
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 20

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 Regular meeting was advertised in the Herald News in its issue of January 4, 2009; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: Councilman Robert Nolan.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Dominic DiYanni at 7:30 pm and Township Attorney Frederick Semrau at 7:47 pm.

Agenda No. I

Reading of or Approval of Unapproved Minutes

The following meeting minutes were moved to adopt as presented.

February 19, 2009 Special Meeting, February 19, 2009 Executive Session and February 23, 2009 Special Meeting.

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Abstain: Smolinski abstain on February 19, 2009 Executive Session only.
Motion carried.

Agenda No. II

Presentations

Certificate of Recognition – Jeremiah Goodfellow Canine Search and Rescue – Mayor Bieri invited Sue Lavole, Bob Langendoen and their search & rescue dog, Jeremiah Goodfellow to join her at the podium. She stated that the American Red Cross will recognize Jerry on June 3, 2009 for his heroism. She conveyed some of the highlights of Jerry’s successful rescue career and some of the personal challenges this 12-year old West Milford dog has endured. In addition to searching for human remains after the 9/11 attacks, Jerry has been successful at locating subjects under water, deceased subjects, burned subjects, subjects under snow, a dementia patient, and has recovered evidence and crime scene articles. Sue and Jerry gave a demonstration of Jerry’s ability to find a lost article before Mayor Bieri presented them with a certificate of recognition.

2009 Municipal Budget – Public Hearing – Mr. Boyle stated that the council introduced a budget a little over a month ago. He and his staff continue to review the budget to seek additional cuts and the increase is now at 1.6% with salary and wage increases at 2.35% and benefits 1.7%. In his opinion, it is an accomplishment to bring a budget in under 3% and one that he is proud of. Revenues have been negatively impacted over the past year and surplus has decreased. State aid is down as is interest on investments. Snow removal costs were high for this past winter season and the Township must anticipate for the latter part of this year. Debt service has also increased. Between the State, County and municipal taxes, the average home will see an increase of about \$330 which is less than the rate of inflation. The municipal budget equates to \$109 for the average home. When the budget process began, the capital requests totaled \$10 million and that has been cut to \$4 million. The State of New Jersey has enforced a levy CAP which is crushing municipalities and will impact services in the future. He reviewed the manner in which the tax rate is set advising that every \$150,000 in the municipal budget equates to \$13 per household. The average police officer costs the average homeowner \$9 per month, \$8 per month funds the first aid squad and \$6 per month pays for one DPW employee. When the budget is broken down in this way, it is clear that West Milford residents get good value for their money. He thanked municipal staff, especially the Chief Financial Officer, for their hard work on the budget. Adjustments will continue to be made and he is hopeful that the Council will be able to adopt in late June.

Mayor Bieri opened the meeting to the public to speak to the 2009 municipal budget only.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 20

Ada Erik, Macopin Road, West Milford asked how much employees and retirees pay toward their benefit packages. Mr. Boyle stated that the Township negotiated with the PBA last year and made some significant changes to health benefits. The average cost for health benefits is \$6,000 to \$7,000 per employee and double that for family coverage.

John Ippoliti, 67 Ridge Road, West Milford asked what contributions employees currently make to their health benefits. Mr. Boyle stated that they do not contribute at this time but that will be part of contract negotiations beginning this year.

Arthur Schappell, 81 Carmel Road, West Milford stated that he is a professional land surveyor who believes that the West Milford Engineering Department does an excellent job and saves the Township a significant amount of money. He cited Ridge Road as an example of quality work at competitive prices. Smaller towns benefit by outsourcing but hiring consultants in West Milford would cost more and negatively impact the quality of work.

Doris Aaronson, 19 Bearfort Road, West Milford stated that it is outrageous that the Council should request that the Administrator investigate laying off the Engineering Department. The Council is being selective at best and should consider other cost saving options suggested by Mayor Bieri. Furloughs for all employees would result in significant savings. It would appear that political pressure is being exerted. She stated that Council President Smolinski accused those who spoke at a prior meeting of being part of a gang. She refuted that accusation saying that she spoke as an individual expressing her own opinion. She asked the Council to reconsider laying off Engineering and Health Department staff adding that their services are necessary in West Milford.

Ed Werner, 8 Ryan Court, West Milford stated that he has lived in West Milford for 25 years and has been active in little league for many of those years. In 1988 he came before the Mayor & Council to seek additional fields for recreation. As a result, staff in the Engineering Department gave willingly of their own time on Saturdays to survey properties suitable for such purposes. He stated that it would be a mistake to privatize this department and to do so will ultimately cost more in the long run.

Vincent Lanza, Forest Lake Drive, West Milford stated that outsourcing Engineering is not a financially wise decision. These employees know this Township and are good to work with. In other towns he has found that it is often hard to work with consultants.

Stuart DeLeeuw, 710 Lake Shore Drive, West Milford worked with J. Fletcher Cramer for many years and has found that it is always more difficult to work with consultants. He witnessed the work done on Lake Shore Drive and Warwick Turnpike in West Milford and the quality was unbeatable. These projects alone probably saved the Township a lot of money and it would cost more to outsource these services.

James Warden, 199 Highcrest Drive, West Milford stated that this year's budget situation is a direct result of prior decisions. Last year the Council applied surplus to the budget reducing revenue for this year. He commended the staff for making the cuts that have been made. Had the State not deferred pension contributions, the increase would be significantly higher than reflected in this budget. However, this creates issues that must be dealt with next year and Council should be prepared for that. Mr. Boyle stated that both he and the CFO are very cognizant of the impact this will have on next year's budget and they will consider all cost saving ideas. They plan to effectuate savings through attrition and negotiations with the labor units. The State of New Jersey will have a big impact on future decisions and pension obligations will affect staffing levels and ultimately services. Surplus funds will be applied to the budget again this year. There are no magic answers. He and his staff will have to think outside the box and taxpayers will ultimately pay more for fewer services.

Joe Petrosine, 169 Vreeland Road, West Milford questioned why West Milford appears to be the only town where employees do not contribute to benefits. The economy is bad and everyone must tighten belts. The council should look at all departments rather than target one or two. While he does not want to see layoffs, taxpayers cannot afford to continue paying 100% benefits for employees. He asked Council to consider buyouts and furloughs to save money. Mr. Boyle stated that in bygone years public sector employees received generous benefit packets to compensate for lower wages. However, over time salaries have increased and healthcare costs have skyrocketed. There must be a cost sharing process and he will address that in negotiations.

Peter Bremy, 2012 Macopin Road, West Milford stated that because we are already half way through the year, half the budget is already spent. He urged the Council to begin the 2010 budget process now to avoid this problem next year. Mr. Boyle stated that he will soon begin to work with the CFO to calculate projections for 2010 which is the first step in the budget process.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 20

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

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

Council Comments

Council President Smolinski stated that State aid is down by \$170,000 this year in addition to the \$280,000 cuts made last year and the Township cannot anticipate that any of these funds will be restored in 2010. He asked Mr. Boyle about the status of labor negotiations. Mr. Boyle advised that he will be meeting with the labor units in June.

Councilwoman Lichtenberg stated that she does not favor outsourcing because it will be cost prohibitive. Compounding the problems is the fact that early retirement and payouts are not allowed by the State and the pension funds are in financial trouble.

Mayor Bieri thanked the public for their comments. She does not favor outsourcing health and engineering services because of the negative impact on quality and service. She cited Magnolia Road resurfacing as a quality cost-saving project that benefited the residents. She has repeatedly asked Council to consider furloughs and to reopen negotiations on existing contracts to effectuate savings. She is meeting with labor counsel and the Administrator tomorrow to begin that process.

Councilman Jurkovic stated that there is continual dialogue about various departments despite the fact that the affected employees are not present. Retirees are receiving pensions and health benefits and the current employees are ultimately the retirees that will receive those payments at taxpayer expense in the future.

Cable Franchise TV Committee Report – Public Comment Period – Mr. Semrau advised that the Cable Franchise TV Committee submitted its report to the Mayor & Council which is being sent to the State of New Jersey as required. There will be a public hearing later this summer and the Council is providing for public comments here tonight.

Mayor Bieri opened the meeting to the public to speak on this subject only.

Doris Aaronson, 19 Bearfort Road, West Milford stated that Cablevision has, for the third time this year, reduced the number of channels available to basic subscribers. One can restore those channels by upgrading service and paying more. She stated that the Committee received 245 responses to their survey and every response included complaints. She looks forward to Council negotiating a 24/7 channel dedicated to West Milford.

There being no more comments from the public, Councilman Weisbecker made a motion to close this public portion of the meeting.

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

Agenda No. III

Proclamations

Older American's Month – Mayor Bieri invited Mr. & Mrs. Wirth to the podium to accept this proclamation which she read aloud and presented to Diane & Richard Wirth. She stated that West Milford hosted the senior Olympics earlier today and West Milford won the silver medal this year. Mr. & Mrs. Wirth thanked the Mayor & council for all the services they provide for seniors and they encouraged all seniors to participate.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 20

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
ADOPTED: May 27, 2009
EFFECTIVE DATE: June 16, 2009

Mayor Bieri noted that this Ordinance was introduced on May 6, 2009 and the notice of public hearing was published in the Herald News on May 10, 2009. She opened the meeting to the public to speak on this ordinance only.

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

Motion to adopt ordinance 2009-009

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

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.

David Watson Hallowell, 15 Linwood Road, West Milford thanked everyone for participating in this year's Green Fest hosted by Sustainable West Milford.

Rebecca Byrne, 1335 Macopin Road, West Milford stated that she is a member of the new 4H club on Macopin Road. The club is organized by Ada Erik, is a lot of fun, and she encouraged all kids to join. She sang the new club song for Council and received applause from the audience.

Celeste Hampton, Macopin Road, West Milford stated that the recent Memorial Day services were outstanding. She reminisced about her childhood attendance at annual parades throughout the country the first one being when she was very young and the unknown soldier was buried in Washington. She asked that the flag at Veterans Park be replaced due to its condition and that the dead tree in the park be replaced.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 20

Doris Aaronson, 19 Bearfort Road, West Milford stated that the deadline for the senior tax freeze is June 1st and qualifying persons can obtain the necessary paperwork in the tax department. She encouraged residents to buy local and advised that Eden Farms was recently honored for their contribution to local farming.

Ada Erik, Macopin Road, West Milford stated that the 4H club is growing fast and the Memorial Day Parade was wonderful. In 1952, Newark Watershed paid \$1.2 million in taxes to West Milford. While their land holdings have increased since then, their taxes have decreased while residents continue to deal with escalating tax bills. The residents need relief.

Mark Kleindienst, 62 Allison Avenue, West Milford stated that he came before Council about a year ago to complain about conditions at #5 Allison Avenue. This property continues to be in a constant state of disrepair despite repeated complaints filed with the Planning and Health Departments. The departments do not appear to be communicating on this matter and the septic system at 5 Allison Avenue is in need of repair. The property owner was ordered to make upgrades and to do landscaping but he has not cooperated. This matter has been brought to court but nothing is getting done. He begged the Council to help.

Brian Leet, 7 Allison Avenue, West Milford is here about the same property. He urged the Council to drive on this street and see that all the residents, with the exception of Mr. Slifer of #5 Allison Avenue, take pride in their respective properties keeping the homes beautiful. His property is adjacent to #5 and the septic odors are unbearable in the summer months. Because of the conditions, the newest problem is the influx of feral cats. This ongoing problem is wreaking havoc in his home with his wife consumed every weekend with trying to deal with the problem. His property value is being negatively impacted. The driveway has not been paved as was promised five years ago and the runoff is constant. Mr. Slifer has ceased parking equipment at this property but the fence is falling down and the problems continue to escalate. He loves this town and he begged for help asking how this man gets away with causing such a problem in a wonderful neighborhood.

Maryann Vermuellen, Allison Avenue West Milford stated that she has had numerous conversations with Ms. Battaglia and Mr. Semrau about the conditions at 5 Allison Avenue. She is hoping that something will finally be done. In the past, she was also in regular contact with the former Planning Director. The condition of this property is negatively impacting the value of her property and nothing is being done. The residents on Allison do not object to him having his business but they do object to the condition of his property.

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

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

Agenda No. VI

Council Comments

Mr. Semrau stated that he has worked with a host of Township officials on the conditions at 5 Allison Avenue and he has had numerous contacts with various residents who have been very cooperative. The Township has tried to work with Mr. Slifer who has not complied with the conditions of his approvals. Summonses were issued for violations and Mr. Slifer paid the maximum fines. He will follow up on this matter.

Councilman Weisbecker stated that he has been present at many planning board meetings where this property was discussed. Ultimately Mr. Slifer appeared in municipal court and paid fines. This matter is scheduled before the planning board again tomorrow and he is not happy that the conditions continue to deteriorate. Mr. Slifer continues to be uncooperative.

Council President Smolinski stated that he has personally visited this property in response to residents' concerns and his very disturbed to learn that the septic is emanating a foul odor. The property is uninhabitable and he feels that Township officials have dropped the ball on this. Mr. Semrau advised that Township officials and professionals have spent a lot of time trying to have these issues addressed. The resident simply refuses to cooperate and comply despite all efforts to compel him to do so. He made representations and commitments to the municipal Judge and it now appears that he has not fulfilled these commitments either.

In response to comments from the floor, the Council agreed to open the meeting to residents of Allison Avenue.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 20

Maryann Vermuellen, Allison Avenue West Milford stated that when residents spoke before the Council in the past, they were told that Mr. Slifer would have to meet all conditions before selling this property. He is not taking care of the property. Mr. Semrau stated that Mr. Slifer can indeed sell the property but the new property owner would have to meet all conditions before occupying the property.

Brian Leet, 7 Allison Avenue, West Milford thanked the Mayor & Council for being receptive to their comments here tonight. Mr. Slifer refuses to comply. The septic is a cesspool and he buried it, he is using trucks on the property and pumping grey water into a basin in the basement and into the septic system. Mr. Semrau stated that municipal staff share many of the concerns expressed by residents. They have and will continue to try to attain compliance.

Mark Kleindienst, 62 Allison Avenue, West Milford stated that Mr. Slifer is scheduled to appear in front of the Planning Board tomorrow to seek an extension so that he can sell this property. Mr. Semrau noted that Mayor Bieri and Councilman Weisbecker cannot comment on that as they both serve on the Planning Board. Mr. Semrau asked for Council consent to have the Administrator direct staff to conduct site visits tomorrow and send written reports to the planning board to assist with the hearing tomorrow night. The Council instructed Mr. Boyle to have health, construction and engineering inspect the property tomorrow.

Elaine Hossfield, Warwick Turnpike, West Milford stated that it is fortunate that we have inhouse staff to respond to crises such as this. If we outsourced, such response would not be possible.

Councilman Jurkovic encouraged Allison Avenue residents to attend and speak at the planning board meeting tomorrow.

Councilman Weisbecker commended the 4H Club for their work and expressed delight that they are here in West Milford. Veteran's Park is under the jurisdiction of Veteran's organizations not the Township. The Township will assist when requested to the greatest extent possible. Thanked and praised the Veteran's who organized the wonderful Memorial Day Parade. It is a pleasure to assist Sustainable West Milford and he wished them luck with the farmer's market.

Councilwoman Lichtenberg thanked Mr. and Mrs. Watson-Hallowell for the Greenfest.

Mayor Bieri commended and thanked Sustainable West Milford for contributions to this community. They have promoted community spirit. She has a flag that she would happily donate if it fits on the flagpole at Veteran's Park. She is familiar with feral cat issues and encouraged people to reach out to the animal control officer. She urged people to take action rather than ignore such situations. Council President Smolinski stated that a New Jersey flag flew over his daughter's base when she served in Afghanistan. When she returns to West Milford it is her intent to present this flag to West Milford.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2009- 010~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, SUBDIVISION OF LAND AND SITE PLAN REVIEW, SECTION 470-27, REVIEW FEE ESCROW DEPOSITS, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 470, Subdivision of Land and Site Plan Review, Section 470-27, Review Fee Escrow Deposits, Subsection (C)(2), is hereby amended and supplemented to read as follows:

§ 470-27 Review fee escrow deposits.

C. The review fee escrow deposit shall be applied to defray the actual and reasonable expenses incurred by the Township of West Milford for professional services in connection with the processing of the application for development.

- (2) If, during the processing of the application, the funds remaining in the escrow account are depleted below a sum equal to 25% of the original deposit or \$500, whichever is greater, the applicant shall deposit additional funds to bring the escrow account equal to the larger of either \$500 or 50% of the original deposit before the application shall continue to be processed by the approving authority

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 20

and prior to action on the application. By mutual agreement, the applicant and the approving authority may agree to another payment schedule where the size and scope of the application may warrant it. Upon final disposition of the application, unused funds in the escrow deposit account shall be returned to the applicant, pursuant to the procedure set forth in N.J.S.A. 40:55D-53.2. If there should become a delinquency in an escrow account that goes unpaid and the applicant fails to deposit the additional funds as required by this section, such failure shall be considered a violation of this Chapter which payment may be enforced by the land use administrator or his/her designee by way of summary action in municipal court.

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: May 27, 20090

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

Agenda No. VII 2

~ Ordinance No. 2009- 011~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 414, FEES, LAND DEVELOPMENT, SECTION 414-4, ZONING PERMITS, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 414, Fees, Land Development, Section 414-4, Zoning Permits, is hereby amended and supplemented with the addition of subsection (B) to read as follows:

§ 414-4 Zoning permits.

B. Any and all zoning permits contemplated for in this Chapter and in Chapter 470 of this Code shall not be issued to the applicant unless all taxes have been paid and the applicant is considered current on the payment of taxes with the Township Tax Collector's Office.

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: May 27, 2009

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

Agenda No. VII 3

~ Resolution 2009 - 210 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 20

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF WEST MILFORD TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

WHEREAS, the Passaic County Board of Chosen Freeholders has not adopted the Passaic County Budget for 2009 and the Township of West Milford Tax Collector will be unable to mail the Township's 2009 tax bills on a timely basis; and

WHEREAS, the Township of West Milford Tax Collector, in consultation with the Township of West Milford Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, in the County of Passaic and the State of New Jersey on this 27th day of May 2009 as follows:

1. The Township of West Milford Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township of West Milford for the third installment of 2009 taxes. The Tax Collector shall proceed on the 28th day of May 2009 and take such actions as are permitted and required by L. 1994, c. 72 (N.J.S.A. 54:4-66.3).
2. The estimated tax levy for the third fiscal quarter of 2009 is hereby set at \$89,456,871.00.
3. In accordance with the law, the third quarter installment of 2009 taxes shall not be subject to interest until the tenth day of August 2009.

Adopted: May 7, 2009

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

Agenda No. VII 4

~ Resolution No. 2009- 211~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF PASSAIC AND THE GREENWOOD LAKE BI-STATE COMMISSION

WHEREAS, the Township, along with the County of Passaic and the Greenwood Lake Commission have, in prior years, successfully entered into an Intergovernmental Agreement whereby providing for weed harvesting for Greenwood Lake; and

WHEREAS, the Township, the County of Passaic and the Greenwood Lake Bi-State Commission are considering entering into the same type of Intergovernmental Agreement whereby providing for weed harvesting and maintenance for Greenwood Lake commencing on the date of the execution of the Agreement through September 30, 2009; and

WHEREAS, the County of Passaic has allocated funds in the amount of \$20,000.00 to assist the Township and the Greenwood Lake Commission in paying for the operator of the harvester for the 2009 season; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the Agreement and hereby recommend that the Council authorize the execution of same; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the amount of \$10,000 for this purpose said funds to be encumbered from account number 9-01-26-290-300.

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 Mayor is hereby authorized to enter into an Intergovernmental Agreement with the County of Passaic and the Greenwood Lake Commission for weed harvesting and maintenance services through September 30, 2009; and

BE IT FURTHER RESOLVED that the Agreement and Resolution shall remain on file in the office of the Township Clerk; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 20

BE IT FURTHER RESOLVED, that in the event there are minor changes that are not significant to the overall terms of the Agreement, the Township Administrator and Township Attorney are hereby authorized to agree to such modifications.

Adopted: May 27, 2009

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

Discussion: Councilman Weisbecker asked if the Township will be paying for the services provided to which Mr. Boyle replied that the Township will reimburse for services when the related invoices are submitted up the maximum amount allowed. Councilman Weisbecker asked Mr. Boyle to communicate that in writing to the Commission. Mr. Boyle advised that he has been in communication with the Bi-State Commission and they understand the process. Payments can be made after the budget has been adopted. Council President Smolinski asked that the resolution clearly state that the Township's agreement is for an amount not to exceed \$10,000.

Councilman Weisbecker made a motion to amend the resolution to have language that clarifies the not to exceed amount of \$10,000.

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

Resolutions 2009-212, 2009-214, 2009-215, and 2009-217 were moved as one.

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

Agenda No. VII 5

~ Resolution No. 2009- 212~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING "REPORT FROM WEST MILFORD CABLE TV COMMITTEE APRIL 2009" FOR DISTRIBUTION TO PUBLIC, OCTV AND CABLEVISION IN CONNECTION WITH PROPOSED CABLE TV FRANCHISE CONTRACT RENEWAL

WHEREAS, the Mayor and Township Council established an advisory committee comprised of citizens from the Township to evaluate the past performance of Cablevision of Warwick, LLC and make recommendations to the Governing Body as to the renewal of the franchise (Resolution 2008-395); and

WHEREAS, this advisory committee solicited input from the municipality's residents, reviewed responses, conducted research and formulated a report for the Governing Body; and

WHEREAS, the Township Council has reviewed the report entitled "Report from West Milford Cable TV Committee April 2009" ("April 2009 Report"); and

WHEREAS, pursuant to Resolution 2008-395, the committee shall cease to exist when the members have completed their charge; and

WHEREAS, New Jersey Administrative Code Section 14:18-13.2 requires that the advisory committee "...shall issue a report to the governing body with copies to the cable television operator, and the Office of Cable Television. The report shall be made available for public inspection."; and

WHEREAS, the April Report must be received by Cablevision before June 5, 2009, and the governing body has reviewed the April 2009 Report and found it to be complete and ready for distribution.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council does hereby approve the April 2009 Report for distribution and authorizes the advisory committee, pursuant to N.J.A.C. 14:18-13.2(c), to immediately issue 1 (one) copy of the completed report to the Township Attorney and the following entities, Office of Cable Television and Cablevision to the attention of those listed below, and to make (1) one copy of the report available for public inspection at the municipal building.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 20

Karen A. Marlowe (OCTV)
Administrative Analyst 1
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
(973) 648-4969

Gary Shaw, Esq. (Cablevision attorney)
Cablevision Government Affairs
Director
Office of Cablevision
40 Potash Road
Oakland, NJ 07436
(201) 651-4010

BE IT FURTHER RESOLVED, that the advisory committee shall cease to exist when the members have completed their charge.

Adopted: May 27, 2009

Agenda No. VII 7

~ Resolution No. 2009- 214~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CONTRACTS FOR 2009 ROAD RESURFACING – PHASE I THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT 6 - ROAD RESURFACING, CAT. B BITUMINOUS CONCRETE IN PLACE AND CAT. C. MILLING IN PLACE AND CAT. D RESURFACING PREPARATIONS TO TILCON NEW YORK, INC.

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6 Road Resurfacing - Cat. B Bituminous Concrete In Place, Cat. C. Milling In Place, and Cat. D Resurfacing Preparations To Tilcon New York, and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award the contract for 2009 Road Resurfacing – Phase 1 for Cat. B bituminous concrete in place, Cat. C Milling in place and Cat. D Resurfacing Preparations to Tilcon New York, Inc. through the Morris County Cooperative Purchasing Council Contract No. 6; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number C-04-08-943-624.

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

1. The Township Council hereby authorizes the 2009 Road Resurfacing Contract – Phase I through the Morris County Cooperative Purchasing Council contract #6 Cat. B Bituminous Concrete in Place, Cat. C Milling in Place and Cat. D Resurfacing Preparations to Tilcon New York, Inc. in an amount not to exceed \$1,100,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: May 27, 2009

Agenda No. VII 8

~ Resolution No. 2009- 215~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDED A CONTRACT TO DLS CONTRACTING, INC. FOR WARWICK TURNPIKE SECTION 10

WHEREAS, the Township of West Milford solicited bids on May 8, 2009 for Warwick Turnpike Section 10; and

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 20

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to DLS Contracting, 633 Franklin Ave., Ste. 170, Nutley, NJ 07110-1209; subject to the approval of the New Jersey Department of Transportation and the Township Attorney; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number(s) C-04-08-943-315; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to DLS Contracting, Inc. for Warwick Turnpike Section 10.

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 DLS Contracting, Inc. in the amount of \$341,502.37.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with DLS Contracting, Inc. in accordance with its bid for Warwick Turnpike Section 10.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: May 27, 2009

Agenda No. VII 10

~ Resolution No. 2009- 217~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE DISPOSAL OF MUNICIPAL USED AND OBSOLETE EQUIPMENT NO LONGER NEEDED BY THE TOWNSHIP

WHEREAS, the Township of West Milford had obsolete equipment that was of no value to the Township in storage at the Johner building; and

WHEREAS, the Township Administrator reviewed the list of such obsolete equipment and after consultation with the Township Auditor and Attorney determined that the equipment could and should be disposed of in an environmentally sensitive manner; and

WHEREAS, on May 16, 2009, Sustainable West Milford did provide an opportunity to the Township to properly dispose of electronic and computer equipment while providing the Township with proper proof of disposal along with tonnage receipts; and

WHEREAS, the Township Administrator did authorize the disposal of obsolete electronic equipment at Sustainable West Milford's Green Fest on May 16, 2009 as listed on the attached schedule.

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 they do hereby acknowledge the disposal of obsolete electronic and computer equipment no longer needed for public use at Sustainable West Milford's Green Fest on May 16, 2009.

Adopted: May 27, 2009

Agenda No. VII 6

~ Resolution No. 2009- 213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR YEAR 2009 CANCELLATION OF UNEXPENDED FULLY FUNDED CAPITAL ORDINANCES

WHEREAS, balances exist in various funded capital ordinances; and

WHEREAS, these projects have been completed; and

WHEREAS, the Township Council wishes to cancel said ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the following ordinances be hereby cancelled to the capital improvement fund:

Ordinance	Project Description	Unexpended	Total
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 27, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 12 of 20

Number		Balances to be Cancelled	Ordinance
2003-24	Recreation Westbrook Skating Complex	\$ 75,000.00	75,000.00
2006-017	25 Ton Trailer	\$ 30,000.00	30,000.00
2006-017	Vibratory Roller	\$ 5,000.00	35,000.00
2006-017	Recreation Bubbling Springs Wall Replacement	\$ 7,000.00	7,000.00
GRAND TOTAL			\$247,000.00

Adopted: May 27, 2009

Discussion: Mayor Bieri asked if the funds for the Westbrook skating complex can be used for the roller hockey rink. Mr. Boyle stated that cancellation is the first step in the process the funds can be re-appropriated later.

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

Agenda No. VII 9

~ Resolution No. 2009- 216 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE 2009 FORD SUPER DUTY F450 TRUCK THROUGH STATE CONTRACT #A73961 – WARNOCK FLEET LOCATED IN EAST HANOVER, NEW JERSEY

TABLED TO JUNE 10, 2009 MEETING

Councilman Weisbecker made a motion seconded by Council President Smolinski to have this resolution placed on the table for discussion.

Discussion: Mr. Boyle stated that he is recommending this purchase because this vehicle is needed in the Department of Community Services & Recreation. This purchase is through State contract and the vehicle is available on the lot. The funding for this vehicle was appropriated in 2006. Councilman Jurkovic asked why this did not go out to bid and Mr. Boyle stated that such is not required if the vehicle can be obtained through State contract. Council President Smolinski stated that he has issues with this purchase and expressed concern that there is no report from Engineering and DPW. He thinks that \$60,000 is a high price for a 300 yard mason dump truck and he opposes having a department head doing out and buying a vehicle off the lot. He would like to see the specifications for this truck and he asked Administrator Boyle to review the specifications for the bid rejected in 2008.

Councilman Weisbecker made a motion to table this resolution to the June 10, 2009 meeting.

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

Agenda No. VII 11

~ Resolution No. 2009- 228~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING SUSTAINABLE WEST MILFORD TO OPERATE A FARMER'S MARKET DURING THE SUMMER MONTHS OF 2009 IN A RESIDENTIAL ZONE

WHEREAS, the Township Council of the Township of West Milford did adopt ordinance 2009-007 on May 6, 2009; and

WHEREAS, ordinance 2009-007 allows certain temporary commercial activities including a farmers' market within West Milford subject to controls to protect the public's health, safety and quality of life and contains regulatory controls to this effect; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 14 of 20

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 2009-171** – Release Performance Bond – Vanessa Court
- b. **Resolution 2009-220** – Refund Other Liens
- c. **Resolution 2009-221** – Refund Overpayments
- d. **Resolution 2009-222** – Refund Recreation Fees
- e. **Resolution 2009-223** – Refund Escrow Fees
- f. **Resolution 2009-224** – Refund Soil Log Fee
- g. **Resolution 2009-225** – Reinstate Taxes
- h. **Resolution 2009-219** – Cancel Taxes

Applications:

- a. **RL No. 2009-27 Off Premise Draw Raffle** – Our Lady Queen of Peace HSA
- b. **RL No. 2009-28 Off Premise Draw Raffle** – West Milford Rotary
- c. **Application to Amend Tricky Tray Raffle License No. 2009** – 06 West Milford High School Parent Teacher Association – Change date from May 1, 2009 to October 24, 2009
- d. **Application to Amend On Premise 50/50 Raffle License No. 2009** – 07 West Milford High School Parent Teacher Association – Change date from May 1, 2009 to October 24, 2009
- e. **Application to Amend Bingo License No. 2009** – 08 West Milford High School Parent Teacher Association – Change date from May 1, 2009 to October 24, 2009

Adopted: May 27, 2009

Moved: Weisbecker Seconded: Jurkovic
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: None.
Abstain: Lichtenberg abstain West Milford Rotary only.
Motion carried.

Agenda No. VIII a

~ Resolution No. 2009- 171~

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

WHEREAS, the Township Engineer has submitted a recommendation dated March 11, 20089 for the refund of the Performance (Cash) Bond to Environmental Construction Co. in the amount of \$21,000.00; and

WHEREAS, said recommendation of the Township Engineer states that public improvements have been completed and inspected and are in substantial compliance with the Board approved plans and resolution; and

WHEREAS, the required as-built plan requirement has also been satisfied;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the refund of a Performance (Cash) Bond that Environmental Construction Co. posted by check in the amount of \$21,000.00 subject to the posting of a two year / 15% maintenance bond in the amount of \$3,150.00.

BE IT FURTHER RESOLVED, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution.

Adopted: May 27, 2009

Agenda No. VIII b

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 27, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 15 of 20

~ Resolution No. 2009- 220~

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
06-065	04/11/2006	10001-009	\$20,786.10	DAXUAN WANG 11 WALNUT ST LIVINGSTON, NJ 07039
07-012	04/03/2007	01811-004.01	\$23,178.11	PAM INVESTORS C/O PATRICK CARABELLESE 127 S. WASHINGTON AVE BERGENFIELD, NJ 07621
08-100	04/08/2008	12401-006	\$27,818.31	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-133	03/25/2009	16102-016	\$10,721.50	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
Grand Total			\$82,504.02	

Adopted: May 27, 2009

Agenda No. VIII c
~ Resolution No. 2009 - 221~

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
06-065	04/11/2006	10001-009	\$20,786.10	DAXUAN WANG 11 WALNUT ST LIVINGSTON, NJ 07039
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08-100	04/08/2008	12401-006	\$27,818.31	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-133	03/25/2009	16102-016	\$10,721.50	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
Grand Total			\$82,504.02	

Adopted: May 27, 2009

Agenda No. VIII d
~ Resolution No. 2009- 222~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 27, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 16 of 20

+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
Kenneth Bagner 19 Alpine Lane West Milford, NJ 07480	Refund for Preschool Program 2009-2010	\$65.00
Sandra Roberto 412 Morsetown Rd. West Milford, NJ 07480	Refund for Clay Works due to cancellation of class	\$10.00
Debbie Healey 38 Camelot Drive West Milford, NJ 07480	Refund for Day Camp Aftercare	\$150.00
Debbie Healey 38 Camelot Drive West Milford, NJ 07480	Refund for Day Camp	\$2,070.00

Adopted: May 27, 2009

Agenda No. VIII e

~ Resolution No. 2009- 223~

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
Linda Gros 71 Fairview Drive Hewitt, NJ 07421	0730-0785	\$750.00	\$378.81
Christian Life Center C/o Jeffer, Hopkinson & Vogel 1600 Rte 208 North Hawthorne, NJ 07506	0820-0326	\$1,250.00	\$875.02
Christian Life Center C/o Jeffer, Hopkinson & Vogel 1600 Rte 208 North Hawthorne, NJ 07506	9920-0081	\$8,729.64	\$5,325.79
Sal Falciglia, Jr. Bald Eagle Manor Inc. 179 Cahill Road, Ste. 311 West Milford, NJ 07480	9520-8815	\$25,103.15	\$1,317.41
Thomas Scala 203 Stephens Road West Milford, NJ 07480	0310-1749	\$12,095.00	\$110.57
Thomas Scala 203 Stephens Road West Milford, NJ 07480	9910-1580	\$5,738.61	\$346.21
Anthony & Denise Esola 109 Cherry Ridge Road Hewitt, NJ 07421	0830-0808	\$750.00	\$67.78

Adopted: May 27, 2009

Agenda No. VIII f

~ Resolution No. 2009- 224~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 27, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 17 of 20

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF SOIL LOG FEE

WHEREAS, the Health Officer has recommended refunding the amounts shown below for a canceled Soil Test in the Township of West Milford; and

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

Received From	Receipt No./Amount
Mr. Richard Deubert, P.E. 10 Derrygally Circle Kinnelon, NJ 07405	9688 / \$190.00
Total	\$190.00

Adopted: May 27, 2009

Agenda No. VIII g

~ Resolution No. 2009- 225~

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
2305-9	DJ Sisco Construction, LLC	\$1,698.00	2009
10808-55	E. Stewart & S. Zwiebach	\$ 919.33	2009
903-4	D. Cundari	\$1,169.00	2009
5615-3	K. & D. Abt	\$1,491.00	2009
9702-10	J. & N. Nemeth	\$1,877.00	2009
TOTAL		\$7,154.33	

Adopted: May 27, 2009

Agenda No. VIII h

~ Resolution No. 2009- 219~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

REASON: TAX EXEMPT PROPERTIES

BLOCK/LOT	NAME	AMOUNT	YEAR
4701-35	State of N.J.D.E.P.	\$8.90	2006
8002-1	Township of West Milford	\$246.35	2008 2 nd Half
8002-1	Township of West Milford	\$238.00	2009 1 st Half
9901-21	State of N.J.D.E.P.	\$440.47	2008 Full Year
9901-21	State of N.J.D.E.P.	\$220.00	2009 1 st Half
9901-20	State of N.J.D.E.P.	\$276.70	2008 Full Year

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: May 27, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 20

9901-20	State of N.J.D.E.P.	\$138.00	2009 1 st Half
TOTAL		\$1,568.42	

Adopted: May 27, 2009

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2009- 226~

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	\$ 109,130.81
2	Reserve Account	2,889.98
3	Animal Control Trust	1,014.00
6	Capital	555,634.43
7	Grants	4,542.90
8	Refuse	82,891.06
9	Refunds	94,092.03
12	General Ledger	
16	Heritage Trust	75.00
14	Open Space Trust	
17	Trust	30,032.43
18	Development Escrow	
19	LOSAP	
20	Special Reserve	
Total		\$ 880,302.64
Less Refund Resolution		(94,092.03)
Actual Bill List		\$ 786,210.61
Other Payments		\$4,788,783.92
Less Refund Resolution		
Total Expenditures		\$5,574,994.53

Approved: May 27, 2009

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

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Schimmenti thanked the Veterans who organized and attended the Memorial Day Parade and for all they do and have done for the people of this nation.

Councilwoman Lichtenberg stated that May 30th and 31st is the annual relay for life walk. Greenwood Lake Airport will have an open house on May 30 and the police department is sponsoring a child seat safety inspection on June 6th. She thanked the Faith in Action Group for their efforts on May 17th and advised that she is available to residents at Town Hall on Thursday from 10 a.m to noon.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 19 of 20

Councilman Weisbecker asked the Administrator if the Health Officer is researching the possibility of shared services. Mr. Boyle advised that in accordance with discussions held with the Health Officer during the interview process and at budget meetings, he is looking into this matter and will be focusing heavily on it in the coming months. The direction given him was to complete one full year organizing the Health Department before looking into shared services.

Mayor Bieri stated that the senior olympics were very spirited and competitive with Sparta taking first place and West Milford ranking second. She attended the ceremony for Eden Farms where they became the first Passaic County farm to be preserved in perpetuity. She commended Keith Knudsen the Director of the Department of Community Services & Recreation for researching and implementing new programs. She also commended Keith Hanson, a mechanic in the DPW Department, for incorporating the maintenance of the generators into his functions thus saving the Township those costs. DPW is working with Orange & Rockland to cut trees and the street sweeping program will be completed soon. The Township received an additional \$100,000 in CDBG grant funding for Lincoln Hill sidewalks.

Township Administrator Boyle stated that police department renovation specifications are under attorney review but there is no source of funds to go out to bid on the Johner building. Therefore, he plans to develop an RFP so that he can ascertain how much funding is needed to proceed. The work on the solid waste bids is proceeding and he will be seeking an extension of the existing contract because extra time will be needed. The Engineer is recommending submittal of three DOT grant applications this year for section 3 of the bikeway program, the Warwick Turnpike traffic light and section 3 of Otterhole Road. He will be asking Council to consider an ordinance at the next meeting which will address concerns about Mount Laurel Skate Park and he will schedule discussion of water conservation for the workshop meeting. He stated that he received a letter from Matt Fagan of Lindy's Lake seeking material from the Township for road improvements in their area and he will also schedule that for workshop discussion. He stated that the State of New Jersey has limited the Township's ability to use police officers for handling dispatch calls and he will be scheduling a workshop discussion of the Police Chief's plans to address this matter.

Township Clerk Battaglia advised that the primary election will be held on June 2, 2009 with polls open from 6 a.m. to 8 p.m.

Township Attorney Semrau stated that he received an e-mail from the BOE attorney today regarding the Hillcrest lease advising that he will be sending an amended lease reflecting the proposed changes. The BOE has agreed that they will only terminate the lease if there are compelling educational needs for the facility and they will provide clarifications on maintenance versus capital improvements. They have agreed to return unspent funds to the Township but want to retain the right to keep capital reserves. He will circulate the lease to Council when he receives it .

Council President Smolinski urged coaches to get their background checks. He stated that the equestrian center will be applying for farmland preservation as Eden Farms did. He asked the Administrator to provide information and a report as to how these designations impact the tax rolls and to get a list from Passaic County indicating what applications they have received. Mayor Bieri advised that only farmland assessed properties qualify.

Agenda No. XI

Appointments and Resignations

None.

Agenda No. XII

Executive Session

~ Resolution No. 2009 - 227 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 27th day of May 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: May 27, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 20

- () b. (4) A collective bargaining agreement including negotiations.
- (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Potential Property Acquisitions – Block 8002, Lot 4 Valley Ridge; Block 5008, Lots 1&2 Schwartz; Block 5301, Lot 45 DIO Satellite, LLC; Block 5002, Lot 5 Westview; Block 1701, Lot 24 Knapp Properties; Block 9302, Lot 6 CYO; Block 8001, lot 1 Random Woods, Block 9001, Lots 10, 11 + 12 Apple Acres, Block 9901, Lot 27.01 Greene
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - ~~Contract Negotiations – Hillcrest Lease~~
 - Potential Litigation – Valley Ridge Tax Appeal
- () b. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: May 27, 2009

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

The Council went into executive session at 10:30 p.m.

The Council reconvened in public at 11:12 with all present as before.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:12 p.m.

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

Approved: July 22, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK