April 9, 2008
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 19 of 23

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	\$362,332.02
	Current Account Amended	\$361,957.02
2	Reserve Account	44,783.56
	Reserve Account Amended	43,267.65
3	Animal Control Trust	150.00
6	Capital.	126,403.20
7	Grants.	2,543.56
8	Refuse.	185,642.52
9	Refunds.	14,885.92
12	General Ledger.	3,757.00
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	2,161.52
18	Development Escrow.	3,935.50
19	LOSAP	
20	Special Reserve	5,350.00
Total		\$751,944.80
Total Amended		750,053.89
Less Refund Resolution		(14,885.92)
Actual Bill List		\$737,058.88
Actual Bill List Amended		\$735,167.97
Other Payments		495.00
Less Refund Resolution		
Total Expenditures		\$737,553.88
Total Expenditures Amended		\$735,662.97

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

Discussion: Councilman Nolan addressed concerns regarding delayed invoicing from Accurate Analytical. He felt that not only were they delayed but that they also referred to attached paperwork which was not attached. The invoice was removed from the bill list. Regarding payment to the Trump Taj Mahal Casino, he questioned why the Township would send the Township Construction Official, who was 6 weeks away from retiring, to a conference and pay \$250 per night for hotel accommodations. It was motioned to remove this from the bill list. Councilman Nolan additionally brought to the attention of the Council that an invoice from Weiner, Lesniak, dated January 2008, regarding Castle Rock was issued after their contract with the Township had expired on December 31, 2007. Interim Township Administrator explained that she had spoken to the Planning Director who indicated that no attorney had been appointed to the Planning Board and that a need arose whereby they reached out for advice. Township Attorney Semrau reminded the Council that the Castle Rock matter is before United States Supreme Court and that it did have movement at that time. Councilman Nolan requested a separate vote on that particular bill. He also expressed concern over a \$380.50 charge from Weiner, Lesniak relating to Omnipoint, dated May 2006. He said that it was coming out of the developers escrow account but wondered why such a delay in the Township receiving invoicing. Interim Township Administrator Battaglia explained that the funding was in the account but that the secretary at the time for Weiner, Lesniak had experienced extreme personal problems and a result of this was invoices being misfiled. Councilman Nolan further questioned an invoice from Weiner, Lesniak in the amount of \$44.41 for work and charged against a retainer from 2007. He noted that at the end of the bill there was a prepaid cash balance remaining of \$1068. He asked Township Attorney Semrau if this could be expected to be returned to the Township. Township Attorney Semrau said that he will need to look at the contract and determine the structure. Councilman Nolan asked to table the entire Weiner, Lesniak payment with the exception of the escrow payment. Councilwoman Lichtenberg questioned payment to the West Milford

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 23

Animal Shelter each month. Interim Township Administrator Battaglia explained that the invoicing was for a contractual fee. She said that she had spoken with the Animal Control Officer regarding the vouchers for three months being submitted at one time and it was explained to Ms. Battaglia that this was an exception. Mayor Bieri clarified that the fee was calculated in 1994 and was based on Township costs at that time. It is adjusted annually by a cap rate. She said that the Animal Shelter has not requested additional funds since. Councilman Nolan, revisiting the invoicing from Weiner, Lesniak requested that payment be delayed on the first four items of the invoice until Township Attorney Semrau has had time to research the prepaid cash balance. The rest of the bills from escrow are okay to pay. Councilman Smolinski requested information regarding an invoice for a backstop. Councilman Nolan explained that it is for the Mount Laurel field and provided Councilman Smolinski with a copy of the voucher.

Agenda No. IX

~ Resolution 2008 - 169 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO REPRESENT THE TOWNSHIP
IN THE MATTER OF WEISBECKER V. WEST MILFORD SHOULD THE NEED FOR SAME ARISE**

WHEREAS, petitions for the 2008 primary election for two Council seats were due in the office of the Township Clerk by 4:00 p.m. on April 7, 2008 in accordance with N.J.S.A. 19:23-14; and

WHEREAS, the Municipal Clerk did not accept a petition that was presented for filing at 4:04 p.m. by Councilman Philip Weisbecker; and

WHEREAS, the Township Attorney has been advised that the petitioner will institute legal proceedings to have his petition accepted; and

WHEREAS, if such proceedings are initiated, the Township Attorney, Fred Semrau, Esq. would have a conflict and would be unable to represent the Township and the Municipal Clerk in such proceedings; and

WHEREAS, because the need for such services will be very time sensitive this contract shall be considered to be emergent thus negating the provision that pay-to-play and attorney ethics documents be placed on file before proceeding with this contract.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to enter into a contract with Robert Greenbaum, Esq. of 1500 Route 517, Suite 214, Hackettstown, NJ 07870 at an hourly rate of \$150 for an amount not to exceed \$1,000 to represent the Township and the Municipal Clerk should legal proceedings be instituted by Councilman Philip Weisbecker with regard to the late filing of a petition for Township Council; and

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

BE IT FURTHER RESOLVED should the need for such legal representation result in the execution of a contract, encumbrances for said legal fees shall be made from account number 8-01-20-100-450; and

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

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

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilwoman Lichtenberg – reminded that the annual Roadside Cleanup is scheduled for April 19 and to sign up by calling the Township Recycling Department at 973-728-2724. She noted that the picnic being held for the volunteers was going to be at Town Hall from 12pm-3pm. She also reminded everyone that the Sexual Assault and Awareness workshop was being held at PAL on April 13 from 1-3pm. She also mentioned that the West Milford Heritage Committee would be hosting three upcoming afternoon talks at

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 21 of 23

the West Milford Museum. Other community events that she mentioned were the May 3rd Greenfest and the May 17th Tennis Tournament. She is available at Town Hall on Thursdays from 10am-12pm.

Councilman Scangarello – spoke regarding the Relay for Life and asked if County assistance is required to paint a purple road stripe. He asked Interim Township Administrator Battaglia to work with Councilwoman Lichtenberg regarding this. He remarked that Century 21 Realtors were taking old cell phones and distributing them to the troops overseas for use with calling cards. He also provided information regarding the costs of a Hydraulic Hammer and said that it would cost between \$70,000 and \$100,000 not including equipment that would cost approximately \$450,000. He feels that rental of the equipment is best. He again, recognized the services of West Milford resident, Daniel McGrath and his participation in the rescue of the Alaskan fishing vessel.

Councilman Weisbecker – stated that he has participated several times in the Relay for Life and encourages all to participate. He said that in the past there were luminaries lining the track and that it is an amazing sight at night. He reiterated that the Roadside Cleanup picnic this year is at Town Hall and not at Bubbling Springs. He said that the Beautification and Recycling Committee has worked very hard on this. He then asked Interim Township Administrator Battaglia to contract Fire Commissioner Steines regarding equipment that had been used to extinguish a fire that happened in the basement of the former Planning Board secretary's home. He would like to know more about the equipment such as its cost, ease of portability etc. stating that the Council may want to consider such equipment in their budget. He finished his report by stating that it was his birthday and that he would be leaving the meeting at this time.

Councilman Smolinski – said that he thought the equipment used at the aforementioned fire might be charged back to the homeowner, payable by their insurance company and that it would be worthwhile looking into. He mentioned that the recently installed new boiler at Hillcrest School had saved the Township \$4500 in natural gas from the month of February to March when compared to 2007. He asked, generally, the status of the survey regarding heating and air-conditioning. It was replied that the survey was with the Energy Committee. He wished good luck to the West Milford Township High School Band who is leaving for Scotland on April 19. He expressed that their trip was very exciting and took a great deal of organization on everyone's part. He wished them luck and to be safe.

Councilman Schimmenti – expressed that the Relay for Life is a very touching event and he urged everyone to participate. He also mentioned that Baseball season is here and that opening day is scheduled for April 18 at Hillcrest for West Milford Little League.

Councilman Nolan – reminded those in attendance of the Blood Drive on April 20 and also of the School Board election on April 15. Polls will be open from 2-9pm. He said that the ballot contained the names of three trustees as well as the question of the budget. Last year the budget lost by three votes. Only 15% of Township registered voters voted last year. He also spoke about recent internet scams directed towards senior citizens. He stated that the government does not contact anyone via email and therefore do not answer these types of email correspondence. He mentioned that he had recently attended the Pequannock River Coalition award ceremony and that two West Milford citizens were honored. Bev Pontillo was awarded for organizing the Heart of the Highlands 5K run last year and she will be doing so again this year. The Outpublic Service Award was also given to Mayor Bieri. He ended the overview of the awards to which the audience responded with applause. He further spoke about fiscal responsibility and referred to his questioning a bill for a Recreation Dept. vehicle turbo charger at a prior meeting. He said that the Council should look at the bid specifications because in this instance, the pick up truck does not need a turbo charger. He also mentioned paying \$800 to Stephen Glatt for his attendance at a Planning Board meeting which lasted ½ hr. He feels that it is particularly egregious in consideration of the recent tax increase extended to Township homeowners. He lastly referred to a memo addressed to him from the Township Administrator which was contained in the Council packets. This memo referred to a telephone call from the Ramsey, NJ Police Department regarding a West Milford Township Fire Truck at the Olive Garden Restaurant in Ramsey. He asked that the Fire Commissioner come to a meeting to discuss this memo and explain what happened.

Mayor Bieri – reminded all in attendance that Volunteer Night is April 23 which is when the Mayor and Council will be awarding the Volunteer of the Year Award as well as the Lifetime Volunteer Award. The 2007 Volunteer of the Year Award is going to Mr. Ed Rodda and the Mary B. Haase Lifetime Volunteer Award is being given to the late James Obryant. She said that she will be unable to attend the Sexual Assault Awareness Seminar on April 13th but recognizes the importance of this event and those who've organized it. She said that she has received correspondence and complaints from residents regarding the intersection of Greenwood Lake Turnpike and Marshall Hill Road expressing that this is a confusing intersection. She assured that the project is not yet complete and that there will be additional striping and lighting and that she has asked for additional signage, one to be installed by the county and others to be installed by the Township.

Interim Administrator and Township Clerk Battaglia – advised that there will be a Special Budget Meeting on April 17. She also brought to the Mayor and Council's attention that the Township Tax Collector was very proud of the success of the recent Tax Sale and would have a report forthcoming. Regarding Councilman Nolan's concern with the Fire Department she said that the Fire Commissioner has issued a

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 22 of 23

memo regarding taking equipment out of the Township for non-emergency uses, stating that pre-approval is now required. Regarding the other matters, they are in the process of being researched.

Township Attorney Fred Semrau – reviewed some of the items which were due to be discussed at the Executive Session. Random Woods is in further negotiation regarding the Township’s potential acquisition of the Random Woods property, Jungle Habitat pertains to the lease that the Township has been in negotiation with the State of New Jersey. Regarding block 2801, lot 1, a potential acquisition, he asked that discussion be deferred to another night. He explained that Hillcrest is the school lease which is in negotiation between the Township and the Board of Education, and that Apple Acres is an open space acquisition where there was some level of pesticide contamination. Personnel matters pertain to the Health Officers position. He said that there was an issue this week about filing of a petition. He has advised Township Clerk Battaglia about this and was subsequently advised by Larry Tossi, Esq, that Councilman Weisbecker would be filing action in court. Mr. Semrau expressed that if he does that there is concern of his being conflicted. He said that he has contacted three attorneys for the Township to contact for representation in this matter. He gave the names of Robert Greenbaum, Hackettstown; Richard Cushing, Clinton Twp., and Robert Oosdyk, West Milford. He said that this is always open to other suggestions. He recommends that the hourly rate be at \$150/hr and not to exceed \$1000. He says that it is appropriate for him to step aside because Councilman Weisbecker is a sitting Councilman. He said that Township Clerk Battaglia has drafted a Resolution and if it is agreeable he is asking for the hiring of one of the attorneys he had mentioned. He said that all three attorneys have expressed their agreement to the \$150 per hour rate. It was motioned to appoint Mr. Greenbaum and was seconded. Mr. Semrau read the Resolution into the record. Councilman Schimmenti asked if the Township could be reimbursed for this litigation and Mr. Semrau said that he will relay this question to the attorney which is selected.

Agenda No. XI

Appointments

Agenda No. XI 1

~ Resolution 2008-164 ~

RESOLUTION OF APPOINTMENT TO THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY

Township Council Appointment:

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby make the following Citizen Member appointment to the West Milford Municipal Utilities Authority to fill the vacant Citizen Member position, which term expires on 01/31/2012:

James M. Burns, Citizen Member – Term expires 01/31/2012

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

Agenda No. XII

Executive Session

~ Resolution 2008-165 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 9th day of April, 2008, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: April 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 23 of 23

- Random Woods
- Jungle Habitat
- Hillcrest
- Apple Acres
- () 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.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- (X) 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).

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:59 p.m.

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

Approved: June 11, 2008

Respectfully submitted:

Judy Manning, Part-time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK

TOWNSHIP CLERK+-