
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 10, 2009
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Bikeway Safety Program – Bill Remia addressed the Council from the podium giving a brief history of how this program evolved and the Council’s prior involvement. He stated that this program is intended to encourage young people to be safety conscious and wear their bicycle helmets. This program is an offshoot of a national program and he thanked all those volunteers on the committee that make this program possible. The success of this program centers around a fully equipped trailer which generally costs about \$14,000 but which he was successful in attaining at a cost of \$500 to the Township. He thanked those groups and individuals who made donations to offset the costs and stated that they are still seeking donations for street signs. The bike safety program will be at Marshall Hill school next week and he thanked the teachers and PTA parents who assist with running the program. This is a community effort with children’s safety as the ultimate goal.

Agenda No. VI

Public Comments

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

Lawrence Blois, 43 Maple Road, West Milford stated that, having resided in West Milford for nineteen years, he is concerned about escalating taxes. His annual increase has never been less than \$700 but it is \$1,600 this year. He does not know if he can continue to live here and he urged the Council to find additional sources of revenue. His taxes were \$8,500 in 1990 and they are now \$19,000 which, he said, is criminal. While he appreciates the time invested by Council, he is desperate and does not want to move.

Jim Novack, Larchmont Drive, West Milford gave a thumbs up to the Engineering and DPW departments for addressing polling accessibility issues in Upper Greenwood Lake stating that they moved fast to fix the problems. He gave a thumbs up to the Board of Health for shutting down restaurants who were cited for violations.

Carol Forti, 481 Macopin Road, West Milford stated that pet owners who walk their animals at Brown’s Point consistently violate laws pertaining to removal of dog feces. People do not clean up after their pets and there appears to be little or no enforcement. The State Division of Parks says that West Milford has jurisdiction over this park and she asked that a sign be erected with a leak-proof receptacle to facilitate compliance.

Tara Dononhue, 98 Riverside Road, West Milford seconded the comments made about taxes. She stated that she asked similar questions a few months ago and awaits a response. Residents cannot continue to support this town and there must be someone fighting on our behalf in Trenton.

Gary Steele, North Glenwood Road, West Milford stated that the Council voted on May 18th to increase the school budget over last year. This is contrary to the will of the people who voted this budget down by a 2/3 margin. Residents cannot afford continued tax increases. Additionally, in chapter 42, Rules of Council the vote is null and void. The Council needs an affirmative vote of all members of the Council but only three members voted on the school budget.

Tracy Clarke, 7 Belmar Court, West Milford stated that she has resided in West Milford all her life and it is becoming a struggle to stay here. She asked for contact information so that residents can directly lobby for relief in Trenton.

Dave Byrnes, Lindy Lakes, West Milford stated that he is president of the Lindy Lakes Association and is here to participate in the upcoming discussion on the agenda.

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

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

Council President Smolinski asked that residents can obtain telephone numbers for elected officials in Trenton by contacting the Clerk’s office. He stated that the Council empathizes with the comments made about taxes. Those elected to Council are also residents of West Milford and they continue to work on the budget. The Council is trying to reduce the tax levy without cutting services. He commended the students and teachers at the High School especially those who made the presentation to Council tonight. He thanked Mr. Remia for the update on the bicycle safety program and for all his hard work on this program. He asked that signs be installed at Browns Point as requested.

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Councilman Weisbecker asked for an update on the status of the Browns Point lease with the State of New Jersey. Councilwoman Lichtenberg replied that the lease expired and the Township is still using the property while working to renewing the lease. Councilman Weisbecker asked Administrator Boyle to have the signs installed and to ensure greater patrols in this area. He stated that taxes are high in West Milford and all residents feel the impact. When the BOE budget comes before Council, they are limited as to where cuts can be made. If the Council were to cut the budget too drastically, the BOE can appeal to the State and the State can reinstate the recommended cuts.

Gary Steele interrupted from the audience seeking to be heard again. The Council gave consensus to reopen the meeting to the public to speak about the defeated school budget only.

Gary Steele, North Glenwood Road, West Milford stated that when a school budget is defeated in New Jersey the Town Council is obligated to review the budget mindful of educational integrity. They are obliged to review the budget line by line. They should not cut budget line items that negatively affect the quality of education. However, what happened in the vote this year is that the Council agreed to a net increase over last year. The Council did not definitively tie the cuts to specific line items but deferred to the discretion of the school board. This leaves a presumption that the Council is only focused on a budget reduction without considering the impact on the quality of education. The law makes the Council responsible to make cuts with consideration of the impact of the quality of education. This reduction is a reduction to the proposed budget but it resulted in a net increase over last year. The Council ran scared and did not do their job. Residents cannot afford this dereliction of duty and this is taxpayer's money.

Ada Erik, Macopin Road, West Milford stated that no one is addressing the issue of benefits or seeking to reopen negotiations. Everyone in private sector employment contributes to benefits and this failure to have municipal and school employees contribute is placing a strain on residents who can no longer afford to live here.

Jim Novack, Larchmont Drive, West Milford stated that the Township Attorney did not attend the BOE meeting and he should have been here. With only three affirmative votes, he believes that it was an illegal vote. The Council cut \$500,000 from the defeated school budget and that is nothing. The BOE had a second budget that reflected significantly greater cuts.

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

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

Agenda No. VII

Councilman Weisbecker stated that the Township hired a consultant to review the defeated school budget and he recommended \$380,000 in cuts. The Council depends of professionals in matters of this nature and throughout his many years on Council this has been the case. He asked Mr. Boyle if there are time limitations within the process to which Mr. Boyle replied that the Council must make recommendations within an approximate period of five weeks. Councilman Weisbecker stated that the Council continues to work on the municipal budget and are being fiscally conservative and responsible in the process.

Councilwoman Lichtenberg stated that this was the first time she participated in the process relative to a defeated school budget. She understood that any cuts made by the Council must reference the specific line item to be cut and in this instance three specific lines were so designated. The consultant recommended \$340,000 in cuts and the Council asked for \$500,000. The Council relied on the consultant who has more knowledge in this field. Councilman Weisbecker interjected stating that three Council members voted, two were absent and one recused. The absent Council members did not shirk their responsibilities as has been suggested. Councilwoman Lichtenberg stated that the Council asked very detailed questions during the joint meeting including questions about attrition and benefits.

Councilman Jurkovic stated that with the exception of one speaker at the joint meeting with the BOE, every person who spoke during the public portion asked that no cuts be made. The Township budget equates to 20-23% of the overall tax levy and of that about 65% is salaries and benefits. If the Township were to cut all employees and services that would equate to about \$2,400 for the person paying \$19,000. People repeatedly ask for government-provided services and it is time for the public to determine their exact expectations from the government. If the tax levy is to be cut, services must be cut. The joint meeting with the BOE was open to the public. He has experienced unrelenting increases in taxes and he reviewed the tax assessment and equalization process. Council, he said, appreciates constructive criticism.

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Councilman Schimmenti stated that the Council is making every effort to be fiscally responsible and relies on professionals to guide them through the various processes.

Councilman Nolan stated that he did not attend the joint meeting with the BOE because he was out of State. He did see the report submitted by the consultant and does not consider it worthy. He will be asking for itemized bills from this consultant prior to approving this bill for payment. When a school budget is defeated by the voters, Council has a limited time to review it and make cuts. Benefits are mandated by negotiated contracts and the Council is limited to the number of line items that can be subject to cuts. Ultimately, when the cuts are recommended, the BOE has final control as to where they will actually realize these savings. He recommended that people who have an interest in the BOE budget attend BOE meetings throughout the year and involve themselves in the process. The Council is acutely aware of current economic conditions and making every effort to be responsible with the municipal budget while providing services to residents. People can effectuate change by running for office and becoming involved in the process.

Township Attorney Fred Semrau stated that the code requires an affirmative vote of the majority of the Council. In this particular matter, Council President Smolinski was recused therefore the Council members to be considered a full body were reduced from six to five. Two were absent and three voted affirmatively constituting a majority. The West Milford Township Council has always opted to conduct these meetings in public.

Gary Steele interrupted from the audience seeking to be heard by Council regarding the vote required and to address matters pertaining to Robert's Rules. At the behest of Council President Smolinski, the Council agreed to hearing Mr. Steele.

Gary Steele, North Glenwood Road, West Milford stated that no ordinance or resolution shall be adopted without the affirmative vote of all members of the Council. Mr. Semrau stated that the code requires an affirmative vote of the majority of all members of the Council. In the matter of the defeated school budget, Council President Smolinski was not considered a member of the Council because he recused on this subject. There was a quorum of the Council in attendance, two were absent and three voted. He explained the doctrine of necessity and stated that the vote was legal. Mr. Steele objected stating that the Council does not follow Robert's Rules of Order.

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

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

Mayor Bieri stated that signage and receptacles are necessary at Browns Point. She stated that it would be inaccurate to take the estimated tax bills and multiply that number by four to calculate your taxes for the coming year. She explained the process by which estimated tax bills are calculated. She stated that she is not legally entitled to vote on any issue before Council unless there is a tie. She has been a consistent voice in lobbying in Trenton for recognition of the issues facing West Milford and she encouraged residents to do likewise.

Agenda No. VIII

Discussion Items

1)	Glenwood Road – Vacation Request – The Council gave consensus to proceed with this request.
2)	Cliffside Road – Request to have Township Provide Supplies for a Road Improvement Project – Mr. Boyle invited Matt Fagan of the Lindy Lakes Association to discuss this request with the Council. Councilman Jurkovic and Councilwoman Lichtenberg recused from this discussion and left the meeting. Mr. Fagan stated that the DPW Superintendent has conveyed that the Township may have some old material that could be used by the Lindy Lake Association to repair Cliffside Drive and they are asking the Township to donate those materials for this project. The materials would be sufficient for the repair of this private road but cannot be used by the Township because the Township must make such repairs to a higher standard. In response to the Council, Mr. Fagan stated that the supplies may include some old catch basins. Mr. Boyle asked for an opportunity to confirm or refute this with Mr. Storms and the Township Engineer. Mr. Fagan stated that the work will be done by the Association and the Township will assist with the tie-in to the municipal catch basin. There are water and sump pump issues on that street that will be addressed in this project. In response to Councilman Weisbecker's query, Mr. Fagan stated that the Association wishes to perform the work themselves because the cost for the Township is too prohibitive and the related assessments

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	would be too burdensome for residents. Councilman Wesibecker asked if the Association had considered liability issues. If this work is done and there continues to be ice related issues on Otterhole Road the Association would be liable. Mr. Fagan replied that, as Cliffside is currently a private road, the Association is already liable under these conditions. A major component of this project would be to address drainage issues. The Council instructed Administrator Boyle to research this matter further.
3)	EMD Call Screening – Mr.Boyle directed Council to a memorandum from Chief Costello which stated that all dispatchers, including police officers must have emergency medical dispatch training. The Township has sent one dispatcher to a training program and he is now certified to provide inhouse training in the future. The Chief is recommending entering into an agreement for back-up emergency medical dispatch services with Hackensack Medical Center who runs a program called MICCOM to provide these services. The Council noted that the Chief’s memo states that the Passaic County Sheriff’s office provides similar services at no charge while MICCOM has a minimum number of calls which would equate to \$5,400 per year for the first year of service. Councilman Jurkovic stated that there appear to be differences in the level of services being provided from each entity noting that there is a delayed response with the Sheriff’s office. Mr. Boyle stated that the need is temporary until the police personnel are trained. The Council asked the Administrator to have Chief Costello attend an upcoming meeting to answer their questions and to have a representative from the Sheriff’s office attend to talk about their program.
4)	Ordinance – Regulating Charitable Clothing Bins – Mr. Boyle stated that this ordinance is self-explanatory but it will be difficult to regulate. Mr. Semrau stated that the State of New Jersey has given control of these issues to the municipalities and the maximum penalty allowed for violations is \$20,000. Councilman Nolan asked how the Township would recoup the cost of removing bins if it were necessary to do so. Mr. Semrau stated that relief would be sought through the municipal court. The Council gave consensus to proceed.
5)	Ordinance – Mount Laurel Skate Park – Mr. Boyle stated that this ordinance is intended to address concerns with Mount Laurel Skate Park. Council President Smolinski questioned its effectiveness if there are no personnel to enforce the ordinance. People, he said, are being paid to oversee the coffee house with no attendance and he stated those people should be sent to Mount Laurel to oversee the skate park and enforce the regulations. Mr. Boyle stated that he is researching those options but needs the ordinance in place prior to an enforcement effort. Because this ordinance deals with minors, Mr. Semrau asked that an opinion be sought from the Township’s municipal prosecutor and Mr. Boyle stated that he will seek that opinion for the next meeting. Council gave consensus to proceed.
6)	Ordinance Snow & Ice Removal from Sidewalks – Councilman Nolan stated that there is no process for appeal in this ordinance and Councilman Jurkovic stated that the language in some instances appears to be very subjective. Mr. Boyle stated that he does not favor an appeals process in this form of legislation. Mr. Semrau stated that the bolded text represents the proposed amendments. That text which is not bolded reflects that which already exists in the Township code. The Council deferred discussion of this ordinance to a future workshop meeting.
7)	Ordinance – Water Conservation – Mr. Boyle stated that he is seeking direction from the Council on this proposed ordinance. Councilman Nolan stated that it appears that the Environmental Commission agrees with Dr. Aaronson on the need for water conservation legislation but he does not fully agree. However, some form of water conservation ordinance may be worthwhile to support our case seeking relief from the State of New Jersey. Council President Smolinski stated that the Environmental Commission supports water conservation but not the proposed ordinance as drafted. Councilman Jurkovic stated that the body of the ordinance should be supported by facts and West Milford residents should not be restricted when Newark Watershed customers have no restrictions on their use. Such a situation reflects extreme inequity; Ten million gallons of water are taken from the aquifer every day to service Newark Watershed and West Milford residents are completely charged with protecting that supply for an entity that wants to contribute nothing. The Council is elected to serve West Milford residents. If residents are compelled to water restrictions, those restrictions should apply to Newark Watershed and their users. Councilman Nolan stated that this is a concept intended to protect the wells in the municipality not the reservoirs. Mr. Boyle stated that he would schedule this for a further discussion at a future workshop.
8)	Ordinance – Amend Chapter 135-28 Public Defender Fees – Mr. Boyle stated that the public defenders have not had a fee increase for many years. There is a court fund for these fees and a lot of work is involved in these cases. He is recommending an increase to \$400. Mr. Semrau stated that West Milford public defenders do not participate in the public pension system as do most. The Council gave consensus to proceed.
9)	Contract – Brent Material company through the Morris County Cooperative Purchasing Council, Contract #7, for Drainage Pipe – The Council gave consensus to proceed.
10)	Contract – Denville Line Painting, Inc. through the Morris County Cooperative Purchasing Council, Contract #36, for Traffic Striping - The Council gave consensus to proceed.

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WHEREAS, the Township's Engineering Department has recommended that an application be submitted for a Local Bikeway Program, Section 3, Contract 4, along Ridge Road between Alpine Ridge Road and #219 Ridge Road, as this section of Ridge Road is in need of resurfacing/reconstruction, and when completed along with last year's bikeway grant for a portion of Westbrook Road, only a 0.7 mile of the approximate 4.8 mile bikeway route from the Town Center to the High School Complex will remain to be reconstructed; and

WHEREAS, the Township's Engineering Department submitted the following application for consideration to the Township Council:

Project:

Reconstructing/Resurfacing approximately 0.4 miles of Ridge from Alpine Ridge Road to #219 Ridge. The improvements will consist of reconstructing/ resurfacing the roadway 31 feet wide with curb, as needed, to provide for two travel lanes and two bike lanes. Drainage improvements will also be included.

Table with 2 columns: Item, Amount. Rows: Grant Application (\$400,000), Township Contribution (\$ 90,000), Estimated Cost for entire project: (\$490,000)

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as BIKE-2009-West Milford Township-00067 to the New Jersey Department of Transportation on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 10, 2009

Discussion: Council President Smolinski stated that, in his opinion, bike paths do not work in this town. They are regularly littered with debris and he asked that the Planning Board work on seeking to have real bike paths installed in this towns. Mr. Boyle stated that DOT funding for this program is strictly for bikeways that run beside a regular roadway. Engineering uses these funding initiatives as a method to effectuate major road improvements with State grant monies. Grant funding is not available for off-road bike paths.

Agenda No. IX 3

~ Resolution No. 2009- 230A ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR DESIGNING AND INSTALLING A TRAFFIC SIGNAL AT THE WARWICK TURNPIKE AND LAKESHORE DRIVE (SOUTH) INTERSECTION

WHEREAS, the NJDOT is accepting applications for the fiscal year 2010 roadway infrastructure category; and

WHEREAS, the Township's Engineering Department has recommended that the following application be submitted for designing and installing a traffic signal at the intersection of Warwick Turnpike and Lakeshore Drive (south) along with various curb and sidewalk improvements; and

WHEREAS, the Township's Engineering Department submitted the following applications for consideration to the Township Council:

Table with 2 columns: Item, Amount. Rows: Project description, Grant Application (\$300,000), Township Contribution (\$ 75,000), Estimated Cost for entire project: (\$385,000), Grant Application No. (MA-2010-West Milford Township-00237)

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit the electronic grant application as identified above to the New Jersey Department of Transportation on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 10, 2009

Agenda No. IX 4

~ Resolution No. 2009- 230B ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MILLING AND RESURFACING OF OTTERHOLE ROAD-SECTION 2 FROM LARSEN ROAD TO HIGHVIEW DRIVE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2010 roadway infrastructure category; and

WHEREAS, the Township's Engineering Department has recommended that the following application be submitted for milling and resurfacing a 1-mile portion of Otterhole Road from Larsen Road to Highview Drive, also included are drainage and guide rail improvements; and

WHEREAS, the Township's Engineering Department submitted the following applications for consideration to the Township Council:

Project:	
Milling and resurfacing a 1-mile portion of Otterhole Road from Larsen Road to Highview Drive. Also included are drainage and guide rail improvements.	
Grant Application	\$350,000
Township Contribution:	\$ 65,000
Estimated Cost for entire project	\$415,000
Grant Application No.	MA-2010-West Milford Township-00264

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, formally approve the grant application for the above stated projects; and

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit the electronic grant application as identified above to the New Jersey Department of Transportation on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 10, 2009

Agenda No. IX 5

~ Resolution No. 2009- 231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2010

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$5,000.00 with a cash match of \$2,500.00 and an in-kind match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2010 and;

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be authorized and directed to arrange for the acceptance of said grant.

Adopted: June 10, 2009

Agenda No. IX 6

~ Resolution No. 2009- 232 ~

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 \$35,000 State share, with \$7,000 local share, for a total contract of \$42,000 for 2010 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:

Adopted: June 10, 2009

Agenda No. IX 7

~ Resolution No. 2009- 233 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES AND CLUB LICENSES FOR THE 2009 - 2010 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2009 - 2010 License year have been received and reviewed; and

WHEREAS, the Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

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WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford.

<u>AMERICAN LEGION POST #289</u> 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	<u>WINE IN THE WOODS LLC</u> t/a Wine in the Woods c/o Vincent Paragano, Esq. 5 Seney Drive Bernardsville, NJ 07924 1615-33-023-003
<u>BRUCO CORPORATION</u> t/a Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002	WEST MILFORD BAR & LIQUORS, INC. t/a West Milford Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002
ALO INC. t/a Village Square Inn P.O. Box 590 Newfoundland, NJ 07435 1615-33-005-003	PLAZA BAR & LIQUORS INC. t/a Plaza Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-003
<u>NEW VINELAND CORP</u> t/a Uncorked Wines & Liquors 9 Marshall Hill Road West Milford, NJ 07480 1615-33-003-006	<u>2236 CORPORATION</u> t/a W.M. Elk's Lodge 2236 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001
SHARON A M ^C KEAGE TAVERN INC. t/a McKeages Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007	GUSTAV KOHLE CORP. t/a Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002
<u>GEORGE INDUSTRIES INC.</u> t/a South Shore Grill 1555 Greenwood Lake Turnpike West Milford, NJ 07480 1615-33-024-012	

Adopted: June 10, 2009

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

Agenda No. IX 8

~ Resolution No. 2009- 234 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2009 - 2010 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2009 - 2010 License year have been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

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WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE / T/A	CONDITIONS
HONKY'S OAK RIDGE PUB & LIQUORS t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-007	1. Licensee must prevent liquor from being consumed in the fenced-in side yard which is not included in the licensed premises.
FILLIPPO ENTERPRISES LLC t/a The Lakeshore Inn 399 Lakeshore Road Hewitt, NJ 07421 1615-33-035-007	1. No combustibile or flammable curtains or soundproofing devices or equipment shall be hung on walls or over windows or exit doors; 2. No double key locking devices are to be reinstalled on any exit door; 3. Any use of flame producing entertainment devices shall be prohibited; 4. All exit doors must remain clear at all times.

BE IT FURTHER RESOLVED that the Petition to Extend Licensed Premises submitted on May 28, 2009 for a July 4th. Independence Day Celebration by Bearfort Plaza, Inc. t/a Valley View Pub is hereby approved, with Police Department conditions attached to the Petition, by the Township Council of the Township of West Milford.

Adopted: June 10, 2009

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

Agenda No. IX 9

~ Resolution No. 2009- 235 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
 STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER
 OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-024-012
 FROM GEORGE INDUSTRIES, INC. LOCATED AT 1555 GREENWOOD LAKE TURNPIKE, HEWITT,
 NEW JERSEY TO NTI, LLC FOR PREMISES AT THE SAME LOCATION**

WHEREAS, an application has been received for a Person to Person transfer of 2009 - 2010 Plenary Retail Consumption License No. 1615-33-024-012 presently held by George Industries, Inc. located At 1555 Greenwood Lake Turnpike, Hewitt, New Jersey to NTI, LLC for Premises At The Same Location; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred;

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NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same.

Adopted: June 10, 2009

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

Agenda No. IX 10

~ Resolution No. 2009- 236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A FIREWORKS PERMIT TO THE WEST MILFORD DEPARTMENT OF COMMUNITY AFFAIRS AND RECREATION FOR A FIREWORKS DISPLAY TO BE HELD AT THE FORMER JUNGLE HABITAT PROPERTY

WHEREAS, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 2, 2009 with a rain-date of July 10, 2009; and

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

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

WHEREAS, the Township has approved and received a completed Agreement and required documentation from Garden States Fireworks for the preparation and exhibition of a fireworks display; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and Garden State Fireworks to hold a fireworks display at the former jungle Habitat property on July 2, 2009 with a rain-date of July 10, 2009.

Adopted: June 10, 2009

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

Agenda No. IX 11

~ Resolution No. 2009- 237 ~

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:

1. Cancel Lien Premium

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2. Cancel Overpayment

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
02706-5	PAM INVESTORS	\$3,000.00	2004	1
10808-11	M. & N. Poremba	\$1,513.00	2007	2
TOTAL		\$4,513.00		

Adopted: June 10, 2009

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

Agenda No. X

Approval of Expenditures

~ Resolution No. 2009- 238 ~

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.	302,819.94
2	Reserve Account	25,721.78
3	Animal Control Trust	80.10
6	Capital.	14,861.04
7	Grants.	16,627.81
8	Refuse.	16,993.15
9	Refunds.	270.00
12	General Ledger.	200.00
16	Heritage Trust.	708.90
14	Open Space Trust	0.00
17	Trust	15,096.15
18	Development Escrow.	840.00
19	LOSAP	
20	Special Reserve	
Total		394,218.87
Less Refund Resolution		<u>-270.00</u>
Actual Bill List		393,948.87
Other Payments		2996.00
Less Refund Resolution		
Total Expenditures		396,944.87

Approved: June 10, 2009

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

Discussion: Mr. Boyle stated that this resolution reflects payment for the Accu Weather invoice which is for services received. Councilman Nolan asked for a separate vote on this invoice stating that Township officials should be more attuned to spending practices. Because a service was funded in the past is not

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justification for it to continue. He stated that trifling expenditures such as a senior olympics pre dinner and trinkets for ALF mount up and should be reconsidered.

Councilman Nolan made a motion adopt the bill list with a separate vote for the Accu Weather invoice.

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

Councilman Weisbecker made a motion to approve the Accu Weather invoice.

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

Agenda No. XI

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

Councilman Schimmenti – stated that a working military German Shepard marched in the Memorial Day Parade. These dogs provide great service and there will be collections made to fund their training a multiple locations in town.

Councilman Nolan – stated that he and other Council members attended the High School scholarship awards last week and he congratulated the class of 2009 wishing them well. The tax collector's report is indicative of the economy with a 42% increase in delinquent payments. Apple Acres has issues with contamination and the Township Health Officer sent a letter to the owner conveying that pesticides were found on the property. He asked residents who have questions to call the Health Department for further information. He stated that there continue to be ongoing septic issues in the Health Department caused by property owners who fail to make required upgrades to their system. Recently the chinese restaurant, *Mr. Wonton*, was closed down due to a failing septic and Mr. Scott Leonescu has septic issues at his property on Papscoe Road. He commended the Health Department for their efforts and urged the property owners to comply with the law for the health and safety of all residents. He stated that the Township received Passaic County open space funding for Eagle Ridge in 2005. He asked the Council to consider asking that those funds be transferred toward the acquisition of another property. He asked Administrator Boyle to speak with the Director of Community Services & Recreation to ensure that the Township is processing the necessary paperwork for Passaic County open space grants to ensure that we do not lose funds awarded but not processed.

Councilwoman Lichtenberg – gave a thumbs up to all those who participated in, organized and attended the DWI reenactment at the High School on June 3rd. Mr. George Eckhardt will be the speaker at the third reminisce series to be held at the West Milford museum on June 13th. The West Milford farmers market will be held on June 17th at Queen of Peace, there is an upcoming tour of the iron works and the library is hosting an event on June 20th from 10 a.m. to noon. Thunder in the Highlands is on July 2nd and there is a concert at the High School on July 5th. She is available to residents at Town Hall on Thursday from 10 a.m. to noon.

Councilman Weisbecker – asked the Administrator to schedule a discussion of establishing a charter study commission for the next workshop meeting. Councilwoman Lichtenberg agreed as did Council President Smolinski.

Mayor Bieri – stated that she went to Trenton today with Township Officials to appear before the Local Finance Board for the CAP waiver application. Overall the results were good and she did use the opportunity to make a plea for a water use fee. The caretaker RFP is posted on the Township website for interested parties.

Township Administrator Boyle – stated that he recently spoke with the surveyor working on Jungle Habitat. He and the Director of Community Services & Recreation will be working on a plan for submittal to the State. The Township did receive a good portion of the CAP waiver request today and he is hoping that the Council will have a budget to adopt on June 24. The impact is now down to \$100 on the average household with some changes still to be made. He will be reporting back to Council at a later date about joining a sustainable energy program with a membership fee of \$600. Mr. Semrau has reviewed the *Live Where You Work* agreement and is proposing some language changes. The cost of this program is related to flyers and the Township controls the number of flyers to be printed. He will have resolutions for Council consideration at the next meeting for four applications to Passaic County for open space funding.

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He has received prices for monitoring devices and upgraded door locks to implement safety precautions at Town Hall. He is getting estimates for door replacements. He will begin meeting with the bargaining units on Friday for contract negotiations.

Township Attorney Fred Semrau – stated that he spoke with the Land Use Attorney about conformance with the Highlands Act. He is seeking direction from the Highlands Council about additions in the preservation zone because there is some confusion in the legislation. He asked that West Milford Lake be and Valley Ridge be added to the motion for executive session.

Agenda No. XII

Appointments and Resignations

None.

Agenda No. XIII

Executive Session

~ Resolution No. 2009- 239 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 10th day of June 2009 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Potential Property Acquisitions –Block 9302, Lot 6 CYO; Block 8001, Lot 1 Random Woods
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (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
 - () 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: June 10, 2009

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

Mr. Semrau advised that the Council may take action on West Milford Lake after executive session. The Council convened in executive session at 11:19 p.m.

Council President Smolinski left the meeting during executive session.

The Council returned to the public meeting at 12:22 a.m. on June 11, 2009.

Mr. Semrau advised that the Township had previously instructed him to ascertain if Marshall Hill, LLC, the owners of West Milford Lake would be interested in donating this property to the Township. At this time,

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the Township is no longer interested in pursuing such a donation and the Council has instructed him to convey that position to Marshall Hill, LLC.

Councilman Weisbecker made a motion to have Mr. Semrau convey to Marhsall Hill, LLC that West Milford is not interested in acquiring this property.

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

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:24 a.m. Thursday June 11, 2009

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

Approved: July 22, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK