
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 27

Tom Nelson 29 Osage Drive, West Milford stated that he is subject to a longstanding problem related to the resurfacing of Osage Drive in 2005. He has made numerous attempts to resolve these problems all of which have been unsuccessful. He sent an email to Council members with photos showing how his exposure to flooding has been greatly increased and since this repaving he now gets regular flooding in his basement. The work was done in a manner that caused a severe negative impact on his property despite the fact that the engineering department claims that the work was done properly. Since 2005 they have insisted there is no problem and thus have found no solution. He has spent five years seeking help and a solution.

Luke Slott, 10 Ponderosa Place, West Milford asked the Council to support water conservation ordinance and he asked for an update on its status. This ordinance he said would improve water conservation in town and he stated that conserving water is a nonpartisan issue. This ordinance is vital to West Milford's future and inaction will compound the problem. While he recognizes the concerns about overregulation, it is important to protect the water supply and ensure its existence for future residents. Any use of ground water supply is significant because only small amounts get back into aquifer and limiting lawn watering mid-day will minimize this shortage. This proposed ordinance protects the citizens of West Milford and the future. He stated that the Council has had ample time to review the ordinance and it is now time to adopt it.

Doris Aaronson, 19 Bearfort Road, West Milford is here to talk about the proposed water ordinance. She recalled that the Council sought more data and information to address Council with concerns that private use to water lawns was trivial compared to large users. She stated that 80% of users are private residential wells and MUA customers comprise a small percentage of users. Either way watering in the middle of the day in summer regardless of source would be a violation of the proposed water ordinance. MUA users are likely not violators because they pay for water usage and the wells on Newark watershed property are capped. The objections based on cost are not sustainable because enforcement would be in line with the current fertilizer ordinance. Thus, neighbors would report violations committed by neighbors. However, the purpose of this legislation is not enforcement; it is water conservation. If we enact this ordinance, West Milford will qualify for many grants because sustainable communities will qualify for sustainable funding which can amount to substantial funds.

Harry Clark, Risley Road, Upper Greenwood Lake commended the Mayor & Council for doing a great job. He watched the last workshop meeting specifically discussion about a proposed water ordinance. He was amazed that West Milford is contemplating managing the town by mob rule. He takes exception to stupid legislation and considers the proposed clear garbage bag and move out of town tax ordinances as examples of stupid legislation. The fertilizer ordinance was not successful and one can just look at the weeds in Greenwood Lake to recognize this. However, it did provide revenue to local businesses. No one collected data before enacting that ordinance and we are not collecting data to see if it was successful. There is no data to support arguments that favor the water conservation ordinance. Greenwood Lake continues to have silt running into the lake and the catch basins are not maintained. Non-point pollution is a real problem; not what is coming out of ground. He stated that it is imperative to maintain the existing catch basins rather than enact useless legislation.

Lou Signorino, 3 Redbarn Lane, West Milford does not support the water conservation ordinance. His opinion is based on the principal that government should not interfere with rights of property owners and, as such, he stated that the Council should practice restraint. There is not sufficient data to enact this legislation. He reviewed statistics about water replenishment and reiterated that the data reviewed thus far is insufficient. The real issue is freedom and the size of government is relative to freedom. The larger the government, the less freedom for individuals. He asked that the Council not ruin the freedoms enjoyed by West Milford residents. He does not approve of laws telling people what to do on private property.

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

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

Agenda No. VI

Council Comments

Councilman Nolan stated that the quarterly report from engineering indicates that the field inspection made at Osage Drive indicated that water was being diverted into storm drains. He quoted from the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 27

report and asked Administrator Boyle to elaborate. Mr. Boyle advised that mark outs have been done for work on drains on Osage Drive and Burnt Meadow Road. Engineering is poised to do that work and he will provide Council with definitive information.

Councilwoman Lichtenberg – stated that she never asked for an ordinance which would charge residents for moving out of town. She has asked for an ordinance which would require the issuance of a certificate of occupancy upon the resale of a home in West Milford. Like construction codes such an ordinance provides for the health and safety of residents.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2010-003 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 325, “STORMWATER MANAGEMENT” OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF ARTICLE III, ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING”

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of West Milford so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of West Milford or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, property owner’s association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 27

- b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- 2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- 3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by all police officers of the Township, regular and special, the Zoning Officer, a representative of the Department of Public Works and Engineering and the Health Officer or his/her duly authorized designee of the Township of West Milford, are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

SECTION VI. Penalties:

Any person(s), firm, association or corporation found to be in violation of the provisions of this ordinance shall be subject to any one or more of the following penalties: a fine not to exceed \$1,250 for each storm drain inlet that is not retrofitted to meet the design standard, imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Bieri advised that this ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for June 16, 2010. She opened the meeting to the public to speak on this matter only.

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 27

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 321, "SOLID WASTE; RECYCLING" ARTICLE I, OF THE REVISED GENERAL ORDINANCES

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of West Milford and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of West Milford or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, property owner's association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of West Milford.

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, appliances placed curbside for pickup)

SECTION V. Enforcement:

This ordinance shall be enforced by all police officers of the Township, regular and special, the Health Officer or his/her duly authorized designee and the Municipal Recycling Coordinator of the Township of West Milford, are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

SECTION VI. Penalties:

Any person(s), firm, association or corporation found to be in violation of the provisions of this ordinance shall be subject to any one or more of the following penalties: a fine not to exceed \$1,250, imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 27

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Bieri advised that this ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for June 16, 2010. She opened the meeting to the public to speak on this matter only.

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

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

Agenda No. VII 3

~ Ordinance No. 2010-005 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 414 "FEES, LAND DEVELOPMENT" AND CHAPTER 135 "FEES AND COSTS" 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>
REVIEW AND INSPECTION OF DEVELOPMENT		2.0 times the individuals hourly rate
VARIANCE NJSA 40:55D-70c		
Non-residential	\$255	\$950

BE IT FURTHER ORDAINED that section §135-9 A Fees for photocopies shall be repealed and amended as follows:

§135-9. Administration; Public Records

A. Fees for photocopies. The fee for providing copies of records shall be as follows:
(1) \$0.10 per page

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

Mayor Bieri advised that this ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for June 16, 2010. She opened the meeting to the public to speak on this matter only.

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

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

Agenda No. VII 4

~ Resolution No. 2010-171 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 7 of 27

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CERTIFYING THE 2010 / 2011 SCHOOL TAXES TO THE PASSAIC COUNTY BOARD OF TAXATION

WHEREAS, on April 20, 2010, the general fund tax levy for the base budget and additional spending proposals of the West Milford School District were defeated by the voters at the annual school election, and

WHEREAS, pursuant to N.J.S.A. 18A et seq. the Board of Education did submit the budget documents to the Municipal Governing Body for review and ultimately certification of the taxes to the County Board of Taxation; and

WHEREAS, the Mayor and Council of the Township of West Milford have reviewed the defeated school budget, a Subcommittee has met with representatives of the Board of Education and the governing body of the Township had a joint public meeting with the West Milford Board of Education; and

WHEREAS, the Council finds and determines that the following line items contained in the annual school budget for the school year 2010/2011 can be reduced without negative affect upon the thorough and efficient provision of public education in the Township of West Milford School District:

Budget Acct. No.	Budget Account Name Explanation of Cuts	Total Revision
11-120-100-101-10-10-000	Additional Retirements (Grades 1-5)	-40,000
11-130-100-101-10-10-000	Additional Retirements (Grades 6-8)	-20,000
11-140-100-101-10-10-000	Additional Retirements (Grades 9-12)	-40,000
11-213-100-106-10-10-000	Special class Aides	-70,000
11-000-291-270-10-13-000	Special Class Aides Benefits	-30,000
11-000-240-103-10-10-150	Administrative Salaries	-20,000
11-000-221-102-10-10-143	Supervisor Salaries	-130,000
11-000-291-270-10-13-000	Employee Contribution to Health Benefits	-350,000
11-000-270-511-18-18-000	Contracted Transportation (Jordan/QP)	-50,000
Total		(\$750,000)

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby certify to the Passaic County Superintendent of Schools the following amounts related to the General Fund to be raised by local taxation for the Township of West Milford School District for the 2010/2011 school year:

Total General Fund proposed on the ballot: \$ 50,129,479
 Revised General Fund: \$ 49,379,479
 Total Reduction to General Fund and Debt Service Fund: \$ 750,000

BE IT FURTHER RESOLVED that the Governing Body does hereby certify that review of this revised budget affirms that it is sufficient to provide a thorough and efficient education for the student body in the Township of West Milford.

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Board of Education and the County Superintendent of Schools no later than May 19, 2010.

Adopted: May 19, 2010

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 27

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

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

Adopted: May 19, 2010

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

Agenda No. VII 7

~ Resolution No. 2010-174 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT

WHEREAS, the Township of West Milford, County of Passaic, State of New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for funding in the amount of \$20,000 State share, with \$4,000 local share, for a total contract of \$24,000 for 2011 to carry out Comprehensive Recreation Programs for Individuals With Disabilities.

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

1. The submittal of the grant application to the Department of Community Affairs is hereby authorized.
2. The Township Council recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount and, therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, they hereby authorize the execution of any such grant agreement.
3. Upon receipt of the fully executed agreement from the Department, the Township Council authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Approved: May 19, 2010

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

Agenda No. VII 8

~ Resolution No. 2010-175 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A KODAK GRANT THROUGH THE ENVIRONMENTAL COMMISSION

WHEREAS, the Eastman Kodak Company along with the National Geographic Society and Conservation Fund have teamed up to offer, "The Kodak American Greenways Awards Program" and

WHEREAS, the program provides grants of up to \$2,500 to stimulate the planning and design of greenways throughout American; and

WHEREAS, greenways are corridors of protected public and private lands along rivers, ridges, and other scenic features; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 27

WHEREAS, the Township's Environmental Commission with the assistance of the Land Conservancy of New Jersey has identified a greenway for development within the Township of West Milford; and

WHEREAS, the Environmental Commission wishes to apply to the Kodak American Greenways Awards program in an effort to use that award to begin the formulation of our greenway.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Environmental Commission be and is hereby authorized to submit and accept a grant application for the Kodak American Greenways Awards Program.

Adopted: May 19, 2010

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

Agenda No. VII 9
~ Resolution No. 2010-176 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO KELLER & KIRKPATRICK, INC. FOR SERVICES TO INCLUDE THE INSPECTION AND EVALUATION OF VARIOUS BRIDGES IN AN AMOUNT NOT TO EXCEED \$6,980.00

WHEREAS, there exists a need for the Township to retain engineering services to provide inspection and evaluation services on three Township bridges; and

WHEREAS, as a result, the Township received a proposal from Keller & Kirkpatrick, Inc.; and

WHEREAS, the Township wishes to award a contract without competitive bidding to Keller & Kirkpatrick, Inc. for the performance of engineering services to provide inspection and evaluation services on three Township bridges; and

WHEREAS, the total amount of the contract shall not exceed \$6,980.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, this resolution is subject to the review and approval of the Township Clerk and Township Attorney of the Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Keller & Kirkpatrick, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Keller & Kirkpatrick, Inc., with offices located at 301 Gibraltar Drive Suite 2 A, Morris Plains, New Jersey 07950, for inspection and evaluation services on three Township bridges in an amount not to exceed \$6,980.00 and in accordance with his proposal dated March 5, 2010.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$6,980.00 without the prior written approval of the Township Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 27

- 4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the Office of the Township Clerk.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.
6. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer and Keller & Kirkpatrick, Inc., with offices located at 301 Gibraltar Drive Suite 2 A, for their information and guidance.

Adopted: May 19, 2010

Discussion: Council President Smolinski stated that these services were sought through the RFP process which is in accordance with the local public contracts law.

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

Agenda No. VII 10
~ Resolution No. 2010-177 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO W.J. CASTLE, P.E. & ASSOCIATES, P.C. FOR SERVICES TO DESIGN THE REHABILITATION/REPLACEMENT OF THE CRESCENT ROAD BRIDGE IN AN AMOUNT NOT TO EXCEED \$29,500.00

WHEREAS, there exists a need for the Township to retain engineering services for the design to allow for rehabilitation/replacement the Crescent Road Bridge; and

WHEREAS, as a result, the Township received a proposal from W.J. Castle, P.E. & Associates, P.C.; and

WHEREAS, the Township wishes to award a contract without competitive bidding to W.J. Castle, P.E. & Associates, P.C for the performance of engineering services to design services for the Crescent Road Bridge in the Township; and

WHEREAS, the total amount of the contract shall not exceed \$29,500.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, this resolution is subject to the review and approval of the Township Clerk and Township Attorney of the Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Keller & Kirkpatrick, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

- 1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with W.J. Castle, P.E. & Associates, P.C., with offices located at 1345 Route 38 West, Hainesport, NJ 08036, for design services on the Crescent Road Bridge in an amount not to exceed \$29,500.00 and in accordance with his proposal dated February, 2010.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 27

3. The total fee authorized for this contract shall not exceed \$12,075.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer and W FBI-LEEDA with offices located at 5 Great Valley parkway, Suite 125, Malvern, PA 19355, for their information and guidance.

Adopted: May 19, 2010

Discussion: Councilwoman Lichtenberg asked if the Chief's Association has replied to the Chief's request for them to conduct a free study. Administrator Boyle advised that the Chief has not received a response from the Association. In reply to Mayor Bieri he also advised that FBI-Leeda has not provided reports requested by the Township. Councilman Jurkovic stated that he has confidence in these Federal Bureau of Investigation employees to conduct an in-depth study. Discussion ensued as to the qualifications of the FBI-Leeda staff and it was ultimately clarified that FBI-Leeda is not affiliated with the Federal Bureau of Investigation. Councilman Nolan recommended waiting for the free DCA study noting that those staff members are retired law enforcement professionals and the study is more in-depth than that being sought through FBI-Leeda. Councilman Jurkovic disagreed stating that the less detailed study is preferred at this time because it can be completed in an expeditious manner. It is expected to be completed within thirty days.

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

Agenda No. VII 12
~ Resolution No. 2010-179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO RECREATIONAL CONCEPTS LLC FOR FOOD CONCESSIONS AT BUBBLING SPRINGS

Councilman Weisbecker moved to place this resolution on the table for discussion. Motion seconded by Councilman Nolan.

Discussion: Council President Smolinski expressed concern that the Council did not receive any backup information about this proposed resolution nor was it discussed at a workshop meeting. Mr. Boyle recalled that this was discussed at a prior workshop meeting where the Council authorized the Director of Community Services & Recreation to seek to prepare specifications to outsource these services and the result is the potential for a savings of \$30,000 for the Township. The specifications were drafted and a bid received that would have the Township paid \$2,000 and the operator assumes all other responsibilities. Councilwoman Lichtenberg stated that this contract brings small revenue to the Township, we would no longer assume the expense, and there no hiring or liability issues. This contract provides a savings to the municipality. Councilman Jurkovic reminded Administrator Boyle that the Council took exception during the budget process to the fact that revenues were not reflected alongside expenses associated with the concession stand making it difficult for the Council to obtain a complete understanding of the operations. He stated that he would like to obtain a full comparison as requested but not received to date. Council President Smolinski agreed stating that the lack of information makes it difficult for the Council to make educated decisions. Mr. Boyle urged the Council to approve this contract tonight advising that failure to do so will mean that there will be no concession stand during Memorial Day weekend. The Council posed a number of unanswered questions and asked that this be scheduled for discussion for next Wednesday. They further asked that Administrator Boyle provide all pertinent information before then and have answers on that evening.

Motion to table to May 26, 2010.

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

Agenda No. VII 13

~ Resolution No. 2010-196 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 15 of 27

Municipal Budget & Financial Matters:

Agenda No. VII 14

**~ Ordinance No. 2010-006 ~
CALENDAR YEAR 2010**

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY 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.A. 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

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 2010 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 3.5% percent increase in the budget for said year, amounting to \$818,034.63 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, County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2010 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.50% amounting to \$818,034.63 and that the CY 2010 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, 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 thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED: May 19, 2010

Mayor Bieri advised a second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for June 16, 2010. She opened the meeting to the public to speak on this matter only.

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

Agenda No. VII 15

~ Resolution No. 2010-180 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD FOR APPROVAL OF A LEVY WAIVER PURSUANT TO N.J.S.A. 40A:4-45.46

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 16 of 27

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic desires to make application to the Local Finance Board for its approval of a proposed levy waiver pursuant to N.J.S.A. 40A:4-45.46; and

WHEREAS, the Township believes that:

- a. It is in the public interest to accomplish such purpose; and,
- b. The levy waiver is for the health, wealth, convenience or betterment of the inhabitants of the Township of West Milford; and,
- c. The proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township of West Milford and will not create an undue financial burden to be placed upon the Township of West Milford;

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

- Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of West Milford is hereby authorized to prepare such application and to represent the Township of West Milford in matters pertaining thereto.
- Section 2. The Municipal Clerk of the Township of West Milford is hereby directed to file a copy of the proposed surplus, levy waiver with the Local Finance Board as part of such application.
- Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE: Councilmen Weisbecker, Smolinski, Ramaglia, Nolan, Jurkovic, Councilwoman Lichtenberg
 NAY: None
 ABSTAIN: None
 ABSENT: None

Adopted: May 19, 2010

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

Agenda No. VII 16

~ Resolution No. 2010-181 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2010 MUNICIPAL BUDGET AND THE 2010 SOLID WASTE BUDGET

2010 Municipal Budget

Municipal Budget of the Township of West Milford, County of Passaic, for the fiscal year 2010;

Be It Resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010;

Be It Further Resolved, that said Budget be published in the Herald News in the issue of May 23, 2010.

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2010	2009
1. Surplus	2,010,000.00	2,402,000.00
2. Total Miscellaneous Revenues	6,251,166.00	7,587,389.00
3. Receipts from Delinquent Taxes	1,280,404.00	1,126,000.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 17 of 27

4. a) Local Tax for Municipal Purposes	21,349,124.00	18,815,864.00
b) Addition to Local District School Tax		
Tot Amt to be Rsd by Taxes for Sup of Mun.		
Bud	21,349,124.00	18,815,864.00
Total General Revenues	30,890,694.00	29,931,253.00
Summary of Appropriations	2010 Budget	Final 2009 Budget
1. Operating Expenses: Salaries & Wages	13,164,294.00	13,317,317.00
Other Expenses	11,399,465.60	10,290,166.00
2. Deferred Charges & Other Appropriations	1,827,351.40	1,792,405.00
3. Capital Improvements	189,495.00	406,468.00
4. Debt Service (Include for School Purposes)	2,427,243.00	2,136,977.00
5. Reserve for Uncollected Taxes	1,882,845.00	1,987,920.00
Total General Appropriations	30,890,694.00	29,931,253.00
Total Number of Employees	196	196
2010 Solid Waste Collection District Budget		
Summary of Revenues	Anticipated	
	2010	2009
1. Surplus	100,000.00	119,283.00
2. Total Miscellaneous Revenues	144,176.00	228,000.00
3. Amount to be Raised by Taxation	1,956,376.00	2,418,950.00
Total Revenues	2,200,552.00	2,766,233.00
Summary of Appropriations	2010 Budget	Final 2009 Budget
1. Operating Expenses: Salaries & Wages	170,000.00	195,500.00
Other Expenses	109,250.00	127,233.00
2. Contracted Services	1,146,302.00	1,313,500.00
3. Disposal Fees	775,000.00	1,130,000.00
4. Deferred Charges & Other Appropriations		
5. Surplus (General Budget)		
Total General Appropriations	2,200,552.00	2,766,233.00
Balance of Outstanding Debt		
	General	Water Utility
Interest - Budgeted	837,243.00	
Principal - Budgeted	1,941,181.40	
Outstanding Balance	34,291,122.17	

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Township of West Milford, County of Passaic on May 19, 2010.

A hearing on the Budget and Tax Resolution will be held at The Municipal Building, on June 16, 2010 at 7:30 o'clock P.M. at which time and place objections to the Budget and Tax Resolution for the year 2010 may be presented by taxpayers or other interested person.

Copies of the Budget are available in the office of Antoinette Battaglia, Township Clerk at the Municipal Building, 1480 Union Valley Road, West Milford, NJ, phone number 973-728-2700 during the hours of 9:00 am to 4:30 pm

RECORDED VOTE	AYES: Councilmen Weisbecker, Smolinski, Ramaglia, Nolan, Councilwoman Lichtenberg	ABSTAIN: None
----------------------	---	---------------

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 27

	NAYS: Councilman Jurkovic	ABSENT: None
--	---------------------------	--------------

Adopted: May 19, 2010

The public hearing for this budget is set for the Regular Meeting of the Township Council scheduled for June 16, 2010.

Discussion: Councilman Nolan made note that the summary of revenues shows that revenue is down and Mayor Bieri acknowledged that the interest rate negotiated before the recession is proving very fortunate. Administrator Boyle expressed confidence in this budget which he believes incorporates a fair and balanced capital program and includes a salary freeze and hiring freeze. He stated that this budget would have had minimal impact on taxpayers before the Governor took revenue away in two slices. The Township lost 35% in revenue and \$750,000 in watershed aid. These actions took a good budget and increased the impact to \$220 on the average household. Therefore, he and his staff are revisiting this budget yet again to try to reduce those numbers. He stated that this budget is a worse case scenario and he reviewed all the cuts that have been made to date. He asked for an opportunity to find more savings before the public hearing adding that the budget will not be ready for adoption until some time in July. He advised that the next budget hearing is scheduled for May 26th.

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

Agenda No. VII 17

~ Resolution No. 2010-182 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR LOCAL SCHOOL TAXES

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2010 as follows:

Deferred Local School Taxes	
Amount Deferred 12/31/09	24,076,350.00
Amount Deferred 12/31/08	23,115,364.50
	960,985.50

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: May 19, 2010

Discussion: Councilman Nolan stated that this is always confusing. The Township is on a calendar year budget while the school operates under a fiscal year budget. This means that the levy set tonight will become effective on July 1st. Because the Township will be collecting higher school taxes there will be a \$960,000 increase in taxes which is simply a bookkeeping entry. He asked if a portion of that surplus can be applied to this year's operating budget. Administrator Boyle answered in the negative advising that this will apply in the 2011 budget. Mayor Bieri advised that the reason this question arises is because the Township collects the school taxes through the property tax bill.

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

Agenda No. VII 18

~ Resolution No. 2010-183 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 27

3. In accordance with the law, the third quarter installment of 2010 taxes shall not be subject to interest until the tenth day of August 2010.

Adopted: May 19, 2010

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

Consent Agenda

Agenda No. VIII
~ Resolution No. 2010-185 ~
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 2010-186** – Cancel Tax Lien Premium
- b. **Resolution 2010-187** – Refund Health Department Fee
- c. **Resolution 2010-188** – Refund Overpayments
- d. **Resolution 2010-189** – Refund Recreation Fees
- e. **Resolution 2010-190** – Refund ALF Vendor Fee
- f. **Resolution 2010-191** – Refund Escrow Funds
- g. **Resolution 2010-192** – Refund Other Liens
- h. **Resolution 2010-193** – Reinstate Taxes

Applications:

- a. **Application for Raffle License RL 2010-27** – St. Joseph Church On Premise 50/50 for July 3, 2010.
- b. **Application for Social Affair Permit** – American Legion Post 289 for May 31, 2010.

Adopted: May 19, 2010

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

Agenda No. VIII a
~ Resolution No. 2010-186 ~
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 2010-186** – Cancel Tax Lien Premium
- b. **Resolution 2010-187** – Refund Health Department Fee
- c. **Resolution 2010-188** – Refund Overpayments
- d. **Resolution 2010-189** – Refund Recreation Fees
- e. **Resolution 2010-190** – Refund ALF Vendor Fee
- f. **Resolution 2010-191** – Refund Escrow Funds
- g. **Resolution 2010-192** – Refund Other Liens
- h. **Resolution 2010-193** – Reinstate Taxes

Applications:

- a. **Application for Raffle License RL 2010-27** – St. Joseph Church On Premise 50/50 for July 3, 2010.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 21 of 27

b. **Application for Social Affair Permit** – American Legion Post 289 for May 31, 2010.

Adopted: May 19, 2010

Agenda No. VIII b
 ~ Resolution No. 2010-187 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT FEE

BE IT RESOLVED, that upon the report of the Health Official, the following Temporary Food License fee be refunded:

Mr. Carmine Mandato 196 Garden Avenue Belleville, NJ 07109	\$40.00
--	---------

Adopted: May 19, 2010

Agenda No. VIII c
 ~ Resolution No. 2010-188 ~

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

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
4005-7	Kenneth & Mary Bruno 36 Forge Road Hewitt, NJ 07421	\$2,347.00	2010	2
5313-2.05	Masessa & Cluff, Esq. 1524 Route 23 North Butler, NJ 07405	\$1,804.86	2010	2
6604-12	LandSafe R.E. Closing Service 1831 Chestnut Street 6 th Floor St Louis, MO 63103	\$992.00	2010	2
6708-3	Joseph L. Mecca Jr., Esq. 87 S. Fairview Ave. Ste 6 Paramus, NJ 07652	\$1,368.00	2010	2
7105-3	Alka Azem 8 St. George Street West Milford, NJ 07480	\$1,048.38	2010	4
7611-7	Richard T. Gegasperis 22 Winetka Lane West Milford, NJ 07480	\$1,670.00	2010	2
7801-28.06	Joshua & Karen Rosner 38 N. Mitchell Avenue Livingston, NJ 07038	\$1,665.00	2010	2
8510-6	Daniel & Sandra Oostdyk 7877 State Route 104 Oswego, NY 13126	\$450.54	2010	1
8902-5	Gerald & Teresa Wecht 27 Baron Road West Milford, NJ 07480	\$2,817.00	2010	2
9001-17	Direct Title & Closing 400 West Main Street Freehold, NJ 07728	\$2,323.00	2010	2
9402-22	Mizzone & Testa PA, Esq.	\$1,957.00	2010	2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Regular
 May 19, 2010
 7:30 P.M.
 Page 22 of 27

Block/Lot	Name	Amount	Year	Reason
	245 Paterson Avenue Little Falls, NJ 07424			
9901-29	Brian Demeduk 187 Wooley Road West Milford, NJ 07480	\$2,831.00	2010	2
10603-5	F., J., & R. Morgan 451 Otterhole Road West Milford, NJ 07480	\$2,059.00	2010	2
13103-5	Timothy Gillespie 4 Upper High Crest Road West Milford, NJ 07480	\$2,136.00	2010	2
15504-12	JP Morgan Chase Att: Monica Herdez 1820 E. Sky Harbor Circle South Phoenix, AZ 85034	\$2,090.00	2010	2
16307-16	BAC Tax Service Corporation P.O. Box 5012 Woodland Hills, CA 91365	\$2,029.00	2010	2
7206-8	BAC Tax Services Corporation P.O. Box 5012 Woodland Hills, CA 91365	\$309.76	2010	1
7304-1	Chase Home Finance, LLC C/O First American R.E. Tax 1 First American Way Westlake, TX 76262	\$2,265.98	2010	1
7611-4	John Paul & Lena Goebel 7 Orchard Lane West Milford, NJ 07480	\$35.63	2010	2
TOTAL		\$32,199.15		

Adopted: May 19, 2010

Agenda No. VIII d
 ~ Resolution No. 2010-189 ~

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:

PARTICIPANT	AMOUNT	MADE PAYABLE TO
Refund for Children's Yoga:		
Kylie	\$60.00	Shelley Hackett 31 Struble Lane West Milford, NJ 07480
Kelly	\$60.00	Lorie Carlino 42F Lexington Lane West Milford, NJ 07480
Thunder in the Highlands cancelled:		
From Thunder Trust	\$180.00	Elmer Zimmerman 30 Windsor Rd West Milford, NJ 07480
From Thunder Trust	\$180.00	Ruth Russo 5 Hawthorne Rd Hewitt, NJ 07421

Adopted: May 19, 2010

Agenda No. VIII e

~ Resolution No. 2010-190 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING REFUND OF AUTUMN LIGHTS VENDOR FEE

WHEREAS, the Township Administrator has recommended refunding the amount shown below for a canceled Autumn Lights Festival vendor fee in the Township of West Milford; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 23 of 27

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to refund the amount indicated below:

Vendor	Amount	Account No.
Odds and Ends C/o Scarlett Siegmund P.O. Box 354 Sloatsburg, NY 10974	\$40.00	001-20-171-471 Autumn Lights
Total	\$40.00	

Adopted: May 19, 2010

Agenda No. VIII f

~ Resolution No. 2010-191 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
WM Girls Softball Association C/o Peter McGuinness, President 120 Lincoln Avenue West Milford, NJ 07480	0140-0524	\$1,277.50	\$454.75

Adopted: May 19, 2010

Agenda No. VIII g

~ Resolution No. 2010-192~
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:

Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
08-063	04/08/2008	06101-004.01	\$86,765.83	ATF LLC BMO CAPITAL MKTS CORP AS P.O. BOX 862658 ORLANDO, FL 32886-2658
9-081	03/25/2009	07619-004	\$19,320.22	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
09-136	03/25/2009	16906-006	\$45,059.14	ROBERT ROTHMAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
10-042	03/23/2010	03503-035	\$6,120.67	US BANK CUST FOR PRO CAPITAL I LLC, US BANK TLGS 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-053	03/23/2010	04011-006	\$2,036.30	DAVID ZACCARIA 33 JOHN STREET FAIRFIELD, NJ 07004
10-092	03/23/2010	08601-001	\$312.30	US BANK CUST FOR PRO CAPITAL I LLC, US BANK TLGS 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 19, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 24 of 27

Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
10-095	03/23/2010	09401-024	\$1,430.71	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
10-123	03/23/2010	12307-040	\$2,175.55	LAWRENCE & HELEN EARL FAMILY TR. LLC 933 MILLBROOK ROAD P.O. BOX 42 STILLWATER, NJ 07875
10-136	03/23/2010	14501-014-CELL	\$4,919.40	ROBERT ROTHMAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
10-146	03/23/2010	16004-008	\$15,369.85	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
10-147	03/23/2010	16101-002	\$7,687.14	US BANK CUST/SASS MUNI VI DTR TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-148	03/23/2010	16201-030	\$9,579.79	ROBERT ROTHMAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
Grand Total			\$200,776.90	

Adopted: May 19, 2010

Agenda No. VIII h
 ~ Resolution No. 2010-193 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16901-2	Joan Verkerke	\$15.39	2010
TOTAL		\$15.39	

Adopted: May 19, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010-194 ~
AMENDED
RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account.	\$213,851.65
2	Reserve Account	221.32
3	Animal Control Trust	1,499.73

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Regular
 May 19, 2010
 7:30 P.M.
 Page 25 of 27

Acct #	Account Name	Amount
6	Capital.	13,108.55
7	Grants.	2,237.06
8	Refuse.	94,457.72
9	Refunds.	233,184.05
12	General Ledger.	2,397,926.43
16	Heritage Trust.	0.00
14	Open Space Trust	1,980.00
17	Trust	1,535.00
18	Development Escrow.	1,564.75
19	LOSAP	0.00
20	Special Reserve	2,997.00
Total		\$2,964,563.26
\$Less Refund Resolution		233,184.05
Actual Bill List		\$2,731,379.21
Other Payments Ck #41943 Div. Motor Veh.		300.00
Less Refund Resolution		
Ck # 42421 C. Morris pulled		-650.00
Total Expenditures		\$2,731,029.21

Approved: May 19, 2010

Councilman Weisbecker moved that this resolution be placed on the table for discussion, seconded by Councilman Nolan.

Discussion: Councilman Nolan stated that the bill list reflects an invoice from Bill Drew the former West Milford Planner who is billing the Township \$1,740 to prepare his own end of the year report for the Zoning Board of Adjustment. He noted that Mr. Drew spent 14-15 hours preparing this report. That comprises more time than all the Zoning Board meetings for the entire year. He is also charging for discussions with the Land Use Administrator regarding past practices of the planning department. Councilman Nolan questioned the "Morris" invoice for maintenance of the animal control computer program for the first quarter noting that this is an old DOS based system that we are no longer supposed to be using. Administrator Boyle stated that we will begin using the new computer program soon and thus will not need these services in the future. He will obtain more information and report back to Council.

Councilman Ramaglia questioned the expenditures for tiles for Westbrook Park and Mr. Boyle advised that these tiles were purchased before the project was put on hold.

Councilman Nolan made a motion to table the Morris bill pending receipt of information from Mr. Boyle.

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

Motion to pay the remainder of the bill list.

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: Councilman Nolan voted no on the Bill Drew bill only.
 Abstain: Councilman Nolan abstained on the Valley Health bill only.
 Councilman Jurkovic abstained on Mr. Glatt's only.
 Motion carried.

Agenda No. X

Reports of Mayor, Administrator, Council Members, Attorney and Clerk

Councilman Nolan stated that May 31st is Memorial Day and he encouraged everyone to attend the services at Veterans Park noting that this is a day to remember those who made the ultimate sacrifice for our freedom. He asked everyone to take a moment to remember that freedom is not free. He stated that

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 26 of 27

he recently attended a conference dealing with substance abuse that was hosted by the Department of Health and Senior Services. At that conference he learned that many soldiers returning from war experience post traumatic stress syndrome and others often experience depression. He reviewed statistics about what can happen to veterans when they return from war and he lamented that we do not provide for their needs when they come home.

Councilwoman Lichtenberg gave a thumbs up to Administrator Boyle for obtaining permission to have banners placed below traffic lights to announce events in town. She also gave a thumbs up to the many action groups who were helping people this past weekend. She learned at the recent Recycling Committee meeting that West Milford has seen increased levels of recycling and stated that there will be a second beautification cleanup day in September. She announced upcoming events and advised that she is available at town hall to all residents on Thursdays from 10 a.m. to noon.

Councilman Jurkovic advised that he sits on the New Jersey Board for Guardianship whose primary topic is often care giving. He noted that the issues addressed by Councilman Nolan in his report are a specific highlight of this organization and he urged people to attend the annual conference in Monroe Township this October. These issues are often a major problem in our society and we are quick to overlook them. He stated that he met with members of the Environmental Commission to discuss various issues. He asked for consensus to have a workshop discussion about forming a subcommittee of Council members and Environmental Commission members to identify municipal land that may be suitable for green enterprises and provide a source of revenue for the Township.

Councilman Weisbecker stated that he and Councilman Jurkovic met with officials from Chilton Memorial Hospital today and they will follow up with a report. He asked for a future workshop discussion about last minute items being placed on the dais for Council consideration.

Council President Smolinski provided insight into the process known as the decompression of military personnel who return from active duty and how this assists them to assimilate back into civilian life. He advised that there will be an air and car show at the airport this weekend. He stated that he received a call about Burnt Meadow Road after the last storm. This road was recently repaved but was washed out again during the storm and he asked if FEMA will provide funding to compensate for this loss. Mr. Boyle advised that such an application has been made to FEMA.

Councilman Ramaglia stated that he is involved in the construction of supportive housing as part of his job. He is repeatedly staggered at the number of vets who are homeless and programs of this nature provide them a home and the foundation to build a future.

Mayor Bieri stated that income from recycling increased by over \$18,500 during the first three months of this year. She commended the new recycling coordinator who has increased enforcement and focused on education. She stated that the improved reporting mechanisms have helped along with the grants we have received for recycling initiatives. She congratulated Gary Oppenheimer for the recognition he received from the New Jersey League of Municipalities who featured his work on ample harvest along with a related interview with her as Mayor in their most recent publication. She advised that she has asked Administrator Boyle to schedule a workshop discussion about the Governor's toolkit and the 2% CAP because the Governor is requesting that municipal mayors sign off on these measures. She asked if Administrator Boyle would send a letter to our professionals asking them to make concessions on their billing in light of the fact that municipal employees are facing potential cuts and possible layoffs.

Councilwoman Lichtenberg asked for a future workshop discussion about the vehicle being used by the recycling coordinator.

Administrator Boyle advised that the Township Engineer, Richard McFadden, will be retiring at the end of June. The Police Athletic League is interested in assuming charge of the annual Thunder in the Highlands and he will schedule this for the next workshop meeting. He advised that the Davenport Road bridge has been closed since January and he directed the Council to a memo he sent them relative to this matter. He advised that he, Councilman Nolan, Council President Smolinski and Mayor Bieri met with the new owner of the former Kemp property which houses the Township's recycling center. He stated that he will work with the Township Attorney on drafting a lease agreement for the next workshop. He advised that he has met with three vendors about upgrading the telephone system and he will bring a recommendation to the Telecommunications Committee. He is working on agreements for Jungle Habitat and Brown's point and the weed harvesting agreement is under attorney review. He advised that the next budget meeting is scheduled for May 26th.

Township Attorney Semrau stated that he has discussed possible fee reductions at his office. He has not raised his fees since 2005 and he will send out a letter proposing concessions for the remainder of the year. He recalled that the Township has an agreement with Ramapo College for wetlands mitigation at

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 19, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 27 of 27

Wallisch. The agreement called for a \$15,000 payment to both the BOE and the Township. He recently determined that payment was not made so he pursued the matter and is pleased to present checks tonight to both the Township and the BOE in accordance with that agreement. He reviewed the history of the Random Woods acquisition and summarized the agreement to proceed to closing. He expects to close by the end of the month and asked for a workshop discussion about locating a site for the athletic field. Mayor Bieri thanked Mr. Semrau for his diligence in bringing this acquisition to closing.

Council President Smolinski stated that this matter was broached at a Recreation Advisory Committee meeting. The Committee supports a synthetic field at the CYO property. However, there are many hurdles emanating from the DEP. Personally, he supports a synthetic field at the High School for a host of reasons and he is confident that both entities can broker an agreement to provide for the use of such a facility for our residents.

Agenda No. XII

Appointments and Resignations

~ Resolution No. 2010-195 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO CREATE A VACANCY ON THE TOWNSHIP'S RECYCLING COMMITTEE AND ACCEPTING RESIGNATION TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby vacate the position held by Ms. Joyce Miller on the Recycling Advisory Committee in accordance with the Committee's May 12, 2010 request for this action.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Township:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
James Novack	Citizen Member	May 13, 2010

Adopted: May 19, 2010

Discussion: Councilman Weisbecker stated that he is disappointed to have received this resignation and the Council agreed.

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

Agenda No. XIII

Executive Session

None.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting.

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

Approved: November 3, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK