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

Minutes of: Township Council Regular  
Date of Meeting: May 6, 2009  
Time of Meeting: 7:30 P.M.  
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this 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 (arrived @ 7:37 p.m.)  
Salvatore Schimmenti, Robert Nolan (arrived @ 7:42 p.m.), 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**

Motion to approve February 11, 2009 Regular Meeting

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

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Agenda No. II

**Presentations**

Jackie Kashmer, Bat World New Jersey - Ms. Kashmer advised the council that she is the Director of Batworld located in Alexandria New Jersey. She stated that nine species of bats on the entire east coast of the United States are dying off in large numbers. The bats are being subjected to a fungus during hibernation which is attacking their immune system causing them to freeze or starve to death when they emerge. The fungus becomes embedded in their wings and, when possible, the DEP is treating those that can be saved. She is hoping that the DEP will approve a spraying in the mines where the bats hibernate so that the disease can be stopped. The mortality rate has been as high as 100% in some caves and the disease has become known as "white nose syndrome". It is possible that the State will start a captive colony of bats next year to prevent their extinction. Bats, she said, serve a useful purpose and minimize the need for pesticides. If one should see a bat on the ground, that bat needs your help. Don a glove or get a towel and pick the bat up, place the bat in a box with air holes, and call her. She will have someone come to pick the bat up and rehabilitate it. Ms. Kashmer sought to dispel rumors and old wives tales about bats saying that bats fly around seeking bugs and they do not fly into one's hair. They are gentle and shy creatures whose extinction would be devastating to the balance of nature. She left her business cards and urged people to visit her website at [www.batworld.org](http://www.batworld.org).

Councilman Weisbecker stated that there was an article in today's paper wherein various legislators from around the nation including New Jersey are seeking funding to protect bats and save them from white nose syndrome. He thanked Ms. Kashmer for her presentation. Ms. Kashmer advised that a representative from Senator Lautenberg's office visited her home earlier today to see her bats.

Agenda No. III

**Proclamations**

Myasthenia Gravis – Mayor Bieri read this proclamation aloud and advised that it will be mailed out tomorrow.

**Unfinished Business, Final Passage of Ordinances**

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

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

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

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

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

	<u>Application Fee</u>	<u>Escrow Fee</u>
<u>SUBDIVISIONS</u>		
Concept/Sketch Plat	One half (1/2) the application and escrow fee. If the application for development is filed within six months of the concept plan, full credit for the concept fees will be applied. After six months, the full application and escrow fees apply.	
Minor Subdivision	\$300	\$900 + \$300/lot
Preliminary Subdivision Plat	\$350 + \$100/lot	\$1,200 + \$300/lot
Final Subdivision Plat	\$250 + \$50/lot	\$1,200 + \$150/lot
<u>SITE PLANS</u>		
Concept/Sketch Plat	One half (1/2) the application and escrow fee. If the application for development is filed within six months of the concept plan, full credit for the concept fees will be applied. After six months, the full application and escrow fees apply.	
Minor Site Plan	\$200	\$800
Preliminary Site Plan	\$300 + \$.10/sq ft of proposed building & prop impervious coverage	\$800 + \$.30/sq. ft of prop. bldg. & prop. impervious coverage
Final Site Plan	\$200 + \$.10/sq ft of proposed building & prop impervious coverage	\$800 + \$.15/sq. ft of prop. bldg. & prop. impervious coverage
<u>AMENDED PLANS</u>		
	If filed within six months of the originally approved application for development one half (1/2) of the application and escrow fees apply. After six months, full application and escrow fees apply.	
<u>REVIEW AND INSPECTION OF DEVELOPMENT</u>		
	<u>Application Fee</u>	<u>Escrow Fee</u>
	2.0 times the individuals hourly rate	
<u>APPEALS NJSA 40:55D-70a</u>	\$150	\$500
<u>INTERPRETATION 40:55D-70b</u>	\$200	\$750
<u>VARIANCE NJSA 40:55D-70c</u>		
Private Road	\$55	\$450
Residential	\$205	\$950
Fencing on a Property containing a single-family dwelling	\$105	\$450
<u>USE VARIANCE NJSA 40:55D-70d</u>		
Additions to existing residences not exceeding a footprint of 250 sq. ft.	\$205	\$950
For signs	\$205	\$950
For all others	\$605	\$1,500
<u>ZONE CHANGE REQUEST</u>		
0 – 10 acres	\$ 250	\$1,500
10 – 100 acres	\$ 500	\$4,500
over 100 acres	\$1,000	\$7,500

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WIRELESS TELECOMMUNICATIONS \$1,000 \$4,000

FACILITIES

§414-4. Zoning Permits.

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

- A. The fee for a zoning permit for additions, accessory buildings and garage alterations for existing single-family owner-occupied dwellings shall be: \$50.00
B. Decks, fences, pools, sheds, walls and signs: \$40.00
C. Home Occupation: \$40.00
D. New Homes: \$75.00
E. Commercial: \$150.00
F. Commercial Additions: \$100.00
G. Change in Tenancy: \$20.00
H. Temporary Structures: \$40.00

§414-6. Temporary Outdoor Activity Permit

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

§414-7. Waiver of Application and Permit Fee.

The application and permit fees set forth herein shall be waived providing the applicant can demonstrate the following:

- 1. It is a non-profit organization evidenced by a 501(c)(3) status from the United States Internal Revenue Service; and
2. It receives funding from the Township of West Milford; and
3. The application is for a project that is for the benefit of the residents of West Milford.

Escrow fees may not be waived however the professionals should be encouraged to reduce their rates when such application or permit fees are waived.

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

INTRODUCED: March 25, 2009
ADOPTED: May 6, 2009
EFFECTIVE DATE: May 26, 2009

Mayor Bieri noted that this Ordinance was introduced on March 25, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

There being no comments from the public Councilman Weisbecker moved to close the public portion. Councilman Nolan seconded the motion which was carried by unanimous roll call vote.

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

Motion to adopt Ordinance 2009-005.

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

Agenda No. IV 2

~ Ordinance 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"

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**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**

**§ 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 individuals required to submit to same pursuant to this Article.

**§ 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.**

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- (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 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

Mayor Bieri noted that this Ordinance was introduced on April 8, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

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Motion to adopt Ordinance 2009-006

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

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Agenda No. IV 3  
~ Ordinance 2009 - 007 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSE TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 414, 420, 470, and 500 PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO ESTABLISH PROCEDURES TO PERMIT THE TEMPORARY OUTDOOR DISPLAY AND/OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONE DISTRICTS, TO PERMIT THE OPERATION OF FARMERS' MARKETS AND TO REPLACE THE PROVISION FOR A SITE PLAN WAIVER WITH NEW ADMINISTRATIVE PROCEDURES AND EXEMPTIONS AS AMENDED**

**TABLED TO LATER IN THE MEETING**

Mayor Bieri noted that this Ordinance was introduced on April 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this ordinance only.

There being no comments from the public, motion to close the public portion.

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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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Motion to place this ordinance on the table for discussion.

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

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Discussion: Councilwoman Lichtenberg asked if there are provisions in this ordinance that require a farmer's market to be ADA accessible. Mr. Semrau advised that there are no inspections or conditions outlined in the ordinance. ADA is a federal law that encourages people to comply but does not compel them to do so. Councilman Jurkovic expressed concern that the event references displays but does not reference sale of merchandise. He recommended that the language in the ordinance reference outdoor activity. Mr. Semrau asked for an opportunity to review the language before Council takes action.

Motion to table Ordinance 2009-007 to later in the meeting.

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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. IV 4  
~ Ordinance 2009 - 008 ~

**CALENDAR YEAR 2009 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year=s final appropriations, subject to certain exceptions; and,

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**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year=s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$235,443.01 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$824,050.54, and that the CY 2009 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED: April 22, 2009  
ADOPTED: May 6, 2009  
EFFECTIVE DATE: May 26, 2009

Mayor Bieri noted that this Ordinance was introduced on April 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Ada Erik, Macopin Road, West Milford asked if this ordinance is being enacted because of a deficiency in the municipal budget.

There being no further comments from the public, Councilman Weisbecker made a motion to close the public portion, seconded by Councilman Smolinski and carried by unanimous roll call vote.

Motion to close public portion

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

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Discussion: Administrator Boyle stated that this ordinance does not affect the 4% levy but rather allows for CAP relief next year if needed.

Motion to adopt Ordinance 2009-008.

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Moved: Weisbecker Seconded: Smolinski  
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.

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

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Andrew Abdul, 27 Lou Ann Boulevard, West Milford stated that he came before the Council in 2001 to say that his organization, the Association for Special Children and Families, has an interest in the Wallisch estate. If the Township obtains 100% ownership in this property his organization is still interested and is especially interested in occupying the buildings. They are now housed in cramped quarters utilizing one room at Hillcrest.

Renee Alessio, 39 Hillcrest Drive, West Milford stated that she is a former Chairperson of the Beautification & Recycling Committee and she recently sent an email to Council about the ongoing review of garbage & recycling contract renewals. She is a proponent of recycling and believes that local businesses should benefit from curbside collection of recyclables. This will increase recycling throughout the Township and protect the environment. Regardless of the limited enforcement, recycling is the law and people will comply if it is made convenient for them to do so. She encouraged everyone to attend the upcoming Sustainable West Milford festival.

Steve Eid, 102 Wayside Road, West Milford stated that he is a professional engineer and land surveyor and a resident of West Milford for 21 years. He expressed concern about a recent newspaper article which indicated that the Council may outsource the Engineering Department. He stated that, in his professional opinion, the West Milford Engineering Department is one of the most efficient and cost effective departments in the State. Consulting engineers are very expensive, are difficult to get hold off and charge for each and every contact. This is an unfair expense to pass along to residents. Additionally, if this department is outsourced the Township will lose a competent staff that has an in-depth knowledge of the conditions in this unique municipality. The staff in the Engineering are very efficient, dedicated, and hard working and they have often devoted their own time, without cost to the taxpayer, to ensure the completion of projects. He expressed hope that the Council is not politically motivated to make such a cut. Eliminating the Engineering Department will result in increased inspection & review for residents and will be a disservice that will be regretted in the future. He urged the Council to evenhandedly review all departments and not target one or two departments.

Blanche DeSimone, 24 East Park Drive, West Milford concurred with the comments of the previous speaker. She stated that the staff in the West Milford Engineering Department is very knowledgeable and are always accessible to the public. She was empowered by this staff last year when she learned that Gordon Lakes did not have sediment basins. They took the time and effort to educate and guide her and after 26 years the basins are being installed today. The Engineering staff have always been helpful to her. While outsourcing some services may have benefits, but an inhouse Engineering Department is important to a municipality that deals with the situations that are unique to West Milford. She expressed hope that the Council will conclude that Engineering should remain inhouse.

Ada Erik, Macopin Road, West Milford stated that she attended the BOE meeting last night and in the midst of these tough economic times it appears that both government bodies in West Milford that can impact taxes are looking to cut their respective budgets in all the wrong places. One time fixes will not have the longterm desired effect and won't reduce the tax levy. Each body must look at the benefits being paid out to employees. The Township pays 100% of employee benefits at a time when everyone else is contributing to their benefits. Force the labor unions back into negotiations and renegotiate the contracts. Ask the employees to choose jobs over contributing to the health benefits. That would have a longterm impact on the budget.

Doris Aaronson, 19 Bearfort Road, West Milford agreed with the comments of each person who spoke before her. The Council majority has selectively chosen those people who are to receive Rice notices. They have asked the Township Administrator to research outsourcing the Engineering Department and the Environmental Division of the Health Department. These people provide some of the most needed services to this municipality which is located in an extremely environmentally sensitive area. The sanitarians inspect lakes and prevent illnesses. The Engineering Department is responsible for installing sanitation basins which protect our lakes. They oversee our stormwater management plan. If the goal is to control taxes, she asked why only two departments are being targeted. Savings could be realized by insisting on contributions to benefits as is being done by most other employers including public entities. Put a freeze on raises.

James Novack, Mount Laurel, West Milford gave a thumbs up to the bat lady for her presentation tonight. He stated that the skate park is being well utilized but there are very few kids wearing helmets and there is no enforcement. Last night, kids were skateboarding after the 10:30 closing time. If the people who use this facility refuse to obey the laws, the park should be closed. He asked the Council to stop playing politics by trying to defame a candidate who served his penalty for a DWI.

Lynn Berry, 45 Cliff Road, West Milford thanked the Council for the time they dedicate to the issues facing this municipality. She could spend an entire evening singing the praises of the Engineering and Health Departments. With 35 years of experience in business, she has worked in towns that have inhouse services and towns that outsource for these services. She has consistently found it challenging to get

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answers from consultants while she has found the departments in West Milford to be amongst the most professional she has ever worked with. The Council should remember that, if they outsource, it is the elected officials who ultimately get the phonecalls when the service is not up to par. She urged the Council to find a different way to realize savings.

Arthur Vitale, Kennilworth stated that he just learned yesterday of the Council's intend to outsource the Engineering Department. He is a former employee of the Township having previously served as the Township Engineer. During his tenure here, he supervised three members of the current Engineering staff and he believes them to be fine individuals who are competent and in possession of the highest level of integrity. He came here tonight of his own accord because he wants this Council to know firsthand that he holds this Engineering staff in the highest esteem; people who can be completely relied upon. They know West Milford and work in a quiet often unseen fashion. If the Council outsources these services, West Milford will lose an ir retrievable bank of knowledge and experience. He encouraged Council to visit those employees and get to know them. They handle a large workload handling complaints routinely, efficiently and quietly. He is familiar with government, engineering, and DPW operations. West Milford has in its Engineering Department the finest staff available. He believes that the Township will be hard pressed to find this level of quality anywhere never mind trying to achieve this level of service faster or cheaper. He is available to any member of the Council at any time if they wish to ask him any questions or find out more.

Mike Berry, 45 Cliff Road, West Milford stated that he has been a West Milford resident since 1974 and has operated his own business since 1973. Prior to starting his own business he worked with consulting engineers and he agrees with the comments made by prior speakers especially Mr. Vitale. He has worked with the West Milford Engineering Department on the tax maps and he wishes he had a crew at his disposal as good as this staff. They are a team that works efficiently. He admires each member of this department and the work that they do.

James Warden, 199 Highcrest Drive, West Milford stated that he attends a lot of Council meetings and posts many of them on the internet. He finds it disturbing to witness how this Council has behaved since January. Richard McFadden, the Township Engineer, is fine man and a valued employee. He is an honest, ethical family man and the Council's efforts to get rid of him for political reasons are dispicable. The Township Engineer paved a road last year that was scheduled for paving. When the road was to be striped former Councilman Scangarello interfered but the Mayor instructed that the work proceed as planned. Mr. McFadden's job is now on the line as a form of political retribution. In January the council majority did not approve his reappointment and, under the guise of budget cuts, are now trying to eliminate his job. Under Council President Smolinski's leadership, the Council majority is seeking to jeopardize this man's livelihood and ability to support his family for political purposes.

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 Lichtenberg stated that the Association for Special Children & Families may be able to obtain grants to help them assume occupancy at Wallisch. She is not in favor of outsourcing any department because, in her opinion, it is cost prohibitive. She will rely on the new Administrator to determine if there is a need to restructure any particular department. She stated that she played no part in emails pertaining to Council candidates.

Council President Smolinski stated that, when the agreement for Wallisch is done, he welcomes an opportunity to meet with the Association for Special Children and Families to discuss them using that property. The structures are in a state of disrepair and he welcomes an organization with sufficient funding to restore this property. He stated that the meeting tonight seemed well organized and noted the Mr. Warden is the head of the West Milford Democratic Party adding that campaigning appears to be starting early this year. Issuing Rice notices provide the Council with opportunities to learn and blowing this out of proportion is a political ploy which hinders the Council's sincere efforts to serve the entire community.

Blanche DeSimone stated from the audience that she came here to speak tonight of her own volition.

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

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Council President Smolinski continued saying that the actions of the Council are not a political ploy but rather they are part of a budget process. The Council is trying to be fair to all employees and taxpayers and to accomplish that there must be dialogue. He asked that people refrain from insulting the people and this Council by making this political.

Councilman Weisbecker stated that everything related to budget and elections becomes political. The process of issuing Rice notices allows the council to engage in in-depth discussions that cannot take place unless the affected employees are provided notice. The Council majority has done nothing wrong by requesting that these notices be issued. The Mayor has foolishly requested that all employees receive such notices and that would only serve to create mayhem. The master plan and Highlands Act have an impact on West Milford and in consideration of those effects the Council wished to focus on two specific departments. These are tough economic times. He has no ulterior motive but simply wants to learn about the functions of both Health and Engineering to determine if those services are really necessary in West Milford. There is no underlying scheme at play and Council President Smolinski is not dracula; he is just doing his job as is every other member of the Council.

Council President Smolinski asked that this section of the recording being made by municipaltv.tv not be edited out when this is posted on the internet. He stated that the editing done to those recordings is politically motivated.

Councilman Schimmenti stated that he, like everyone else, is struggling in this tough economy. The Council is trying to do the best job possible for the residents and he encourages positive suggestions rather than negative criticisms.

Councilman Nolan stated that this is his fifth year on Council and his fifth budget cycle and he is familiar with budgets and financial reports. The Engineering Department now operates with fewer personnel that they had several years ago. The Township, he said, has seen a number of staff reductions in recent times. Previously there were two full time planners in West Milford, now there is a planning consultant and a full time Land Use Administrator. The Registrar retired and those services are being provided through an interlocal agreement. He stated that more restructuring may be needed but the Township Administrator who is a new employee himself will need time to make those determinations. He said that the only way to realize longterm savings while maintaining services is to share the cost of medical benefits with employees and retirees, reduce salary increases and eliminate longevity increases. Proposing that Health and Engineering services is a knee-jerk reaction to a financial situation that has been caused by Council's failure to act on prior budgets which was previously noted by Administrator Boyle. If the labor units do not negotiate these terms before the end of the year, they should be advised that the result will be layoffs. He stated that he has been to the Mount Laurel skate park and observed that, since the grand opening, the kids using the park have not been wearing their helmets. He asked that something be done before this becomes a problem.

Councilwoman Lichtenberg agreed stating that she has been there on several occasions and has not witnessed compliance with helmet laws. She recommended that the park be closed and only reopened when there is a willingness to comply.

Council President Smolinski stated that he agrees with the comments about the skate park and he recently went there and spoke with the kids directly. He laid down the law with them and stated that part of the problem is the manner in which the rules are posted at that site. He asked that the rules be simplified and that the kids be given a chance. He stated that the Director of Community Services and Recreation should be more proactive in addressing this problem.

Councilman Jurkovic stated that this is his first year dealing with a municipal budget as an elected official. There is a lot that the public does not see and he has realized that when Mr. Warden sat on Council he made many comments that he has learned are on point. Now that he has reviewed the budget, he would like to learn more about the functions of employees and certain departments so that he can fulfill his obligation to the residents of West Milford. It appears that people want lower taxes but not reduced services which is a result that may not be possible. In his estimation there is no home in West Milford valued at \$130,000 never mind that being the average value. Taxpayers cannot continue to sustain these annual increases and so the Council will continue working to strike the right balance.

Mayor Bieri stated that there has been a significant amount of discussion about the skate park in response to the complaints that have been lodged. She has spoken with the Administrator, the Director of Community Services & Recreation and the Chief of Police. The police department will increase patrols, show an greater presence and take progressive measures to obtain compliance. She stated that the request made by a Council member to have CASA weigh in on a DWI matter was inappropriate. She has been chastized for outlining protocol and chain of command for elected officials and staff. In this form of government, Council members who show a disregard for such protocol are abusing their elected office by attempting to give direction to staff. She thanked the public who conveyed their opinions tonight. While many previous meetings have been orchestrated, these people came of their own accord. She did

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

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suggest, as Council pointed out earlier, sending Rice notices to all employees in an effort to have Council review every aspect of Township operations rather than targeting two departments. She has also suggested other cost saving measures including increased attrition savings, salary freezes, furloughs and employee contributions to health benefits. Residents want to receive value for their money and by restructuring, cross training, benefit contributions and furloughs we could continue to provide services while realizing savings.

Council President Smolinski stated that the Council agrees with the Mayor's suggestions and continue to discuss furloughs. He has repeatedly asked that the labor contracts be negotiated early and expressed opposition to the Mayor taking credit for all these cost saving concepts. He has asked for budget meetings and information from the Administrator to no avail. He questioned how the Council can address the budget and other Township matters if they do not receive the information needed to make good decisions.

Councilman Jurkovic stated that the Council has asked Administrator Boyle to begin contract negotiations post haste. Mr. Boyle stated that he will begin that process in June and Councilman Nolan stated that negotiations must be completed with contracts signed before the end of the year so that Council can begin the 2010 budget process in January. It is impossible to operate in a vacuum. Council President Smolinski stated that the Mayor and Administrator handle the contract negotiations while the Council can only convey what they wish to achieve.

Township Attorney Fred Semrau advised that he discussed the CASA e-mail and related protocol with a member of the Governing Body.

Agenda No. VII

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

Agenda No. VII 1

~ Ordinance 2009 - 009 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY EASEMENT AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND THE COUNTY OF PASSAIC FOR THE REPLACEMENT OF THE UNION VALLEY ROAD BRIDGE OVER GREEN BROOK**

**WHEREAS**, the County of Passaic has planned to undertake a project identified as the Replacement of the Union Valley Road Bridge over Green Brook located in the Township of West Milford; and

**WHEREAS**, the undertaking of such a project requires that the County of Passaic obtain easements from certain parties, including the Township of West Milford; and

**WHEREAS**, the County of Passaic has formally requested that the Township of West Milford grant it a permanent utility easement of approximately 491 square feet for the purposes of facilitating and effectuating the replacement of the Union Valley Road Bridge over Green Brook; and

**WHEREAS**, the Township of West Milford has agreed to enter into such permanent utility easement agreement, and, under the recommendation of the Township Engineer, the Township desires to enter into such easement agreement for the aforementioned purposes, subject to the terms and conditions set forth in the contract for the permanent utility easement, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into the attached contract for the permanent utility easement with the County of Passaic pursuant to the terms and conditions as stated in the attached contract; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: May 6, 2009

Mayor Bieri noted that this Ordinance is being introduced tonight and is scheduled for public hearing on May 27, 2009.

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

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

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Motion carried.

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Resolutions 2009-185, 2009-186, 2009-187, 2009-188, 2009-189, 2009-190, 2009-191, 2009-192, 2009-195 were moved as one.

Agenda No. VII 2.

~ Resolution 2009 - 185 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, SUPPORTING THE MAYORS WELLNESS CAMPAIGN**

**WHEREAS**, across New Jersey, communities are facing a rise in health care costs, and

**WHEREAS**, physical activity levels have been decreasing and obesity rates increasing, and

**WHEREAS**, local leaders are looking for ways to promote active living, healthy eating, and overall wellness in their communities, and

**WHEREAS**, the Mayors Wellness Campaign works with Mayors and key leaders to shape healthier lifestyles for the men, women and children in their communities, and

**WHEREAS**, communities can work toward the goal of healthier citizens and lower health care costs by championing practices and programs that promote active living, and

**WHEREAS**, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for West Milford.

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey asks that all residents of this community join us in supporting the Mayors Wellness Campaign,

**BE IT FURTHER RESOLVED THAT** the Township Council encourages the residents of the Township of West Milford to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

Adopted: May 6, 2009

Agenda No. VII 3

~ Resolution 2009 - 186 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO SUPPORT S-2711 CONCERNING THE ASSESSMENT OF PROPERTY AND AMENDING THE PROCEDURE TO PERMIT MUNICIPALITIES TO CONDUCT REASSESSMENTS**

**WHEREAS**, the Township of West Milford, common with many other municipalities, has been affected by the change in the regional real estate market; and

**WHEREAS**, municipalities, by way of Tax Assessors, are limited as to ways they can conduct reassessments or revaluations of properties that in fact are impacted by a changing real estate market; and

**WHEREAS**, in order to conduct a reassessment of a certain neighborhood, a municipality would have had to undergone essentially a revaluation and the costly endeavor of inspecting the entire community;

**WHEREAS**, S-2711 revises reassessment procedures to provide municipalities with the flexibility to perform partial or neighborhood reassessments without having to undergo the costly endeavor of undertaking a full scale revaluation as well as obtaining approval by the State of New Jersey Division of Taxation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and Township Council hereby endorse S-2711 which revises reassessment procedures as it provides for a cost efficient option for municipalities to reassess certain neighborhoods and provide for a fair and equitable methodology for Assessors to adjust the Township Tax Assessment List.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to all State Representatives as well as the Tax Assessors Association of the State of New Jersey.

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

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Adopted: May 6, 2009

Agenda No. VII 4  
~ Resolution 2009 - 187 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LANDS AND PROPERTIES FROM THE TOWNSHIP AUCTION OF APRIL 22, 2009**

**WHEREAS**, on April 22, 2009, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution #2009-129; and

**WHEREAS**, the Township Clerk reports that the attached schedule outlines the bidders and their respective proposals to purchase said lands and recommends that the Township Council accept these bids.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford that the proposals set forth in the attached schedule are hereby accepted and incorporated herein.

**BE IT FURTHER RESOLVED**, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution #2009-129.

This Resolution shall be effective immediately.

Adopted: May 6, 2009

Agenda No. VII 5  
~ Resolution 2009 - 188 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, ADOPTING A POLICY FOR THE USE OF TOWNSHIP BUILDINGS AND FACILITIES**

**WHEREAS**, individuals, groups, and organizations often seek to use Township buildings and facilities for various meetings and events, and

**WHEREAS**, the Township Administrator has recommended that the Township Council adopt a policy for the use of such facilities, and

**WHEREAS**, said policy shall not interfere with the existing policies in force and effect for the use of certain municipal facilities including the Hillcrest building, Bubbling Springs, and Westbrook Park, and

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey does hereby adopt the building and facility use policy for outside organizations as drafted by the Township Administrator in March 2009; and

**BE IT FURTHER RESOLVED**, that individuals, groups, and organizations that seek to utilize Township buildings and facilities shall be compelled to abide by the policies, to complete and file the requisite forms, and to provide all necessary documents as outlined in the policies and forms; and

**BE IT FURTHER RESOLVED**, that the Township Council does hereby authorize the Township Administrator to make minor changes to said policy from time to time as he deems necessary.

Adopted: May 6, 2009

Agenda No. VII 6  
~ Resolution 2009 - 189 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADVISING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE COUNTY OF PASSAIC OF THE INEQUITY RELATIVE TO THE OBLIGATION OF THE TOWNSHIP TO COMPLETE A WASTEWATER MANAGEMENT PLAN**

**WHEREAS**, the State of New Jersey, in an effort to promote a more centralized and efficient planning process, promulgated rules that would require each county, with input from member municipalities, for a wastewater management plan; and

**WHEREAS**, the deadline for Passaic County to submit its wastewater management plan for all member municipalities was set for April of 2009; and

**WHEREAS**, this process requires significant planning and coordination of various municipal services and resources in order to formulate an effective wastewater management plan; and

**WHEREAS**, the cost of such planning for a municipality the size of West Milford, which is over 80 square miles, is in excess of \$100,000; and

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

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**WHEREAS**, the County of Passaic, in December of 2008, advised the Township of West Milford that notwithstanding a grant from the State of New Jersey in the amount of \$100,000 and the rules promulgated by the New Jersey Department of Environmental Protection, that the County would refuse to complete a wastewater management plan for all members of Passaic County, including the Township of West Milford; and

**WHEREAS**, the Township of West Milford and three other communities must now take responsibility of this delegation by the County of Passaic for a wastewater management plan; and

**WHEREAS**, one of the reasons that the County of Passaic alleges to defer this responsibility is that the Township of West Milford, as well as other municipalities, are the only communities that would require extensive wastewater management planning; and

**WHEREAS**, the Township of West Milford has now been offered a portion of the DEP \$100,000 grant in the amount of \$10,000 towards the cost to compile a wastewater management plan and submit same to the State of New Jersey Department of Environmental Protection; and

**WHEREAS**, this grant does not begin to cover the cost that the Township of West Milford anticipates to incur in order to comply with the County of Passaic's decision to forego such planning requirement and moreover, if each of the four participating communities were to obtain a \$10,000 grant, that would total \$40,000 leaving \$60,000 of grant monies unallocated for this project; and

**WHEREAS**, this critical document, if not completed, will jeopardize any and all construction permits issued within the Township of West Milford, leaving the municipality with no choice but to accept this obligation as a State and County mandate; and

**WHEREAS**, the grant toward the completion of this work leaves the Township with significant unanticipated, unexpected and improper costs.

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

1. The Mayor and Township Council request that the State of New Jersey allocate sufficient funding so that the Township may complete a wastewater management plan without the cost which should have been incurred by the County of Passaic.
2. The Township will request that the County of Passaic reimburse the additional costs that the Township of West Milford will now pay for a Wastewater Management Plan.
3. Without such funding from the County and/or the State of New Jersey, the Township of West Milford and its residents will be burdened with this cost, while other communities throughout the State are participating in the wastewater management planning process with the benefit of their respective counties.
4. A copy of this resolution shall be forwarded to all State and County representatives.

Adopted: May 6, 2009

Agenda No. VII 7

~ Resolution 2009 - 190 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2009-017 ADOPTING THE SCHEDULE FOR TOWNSHIP COUNCIL WORKSHOP AND REGULAR MEETINGS FOR THE REMAINDER OF THE 2009 CALENDAR YEAR**

**WHEREAS**, at the annual reorganization of the West Milford Township Council on January 1, 2009, the Council did adopt resolution 2009-017, the annual meeting notice; and

**WHEREAS**, the Township Council has determined that there is a need to amend said resolution to reflect changes approved by the Township Council to the 2009 workshop and regular meeting schedule.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of West Milford does hereby repeal the schedule of workshop and regular meetings of the Governing Body of the Township of West Milford from May 2009 through December 2009; and

**BE IT FURTHER RESOLVED**, that the Township Council of the Township of West Milford does hereby adopt the following schedule of workshop and regular meetings of the Governing Body from May 2009 through December 2009:

May 06, 2009, Regular Council Meeting

September 9, 2009 Council Workshop

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

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May 13, 2009, Council Workshop	September 23, 2009 Regular Council Meeting
May 27, 2009, Regular Council Meeting	October 7, 2009 Council Workshop
June 10, 2009, Council Workshop	October 21, 2009 Regular Council Meeting
June 24, 2009, Regular Council Meeting	November 4, 2009 Council Workshop
July 08, 2009, Council Workshop	November 11, 2009 Regular Council Meeting
July 22, 2009, Regular Council Meeting	December 2, 2009 Council Workshop
August 12, 2009, Council Workshop	December 16, 2009 Combined WS & Reg Mtg
August 26, 2009, Regular Council Meeting	

**BE IT FURTHER RESOLVED** that all Workshop and Regular Meetings of the Governing Body of the Township of West Milford as outlined herein shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 and all such meetings shall begin at 7:30 p.m.

**BE IT FURTHER RESOLVED** that official action may be taken at all meetings outlined herein.

**BE IT FURTHER RESOLVED** that this resolution shall replace the Annual Notice for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: May 6, 2009

Agenda No. VII 8  
~ Resolution 2009 - 191 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
STATE OF NEW JERSEY AMENDING RESOLUTION 2009-023 WHICH AUTHORIZES CERTAIN  
STATUTORY PAYMENTS OF CLAIMS AND OTHER CLAIMS REGULAR IN NATURE**

**WHEREAS**, on January 1, 2009 at the annual reorganization meeting of the West Milford Governing Body by virtue of resolution 2009-023, the Township Council approved the payment between meetings of certain encumbrances; and

**WHEREAS**, at said meeting and in consideration of the fact that the Township Council adopted a thrice –monthly meeting schedule, the Township Council removed item “p” from the resolution which allows for payment of certain bills within 30 calendar days to avoid billable late charges; and

**WHEREAS**, the Township Council has amended the meeting schedule for the remainder of the 2009 calendar year which amendment has compelled the Council to revisit this matter.

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

- 1) The Township of West Milford does hereby approve the payment between meetings of the following encumbered claims for payment, when the same are presented to the Township of West Milford Council and Chief Financial Officer of the Township of West Milford.
  - a) Township of West Milford payroll obligations.
  - b) Township of West Milford required payments to the Board of Education.
  - c) Required County tax payments to the County Treasurer.
  - d) Banks for investment purposes, internal transfers, and debt service obligations.
  - e) State of New Jersey – Application Fees
  - f) Permit Fees
  - g) DEP Fees
  - h) License Fees
  - i) State Surcharges
  - j) Marriage License Fees
  - k) Rabies Control Fees
  - l) Miscellaneous disbursements approved by specific resolutions.
  - m) Reissue of lost or mutilated checks after stop payment has been enforced.
  - n) Ten percent (10%) Bid Bond Returns (Clerk’s office).
  - o) Certain emergencies at only the discretion of the Township of West Milford Mayor or Administrator by the Mayor’s designation.
  - p) Payments necessary to all vendors that require compliance with the 2006 Prompt Payment Law, Chapter 96, whereby the Township of West Milford shall pay the

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

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- bill not more than 30 calendar days after the billing date to avoid billable late charges.
- 2) The Chief Financial Officer is hereby authorized and directed to prepare the proper vouchers for payment of the above recited accounts when same is properly presented to him/her for payment, and thereafter said claim shall be transcribed on the next scheduled Bill list to be approved by the Township of West Milford Council.

Adopted: May 6, 2009

Agenda No. VII 9

~ Resolution 2009 - 192 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 18 – MAY 31, 2009**

**WHEREAS**, there were 592 motor vehicle fatalities in New Jersey in 2008; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 18 – May 31, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91.75% to 100%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the Township of West Milford, IN THE County of Passaic, State of New Jersey declares it's support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 18 – May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Adopted: May 6, 2009

Agenda No. VII 12

~ Resolution 2009 - 195 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY TO CONSTRUCT A SHELTER WITHIN THE RIGHT-OF-WAY ON LARUE ROAD**

**WHEREAS**, the Township of West Milford has received a request from the U.S. Department of the Interior, U.S. Geological Survey, New Jersey Water Science Center to construct a shelter within the right-of-way of LaRue Road near Passaic County Bridge Structure #255; and

**WHEREAS**, the purpose of the shelter is to allow for the monitoring of water temperatures in Clinton Brook; and

**WHEREAS**, the initial agreement will be for a period of five (5) years with renewable options as outlined in the agreement; and

**WHEREAS**, the Township Engineer has reviewed this request and recommends that the Township grant approval for the execution of an agreement in accordance with the proposal dated March 20, 2009.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor be and is hereby authorized to execute an agreement with the U.S. Department of the Interior, U.S. Geological Survey, New Jersey Water Science Center to construct a shelter within the right-of-way of LaRue Road near Passaic County Bridge Structure #255 to monitor water temperatures in Clinton Brook.

Resolutions 2009-185, 2009-186, 2009-187, 2009-188, 2009-189, 2009-190, 2009-191, 2009-192, 2009-195 were moved as one.

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

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

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Agenda No. VII 10  
~ Resolution 2009 - 193 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING PARTICIPATION UNDER THE RECOVERY ACT IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE**

**WHEREAS**, the West Milford Township Police Department wishes to apply for funding for a project under the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$16,723.00; and

**WHEREAS**, the project is a joint effort between the U.S. Department of Justice and the West Milford Township Police Department for the purposes described in the application;

**WHEREAS**, the City of Passaic has agreed to act as the fiscal agent for Passaic County municipalities eligible for this grant, and will receive a 10% administrative fee from applying municipalities; and

**WHEREAS**, the amount of the grant award for the Township of West Milford after the 10% administrative fee for the City of Passaic will be \$15,050.70; and

**WHEREAS**, as part of the service performed by the City of Passaic, an Inter-Local Agreement must also be executed;

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

1. The Mayor or Administrator of the Township of West Milford are hereby authorized to execute a grant application under the Edward Byrnes Memorial Justice Assistance Grant (JAG) Program; and
2. The Mayor of the Township of West Milford be and is hereby authorized to execute to execute an Inter-Local Agreement with the other eligible Passaic County municipalities.

Adopted: May 6, 2009

Discussion: In response to Councilwoman Lichtenberg, Mr. Boyle advised that no matching funds are required in this grant. He stated that not every community qualifies for this funding and the rating system includes a review of population, size, and urban/rural settings.

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

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Agenda No. VII 11  
~ Resolution 2009 - 194 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE NJ TRANSIT CORP. V. TOWNSHIP OF WEST MILFORD CASE, DOCKET NO. ESX-L-3731-08**

**WHEREAS**, the Township of West Milford was named as the defendant in a lawsuit filed on behalf of New Jersey Transit Corporation seeking the reimbursement of one-half the costs incurred in the training of former Township Police Officer Christopher Amato pursuant to the language contained in N.J.S.A. 27:25-15.1(b); and

**WHEREAS**, N.J.S.A. 27:25-15.1(b) does provide that if an officer of New Jersey Transit held a permanent appointment for more than 30 days but less than 2 years at the time of his resignation, the subsequent employment by a municipality will create an obligation to New Jersey Transit Corporation for one-half the total certified costs incurred in the examination, hiring and training of such individual; and

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

Minutes of: Township Council Regular  
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**WHEREAS**, Christopher Amato was employed by New Jersey Transit Corporation as an officer and held such permanent appointment from January 10, 2000 until he tendered his resignation on July 1, 2001, a period of more than 30 days but less than 2 years; and

**WHEREAS**, the Township of West Milford subsequently hired and employed Christopher Amato as a Township Police Officer on July 2, 2001; and

**WHEREAS**, New Jersey Transit Corporation has supplied the Township with the certified costs incurred in the examination, hiring and training of Officer Amato, in the amount of \$15,873.21; and

**WHEREAS**, pursuant to the language of the aforementioned statute, N.J.S.A. 27:25-15.1(b), the Township of West Milford is obligated to reimburse New Jersey Transit Corporation for one-half of the certified costs incurred for such examination hiring and training of Officer Amato in the amount of \$7,936.60; and

**WHEREAS**, the Township Chief of Police has confirmed the aforementioned facts and both he and the Township Attorney have recommended that the Township reimburse New Jersey Transit Corporation for one-half of the aforementioned certified costs, or \$7,936.60; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford is desirous of settling this litigation for the aforesaid amount pursuant to N.J.S.A. 27:25-15.1(b).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township hereby authorizes the settlement of the above referenced litigation in the amount of \$7,936.60 which constitutes one-half of the reimbursable certified costs for the examination, hiring and training of Officer Amato pursuant to N.J.S.A. 27:25-15.1(b); and

**BE IT FURTHER RESOLVED**, that the Township Attorney is hereby authorized to execute any and all documents to effectuate such settlement.

Adopted: May 6, 2009

Discussion: Councilwoman Lichtenberg stated that there is an error in the certification of funds which the Clerk stated will be corrected tomorrow. Mr. Boyle provided the circumstances surrounding this settlement.

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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. VII 13  
~ Resolution 2009 - 196 ~  
**TABLED TO LATER IN THE MEETING**

Discussion: The Council discussed the wisdom of expending funds for vehicles at this time. Mr. Semrau stated that the local public contracts law outlines specific reasons for rejecting bids to protect the process wherein bidders are submitting bids and bid bonds in good faith in response to specifications. He asked for an opportunity to convey that information to Council and to discuss legal options in Executive Session prior to Council making a decision tonight.

Councilman Jurkovic stated that he does not think an Executive Session on the award of the trucks is needed. Mr. Semrau gave an overview as to the reasons bids can be rejected.

Motion to table Resolution 2009-196 to revisit at a later time in the meeting.

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

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Agenda No. VII 13.  
~ Resolution 2009 - 196 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,  
STATE OF NEW JERSEY AWARDED A CONTRACT TO DELUXE INTERNATIONAL TRUCKS FOR  
A 2009 6 CUBIC YARD DUMP TRUCK WITH PLOW AND CENTRAL HYDRAULICS**

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

Minutes of: Township Council Regular  
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**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on March 6, 2009 at 10:15 a.m. One 2009 Tandem Dump Truck w/Plow and Central Hydraulics per Bid Specifications; and

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

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

**WHEREAS**, the bid received from Brown's Hunterdon International, LLC. did not meet the specifications; and

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

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Deluxe International Trucks, Inc; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbers C-04-08-940-295 - \$132,000.00, C-04-04-940-315 - \$5,254.00 & C-04-08-940-539 - \$2,167.00;

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

1. The Township Council hereby awards a contract to Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601 in an amount not to exceed \$139,421.00 for One 2009 6CY Dump Truck w/Plow and Central Hydraulics per Bid Specifications.
2. The Mayor be and is hereby authorized and directed to execute a contract with Deluxe International Trucks, Inc. in accordance with its bid for One 2009 6CY Dump Truck w/Plow and Central Hydraulics.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 6, 2009

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Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Jurkovic.  
Voted Nay: Nolan, Lichtenberg.  
Motion carried.  
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Agenda No. VII 14  
~ Resolution 2009 - 197 ~  
**TABLED TO LATER IN THE MEETING**

Motion to table Resolution 2009-197 to revisit at a later time in the meeting.

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Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Resolutions 2009-198 and 2009-199 were moved as one.

Agenda No. VII 15  
~ Resolution 2009 - 198 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, NEW JERSEY AWARDING A CONTRACT TO SCOTT J. EHRMAN, LANDSCAPE DESIGN & CONSTRUCTION FOR THE MAINTENANCE OF BALLFIELDS AND OTHER SITES**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on April 9, 2009 at 10:00 a.m. for maintenance of ball fields and other sites as per the Bid Specifications; and

**WHEREAS**, the Township of West Milford received four (4) bids for this contract; and

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

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

**WHEREAS**, the bid received from the low bidder Scott J. Ehrman, Landscape Design & Construction has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 9-01-28-375-450.

**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 Scott J. Ehrman, Landscape Design & Construction, 14 Applegate Ct., West Milford, NJ 07480 in amounts not to exceed \$6,700.00 for Schedule A Minor and \$34,000.00 for Schedule B Bulk as per the Bid Specifications for a total bid amount not to exceed \$40,700.00.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Scott J. Ehrman, Landscape Design & Construction in accordance with its bid for said maintenance of ball fields and other sites in the Township of West Milford services.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Agenda No. VII 16  
~ Resolution 2009 – 199 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT THROUGH STATE CONTRACT NO. 71058 FOR MSA SELF-CONTAINED BREATHING APPARATUS TO A & M INDUSTRIAL SUPPLY**

**WHEREAS**, the Township wishes to award a contract for Self-Contained Breathing Apparatus for Greenwood Forest Fire Company #3; and

**WHEREAS**, the Township Fire Commissioner has provided a recommendation to award this contract through State Contract No. 71058 to A & M Industrial Supply; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account # C-04-06-941-266; and

**WHEREAS**, the total amount of the contract shall not exceed \$147,852.70;

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

1. The Township Council hereby authorizes the Township Fire Commissioner to purchase twenty-one Self-Contained Breathing Apparatus, in an amount not to exceed \$147,852.70, through State Contract #71058 from A & M Industrial Supply, 1414 Campbell St., Rahway, 07065.
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: May 6, 2009

Resolutions 2009-198 and 2009-199 were moved as one.

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

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Agenda No. VIII

**Consent Agenda**

~ Resolution 2009 - 200 ~

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

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

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

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

**Resolutions:**

- a. **Resolution 2009-201** – Refund Other Liens
- b. **Resolution 2009-202** – Refund Overpayments – Tax Appeals
- c. **Resolution 2009-203** – Refund Recreation Fees

**Applications:**

- a. **Petition to Extend Licensed Premise** w/Police Conditions – Big John’s Pub, May 25, 2009
- b. **Petition to Extend Licensed Premise** – American Legion Post 289 for May 25, 2009
- c. **RL No. 2009-22 On Premise 50/50 Raffles** – West Milford Highlander Football Booster Club
- d. ~~RL No. 2009-23 On Premise 50/50 Raffles – W Milford Elks Lodge #2236 WITHDRAWN~~
- e. **RL No. 2009-24 On Premise 50/50 Raffles** – Our Lady Queen of Peace Church
- f. **RL No. 2009-25 Off Premise Draw Raffle** – Our Lady Queen of Peace Church
- g. **RL No. 2009-26 Carnival Games** – Our Lady Queen of Peace Church

Adopted: May 6, 2009

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

Agenda No. VIII a.  
 ~ Resolution 2009 – 201 ~

**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	Reimburse Amt	Pay to the Lien Holder
06-027	04/11/2006	03401-021	\$169,797.44	WACHOVIA CUST/SASS MUNI V DTR US BANK 2 LIBERTY PL TLSG 50 SOUTH 16 ST SUITE 1950 PHILADELPHIA, PA 19102
07-029	04/03/2007	03406-023	\$1,146.53	CHUN T LI 9 MALJIM COURT WAYNE, NJ 07470
07-077	04/03/2007	14001-004	\$5,203.94	ALMAR 2 KIEL AVENUE #202 KINNELON, NJ 07405
09-028	03/25/2009	02801-002	\$11,599.73	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-036	03/25/2009	03603-001	\$5,913.23	NONI PROPERTIES LLC 4 RESTRICK COURT WEST WINDSOR, NJ 08550
09-037	03/25/2009	03603-002	\$4,742.71	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-038	03/25/2009	03603-006	\$842.59	RAFAL MARKIEWICZ 2081 MORRIS AVENUE UNION, NJ 07085

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

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Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
09-045	03/25/2009	03907-001.01	\$3,533.55	ROBERT E. ROTHMAN PENSION PLAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
09-046	03/25/2009	03907-001.02	\$41,668.46	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-048	03/25/2009	04107-007	\$1,253.21	RAFAL MARKIEWICZ 2081 MORRIS AVENUE UNION, NJ 07085
09-078	03/25/2009	07512-001	\$8,161.61	RUTHERFORD DEVELOPMENT LLC 121 RIDGE AVENUE PASSAIC, NJ 07055
09-084	03/25/2009	07801-027.01	\$1,361.58	RAFAL MARKIEWICZ 2081 MORRIS AVENUE UNION, NJ 07085
09-087	03/25/2009	07801-043.03	\$324.65	US BANK CUST / CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
09-095	03/25/2009	08301-003.02	\$1,693.98	ANTHONY LAMBIASE 55 MOUNTAIN GLEN ROAD RINGWOOD, NJ 07456
09-101	03/25/2009	08802-031	\$843.37	RAFAL MARKIEWICZ 2081 MORRIS AVENUE UNION, NJ 07085
09-102	03/25/2009	08901-011	\$919.93	33 SOMERSET ST. LLC 7 RIVEREDGE DRIVE FAIRFIELD, NJ 07004
09-106	03/25/2009	09703-001	\$2,119.47	33 SOMERSET ST. LLC 7 RIVEREDGE DRIVE FAIRFIELD, NJ 07004
09-114	03/25/2009	10702-029	\$1,034.57	CRUSADER LIEN SERVICES 179 WASHINGTON LANE JENKINTOWN, PA 19046
09-116	03/25/2009	10801-006	\$759.35	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-119	03/25/2009	12601-001	\$11,738.38	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-120	03/25/2009	12701-009.01	\$5,533.34	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-122	03/25/2009	13806-001	\$9,388.37	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
<b>Grand Total</b>			<b>\$289,579.99</b>	

Adopted: May 6, 2009

Agenda No. VIII b.  
 ~ Resolution 2009 – 202 ~

**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**

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

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Block/Lot	Name	Amount	Year
6303-16	First National Bank % Wachovia Bank- Co. Tax P.O. Box 36246 Charlotte, NC 28236	\$6,798.99	2008
<b>TOTAL</b>		<b>\$6,798.99</b>	

**Adopted: May 6, 2009**

**Agenda No. VIII c.  
 ~ Resolution 2009 – 203 ~**

**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
Joe Chirichella 30 Heritage Drive West Milford, NJ 07480	Refund for Bubbling Springs Day Camp	\$1,260.00
Kerry Vreeland PO Box 95 Oak Ridge, NJ 07438	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Celeste Montesano 223 Long Pond Road Hewitt, NJ 07421	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Sue Byrnes 9 Cherbourg Drive West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Robin Logan 31 Alvin Road West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Joanne Cortese 15 Windsor Road West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Debra Purdy 1 Ramapo Road Hewitt, NJ 07421	Refund for withdrawal of enrollment in Spring Baseball Clinic	\$169.00
Jennifer D'Arco 6 Plumridge Road West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Sciensational Workshop	\$125.00
Cathy Jones 91 Witte Road Hewitt, NJ 07421	Refund for withdrawal of enrollment in Spring Sciensational Workshop	\$125.00
Cynthia Lippe 240 High Crest Drive West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Sciensational Workshop	\$125.00
Barry DeGraaf 137 Wooley Road West Milford, NJ 07480	Refund for withdrawal of enrollment in Spring Sciensational Workshop	\$125.00
Elizabeth Space 22 Relda Avenue West Milford, NJ 07480	Refund for Sports Squirts Program	\$95.00

Adopted: May 6, 2009

**Agenda No. IV 3  
 ~ Ordinance 2009 - 007 ~**

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 414, 420, 470, and 500 PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO ESTABLISH PROCEDURES TO PERMIT THE TEMPORARY OUTDOOR DISPLAY AND/OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONE DISTRICTS, TO PERMIT THE OPERATION OF FARMERS' MARKETS AND TO**

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

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**REPLACE THE PROVISION FOR A SITE PLAN WAIVER WITH NEW ADMINISTRATIVE PROCEDURES AND EXEMPTIONS**

**WHEREAS**, the Township of West Milford has duly adopted land use and zoning regulations in conformance with a Master Plan, consistent with the standards set forth in the Municipal Land Use Law and in particular with regard to N.J.S. 40:55D-62; 65; and

**WHEREAS**, the Township Council and the Planning Board find it appropriate and desirable to allow certain temporary commercial activities including a farmers' market within West Milford subject to controls to protect the public's health and safety and quality of life and does wish to implement such regulatory controls to this effect; and

**WHEREAS**, the Planning Board has proposed certain standards applicable to temporary commercial activities as set forth in this Ordinance and does recommend same to the Township Council; and

**WHEREAS**, the Planning Board has also determined that the current procedure by which an applicant may seek a site plan waiver from the Planning Board should be replaced by a clearly defined process to permit administrative review and approval by the Zoning Officer and the issuance of a Zoning Permit for certain land use activities; and

**WHEREAS**, the Planning Board does recommend to the Township Council of West Milford that the modifications and supplements described herein will advance the purposes of zoning as set forth in N.J.S. 40:55D-2 in promoting the public health, safety, morals, and general welfare and to provide in appropriate locations a variety of land use activities according to their respective environmental requirements, and will further the objectives of the West Milford Master Plan in general and its Land Use Element in particular and the policies of the Highlands Regional Master Plan with respect to a farmers' market, specifically Policy 3B5; and

**WHEREAS**, the Township Council of the Township of West Milford does concur with the recommendations of the Planning Board with respect to such modifications to the various chapters of the Township's Land Development Ordinance.

**NOW, BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

**Section 1.** Chapter 414 Fees, Land Development

A new section shall be created as follows:

§ 414-6 Temporary Outdoor Commercial Sales Permit

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

**Section 2.** Chapter 420 Land Use Procedures

A new definition shall be created as follows:

§ 420-6 Definitions

TEMPORARY OUTDOOR COMMERCIAL SALES EVENT – The outdoor display and/or/or sale of merchandise which shall also include a farmers' market for a specified period of time in accordance with the requirements set forth in Chapter 500.

**Section 3.** Chapter 470 Subdivision of Land and Site Plan Review

The following section shall be revised as follows:

§470-4 When an application is required

A – D: No change.

Existing subsection E shall be revised and amended in its entirety to read:

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

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E. Exemptions. A change in use, occupancy or tenancy which involves a permitted principal use in the applicable zone district and which does not require additional off-street parking pursuant to Township ordinance standards is exempt from the requirements of this section but shall obtain a Zoning Permit in accordance with the requirements set forth in Chapter 470, §470-44. Exemptions shall not apply to any use which is classified as a conditional use or any proposed change in use, occupancy or tenancy within a building or structure that was approved by the approving authority subject to a condition that requires an amended site plan review and approval for any such change.

**Section 4.** Chapter 500 Zoning

A new section shall be created as follows:

§ 500-36.1 Temporary Outdoor Commercial Sales Event and Seasonal Farmers' Market Sales.

A. Purpose. The purpose of this section is to permit and regulate the outdoor display and/or sale of merchandise within the Township of West Milford in such a manner as to protect the public's health and safety and to ensure the integrity of the Township's land use plan and zoning regulations.

B. Designated zones. Temporary outdoor commercial sales events shall be permitted in the following zone districts within the Township of West Milford: NC, VC, CC, HC, and LC with the exception of a farmers' market which, in addition to the aforementioned districts, shall be permitted on any lands owned by the Township of West Milford or the West Milford Board of Education.

C. Permit required. No property shall be utilized for the temporary sale of merchandise as defined in Chapter 420 without the issuance of a Temporary Outdoor Commercial Sales Event Permit from the Township's Administrative Officer in accordance with the provisions of this chapter.

D. Term of permit. A Temporary Outdoor Commercial Sales Event Permit shall not exceed three (3) consecutive days in duration, however; for events conducted on consecutive weekends may be covered by a single permit. There shall be a maximum of six (6) permits for any individual property identified by one or more tax lots in the Township within a calendar year. A farmers' market may operate between the months of June through October on the basis on a single permit.

E. Hours of operation. Functions authorized by a Temporary Outdoor Activity Permit shall be limited to hours of 9:00 a.m. and 9:00 p.m.

F. All temporary outdoor activities shall adhere to the following standards:

1. Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub-code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a Temporary Outdoor Activity Permit as determined by the Township.
2. No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
3. Temporary signage shall be subject to §500-160 of this chapter.

G. Permit fee.

1. The fee for a Temporary Outdoor Activity shall be as set forth in Chapter 400, §420-6.

H. Exemptions. The display and/or sale of merchandise by non-profit organizations for fundraising purposes shall be exempt from the requirements of this section.

I. Appeals. Where there is a dispute regarding a decision by the Township's Administrative Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

**Section 5.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of the ordinance, are hereby repealed to the extent of such inconsistency.

**Section 6.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 7.** This Ordinance may be renumbered for purposes of codification.

**Section 8.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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

Minutes of: Township Council Regular  
Date of Meeting: May 6, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 26 of 28

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INTRODUCED: April 22, 2009  
ADOPTED: May 6, 2009  
EFFECTIVE DATE: May 26, 2009

Discussion: Mr. Semrau advised that he has reviewed the code and recommends inserting the words "and/or" in sections 2 and 4a when there are references to outdoor displays. This will address Council's concerns.

Motion to adopt Ordinance 2009-007

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

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Agenda No. IX

**Approval of Expenditures**

None.

Agenda No. X

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

Councilwoman Lichtenberg stated the Congressman Garrett will have a representative in Town Hall tomorrow and she will also be available to residents between 10 a.m. and noon. Tomorrow is national day of prayer and May 16<sup>th</sup> and 17<sup>th</sup> there will be a collection for electronic waste. She listed some upcoming events including the museum tennis tournament, the senior olympics and clean-up day. She recently attended the Passaic County 200 Club valor award ceremony at which West Milford Officers Nevin and Post were recognized. She wished all mothers a Happy Mother's Day.

Councilman Weisbecker stated that he recently participated in a meeting with mayor Bieri, Council President Smolinski, Senator Pennachio and other officials to discuss patrols on Greenwood Lake without over-policing that body of water. It was an interesting and productive meeting.

Council President Smolinski stated that the Governor is proposing eliminating EMT funding from the State budget he asked for Council consensus for a resolution opposing this budget cut. EMT training funds come from moving violation penalties and if eliminated taxpayers will end up assuming these costs. He thanked the local newspaper, the *Suburban Trends* for reporting on the Newark tax appeals.

Councilman Schimmenti wished everyone a Happy Mother's Day.

Councilman Nolan advised that old televisions will not be accepted at the electronic recycling event. He stated that the former Administrator, Mr. Kunze, suggested selling a liquor license to generate revenue. That suggestion was voted down by Council and he asked for reconsideration and another discussion of this matter at a future workshop. He stated that Council received a letter from the animal shelter advising that they wish to do a renovation at this Township facility and, if approved, they will be assuming all the related costs. He stated that the Highlands Council has awarded funding to West Milford for the conformance stage of the master plan process. He asked for a workshop discussion about West Milford Lake in light of a letter received from the DEP stating that they will take over the lake if the owners do not decommission the dam.

Mayor Bieri said she attended meetings on Thursday and Friday regarding Greenwood Lake patrols. The Sheriff held a public meeting on Friday where he received public comments on this subject. She thanked the Health Department for their diligence in monitoring the impacts of the swine flu pandemic. The SPCA case that impacted the animal shelter has been concluded and eighteen animals have been transferred from the West Milford animal shelter to a facility in Fredon. She also attended the Passaic County 200 Club awards dinner where the Barrett family accepted a posthumous award on behalf of Raymond Barrett and where Officers Post and Nevin were honored for bravery. She commended them for their actions and noted that Officer Jill Brickman also answered that call and is equally deserving of recognition.

Administrator Boyle stated that he is having an auditor evaluate the Township's telephone system and related billings to determine how savings can be effectuated. He will be going to a meeting on Friday in Trenton to discuss the live where you work program. He stated that the consultant hired to review the defeated school budget will be attending the May 13<sup>th</sup> Council meeting and he will then schedule a joint meeting with the BOE. Members of the former Tourism Commission have submitted comments about possible revitalization of this committee but the Rotary Club is divided about the wisdom of doing so. Staff members are working with Mr. Semrau to finalize public improvements on dedicated but not accepted streets. The Health Department and Department of Community Services & Recreation will be



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

Minutes of: Township Council Regular  
Date of Meeting: May 6, 2009  
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**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbers C-04-08-940-291 - \$67,700.00 & C-04-04-940-315 - \$87,046.00.

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

1. The Township Council hereby awards a contract to Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601 in an amount not to exceed \$154,746.00 for One 2009 Tandem Dump Truck w/Plow and Central Hydraulics per Bid Specifications.
2. The Mayor be and is hereby authorized and directed to execute a contract with Deluxe International Trucks, Inc. in accordance with its bid for One 2009 Tandem Dump Truck w/Plow and Central Hydraulics.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 6, 2009

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

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Agenda No. XII

**Executive Session**

~ Resolution No. 2009 - 204 ~

**NUMBER NOT USED**

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:52 p.m.

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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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Approved: July 22, 2009

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK