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

Minutes of: Township Council Regular Meeting  
Date of Meeting: June 11, 2008  
Time of Meeting: 7:30 P.M.  
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**Unfinished Business, Final Passage of Ordinances**

None.

Agenda No. V

**Public Comments**

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

Jack Bandazian, 4 Whispering Road – wanted to comment that at the past senior meeting it was said that some senior services may be withdrawn. He said that he could not get any answers to this. He asked if the Council can respond.

Bernie Stapleton, 40 Plymouth Ave. – stated that he was in attendance as a representative of the Township Environmental Committee. He is concerned about the energy usage in West Milford. He is supporting of the work of the Energy Committee and seeking ways to use energy more efficiently. He stated that as energy prices soar, he will be requesting updates. He is disheartened by the Townships apparent inaction. He asked that the issue be given attention. He asked for response to the Energy Committee.

Daniel Jurkovic, Seymour Drive – referred to a recent newspaper column regarding the COAH and Fair Housing Act. He said that they have originated with the Mount Laurel decision. COAH has not adhered to the court decision. West Milford is subjected to COAH. West Milford is also a preservation area under the Highlands Act. He feels that the council should be proactive regarding COAH. The Township successfully defeated Eagle and Valley Ridge only then have to build because of COAH. He referred to the Council recently speaking about hiring a lobbyist. He feels that it is a great idea. He feels that a lobbyist would be able to waiver for the Highlands Commission and the COAH obligations. He is stunned that COAH will kick in because of the Walgreen's. He quoted the Mount Laurel opinion. He provided Mayor Bieri with the article that he had referred. He asked Council to look into the contents further. West Milford should not be subjected to unfair housing requirements.

Jim Novak, Mount Laurel – began by saying that the Township Clerk last week said that it will be a difficult task to put out bids for metal recycling. He feels that all is needed is to replace cardboard with metal. He feels it should be done now. He said that metals would bring the Township quite a lot of money. He commented that a local church had picked up roadside trash on Sunday. The trash is still where they left it today. Political signs are still out even though election is long over. This is littering our town. He said on this evening's agenda has a change order for a contract. These change orders are ridiculous. In one year our garbage and recycling contracts are up. This needs to be looked at. The cost may double due to increased fuel prices. The Township must start researching this now. Gas may increase in price to \$4.25.

James Warden, 199 Hillcrest Drive – said that he has been videotaping every meeting since January. He has all of the meetings and all of the discussions. He has a 20 minute DVD on the Pay to Play discussion from the last meeting. Councilmen Weisbecker and Smolinski were elected to represent the Township, not a political party. Mayor Bieri foiled the plan for the first time. Mayor Bieri received a phone call from the Republicans saying that the Mayor had to break the tie. Councilman Smolinski made misleading and distorted comments last week. He talked about Ferraioli contributions to the Democratic Party. What he failed to explain was contributions to Republicans. Council Smolinski attacked Councilman Nolan. He did not attack Councilmen Schimmenti, Scangarello or Lichtenberg for their yes votes. Only Councilman Nolan was criticized. That makes it political. This amendment has nothing to do with ethics. It has to do with partisan politics. Councilman Smolinski condemned Councilman Nolan for his yes vote and condemned the Mayor for her "no" vote. You did that because you wanted her to break a tie vote. Both of you should be ashamed of yourselves.

Andrew Gargano, Apshawa Crossroad – stated that he has viewed the meeting video referred to by Mr. Warden. The vote to amend the Pay to Play Ordinance was rigged twice to negate the affect of the November election. Mr. Warden will post it onto the web. It is puzzling that Councilman Smolinski attacked Councilman Nolan for his vote but not Council members Scangarello, Schimmenti or Lichtenberg. He did not praise Councilman Nolan for his "no" vote the first time the vote was taken. He, three times, mentioned that Mayor Bieri voted yes, when she had voted no. Why castigate the mayor for voting the way you did? Mr. Gargano said that the Republicans want to make Pay to Play a campaign issue. He asked Township Clerk Battaglia to note that Councilman Smolinski make the same statement three times and to include this in the minutes. Mr. Gargano then commented that there had been a secret meeting in a local diner of Council members. Following, he directed to Councilwoman Lichtenberg saying that she seemed confused and ill at ease with the Pay to Play last meeting. Who changed your vote? He said that he has known Councilwoman Lichtenberg as being honest. He said that if she were party to this

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vote rigging she had violated the golden rule. Council majority rigged a vote for political gain. He emphatically stated to stick to the issues and move Township business forward.

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

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

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Agenda No. VI

**Council Comments**

Councilman Weisbecker – said that he is working to ensure that Hillcrest stays in operation and that Senior Services continue. The Energy Committee made a presentation to the Town Council. The process began to write another report. Information fell through the cracks when the previous Administrator left. Meeting of the committee become intermittent. He said a letter will be sent to the Township Council with findings within the next month. Regarding Mr. Warden and Mr. Gargano, he said that everyone had just witnessed a political attack. He has consistently voted no on an amendment to an Ordinance. There is no political pandering. He never attacked anyone. He had a bit to eat after the meeting. Township Attorney Semrau interjected at this time and cautioned Councilman Weisbecker to not answer at this time. Accusations are unfounded.

Councilwoman Lichtenberg – said that she had spoken to Township Clerk Battaglia the previous day and that she had called DPW and was told that the trash would be picked up. She said that she was confused with the Pay to Play discussion. She studied the Ordinance further and had questions about the break in contract. She interpreted it different from the Attorney. It has been clarified at this time. She recused herself from the first vote and changed to an abstention due to the way it was written. She likes Ferraioli as an auditor.

Councilman Scangarello – quoted former Council President Bill Gervens. He said that a silly season has started. He asked how one hides in a public place? He said that they know that the democrats go to the West Milford Diner. How were they trying to hide or have a private meeting? At 11pm there are not many options. Regarding recycling, he agrees with Mr. Novak about the recycling and garbage. He asked that the DPW Supervisor and Township Engineer can review a study that had been done previously. Perhaps we can expand on our DPW to provide a recycling process. The town of Bloomingdale does this in-house.

Mayor Bieri – began by saying that the Sign Ordinance is on the Planning Board list to review. There are many sign issues that affect the quality of life. She will be making recommendations to the Council with addressing COAH through the new planner. She said that many rumors have been spread regarding Senior programs. No Senior programs have been cut in the budget. She read an excerpt from a letter from the Interim Administrator to a Senior citizen who expressed concern. Mayor Bieri finds it appalling that people have intentionally preyed on the fears of our seniors. Seniors are being used and havoc is being created unnecessarily. No discussion has taken place to eliminate Senior Services. Regarding the potential quorum issue, she defers to Township Attorney Semrau.

Township Attorney Semrau – He said that he will distribute a memo to Council providing guidelines for meetings. Township Attorney Semrau said that gathering should not intentionally be organized where action can be taken or discussed. In this case, quorum is four or more members. There are certainly exceptions such as Township gatherings and the like. The rule is to not discuss Township business and to avoid gathering together. Regarding COAH, the Township will have their work cut out for them. The good news is that at the time the Planner was convinced that the 2<sup>nd</sup> and possibly the 3<sup>rd</sup> round had been satisfied. Rules have changed and Mr. McGroarty is reviewing this and pulling all of the information together.

Agenda No. VII

**New Business, Introduction or Ordinances, Resolutions**

The following items were acted upon by the Town Council:

Agenda No. VII 1

~ Ordinance 2008 - 031 ~

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, ADMINISTRATION OF GOVERNMENT, ARTICLE XIII, DEPARTMENT OF PLANNING AND BUILDING, 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:

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**SECTION 1.** Chapter 15, Administration of Government, Article XIII, Department of Planning and Building, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**ARTICLE XIII Department of Planning and Building**

**§ 15-71. Establishment; Head of Department; Composition.**

*There is hereby established a Department of Planning and Building, the head of which shall be the Land Use Administrator. The Department shall consist of the Land Use Administrator who shall serve as the department head, a Construction Official and Building Subcode Official who shall serve as the head of the Building Division and the appropriate subcode officials as deemed necessary by state statute, and such additional employees as authorized by the Township Council.*

**§ 15-72. Powers and duties.**

- A. The Department of Planning and Building, under the direction of the Land Use Administrator, shall:
- (1) Exercise initiative and professional judgment in providing the Township with guidance and planning within the framework of a Master Plan;
  - (2) Make recommendations regarding the Master Plan of the Township so that it reflects the needs and wishes of the Township consistent with the good welfare of the community;
  - (3) Assist in the preparation and maintenance of an Official Map of the Township as may be directed by the Township Council;
  - (4) Prepare agenda and reports for Planning Board and Board of Adjustment meetings;
  - (5) Attend all meetings of the Planning Board and Board of Adjustment and other boards or agencies as may be required for the proper planning of the Township;
  - (6) **Receive, process and classify applications for subdivisions, site plans, conditional land uses and variances;**
  - (7) Investigate and prepare reports and recommendations on subdivision applications and site plan applications and all other assignments as requested by the Planning Board or Board of Adjustment;
  - (8) **Transmit all bonding and fees received on applications to the appropriate agency and maintain a general ledger for all deposits made to the boards and Zoning Official;**
  - (9) Make recommendations regarding the subdivision, zoning and other land use development ordinances within the Township;
  - (10) Issue all permits required by law within the jurisdiction of the Department of Planning and Building and keep a record of all applications and all permits issued with a notation of any special conditions involved, if any.
- B. **In addition to the powers and duties set forth under § 15-72(A), the Land Use Administrator shall also be responsible for the following:**
- (1) **Determination of the proper agency to conduct a hearing and rule on the applications submitted for approval;**
  - (2) **Preparation and advertisement the decisions of the agency with regard to the land use applications submitted to it;**
  - (3) **Supervision the Building Division and Zoning Official's activities;**
  - (4) **Be responsible for such duties necessary for the proper and efficient conduct of the functions of the offices within the Department of Planning and Building;**
  - (5) **Under the administrative direction of the Mayor, act as Zoning Administrator and shall be responsible for all administrative and legal enforcement of Chapter 500, Zoning;**
  - (6) **Performance of such other duties as may be assigned to him/her by ordinance or by the Township Administrator.**
- C. The Zoning Administrator, or his designee, shall be hereby authorized to appear in court, to appear before all administrative bodies requiring his advice and to review all necessary plans and documents to insure compliance with Chapter 500, Zoning.
- § 15-73. Powers and duties of Construction Official and other subcode officials.**
- A. Subject to the administrative control of the Land Use Administrator, the Construction Official and the subcode officials shall perform such duties as outlined in the Uniform Construction Code Act and shall keep such records as may be necessary to properly comply with local and state law.
- B. The Construction Official and subcode official(s) shall assist in the enforcement of Chapter 500, Zoning, under the administrative direction of the Land Use Administrator.
- C. Building, occupancy and zoning permits are to be issued in accordance with the Uniform Construction Code and applicable local ordinance.
- D. **Fire subcode official.**
- (1) **Duties of fire subcode official. The fire subcode official shall:**
    - (a) **Be responsible for the inspection of new buildings, alterations and additions to structures.**
    - (b) The subcode official may be the Fire Official.

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

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

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

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

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing is set for the Regular Meeting of the Township Council scheduled for July 9, 2008 and the Ordinance shall be advertised on or about June 15, 2008.

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

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Discussion: Mayor Bieri asked if the Environmental Commission and Heritage Commission should be added. It was determined to not do this at this time. She then asked if escrow controls should be added to the Ordinance. Township Attorney Semrau said that this can be discussed prior to final adoption.

Agenda No. VII 2  
~ Resolution 2008 - 224 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING ASSEMBLY BILL A2867 KNOWN AS THE PERMIT EXTENSION ACT OF 2008**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford have reviewed the proposed Assembly Bill A2867 known as "The Permit Extension Act"; and

**WHEREAS**, the Act provides that certain land use approvals that existed as of January 1, 2006 shall continue and remain in effect retroactive and through December 31, 2012; and

**WHEREAS**, the Township of West Milford has undergone significant changes in the last five years with the adoption of the "Highlands Water Protection and Planning Act", new Council on Affordable Housing Third Round Rules and Regulations and revised State regulations regarding Category 1 waters; and

**WHEREAS**, the Permit Extension Act would revive approvals that were granted in the Township under a different set of rules without compliance with the significant land use changes that have been adopted on State and local levels that have significantly changed the pattern of development within the Township of West Milford. Specifically the Highlands Water Protection and Planning Act designates the entire 80 square miles of West Milford in the "preservation area" to protect the scarce resource of water that which the Township reservoirs are a source of drinking water for over 1 million residents throughout the State of New Jersey. This designation is predated by many of the approvals the legislation seeks to revive; and

**WHEREAS**, the Township maintains 22 surface water bodies that are classified as C 1 waters that have been designated for protection. The revised C-1 regulations were enacted subsequent to many of the approvals this legislation seeks to revive; and

**WHEREAS**, while the "Highlands Water Protection and Planning Act" imposed significant protection and restrictions, such legislation would be nullified by pre-Highlands approvals that are revived by the Permit Extension Act; and

**WHEREAS**, while the Permit Extension Act will not apply to or extend approvals granted by the Pinelands Commission, it does apply to those properties that have previously obtained Highlands exemptions notwithstanding the fact that such exemptions may have since expired. The legislation should exclude Highlands approvals in the same manner that it does not revive Pinelands approvals; and

**WHEREAS**, by virtue of this legislation, those applications for development that have expired subsequent to January, 2006 and also have Highlands exemptions that have expired will in fact be revived notwithstanding that the State of New Jersey has enacted significant legislation in the form of the Highlands Act, protections to categories C 1 classifications and other State and local planning legislation that which these approvals will not comply with; and

**WHEREAS**, the Council on Affordable Housing Third Round Rules and Regulations which protected developments under the Permit Extension Act would trigger an Affordable Housing obligation without any contribution from these revived approvals; and

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**WHEREAS**, the Permit Extension Act as proposed contradicts State legislation in the form of the Highlands Water Protection and Planning Act, the Highlands Regional Master Plan, the Third Round Council on Affordable Housing Rules and Regulations, the concept on Smart Growth and other local zoning ordinances and land use ordinances adopted by the Township such as its Well Protection Ordinance; and

**WHEREAS**, the Permit Extension Act will disrupt the Township's planning objectives, its obligations to comply with the new Third Round Affordable Housing Rules, its obligations to comply with the Highlands Regional Master Plan and it will create equitable and unjustifiable rights to developers for an inordinate period of time.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township of West Milford is hereby opposed to Assembly Bill A2867 entitled the Permit Extension Act.

**BE IT FURTHER RESOLVED** that a copy of this Resolution opposing this Act shall be sent to the representatives for the Township of West Milford in the State Assembly and State Senate.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to Governor Corzine as well as the Highlands Council, Council on Affordable Housing and the Office of Smart Growth.

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

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Discussion: Councilman Nolan stated that the resolution is well intended. The corresponding bill is in the State Senate. The Assembly Bill has 45 sponsors. Jay Webber is the Township sponsor. Senate version has 17 co-sponsors. Only needs four votes to pass.

Agenda No. VII 3  
~ Resolution 2008 - 225 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING PROPOSED LEGISLATION S-1454 AS IT RELATES SOLELY TO FARMLAND AND OPEN SPACE PRESERVATION PROJECTS AND REQUEST THAT IT BE AMENDED TO PROVIDE RELIEF FOR WATERSHED COMMUNITIES**

**WHEREAS**, the Legislature of the State of New Jersey is considering the adoption of a water tax in order to impose a charge on consumers of water of the State of New Jersey; and

**WHEREAS**, the Township of West Milford, over 80 square miles in size, contains thousands of acres of land that are preserved for the purposes of providing public water throughout the State of New Jersey; and

**WHEREAS**, the reservoirs of the Township of West Milford serve over a million residents, including the City of Newark, and provides safe and clean drinking water; and

**WHEREAS**, development restrictions such as the "Highlands Water Protection and Planning Act" protect such reservoirs and drinking waters so that consumers of this precious natural resource are provided with this service and commodity; and

**WHEREAS**, for years the Township of West Milford has sacrificed economic benefits and ratables as the municipality and its residents have protected these watershed lands and foregone tax revenue of nearly \$5 million per year; and

**WHEREAS**, a tax or surcharge should be rationally related or dedicated to the provider of such governmental service; and

**WHEREAS**, the proposed water tax would impose a charge to those consumers of the water while not providing for any benefit to the provider of such resource;

**WHEREAS**, the proposed legislation of a water tax does not in any way provide any economic relief or retribution to the Township of West Milford for the service that it has and continues to provide to maintain, protect and serve as a steward for these watershed lands located within the municipality; and

**WHEREAS**, the legislation to propose such a water tax should contain a commitment and a specific dedication of such revenue to the Township of West Milford and other similarly situated watershed communities that are most notably identified as part of the preservation area of the Highlands Water Protection and Planning Act; and

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**WHEREAS**, if this legislation is enacted without attributing any of its revenues to such watershed communities such as West Milford, it then ignores and violates the obligation of our legislators to provide economic compensation to the water source and provider of drinking water notwithstanding the imposition of a tax or surcharge to such consumers; and

**WHEREAS**, other residents should not reap the rewards or benefits of a water tax and ignore the provider's and protector's economic sacrifice and the environmental and natural resource protection that communities such as West Milford have endured in order to provide safe and clean drinking water to the residents of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey demand that the water tax legislation hereby include a provision so that municipalities such as West Milford receive just compensation for providing such a commodity to consumers throughout the State of New Jersey.

**BE IT FURTHER RESOLVED**, that the Legislators should include an appropriate set of standards so that watershed municipalities such as West Milford are adequately compensated in an equitable manner so that they can continue to provide such service to the residents and consumers of the State of New Jersey.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to the representatives for the Township of West Milford of the State Assembly and State Senate as well as to Governor Corzine and the Highlands Council.

Motion to amend resolution title by Councilman Weisbecker, seconded by Councilman Nolan.

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

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Discussion: Township Attorney said that he had received proposed changes from Councilman Nolan earlier in the day. He distributed them on the dias. Councilwoman Lichtenberg asked that it also be sent to the Federal representatives. Councilman Nolan said that the only sponsor for this bill is Bob Smith. He would like this on the record to express our sentiments in Trenton. Mayor Bieri asked for a title change. She asked if the Township should fight for Municipal Aid. She wanted to insert that the Township is opposing parts of the legislation. Councilman Smolinski said that this has been done approximately three times already. There is no benefit to West Milford from this. He said that Open Space takes property off of our tax roles and there are a lot of other issues here. Mayor Bieri said that the Resolution does not express support for this. Councilman Smolinski gave Township Attorney Semrau a list of issues related to restoration of our watershed moratorium. That was guaranteed. The Township should remind them of their guarantee. Councilman Nolan stated that this Resolution must get to Trenton as quickly as possible and suggested revisiting the issue again in the fall. Township Attorney Semrau added as it relates solely to farmland.

Agenda No. VII 4  
~ Resolution 2008 - 226 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH MJB SITE DEVELOPMENT CONSULTANTS, INC. FOR REVISIONS TO TAX MAPS**

**WHEREAS**, the Township Engineer has recommended approval of a change order to the 2008 Contract for Tax Map Services awarded January 2, 2008 for a total contract amount not to exceed \$2,750.00; and

**WHEREAS**, the change is recommended due to the need for review and additional revision or correction of five new key map sheets and three other sheets for approval by the State of New Jersey; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from account number 8-01-20-165-450 in the Township budget.

**WHEREAS**, the increased cost recommended in the approval of the change order is \$1,250.00 which is more than 20% of the original contract amount;

**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 approves a change order to the contract with MJB Site Development Consultants, Inc., 45 Cliff Road, West Milford, NJ 07480 in the amount of

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- \$1,250.00 for review and additional revision or correction of five new key map sheets and three other sheets for approval by the State of New Jersey.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2008

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

Motion to amend resolution by Councilman Scangarello, seconded by Councilman Weisbecker.

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

The Council agreed to move Resolutions 2008-227 through 233 as one with the exception of 2008-234 and 2008-235.

Agenda No. VII 5
~ Resolution 2008-227~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO OWL CONTRACTING FOR WARWICK TURNPIKE SECTION 9

WHEREAS, the Township of West Milford solicited bids on May 23, 2008 at 10:00 a.m. Warwick Turnpike Section 9; and

WHEREAS, in response to the "Notice to Bidders" the Township received six (6) bids; and

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Owl Contracting, 36 Berkshire Road, Kenil, NJ 07847; 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 numbers C-04-07-943-622 and C-04-07-943-624; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Owl Contracting for Warwick Turnpike Section 9.

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 Owl Contracting in the amount of \$875,875.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Owl Contracting in accordance with its bid for Warwick Turnpike Section 9.
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: June 11, 2008

Agenda No. VII 6
~ Resolution 2008-228~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing CONTRACTS FOR 2008 ROAD RESURFACING - PHASE I through the Morris County Cooperative Purchasing Council CONTRACT 6 - ROAD RESURFACING, CAT. B BITUMINOUS CONCRETE IN PLACE & CAT.C. MILLING IN PLACE TO OWL CONTRACTING, INC., AND CAT.D RESURFACING PREPARATIONS TO TILCON NEW YORK, INC.

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**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 To Owl Contracting, Inc., 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 2008 Road Resurfacing – Phase 1 to Owl Contracting Inc. for Road Resurfacing – 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 numbers C-04-07-943-624 and C-04-07-943-624.

**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 2008 Road Resurfacing Contract – Phase I through the Morris County Cooperative Purchasing Council contract #6 Cat. B Bituminous Concrete in Place and Cat. C Milling in Place to Owl Contracting Inc. in an amount not to exceed \$525,000.00; and Cat. D Resurfacing Preparations to Tilcon New York, Inc. in an amount not to exceed \$30,000.00.
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: June 11, 2008

Agenda No. VII 7

~ Resolution 2008- 229 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING A HIGHLANDS PROTECTION  
GRANT FUND TO CONFORM TO THE HIGHLANDS REGIONAL MASTER PLAN (RMP) THE  
HIGHLANDS ACT**

**WHEREAS**, in recognition of the costs associated with local government efforts to conform to the Highlands Regional Master Plan (RMP), the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

**WHEREAS**, the Initial Assessment Grant Program will fund preliminary municipal Plan Conformance activities for lands within the Preservation Area; and

**WHEREAS**, this grant will allow West Milford Township to engage professionals to assess the requirements and benefits of Plan Conformance; and

**WHEREAS**, West Milford Township's eighty-plus square miles is entirely within the Preservation Area of the Highlands; and

**WHEREAS**, West Milford Township will need to:

- 1) Assess its existing planning program for consistency with the Highlands RMP;
- 2) Determine what RMP Updates are needed to make the RMP accurate and up-to-date;
- 3) Evaluate the extent of municipal planning program changes necessary to achieve Basic and full Plan Conformance; and
- 4) Determine the estimated cost to achieve Basic and Full Plan Conformance;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council of West Milford Township authorizes the submission of an application to the Highlands Council Initial Assessment Grant Program requesting the amount of \$15,000.00

Adopted: June 11, 2008

Agenda No. VII 8

~ Resolution 2008-230~

**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**

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

Minutes of: Township Council Regular Meeting  
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**GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WEST MILFORD BIKEWAY –SECTION 3 (CONTRACT 3) PROJECT**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year 2009 *Local Bikeway Program*; and

**WHEREAS**, the Township's Engineering Department has recommended that an application be submitted for a Local Bikeway Program, Section 3, Contract 3, along Westbrook Road, as it will link Section 2 of the bikeway, completed along Nosenzo Pond Road, and Section 3, Contract 2, on Ridge Road, currently under construction; and

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

**Project:**

Reconstructing/Resurfacing approximately 0.57 miles of Westbrook Road beginning at the intersection of Westbrook Road and Macopin Road and continuing easterly along Westbrook Road to the intersection with Ridge Road. The improvements will consist of reconstructing/resurfacing the roadway 32 feet wide with curb, as needed, to provide for two travel lanes and two bike lanes. Drainage and guide rail improvements will also be included.

Grant Application	\$475,000
Township Contribution:	\$500,000
Estimated Cost for entire project:	\$975,000

**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-00061 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.

Adopted: June 11, 2008

Agenda No. VII 9  
~ Resolution 2008-231~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION ENTITLED "COPS IN SCHOOLS"**

**WHEREAS**, the Office of Community Oriented Policing Services (COPS), under the U.S. Department Justice, has created a two-year grant program for school security equipment and/or training for educational staff and police personnel; and

**WHEREAS**, this grant provides an opportunity for training for the entire Police Department and comparable school staff to better prepare both entities in the event of a school based violence scenario; and

**WHEREAS**, estimates of training costs and consultant costs should not exceed \$10,000, which would require a financial commitment from the Township in the amount of \$5,000 to match the Federal Grant Award; and

**WHEREAS**, in addition to training West Milford school administration is interested in enhancing surveillance and security equipment which would benefit both the school and Police Department in deterring criminal activity and identifying individuals engaged in criminal activity in and around the schools; and

**WHEREAS**, Board of Education (BOE) Business Administrator Steven Cea has identified the cost of enhanced surveillance and security equipment for the schools as \$50,000.00, which amount would be provided by the West Milford Board of Education; and

**WHEREAS**, Board of Education (BOE) Business Administrator Steven Cea has advised that the BOE will responsible for matching funds for the portion of the grant funds to be used for enhanced surveillance and security equipment for the schools in an amount of \$25,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, New Jersey, that it hereby, authorizes the Chief of Police to complete and submit a "Cops in School" grant request as follows:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Table with 3 columns: Item number, Description, and Amount. Rows include Total Grant Request (\$30,000.00), Board of Education Matching Funds (\$25,000.00), Township Matching Funds (\$ 5,000.00), and Total Amount (\$60,000.00).

BE IT FURTHER RESOLVED, that the Mayor and Township Administrator be authorized to accept said grant and execute the agreement and any other documents necessary in connection therewith.

Adopted: June 11, 2008

Agenda No. VII 10
~ Resolution 2008-232~

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 CAHILL CROSS ROAD IMPROVEMENT PROJECT

WHEREAS, the NJDOT is accepting applications for the Transportation Trust Fund fiscal year 2009 State Aid Program; and

WHEREAS, the Township's Engineering Department has recommended the submission of the application in the roadway infrastructure category for Cahill Cross Road; and

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

Project:

Reconstructing approximately 0.39 miles of Cahill Cross Road from the intersection of the easterly portion of Ridge Road to Macopin Road. The improvements will consist of reconstructing the existing roadway 30 feet wide with granite block curbing to provide for two travel lanes with shoulders for pedestrian and bike traffic. Included are the replacement and upgrading of the existing storm drainage system and upgrading of inlets to conform to the Tier A Municipal Storm water Permit requirements, and traffic striping.

Table with 2 columns: Description and Amount. Rows include Grant Application (\$375,000), Township Contribution: (\$375,000), and Estimated Cost for entire project: (\$750,000).

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 MA-2009-West Milford Township-00106 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 11, 2008

Agenda No. VII 11
~ Resolution 2008-233~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE TEMPORARY LICENSING AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND EDWARD AND PEGGY LOGAN

WHEREAS, Edward Logan and Peggy Logan are the owners of property located at 160 Greendale Drive, Oak Ridge, New Jersey, and as further described in survey of the property; and

WHEREAS, upon the purchase of the residence, Mr. and Mrs. Logan were made aware by the surveyor that a portion of the septic field located on the lot encroached on the Township of West Milford right-of-way by approximately two and one half feet as further indicated on the survey of the property; and

WHEREAS, Edward and Peggy Logan have formally requested that the Township grant them a temporary license for the use of the small portion of the Township right-of-way so that they may continue to appropriately operate their septic system without having to excavate and remove same; and

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

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**WHEREAS**, under the recommendation of the Township Engineer, the Township desires to grant Mr. and Mrs. Logan the temporary license over the Township right-of-way, subject to the terms and conditions set forth in the Temporary Licensing Agreement which shall be executed and placed on file in the Office of the Township Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into a Temporary Licensing Agreement with Mr. and Mrs. Edward Logan pursuant to the terms and conditions as stated in the Agreement.

Adopted: June 11, 2008

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

Agenda No. VII 12  
 ~ Resolution 2008-234~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO 1615-33-011-003 PETER W. ANOLL FOR THE 2007 - 2008 LICENSE YEAR WITH CONDITIONS**

**WHEREAS**, an application for renewal of Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll for the 2007 - 2008 License year was received May 1, 2007 and reviewed; and

**WHEREAS**, following receipt of the license renewal application and fees in the Township Clerk's Office, the New Jersey Division of Taxation – ABC Licensing advised the Clerk's Office that a Tax Clearance Certificate would not be issued, and as a result, the license could not be renewed for the 2007 – 2008 license year; and

**WHEREAS**, Township Officials did conduct a public review of the application 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 determined as follows:

1. The submitted application was complete.
2. The applicant did disclose to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).
3. The applicant was not qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations due to non-receipt of a 2007 Tax Clearance Certificate.

**THEREFORE**, as a result of that review the Township Council determined that the license could not be renewed for the 2007-2008 license year until a Tax Clearance Certificate is received in the Office of the Township Clerk; and

**WHEREAS**, on June 4, 2008 a Tax Clearance Certificate issued by the NJ Division of Taxation; and

**WHEREAS**, the Police Department conducted investigations on this license; and

**WHEREAS**, the Police Department had recommended that the license be renewed as inactive to the current owner with Conditions as noted below.

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

LICENSE/LICENSEE/T/A	CONDITIONS
PETER W. ANOLL 322 Lakeside Road Hewitt, NJ 07421 1615-33-015-008	1. Licensee must file a 12.39 Petition with the Director of the NJ ABC for 2008-2009 license renewal.

Adopted: June 11, 2008

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



TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Consent Agenda

~ Resolution 2008-236~

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

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

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

Resolutions:

- a. Resolution 2008-237 - Cancel Tax Lien Certificates
b. Resolution 2008-238 - Overpayment Refunds
c. Resolution 2008-239 - Reinstatement of Taxes

Applications:

- (a) Application for On Premise 50/50 Raffle - Sustainable West Milford for July 13, 2008
(b) Application for Social Affair Permit - Our Lady Queen of Peace Home School Association for October 18, 2008

Adopted: June 11, 2008
Motion to amend Consent Agenda.

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

Motion to pull payment to MUA.

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

The following resolutions were included in the consent agenda:

Agenda No. VIII (a)
~ Resolution 2008- 237~

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

WHEREAS, the Township Tax Collector of the Township of West Milford sold liens to the municipality; and

WHEREAS, as a result of such tax sale, the Tax Collector has issued Tax Lien Certificates with respect to property formerly known as:

Table with 3 columns: BLOCK & LOT, CERTIFICATE NO., LIEN AMOUNT. Rows include 16504-4 (\$2,860.99), 1806-4 (\$356.45), and a TOTAL row (\$3,217.44).

WHEREAS, the outstanding lien has been redeemed and the amount has been paid to the Tax Collector to satisfy the obligation; and

WHEREAS, the Tax Collector recommends that these Tax Lien Certificates be executed for cancellation of record and recorded with the Passaic County Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey that the Mayor is hereby authorized to execute the cancellation of West Milford Tax Lien Certificates and the Township Attorney may then forward same with the Passaic County Clerk for cancellation of record.

Adopted: June 11, 2008

Agenda No. VIII (b)
~ Resolution 2008-238~

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

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

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

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

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

**REASONS:**

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

<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
1811-16	Crusader Lien Service 179 Washington Lane Jenkintown, PA 19046	\$1,602.59	2008	2
2001-10	B. Filipowska 17 Paterson Road Hewitt, NJ 07421	\$1,133.00	2008	2
4003-6	<del>West Milford MUA</del> 1480 Union Valley Road <del>West Milford, NJ 07480</del>	<del>\$876.17</del>	2008	4
5405-8	Pam Investors 127 South Washington Avenue Bergenfield, NJ	\$598.39	2008	2
7615-13	Paul & Elizabeth Paulson 985 Casteel Road Power Springs, GA 30073	\$121.00	2008	2
9404-8	Crusader Lien Service 179 Washington Lane Jenkintown, PA 19046	\$2,805.89	2008	2
<b>TOTAL</b>		<b><u>\$7,137.04</u></b>		
<b>AMENDED TOTAL</b>		<b><u>\$6,260.87</u></b>		

Adopted: June 11, 2008

Agenda No. VIII (c)  
 ~ Resolution 2008-239~

**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

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>YEAR</b>
5602-4	J. Hanson	\$1,282.00	2008
14113-52	C. & L. Kostenko	\$2,247.00	2008
14113-38	J. & A. Kroi	\$2,521.00	2008
3703-5.02	198 Associates, LLC	\$1,639.00	2008
3701-3	B. Kramer	\$1,049.00	2008
4103-7	L. & P. Brinker	\$2,862.00	2008
7801-52.04	Strategic Sales Inc. NJ. Corp	\$1,497.30	2008
<b>TOTAL</b>		<b><u>\$13,097.30</u></b>	

Adopted: June 11, 2008

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

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Agenda No. IX

**Approval of Expenditures**

**~ Resolution 2008-240~  
 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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account. . . . .	\$338,754.28
2	Reserve Account . . . . .	5,582.25
3	Animal Control Trust	
6	Capital. . . . .	11,046.59
7	Grants. . . . .	5,106.05
8	Refuse. . . . .	194,764.12
9	Refunds. . . . .	7,293.04
12	General Ledger. . . . .	
16	Heritage Trust. . . . .	
14	Open Space Trust	
17	Trust . . . . .	2,148.10
18	Development Escrow. . . . .	274.50
19	LOSAP	
20	Special Reserve	
	<b>Total</b>	<b>\$564,968.93</b>
	Less Refund Resolution	<u>(7,293.04)</u>
	<b>Actual Bill List</b>	<b>\$557,675.89</b>
	Other Payments	\$900.00
	Less Refund Resolution	
	<b>Total Expenditures</b>	<b>\$558,575.89</b>

Approved: June 11, 2008

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

Agenda No. X

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

Interim Administrator Battaglia – said that she has spoken the the Ringwood clerk regarding a Lobbyist and that it was well received that she may be amenable to presenting the idea to their governing body.

Township Attorney Fred Semrau – stated that there will be a public hearing at the next meeting on the Open Space Acquisition. Residents have been sent notification. There will be a meeting onsite on Friday. Only issue is to ensure that 10 acres can be used by the Township. He asked if he can consult with the planner and be certain that they can follow through with the plan. He also updated the Mayor and Council with regards to Mr. Coyman. Township Attorney Semrau said that Mr. Coyman has requested an amendment to the Wastewater Management Plan. His engineer had requested a meeting with the DEP. Mr Semrau asked that they provide all of the information that Mr. Ferraro has asked for.

Councilman Weisbecker – expressed concern regarding two roads in the Township, both named Dockerty Hollow. He asked if the Township Engineer research a change in name. He asked that Interim Administrator Battaglia send a letter to the Township Engineer to advise Council. Township Attorney Semrau suggested contacting residents to get their input. Tax maps would require being changed as would ID be required. Councilman Weisbecker said that there are only 2 homes on the road. Consensus

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was to proceed. Councilman Lichtenberg agreed saying that it would be better for emergency vehicles. Councilman Weisbecker spoke about Upper Greenwood Lake Day and explained that it was founded by him many years ago. The event has grown and it is on June 28<sup>th</sup>. There will be fireworks. He said that he had met with Senator Pennachio, Assemblyman DeCroce and Assemblyman Webber. They had a press conference on a common sense plan for an affordable New Jersey. They provided alternatives to the governors budget plans. It is available on the web. He said that West Milford could benefit from some of the proposals. He commented that the Township is currently 4 days away from being without a Township Administrator for 90 days. He said that in the Ordinance that controls the Townships form of government, it stipulates that the Mayor shall appoint an Administrator. Mayor Bieri has sent letters out to two people who the committee believed were contenders for the Administrator position. He asked where the Township was going. There have been interim managers in the past. The pressure has been too much and there have been errors. Council must be diligent in providing services. He suggests hiring an administrator before burnout hits, stating that the November election will be huge and the Clerk may not be able to handle it. He said that the Clerk must be asked and wants to have this discussed during Executive Session for this evening. Councilwoman Lichtenberg advised that this requires 48 hours notice. It was determined to place it on the June 25<sup>th</sup> meeting agenda.

Councilman Smolinski – stated that before attending this evenings meeting he had attended a summer concert series at Bubbling. His son will miss the High School band. The comment that fears are instilled in the seniors was politically motivated. They aren't true. That committee is not political. He talked about a lease to purchase agreement for our in-line skating equipment. Warwick is anxious to move on this and asked for discussion at the next workshop meeting. He will distribute the proposal.

Councilman Schimmenti – mentioned that there was an article in the Messenger newspaper about Random Woods and that it was inaccurate. He asked that the Messenger retract that and get the true story. He advised that there are firms reaching out to homeowners asking for credit card numbers to purchase deeds. You can get your deed from the County or Municipality. He encourages everyone to not disclose personal information.

Councilman Nolan – advised that this meeting is the last televised until July. He congratulated the Class of 2008. He mentioned that there is a Blood Drive on June 15, Fathers Day and wished everyone a happy Fathers Day. He said that there was an article in the Record about people who use municipal vehicles to commute to and from work. He asked for a report of the Township owned vehicles, their usage and the mileage. Ferraoli has contributed to John Rooney and Republican Assemblyman in Bergen County. He listed other Republicans that he has contributed to. Fred Knapp in 2007 complied to the Townships Pay to Play Ordinance, but he contributes in Sussex and Morris counties. The Townships current Labor Attorney, his firm has made contributions as have the Werner Lesniak firm. The Attorney for the School Board has contributed to various entities. Lakeland Bank has made contributions. When the Council voted down the Pay to Play Ordinance the first time, they had interviewed 2 firms. Lirch Vinci and Higgins has made contributions to republican groups. Pay to Play is systemic throughout the State. Both parties are involved. Something must be done.

Councilwoman Lichtenberg – said that she was asked by a resident about volunteer work. This past Sunday, many volunteers served the community. They put in landscaping by the Township sign, planted flowers at the museum among other things. They would like to do the same thing next year. She asked the Mayor and Council to send them a thank you letter and again asked that the trash be picked up. She reminded everyone that Saturday, June 14 is Flag Day and that Sunday is Fathers Day. June 19 will be the Seniors Annual Picnic. July 3<sup>rd</sup> is Thunder in the Mountains. She said that banners for community events will be hung at the Century 21 property across the street from Town Hall. She is available for anyone to speak with her on Thursdays from 10-12 at Town Hall.

Councilman Scangarello – asked Councilman Nolan and Mayor Bieri to contact Freeholder Duffy for use of county golf carts at Thunder in the Mountains. He has not returned Councilman Scangarello's phone calls. He also mentioned that help is needed for traffic at Thunder in the Mountains and to contact Ms. Battaglia. Volunteers would be needed for approximately 6 hours. He asked Interim Administrator Battaglia about Magnolia Road and she replied that she has spoken to the Township Engineer and that millings cannot be used any longer. He is looking at other alternatives for the road. He thanked Councilwoman Lichtenberg for her volunteering last Sunday and wished everyone a happy Fathers Day. He attended his daughter's recital this past week and commented that the business Planet Dance celebrated 10 years this year. He said that it is amazing how many people participate in dance. The show was spectacular. The talent in this town is unbelievable. He asked if Nancy Gridley is being reappointed to the Library Board and asked about another appointment. A letter was addressed from Doug Ott to be distributed to the Mayor and Council. The letter was not received and he asked that they contact Doug Ott and asked about that. He asked Mayor Bieri why she is always last with giving reports.

Mayor Bieri – in reponse to Councilman Scangarello said that in the past there was no diversity. She rotates the Council but likes to have the last word. Rumors about Seniors are rampant. A member of the Senior Adisory Committee who attended the last meeting asked to stop the rumors. There have also been many rumors regarding adult entertainment. The Council does not wish to permit adult entertainment. The governing body discussed limiting such activities. She has asked the planner to provide the Planning Board with the State regulations restricting such activities. She has had Township

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GIS Specialist, Rob Sparkes making maps. The Township is not looking to foster those activities. She has advertised twice for an administrator and did not find suitable applicants. Two committee members found two candidates acceptable but she did not. She will continue to search for an acceptable candidate. After interviews, no Council member was wowed by any candidate. She will not appoint someone who is only passable. She said the the Township Interim Administrator is doing a wonderful job. With regards to Resolution 2008-028, just before this evenings meeting she handed to the Interim Administrator her veto of that Ordinance. She read into the record that her reasons for the veto. She would like to move forward with an appointment for auditor tonight. She will respect the opinion of the majority. If Council wishes to override her veto she will respect that and appoint Mr. Ferrali.

Discussion - Councilman Scangarello asked Township Attorney Semrau if there would be a conflict of interest if the firm of Lirch Vinci and Higgins were hired. They work for PVSC and he works for PVSC. Township Attorney Semrau replied that he does not consider this an issue. Mayor Bieri asked if there is intent to override the Ordinance or to move forward with an appointment tonight. Councilman Scangarello stated that the Council has to appoint an auditor and that the Council also needs another budget meeting. Councilman Weisbecker agrees with Mayor Bieri and supports her veto. Councilman Schimmenti asked what the process of veto is and Township Attorney Semrau explained that there must be a three day wait, advertise and vote. Councilman Weisbecker recommended Gary Higgins. Councilman Nolan expressed his favoring Mr. Schroeder. Mayor Bieri stated that Lirch Vinci and Higgins have made contributions outside of Passaic County. Nissivacchio has not made contributions. They have no Passaic County clients. Councilman Scangarello said that he would like to appoint Lirch Vinci and Higgins because they have more clients. Councilman Smolinski said that he will support the Councils selection. Councilman Nolan stated that Nissivacchio has not made any contributions and Lirch Vinci and Higgins has. Our Play to Play Ordinance does not apply to Political Action Committee's. He listed some republican organizations that they contributed to. Councilman Nolan will not vote for Lirch Vinci and Higgins. He does not see a difference between appointing Mr. Ferrioli and this firm. Mayor Bieri said that she would like to support Mr. Smolinski's previous recommendation of Nissivacchio and asked for a contract for the next meeting.

Agenda No. XI

Appointments and Resignations

~ Resolution 2008 - 241~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

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

Table with 3 columns: Name, Position, Date Tendered. Row 1: Dennis J. Kirwan, Planning Board - Alternate #2 member, June 3, 2008

Adopted: June 11, 2008

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

Discussion: Mayor Bieri stated that she wrote to the newspapers noting that she did not appoint him. He has now resigned due to conflicts. She was aware of his conflicts.

Resolution 2008-242 ~ RESOLUTION NOT USED

~ Resolution 2008-243 ~ RESOLUTION NOT USED

Resolution 2008-243 was pulled from the agenda.

~ Resolution 2008-245 ~

MAYOR'S APPOINTMENT OF WILLIAM F. SCHROEDER AS TOWNSHIP AUDITOR IN ACCORDANCE WITH SECTION §15-117 OF THE TOWNSHIP CODE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of William F. Schroeder to the position of Township Auditor in accordance with section §15-117 of the Township Code for a term to expire on December 31, 2008.

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

Minutes of: Township Council Regular Meeting  
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Adopted: June 11, 2008

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg.  
Voted Nay: Schimmenti, Scangarello  
Motion carried.  
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**~ Resolution 2008-246 ~**

**MAYOR'S APPOINTMENT OF WILLIAM J. WALLACE, MS, HO, AS TOWNSHIP HEALTH OFFICER  
IN ACCORDANCE WITH SECTION §15-51 OF THE TOWNSHIP CODE**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of William J. Wallace to the position of Township Health Officer effective June 30, 2008 in accordance with section §15-51 of the Township Code at a starting salary of \$92,000.

Adopted: June 11, 2008

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Moved: Lichtenberg Seconded: Weisbecker  
Voted Aye: Weisbecker, Schimmenti, Smolinski, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**~ Resolution 2008-244~  
MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 11<sup>th</sup> day of June, 2008, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) 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.
  - ( ) 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.
    - Health Officer Position
    - Wallisch Property
  - ( ) 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 11, 2008

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

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

Minutes of: Township Council Regular Meeting  
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The Council went into Executive Session at 10:10 p.m.

The Council reconvened in public session at 10:49 p.m. with all present as before.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:51 p.m.

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

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Approved: September 3, 2008

Respectfully Submitted:  
Judy Manning, Part Time Secretary

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK