
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: June 16, 2010
Time of Meeting: 7:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 20, 2009; and January 10, 2010 copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Robert Nolan, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau

Agenda No. I

Reading of or Approval of Unapproved Minutes

The following meeting minutes were adopted as presented:

March 11, 2010 Special Meeting

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

Agenda No. II

Proclamations

None.

Agenda No. III

Presentations

- 1) Eagle Scout – Blaise Scott Miller – Mayor Bieri joined Mr. Miller at the podium and advised that she had the privilege of attending his honor ceremony a couple of weeks ago. She recalled his sister's elegant words when she spoke in her brother's honor. Mayor Bieri introduced Blaise's father, Pete Miller. Blaise advised that he dedicated himself to projects at Camp Hope to earn his Eagle Scout status. He constructed two benches that can be used by seniors, repainted the pavilion and resurfaced a table. All of these resources, he hopes, will add to the experience for those people who visit Camp Hope. He advised that he is attending the County College of Morris where he is studying broadcasting and media. He started scouting when he was seven years old. Mayor Bieri acknowledged that scouting requires a commitment from the entire family and she commended the Miller family for the support and dedication they have shown their son and brother.

- 2) 2010 Municipal Budget – Public Hearing – Mayor Bieri introduced the Township Chief Financial Officer (CFO), Arthur Magnotti, and the Township Auditor, Charles (Chuck) Ferraioli. She advised that the meeting will be opened to the public to allow input in the proposed 2010 municipal budget. However, the Council will not be adopting this budget tonight because West Milford does not know what level of State aid will be received. Watershed aid has been cut resulting in a \$750,000 shortfall. She stated that she has traveled quite a bit throughout the state lobbying for reinstatement of this aid ever since the Governor announced he would eliminate these funds. She has spoken with our State representatives who are optimistic at this time but no decision has been made. This will have a major impact on our municipal budget, she said. Mayor Bieri asked Administrator Boyle to speak about the \$500,000 that was recently found by himself and the CFO and to provide an overview of the current status of the 2010 municipal budget.

Administrator Boyle reviewed the budget process that begins in September, with departmental hearings in November and the submission of the initial document to the members of the Governing Body in January. The Township Council held a series of budget meetings where the budget was refined and fine tuned to the extent that he believed that West Milford had produced a very good budget for 2010. Then, the

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Governor announced cuts to State aid which resulted in West Milford losing the watershed aid as mentioned by the Mayor as well as 35% of other State aid generally inserted in the budget. That drove the budget into a tailspin because the budget increased by 13% as a direct result of lost State aid. The budget was introduced a month ago but cannot be adopted until State approval is obtained. He reviewed a number of budgetary items that are not within the control of the Township including pension contributions, health insurance and debt service. He advised that employees have not received a salary increase this year and there is not increase reflected in this budget document. Union contracts have not been resolved and revenues are down almost \$1.2 million. He stated that all departments have either reduced or stabilized all operating costs other than those previously mentioned that are not within the Administration's ability to control. The budget before the public tonight represents an increase of \$203 to the average household. He reviewed a history of West Milford's budgets for some years noting that increases were minimal until municipalities across the State were forced to make up previously deferred pension payments. He stated that both the school and county budgets reflect a larger increase than the municipal budget and he expects to present more amendments prior to final adoption. Mr. Boyle reviewed insurance and DPW costs stating that the bottom line is that essential services are being provided at a nominal cost to the Township. One tax point, he said, equates to \$150,000 in budget appropriations representing \$13 to the average household. Reducing the tax impact will require significant cuts and will impact services. He stated that if watershed aid is restored there would be an immediate reduction of about \$74 to the average household. He stated that he will be proposing five furlough days for employees to realize savings.

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

Tara Donohue, 1 Fairlawn Drive, West Milford asked Mr. Boyle if the assessed values to towns he uses for comparisons are the same as ours. Mr. Boyle answered in the negative saying that he uses those comparisons when speaking about rates. Councilman Nolan stated that an elevated number of tax appeals over the past few years have had an effect on the budget. With the revaluation next year, there will hopefully be a leveling of the playing field. He noted that a major tax appeal was filed by Lakeland Bank, the same entity with whom we lodge our money.

Nina Dodzik, 37 Duncan Lane, West Milford expressed concern that if the Administration can make a \$500,000 mistake in the budget, there are other mistakes being made. She cautioned the Administrator to speak only when the facts are available to him. Mr. Boyle stated that he believed that the information he used in the budget process was accurate. He has revisited the data and spent all day Monday ensuring that the numbers had been checked and cross-checked. He is confident that the numbers are accurate at this time. Ms. Dodzik asked that a committee be formed to provide oversight of Passaic County spending which has a significant impact on taxpayers. Councilman Jurkovic expressed concern that the Council is involved in a shell game of sorts. There was a budget, Rice notices were issued to employees, and miraculously the budget was cut. Now the budget has increased again. He stated that he is losing confidence in the accuracy of information being received by the Council.

Lou Signorino, 3 Redbarn Lane, West Milford stated that Councilman Jurkovic accurately expressed his feelings. As a business owner, he knows that the Administration should have full knowledge of the finances. He took exception to Administrator Boyle comparing West Milford to Wayne.

Councilman Weisbecker made a motion to close the public portion.

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

Council Comments

Council President Smolinski stated that he has spoken with State legislators who are optimistic that some aid will be restored to West Milford. The Mayor & Council, he said, have been working to have this funding restored and he hopes that these efforts are successful. He stated that it is unfortunate that the "found" money is not really there.

Councilman Nolan stated that pension contributions are dictated by the State. The Township is given a number and must come up with the money. This year, that equates to hundreds of thousands of dollars. That, combined with the unexpected major snow storm had a negative impact with the budget. However, the renegotiation of the garbage and recycling contracts did realize some savings.

Mayor Bieri stated that she reached out to five different legislators this week and each has been unable to provide definitive answers on restoration of watershed aid although each has expressed optimism that it

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will be restored. She stated that with the elimination of watershed aid, West Milford has been subjected to an undue burden unlike any other municipality. Watershed aid, she said, is a dedicated fund set aside in perpetuity and should not have been removed as it is a provision of the Highlands Act. The Township assumed that when this was affirmed in writing that we could count on that money. Mr. Semrau stated that the Mayor & Council did authorize the Township to file a complaint regarding the loss of this aid primarily because West Milford is subject to a mandate under the Highlands Act. At this time, he is waiting to hear if the aid will be restored before filing such a complaint. The complaint is already drafted and ready to be filed because mandates are supposed to be funded. Councilman Jurkovic stated that this aid is long-term moratorium watershed aid that is different to the Highlands Act. The watershed aid had no restrictions. Mr. Semrau advised that he will forward a copy of the complaint to the Governing Body as it addresses the link that ties this aid to the Highlands Act. Council President Smolinski thanked Senator Pennachio and Assemblymen Webber & DeCroce who gave direction as to how to fight the loss of this aid. He stated that their advice provided Mayor Bieri the direction she needed to follow up on this matter.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Municipal Budget & Financial Matters

The municipal budget cannot be adopted at this regular meeting of the Township Council as originally anticipated. Requisite approval has not been obtained from the State of New Jersey, Division of Local Government Services, who has advised that they are working diligently to address a backlog in their department. The Township Council will continue with budget meetings. Duly advertised public hearings will be scheduled when amendments are made to the budget as introduced.

Agenda No. IV 1

~ Ordinance No. 2010-003 ~

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

SECTION I. Purpose:

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

SECTION II. Definitions:

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

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

SECTION III. Prohibited Conduct:

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

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

SECTION IV. Design Standard:

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

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect storm water from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

SECTION V. Enforcement:

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

SECTION VI. Penalties:

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

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such

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portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

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

INTRODUCED: May 19, 2010
ADOPTED: June 16, 2010
EFFECTIVE DATE: July 6, 2010

Mayor Bieri advised that this ordinance was introduced on May 19, 2010 and the Notice of Public Hearing was published in the Herald News on May 23, 2010. She opened the meeting to the public to speak on this matter only.

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

Motion to adopt ordinance.

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

Agenda No. VII 2

~ Ordinance No. 2010-004 ~

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

SECTION I. Purpose:

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

SECTION II. Definitions:

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

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

SECTION III. Prohibited Conduct:

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

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

SECTION IV. Exceptions to Prohibition:

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

SECTION V. Enforcement:

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

SECTION VI. Penalties:

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

SECTION VII. Severability:

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

SECTION VIII. Effective date:

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

INTRODUCED: May 19, 2010
ADOPTED: June 16, 2010
EFFECTIVE DATE: July 6, 2010

Mayor Bieri advised that this ordinance was being introduced on May 19, 2010 and the Notice of Public Hearing was published in the Herald News on May 23, 2010. She opened the meeting to the public to speak on this matter only.

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

Motion to adopt ordinance.

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

Agenda No. VII 3

~ Ordinance No. 2010-005 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 414 "FEES, LAND DEVELOPMENT" AND CHAPTER 135 "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES

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

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

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

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Table with 3 columns: REVIEW AND INSPECTION OF DEVELOPMENT, Application Fee, Escrow Fee. Row 1: VARIANCE NJSA 40:55D-70c, \$255, \$950.

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

§135-9. Administration; Public Records

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

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

INTRODUCED: May 19, 2010
ADOPTED: June 16, 2010
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Mayor Bieri advised that this ordinance was introduced on May 19, 2010 and the Notice of Public Hearing was published in the Herald News on May 23, 2010. She opened the meeting to the public to speak on this matter only.

Jim Novack, Larchmont Drive, West Milford stated that he personally refers to this legislation as the "Martin O'Shea" ordinance. He stated that the State Appellate Division said fees for copies should be a nickel but this ordinance is a dime.

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

Discussion: Mr. Semrau stated that there was a recent court ruling regarding fees for copies and conflicting statutes regarding these charges. He reviewed the ruling which compels municipalities to charge actual costs for copies beginning in July. West Milford did prevail in prior litigation in this regard and Mr. O'Shea, the plaintiff, requested that the court dismiss the matter in the appellate division.

Motion to adopt ordinance.

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

Agenda No. VII 4

~ Ordinance No. 2010-006 ~

CALENDAR YEAR 2010

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

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

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WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 3.5% percent increase in the budget for said year, amounting to \$818,034.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

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

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

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

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

INTRODUCED: May 19, 2010
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Mayor Bieri advised that this ordinance was introduced on May 19, 2010 and the Notice of Public Hearing was published in the Herald News on May 23, 2010. She opened the meeting to the public to speak on this matter only.

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

Motion to adopt ordinance.

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

Agenda No. V

Public Comments

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

Richard Saunders attorney representing Scott Ridings, Triple T Construction, stated that he is here tonight to introduce his client who owns the Kemp property on Marshall Hill Road. He thanked Mr. Boyle and Mr. Semrau for working on the lease terms for the recycling center which is housed on Mr. Ridings' property. The resolutions are on the agenda for action tonight and he expressed hope that the Council will view the resolutions favorably. He stated that Scott is hoping for a smooth transition and believes that this agreement is favorable to both parties. He urged the Administration and the Council to direct any questions to Mr. Ridings.

Nina Dodzik, 37 Dunkin Lane, West Milford stated that she is frustrated to hear about the loss of watershed aid lamenting that the State does not give back to West Milford.

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Mayor Bieri recalled that Mr. Novack alleged that this deplorable behavior was not evident in the former form of government. She expressed a differing opinion adding that there is no excuse for such behavior and these things should not happen under any circumstances. Authors of negative publicity and untruths and campaign workers who allow themselves to be linked with this behavior should be ashamed. One should question the motives of these acts which she labeled appalling.

New Business, Introduction of Ordinances, Resolutions

The Mayor asked to take action on the following resolutions as one group, 2010-211, 2010-212, 2010-214, 2010-215, 2010-216, 2010-217, 2010-218. The Council asked for separate consideration for resolution 2010-013.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
Voted Nay: Councilman Nolan voted no to resolution 2010-212 only.
Motion carried.

Agenda No. VII 1

~ Resolution No. 2010-211 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF THE IMMEDIATE REPEAL OF "KYLEIGH'S LAW"

WHEREAS, parents and teens across the State of New Jersey have voiced their strong opposition to Kyleigh's Law decal requirements for graduated driver license holders under the age of 21;

WHEREAS, the decals make graduated driver license holders easier to identify by criminals and other predators; and

WHEREAS, these decals are also discriminatory to young drivers; and

WHEREAS, legislation has been introduced in both the Assembly and the Senate to immediately repeal the "teen decal" requirements; and

WHEREAS, the safety and identity of our young drivers must be preserved and protected without infringing on their rights and without unintentionally putting them in harm's way.

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 of West Milford hereby implores the General Assembly and the Senate of the State of New Jersey, along with Governor Christie, to act swiftly to rescind the decal requirements stipulated under Kyleigh's Law and support the passage of bills A2650 and S1908 and any floor amendments that would result in the repeal of the decals.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to Governor Christie and to all State Legislators in both the Senate and the Assembly as well as all the municipalities in Passaic County.

Adopted: June 16, 2010

Agenda No. VII 2

~ Resolution No. 2010-212 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING LEGISLATION FOR CIVIL SERVICE REFORM TO PROVIDE LOCAL GOVERNMENT WITH THE OPTION TO OPTING OUT OF THE CIVIL SERVICE PROGRAM

WHEREAS, Governor Christopher Christie provided in his budget address to the State Legislature that we must have civil service reform in this State; and

WHEREAS, Governor Christie stated the heart of our proposal is that government at every level should have the option of opting out of civil service and that tool alone will save an untold amount of taxpayer dollars and make management of our towns better, more professional and more efficient.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford, County of Passaic and state of New Jersey that it agrees with the recommendation of Governor Christie and strongly supports legislation to implement civil service reform which provides local government the option to opt out of the civil service program; and

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BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Governor Chris Christie, Senator Joseph Pennachio, Assemblyman Alex DeCroce, Assemblyman Jay Webber and to the Municipal Clerks of all Passaic County municipalities.

Adopted: June 16, 2010

Discussion: Councilman Nolan stated that he does not favor throwing the entire civil service system in the garbage. He agrees that reforms are necessary and abuses should be addressed. However, civil service provides protections to municipal employees and it should not be entirely discarded. Council President Smolinski stated that this is exactly the intent of the resolution which stated that the civil service system is in need of reform. He stated the West Milford municipal employees have union protection. Councilwoman Lichtenberg suggested that the resolution be amended to suggest revisions to the system rather than the opt out wording. Councilman Jurkovic stated that he believes that the system should have an opt out clause because currently towns are locked in once they join civil service. West Milford employees have union coverage and there is often confusion as to who prevails. If the system allowed municipalities to opt out, the Council would still have to consider the merits and drawbacks and vote on the matter.

Agenda No. VII 4

~ Resolution No. 2010-214 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A FIREWORKS DISPLAY PERMIT TO THE WEST MILFORD P.A.L. TO HOLD A FIREWORKS DISPLAY AT THE "JUNGLE HABITAT" STATE PROPERTY

WHEREAS, the West Milford P.A.L. wishes to hold a display of fireworks on July 2, 2010 at the "Jungle Habitat" State owned property, with a rain date of July 9, 2010; and

WHEREAS, the West Milford P.A.L. has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the West Milford P.A.L. and International Fireworks Mfg Co. Inc. to conduct a fireworks display on July 2, 2010 (with a rain date of July 9, 2010) at the "Jungle Habitat" State owned property, between the hours of 9:30 p.m. and 10:45 p.m.
2. The approval of the application by West Milford P.A.L. is contingent upon a copy of the blasting permit from the State of N.J. Division of Fire Safety allowing for the discharge of fireworks being filed with the Township Clerk before the July 2, 2010 fireworks display.
3. The West Milford P.A.L. will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
4. Police Officers must be hired for security by the West Milford P.A.L., and the cost for Police Officers will be paid by the West Milford P.A.L.

Adopted: June 16, 2010

Agenda No. VII 5

~ Resolution No. 2010-215 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A FIREWORKS DISPLAY PERMIT TO UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH AREA

WHEREAS, the Upper Greenwood Lake Property Owners Association wishes to hold a display of fireworks on June 26, 2010 at the Upper Greenwood Lake launch area; and

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WHEREAS, the Upper Greenwood Lake Property Owners Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on June 26, 2010 at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owners Association will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owners Association and the cost for Police Officers has been paid by the Upper Greenwood Lake Property Owners Association in the amount of \$2,000.00 in advance.

Adopted: June 16, 2010

Agenda No. VII 6

~ Resolution No. 2010-216 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL THAT NEW JERSEY TRANSIT DELETES BUS STOP AND ADDS BUS STOP ALONG UNION VALLEY ROAD SOUTHBOUND, ON THE WESTERLY SIDE PURSUANT TO N.J.S.A. 39-4-8(e)

BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that pursuant to N.J.S.A. 39-4-8(e) the following described location is designated as a bus stop;

County Road

Deleted Bus Stop:

1. Along Union Valley Road, southbound, on the westerly side thereof at:
 - a. Winetka Lane and Marshall Hill Road – Mid-block
Beginning 170' south from the northerly curb line of Winetka Lane and extending 135' southerly therefrom. (near Dunkin Donuts entrance)

Added Bus Stop:

2. Along Union Valley Road, southbound, on the westerly side thereof at:
 - a. Marshall Hill Road and Winetka Lane – Mid-block
Beginning 200' north from the northerly curb line of Marshall Hill Road and extending 135' northerly therefrom. (In front of Dunkin Donuts)

WHEREAS, that the Mayor and Council of the Township of West Milford will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

Adopted: June 16, 2010

Agenda No. VII 7

~ Resolution No. 2010-217 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING APPROVAL IN PROVIDING FOR THE INSERTION OF A SPECIAL ITEM AND APPROPRIATION OF REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST MILFORD PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any Municipality when

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such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of West Milford, in the County of Passaic, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$9,250.00 which item is now available as a revenue from the State of New Jersey, Division of Archives and Records Management and the State Records Committee, in order to help facilitate the needs for strategic records management, preservation, and storage needs of the county and municipal governments; and

BE IT FURTHER RESOLVED that a like sum of \$9,250.00 be and the same is hereby appropriated under the caption of PARIS Grant \$9,250.00.

Adopted: June 16, 2010

Agenda No. VII 8

~ Resolution No. 2010-218 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING PARTICIPATION IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Township of West Milford has interest in participating in the Passaic County Community Development Block Grant Program; and

WHEREAS, the West Milford Township Council hereby desires to participate in the County Community Development Block Grant Program FY 2011-2013; and

WHEREAS, the Mayor is hereby authorized to execute the Cooperative Agreement; and

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

1. The Township Council hereby approves participation in the Passaic County Community Development Block Grant Program.
2. That the Mayor is hereby authorized to execute the Cooperative Agreement.
3. That certified copies of this Resolution shall be forwarded to the Passaic County Board of Chosen Freeholders; Passaic County Planning Board, and the U.S. Department of Housing and Development.

Adopted: June 16, 2010

Agenda No. VII 3

~ Resolution No. 2010-213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING A GREEN TEAM ADVISORY COMMITTEE

Moved to July 7, 2010 Workshop Meeting

Discussion: Council President Smolinski questioned why the Council did not have an opportunity to discuss this matter at a workshop meeting. He stated that it is common practice for the Council to understand the goals and missions of a committee they are being asked to endorse as well as being provided information and justifications for the committee. He stated that he would like to have been enlightened about this committee. Councilman Nolan agreed stating that the resolution does not outline terms and the Council does not know the mission of the committee. Councilman Weisbecker concurred adding that this committee should be a subcommittee of the Environmental Commission and not for Council consideration. Mr. Boyle stated that earlier in the year he, Mayor Bieri and Councilwoman Lichtenberg attended a green team kickoff meeting. The green team was established by Mr. David Watson-Hallowell to work on various green options for the Township. The national platform has a requirement that such a committee receives the blessing of the Governing Body. This resolution came in too late for a workshop discussion but Council support is necessary to give extra weight to a grant application that will be coming before Council next month. He stated that the resolution is simply intended to convey that the Council supports the green team but there will be no Township appointments

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or commitment from the municipality. Mr. Boyle stated that he will provide additional information to the Council and the Council gave consensus to have this matter discussed at the July workshop meeting.

The Mayor asked to take action on the following resolutions as one group, 2010-219, 2010-220, 2010-221, 2010-222, 2010-223, 2010-224, 2010-225, 2010-226.

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

Agenda No. VII 9

~ Resolution No. 2010-219 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH GENE OSIAS FOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST IN THE TOWNSHIP'S HEALTH DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$16,875

WHEREAS, the Township of West Milford has a need to appoint a Registered Environmental Health Specialist (REHS) as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the term of a contract for this service shall terminate on December 31, 2010; and

WHEREAS, Gene Osias will provide REHS services as sought by the Township of West Milford to review applications submitted to the Health Department; and

WHEREAS, Gene Osias has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 0-01-27-335-450.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to enter into a contract with Gene Osias as described herein to the satisfaction of the Township Administrator; and,

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: June 16, 2010

Agenda No. VII 10

~ Resolution No. 2010-220 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH TOM GILMARTIN FOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST IN THE TOWNSHIP'S HEALTH DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$16,875

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WHEREAS, the Township of West Milford has a need to appoint a Registered Environmental Health Specialist (REHS) as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the term of a contract for this service shall terminate on December 31, 2010; and

WHEREAS, Tom Gilmartin will provide REHS services as sought by the Township of West Milford and outlined in a contract on file in the Office of the Township Clerk; and

WHEREAS, Tom Gilmartin has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 0-01-27-335-450.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to enter into a contract with Tom Gilmartin as described herein to the satisfaction of the Township Administrator; and,

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: June 16, 2010

Agenda No. VII 11

~ Resolution No. 2010-221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH TRIPLE T CONSTRUCTION FOR THE USE OF A PORTION OF THE OLD KEMP PROPERTY AS A RECYCLING CENTER FOR VEGETATIVE WASTE

WHEREAS, Triple T Construction is the owner of a certain parcel of land located in the Township of West Milford and identified as Block 6002, Lot 29, 280 Marshall Hill Road; and

WHEREAS, Triple T Construction has offered to lease a certain portion of this land to the Township of West Milford to allow the Township to utilize same as a recycling center for vegetative waste; and

WHEREAS, the term of the lease agreement shall be for a period of thirty-six (36) months and shall run retroactively beginning on October 1, 2009 and shall terminate on September 30, 2012 with the monthly lease payment being \$4,500.00; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the lease agreement and terms with Triple T Construction for the lease of the aforementioned premises and hereby recommend that the Council authorize the execution of same; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Mayor and Township Clerk are hereby authorized to enter into a lease agreement with Triple T Construction for the utilization of the leased

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premises as a recycling center for vegetative waste subject to the terms and conditions of said lease agreement; and

BE IT FURTHER RESOLVED, this agreement may be terminated upon 30-day notice by the Township in the event Organic Waste Solutions' agreement with the Township were to terminate or be breached by Organic Waste Solutions.

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

Adopted: June 16, 2010

Discussion: Mr. Semrau advised that resolutions 221 and 222 are related. One is for the lease of the Kemp property and he reviewed the terms which were negotiated by Mr. Boyle. He reviewed the history of the property and its owners. The lease is scheduled to expire on September 30, 2010.

Agenda No. VII 12

~ Resolution No. 2010-222 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH ORGANIC WASTE SOLUTIONS, LLC FOR THE USE OF A PORTION OF THE OLD KEMP PROPERTY AS A COMPOST FACILITY

WHEREAS, West Milford Township is the lessee of a certain parcel of land located in the Township of West Milford and identified as Block 6002, Lot 29, 280 Marshall Hill Road; and

WHEREAS, Organic Waste Solutions has offered to sublease a certain portion of this land from the Township of West Milford for the utilization of same as a compost facility; and

WHEREAS, the term of the lease agreement shall be for a period commencing upon the execution of the lease agreement and shall terminate on September 30, 2012; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the lease agreement and terms with Organic Waste Solutions, LLC for the lease of the aforementioned premises and hereby recommend that the Council authorize the execution of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Mayor and Township Clerk are hereby authorized to enter into a lease agreement with Organic Waste Solutions, LLC for the utilization of the leased premises as a compost facility subject to the terms and conditions of said lease agreement; and

BE IT FURTHER RESOLVED, that in the event this agreement is terminated or breached by the sub-lessee, then the Township, upon 30-days notice may terminate its lease agreement with Triple T Construction for the premises; and

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

Adopted: June 16, 2010

Discussion: Mr. Semrau stated that this agreement requires some amendments. The agreement calls for the Township to sublease the property to an entity called Organic Waste Solutions. Mr. Ridings, the property owner, is one of the principals of Organic Waste Solutions. They have proposed to provide the all machinery needed to provide various services to residents. Residents would be charged to load materials. The Township will realize a savings because they will not have to contract for these services and the term of the contract coincides with the lease agreement. He asked that the Council approve language in the agreement which would provide that the Township Administrator would approve rates to be charged to residents. He will also insert language that the two agreements are tied together so that if the sublease is terminated or breached, the Township would have the option to terminate the other lease agreement with thirty days notice. The Council agreed to the addition of these terms to the agreements. Mr. Boyle reviewed the benefits to the Township which include a cost savings of approximately \$120,000 half of which will be paid toward rent with a net savings of about \$60,000 annually.

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~ Resolution No. 2010-223 ~

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

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

WHEREAS, the Township and the Greenwood Lake Bi-State Commission are considering entering into the same type of Intergovernmental Agreement whereby providing for weed harvesting and maintenance for Greenwood Lake commencing on the date of the execution of the Agreement through September 30, 2010; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in the amount of \$10,000 for this purpose said funds to be encumbered from account number 0-01-26-290-300.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Mayor is hereby authorized to enter into an Intergovernmental Agreement with the Greenwood Lake Commission for weed harvesting and maintenance services through September 30, 2010; and

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

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

Adopted: June 16, 2010

Agenda No. VII 14

~ Resolution No. 2010-224 ~

Resolution OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY awarding a contract to OWL CONTRACTING for ROAD IMPROVEMENTS AT CAHILL CROSS ROAD

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by May 21, 2010 for Improvements to Cahill Cross Road; and

WHEREAS, the Township of West Milford received seven (7) bids for this contract; and

WHEREAS, Owl Contracting was the lowest responsible bidder with a bid amount of \$492,493.94.00; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Owl Contracting; and

WHEREAS, encumbrances for these services shall come from account numbers C-04-41-713-209 and C-04-09-943-315; and

WHEREAS, the Governing Body has found it to be in the best interest of the Township to award a contract to Owl Contracting for milling, paving, granite block curb, drainage improvements, guide rail and traffic striping to Cahill Cross Road pursuant to the bid specifications; and

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WHEREAS, the project limits are from Macopin Road to a point approximately 300 feet east of Ridge Road (south).

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 accepts the bid of Owl Contracting in the amount of \$492,493.94 for road improvements at Cahill Cross Road in the Township.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with Owl Contracting in accordance with its bid for said road & curb improvements.
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 16, 2010

Agenda No. VII 15

~ Resolution No. 2010-225 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CONTRACTS FOR 2010 ROAD RESURFACING THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT 6 - ROAD RESURFACING, CAT. B BITUMINOUS CONCRETE IN PLACE AND CAT. C. MILLING IN PLACE AND CAT. D RESURFACING PREPARATIONS TO TILCON NEW YORK, INC.

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

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

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award the contract for 2010 Road Resurfacing for Cat. B bituminous concrete in place, Cat. C Milling in place and Cat. D Resurfacing Preparations to Tilcon New York, Inc. through the Morris County Cooperative Purchasing Council Contract No. 6; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers C-04-07-943-624, C-04-08-943-624 and C-04-09-943-624.

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 2010 Road Resurfacing Contract through the Morris County Cooperative Purchasing Council contract #6 Cat. B Bituminous Concrete in Place, Cat. C Milling in Place and Cat. D Resurfacing Preparations to Tilcon New York, Inc. in an amount not to exceed \$875,000.00.
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 16, 2010

Agenda No. VII 16

~ Resolution No. 2010-226 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REJECTING BIDS FOR THE PURCHASE OF INLET CASTINGS

WHEREAS, the Township of West Milford solicited bids on April 25, 2010 for Inlet Castings; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bids for Inlet Castings; and

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WHEREAS, the Township Engineer and the Township Attorney have reviewed the aforementioned bids to ensure compliance with the Local Public Contracts Law; and

WHEREAS, the Township Attorney has determined that the sole bid submitted by Campbell Foundry is deficient and must be rejected pursuant to the terms of the Local Public Contracts Law N.J.S.A. 40A:11-23.2 due to a Consent of Surety not being included in the bid submission; and

WHEREAS, the Township Engineer has advised that this item will not be re-bid at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bid received for the purchase of Inlet Castings is hereby rejected due to non-compliance with N.J.S.A. 40A:11-23.2 for the omission of a Consent of Surety with submission of bid.

Adopted: June 16, 2010

The Mayor asked to take action on the following resolutions as one group, 2010-227, 2010-228, 2010-229, 2010-230.

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

Agenda No. VII 17

~ Resolution No. 2010-227 ~

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 2010- 2011 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2010- 2011 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, 2009- June 30, 2010).

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

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

<p>FRANK M. SELL MEMORIAL POST NO. 289 AMERICAN LEGION POST 289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001</p>	<p>BRUCO CORPORATION Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002</p>
<p>NEW VINELAND CORPORATION Uncorked Wines & Spirits 9 Marshall Hill Road 1615-33-003-006</p>	<p>GUSTAV KOHLE CORPORATION Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002</p>
<p>574 MACOPIN INC. S & S Liquors 574 Macopin Road West Milford, NJ 07480 1615-33-009-004</p>	<p>PLAZA BAR & LIQUORS INC. Plaza Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-003</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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2 MOMENTO 2, INC. Momento Restaurant 374 Morsetown Road West Milford, NJ 07480 1615-33-012-005	JESSIE'S COUNTRY KETTLE INC. t/a Jessie's Country Kettle 1603 Greenwood Lake Tpk Hewitt, NJ 07421 1615-33-013-008
NTI LLC South Shore Grill 47 Olcott Road Hewitt, NJ 07421 1615-33-024-012	PMS LLC The Huntsman Restaurant 1745 Macopin Road West Milford, NJ 07480 1615-33-029-007
SHARON ANN MC KEAGE'S TAVERN Mc Keage's Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007	THE 2236 CORPORATION Elks Lodge 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001
WEST MILFORD BAR & LIQUORS INC. Westbrook Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002	

Adopted: June 16, 2010

Agenda No. VII 18

~ Resolution No. 2010-228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2010 - 2011 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2010 - 2011 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, 2009 - June 30, 2010).

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/LICENSEE/T/A	CONDITIONS
FILLIPPO ENTERPRISES LLC t/a The Lakeshore Inn 399 Lakeshore Road Hewitt, NJ 07421 1615-33-035-007	1. No combustible 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. 5. Police recommendation of New Jersey Division of A.B.C. suspension for 35 days if applicable.
JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Tpk.	1. Police recommendation of 60 day suspension of license by the New Jersey Division of A.B.C. if applicable.

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LICENSE/LICENSEE/T/A	CONDITIONS
Hewitt, NJ 07421 1615-33-021-004	
PIONEER BAR & GRILL, INC. t/a Pioneer Bar & Grill 350 Warwick Turnpike Hewitt, NJ 07421 1615-33-028-006	<ol style="list-style-type: none"> Occupancy loads must be adhered to Exits are not to be blocked
HONKY'S OAK RIDGE PUB & LIQUORS t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-007	<ol style="list-style-type: none"> Licensee must prevent liquor from being consumed in the fenced-in side yard which is not included in the licensed premises.
OLD SCHOOL PUB LLC t/a Pickles Pub 551 Warwick Turnpike Hewitt, NJ 07421 1615-33-004-007	<ol style="list-style-type: none"> Premises outlined on the drawing submitted at transfer of license, which excludes the use of the basement as a storage area for alcoholic beverages be continued. Occupancy loads must be adhered to. Exits are not to be blocked.

Adopted: June 16, 2010

Agenda No. VII 20

~ Resolution No. 2010-230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2010- 2011 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2010- 2011 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:

- The submitted applications are complete in all respects.
- The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2009- June 30, 2010).

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

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

LICENSEE	CONDITIONS
REFLECTION LAKES INN 1202-04 Union Valley Road West Milford, NJ 07480 1615-33-026-002	<ol style="list-style-type: none"> Adequate signing must be placed on trees surrounding the ¾ acre grove area to the front of the bar utilizing this area for everyday business, self limiting the licensed premise outside perimeter in order to safely manage the premises with the least amount of employees. When this area is utilized for liquor consumption the bar must make one employee available to supervise this area thereby requiring at least two employees on duty. On days of planned events where the entire 5 acres is to be utilized as a licensed premise the owners have agreed to have at a minimum 5 – 6 employees to supervise this open area. The outside area must be adequately supervised in order that under age and intoxicated persons are not served and disagreements between customers are better managed.

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LICENSEE	CONDITIONS
	4. Inactive licenses must be inspected, submit applicable pages of 12 page application, and receive satisfactory recommendations from the Health Department and Police Department prior to opening.
<p>LA ROCCA INC. 23 Grill 3219 Rt. 23 Oak Ridge, NJ 07438 1615-33-034-006</p>	1. Inactive licenses must submit applicable pages of 12 page application to the Township Clerk within ten days prior to opening. 2. Inactive licenses must be inspected by the Health Department and Police Department and receive satisfactory recommendations.
<p>ALO INC. VILLAGE SQUARE INN 2887 ROUTE 23 NEWFOUNDLAND, NJ 07435 1615-33-005-003</p>	1. The Open Violation, for multiple locations in the building, of the Fire Code must be abated immediately. 2. A Health Department inspection must be made prior to reopening. 3. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to opening.

Adopted: June 16, 2010

Agenda No. VII 21

~ Resolution No. 2010-231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-015-009 - ANGELO JULIANO FOR THE 2009-2010 LICENSE YEAR

WHEREAS, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-015-009, having no sited premise, held by Angelo Juliano; 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 additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).
4. Licensee has received a Special Ruling from the Office of the Attorney General for the 2009-2010 license year.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be renewed as a "Pocket" license with the following conditions:

1. Any proposed premises must be inspected and approved by the Police Department before opening.
2. Food Handlers License must be current before issuance of License Certificate.
3. Certificate of Occupancy must be issued prior to opening.
4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12- page application, within ten days before or after the opening of the business to receive current license certificate.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the renewal and hold the license certificate until activated per conditions referenced above.

Adopted: June 16, 2010

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

Seconded: Nolan

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Agenda No. VII 22

~ Resolution No. 2010-242 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EMPLOYMENT OF PAUL FERRIERO, PE AND FERRIERO ENGINEERING AS THE TEMPORARY INTERIM TOWNSHIP ENGINEER FOR A TERM TO EXPIRE ON JULY 30, 2010

WHEREAS, the Township Engineer is retiring effective June 30, 2010; and

WHEREAS, there will exist a vacancy at such time in said position; and

WHEREAS, the Township is desirous of appointing a temporary interim Township Engineer without any rights of holdover to assist the Township while the Township conducts a thorough search for a Township Engineer; and

WHEREAS, the Mayor hereby appoints Paul Ferriero, PE and Ferriero Engineering as the temporary interim engineer for the Township of West Milford for a term to expire on July 30, 2010 and without any rights of holdover; and

WHEREAS, Mr. Ferriero has submitted a proposal to provide such professional engineering services to the Township dated June 11, 2010 and for an amount not to exceed \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township hereby appoints Paul Ferriero, PE and Ferriero Engineering as the Township's temporary interim Engineer without any rights of holdover for a term to expire on July 30, 2010 and in an amount not to exceed \$5,000.00; and

BE IT FURTHER RESOLVED that notice of this action shall be published once in the Township's official newspaper as required by law; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Paul Ferriero, PE, 180 Main Street P.O. Box 571 Chester, NJ 07930 for their information and guidance.

Adopted: June 16, 2010

Discussion: Councilman Nolan expressed concern that the Council was not provided an opportunity to discuss this at a workshop meeting. Councilman Weisbecker agreed adding that he does not favor approving these services for 90 days adding that 30 days would be more palatable. Councilman Jurkovic concurred and the Council gave consensus to approve this appointment for 30 days.

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

Agenda No. VII 23

~ Resolution No. 2010-243 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION AND THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, ON BEHALF OF THE TOWNSHIP OF WEST MILFORD FOR AN INTER-CITY GRANT UNDER THE FEDERAL TRANSIT ACT

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5311 of the Federal Transit Act, as amended; and

WHEREAS, the grant for financial assistance will impose certain obligations upon the Township of West Milford, including the provision of the local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1965, that in connection with the filing of an application for

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assistance under the Federal Transit Act, as amended, the Recipient give an assurance that it will comply with Title VI and EEO requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, the Recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.

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

1. That the Director of Community Services and Recreation is authorized to execute and file an application on behalf of the Township of West Milford with the U.S. Department of Transportation to aid in the financing of administration, capital and/or operating assistance projects pursuant to Section 5311 of the Federal Transit act, as amended.
2. That the Director of Community Services and Recreation is authorized to execute and file with such applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI and EEO requirements of the Civil Rights Act of 1964.
3. That the Director of Community Services and Recreation is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.
4. That the Director of Community Services and Recreation is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application.
5. That the Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford Transportation for aid in the financing of the administration, capital and/or operating assistance.
6. That the Township of West Milford hereby authorizes the amount of \$32,198.00 be obligated as the local share required under the provisions of the grant application.
7. That any of the following:

Township Administrator
Chief Financial Officer
Director of Community Services and Recreation

are hereby authorized to sign compliance reports as may be required from time to time during the course of this grant agreement.

Adopted: June 16, 2010

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

Consent Agenda

Agenda No. VIII

~ Resolution No. 2010-232 ~

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

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

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

Resolutions:

- a. **Resolution 2010-233** - Issue Clothing Bin Permit
- b. **Resolution 2010-234** - Refund Overpayments
- c. **Resolution 2010-235** - Refund Recreation Fees
- d. **Resolution 2010-236** - Refund Liquor License Fee
- e. **Resolution 2010-237** - Refund Other Liens
- f. **Resolution 2010-238** - Refund Performance Guarantees
- g. **Resolution 2010-239** - Reinstate Taxes

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Applications:

- a. **Application for Raffle License RL 2010-29** – West Milford Rotary - Off Premise 50/50 for October 9, 2010.

Adopted: June 16, 2010

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilwoman Lichtenberg abstained on the Rotary application only.
 Motion carried.

Agenda No. VIII a

~ Resolution No. 2010-233 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A CLOTHING BIN PERMIT FOR LICENSE YEAR 2010

WHEREAS, applications have been made for a Clothing Bin Permit for the year 2010; and

WHEREAS, the Township Attorney has recommended the issuance of said permit as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of a Clothing Bin Permit *as listed below*:

2010 CLOTHING BIN PERMIT			
Clothing Bin License/Permit No.	Applicant Name	BIN Address(es)	No. of Bins
2010 MIT 1 – Aphsawa Fire House	Millennium International Textile 35 Ironia Road Flanders, NJ 07930	Aphsawa Fire House 666 Macopin Road	1

Adopted: June 16, 2010

Agenda No. VIII b

~ Resolution No. 2010-234 ~

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

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1807-3	Daniel & Laurie Portillo 37 Magnolia Road Hewitt, NJ 07421	\$245.00	2010	1
6603-22	Loretta Burton 32 Madelyn Avenue West Milford, NJ 07480	\$1,628.00	2010	1
7801-52.02	Clemente Enterprises, LLC P.O. Box 514 Lincoln Park, NJ 07035	\$288.90	2010	1

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Block/Lot	Name	Amount	Year	Reason
16703-15	Gerald & Ann Nixon 40 Crest Lake Drive Oak Ridge, NJ 07438	\$140.00	2010	1
16002-3	Fredericks Fuel Heating Service P.O. Box 448 Oak Ridge, NJ 07438	\$688.00	2010	2
12211-9	Edison Tax Service 1290 Wall Street Ste 301 Lyndhurst, NJ 07071	\$502.23	2010	1
TOTAL		\$3,492.13		

Adopted: June 16, 2010

Agenda No. VIII c

~ Resolution No. 2010-235 ~

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

BE IT RESOLVED, that the following Recreational fees upon the report of the Director of Community Services and Recreation be refunded:

PARTICIPANT	AMOUNT	MADE PAYABLE TO:
Refund for Preschool:		
Chloe	\$25.00	Michele Brijbag
Olivia	\$25.00	40 Orleans Lane
	\$50.00	West Milford, NJ 07480
Refund for Day Camp:		
Glenn	\$225.00	Barbara Nagy
		6 Locust Court
		West Milford, NJ 07480
Dillon	\$225.00	Antoinette Bakker
		3 Edgewater Road
		Hewitt, NJ 07421
Refund for cancelled programs:		
Christina	\$160.00	Deborah Lokai
		48 Vreeland Road
		West Milford, NJ 07480
Joe	\$37.50	Linda Levine
		157 Maple Road
		West Milford, NJ 07480
Serenity	\$37.50	Michele Jackson
		34 Alpine Court
		Hewitt, NJ 07421
Alvaro	\$37.50	Patricia Daly
		11 Mallory Road
		West Milford, NJ 07480

Adopted: June 16, 2010

Agenda No. VIII d

~ Resolution No. 2010-236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PARTIAL REFUND OF LIQUOR LICENSE RENEWAL FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township Clerk the following liquor license renewal fee be partially refunded:

Name & Address	Amount of Check	Amount Refunded
American Legion Frank M. Sell Memorial Post No. 289 P.O. Box 289 West Milford, NJ 07480	\$500.00	\$350.00

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Total Amount of Refund	\$350.00
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Adopted: June 16, 2010

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~ Resolution No. 2010-237 ~

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

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
08-056	04/08/2008	05009-015	\$64,964.95	PPTS LOCKBOX P.O. BOX 5822 NEW YORK, NY 10087-5822
08-099	04/08/2008	12312-001	\$16,231.83	PPTS LOCKBOX P.O. BOX 5822 NEW YORK, NY 10087-5822
08-104	04/08/2008	13806-011	\$24,046.71	ATF LLC BMO CAPITAL MKTS CORP AS P.O. BOX 862658 ORLANDO, FL 32886-2658
08-114	04/08/2008	15803-010	\$52,315.17	PPTS LOCKBOX P.O. BOX 5822 NEW YORK, NY 10087-5822
08-120	04/08/2008	17401-009	\$112,149.48	U S BANK CUST/SASS MUNI V DTR TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
09-002	03/25/2009	00102-027	\$44,129.81	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
09-049	03/25/2009	04201-008	\$18,179.00	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
09-092	03/25/2009	08001-001	\$76,341.54	DELAWARE STRATEGIES FUND I, LLC P.O. BOX 503 PURCHASE, NY
09-104	03/25/2009	09406-048	\$2,085.88	33 SOMERSET ST. LLC 7 RIVEREDGE DRIVE FAIRFIELD, NJ 07004
10-004	03/23/2010	00510-006	\$2,398.99	US BANK CUST FOR PRO CAPITAL I LLC US BANK TLSG 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-031	03/23/2010	03001-005	\$6,184.89	US BANK CUST/SASS MUNI VI DTR TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-046	03/23/2010	03602-010	\$346.24	DAVID ZACCARIA 33 JOHN STREET FAIRFIELD, NJ 07004
10-049	03/23/2010	03906-004	\$3,814.06	LAWRENCE & HELEN EARL FAMILY TR.LLC 933 MILLBROOK ROAD P.O. BOX 42 STILLWATER, NJ 07875

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Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
10-058	03/23/2010	05501-008	\$730.25	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
10-072	03/23/2010	06902-023	\$34,125.39	ROYAL TAX LIEN SERVICES LLC 179 WASHINGTON LANE JENKINTOWN, PA 19046
10-083	03/23/2010	07801-001.06	\$336.48	MARCOS A. SUAREZ, JR 28 WINSLOW TERRACE FAIRLAWN, NJ 07410
10-085	03/23/2010	07801-027.06	\$774.90	MARCOS A. SUAREZ, JR 28 WINSLOW TERRACE FAIRLAWN, NJ 07410
10-096	03/23/2010	09404-003	\$1,914.61	DAVID ZACCARIA 33 JOHN STREET FAIRFIELD, NJ 07004
10-105	03/23/2010	10702-015	\$6,588.55	CLEMENTE ENTERPRISES; LLC P.O. BOX 514 LINCOLN PARK, NJ 07035
10-125	03/23/2010	12701-009.01	\$9,886.21	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
10-144	03/23/2010	16001-004	\$10,210.37	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
Grand Total			\$487,755.31	

Adopted: June 16, 2010

Agenda No. VIII f

~ Resolution No. 2010-238 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
CFA Custom Homes Charles Aikey 144 Wesley Drive West Milford, NJ 07480	5010/11	\$ 200.00	79
CFA Custom Homes Charles Aikey 144 Wesley Drive West Milford, NJ 07480	8501/7.02	\$ 900.00	65
Charles Aikey 144 Wesley Drive West Milford, NJ 07480	9501/19.04	\$3,950.00	81

Adopted: June 16, 2010

Agenda No. VIII g

~ Resolution No. 2010-239~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: June 16, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 29 of 32

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
4009-2	J. & K. Veenstra	\$2,093.00	2010
1006-1	M. & R. Keryger	\$1,686.00	2010
2507-1	M. & R. Keryger	\$1,216.00	2010
14902-2	R. & K. Cox	\$2,975.00	2010
2407-4	F. Molinari	\$816.00	2010
10808-4	J. Guarinello	\$73.35	2010
TOTAL		\$8,859.35	

Adopted: June 16, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010-240 ~

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:

Acct #	Account Name	Amount
1	Current Account.	\$119,138.31
2	Reserve Account	74.98
3	Animal Control Trust	0.00
6	Capital.	100,502.59
7	Grants.	7,466.14
8	Refuse.	11,980.00
9	Refunds.	491,597.44
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	2,875.00
17	Trust	9,555.00
18	Development Escrow.	456.50
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$743,645.96
\$Less Refund Resolution		<u>-491,597.44</u>
Actual Bill List		\$252,048.52
Other Pyts Ck # 41945 & 119 OP SP ACQ.		2,250,000.00
Other Pyts Ck# 120 OP SP ACQ		<u>83,941.20</u>
Total Expenditures		\$2,585,989.72

Approved: June 16,2010

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: June 16, 2010
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Discussion: Councilman Nolan stated that he spoke with Administrator Boyle earlier in the day to ensure that contracts are approved by resolution prior to services being engaged. He advised that the Township is paying Mr. Glatt \$800 for attendance at a Zoning Board meeting that lasted forty minutes. He noted that capital funds were appropriated in 2007 and 2008 for digital cameras for the police department yet those funds are only being expended now. This means that funds were borrowed and interest paid before being expended. He hopes this practice does not continue.

Councilman Ramaglia stated that the Council makes the same comments week after week seemingly to no avail. He questioned why monies are not encumbered in the year appropriated. Mr. Boyle explained that most appropriated capital funds have been expended. In this particular instance, this equipment is critical to DUI matters but there were substantial savings and upgrades realized by waiting. Council Ramaglia lamented that Council President Smolinski has repeatedly asked for a listing of accounts and he asked if this information will be forthcoming before Mr. Magnotti retires. Council President Smolinski affirmed that he wants a listing of all these accounts, current and dated and he wants to ensure that these practices are ceased immediately.

Councilman Jurkovic asked Mr. Boyle why there are so many Rockland Electric bills and Mr. Boyle advised that each meter generates its own bill. Councilman Jurkovic asked for a breakdown and explanation of all of these accounts including location and usage.

Mr. Semrau noted that the bill list reflects a payment to the Greenwood Lake BiState Commission. He advised that the agreement has yet to be signed and contains a provision that payment shall only be made when services have been received and invoices documented. Mr. Boyle stated that he will hold payment until all conditions have been met.

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

Motion carried.

Agenda No. X

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

Discussion Item:

Open Space & Recreation Grant Projects – Mr. Boyle stated that Matt Dank from the Land Conservancy has recommended that the Township clear up all outstanding open space grant funds and acquisitions before making application for more funding. He reviewed a list of outstanding potential acquisitions and projects. He noted that the Environmental Commission is seeking to acquire greenway properties while the Council wishes to focus on properties that have recreational possibilities for residents. He stated that in future years he will have staff submit recommendations annually before any impending deadlines. He stated that the objective is to conclude outstanding projects before creating new ones. Council President Smolinski stated that the Township received 50% of the funding needed to complete the roller hockey rink. However the Director of Community Services & Recreation (CS&R) took the municipal appropriations for that project out of the 2010 budget. He asked why not simply use old funding and finish this project once and for all. Mr. Boyle stated that funding from old capital ordinances must be reallocated by formal action of the Council before staff can use it for purposes not initially intended. Council President Smolinski stated that he is not confident that the Council is up to date on the most current open space list but he recommended that consideration be given to the Greene property because it may have recreational value to the residents. He listed many of the existing attributes at this site. Discussion ensued as to prioritizing potential acquisitions based on the actual usage value to West Milford residents. The Council expressed concern that the Administrator has not taken advantage of the opportunity to apply for Passaic County open space funds in this grant cycle saying that the Greene property has potential. The deadline to submit the application is next week and staff has not done the necessary groundwork to effectuate such an application. The Council instructed Mr. Boyle to seek an extension from Passaic County and have an application prepared and submitted through a joint effort of municipal staff and the Land Conservancy for the Greene property.

Councilman Jurkovic stated that the Council received a letter from a resident on Macopin Road praising the Fire Marshal and Kevin Drake on their efforts to investigate illegal fires. He stated that the West Milford fire department marched in the Wanaque 100th anniversary parade where they won first prize. He gave all the members a thumbs up.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: June 16, 2010
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Councilman Weisbecker asked Administrator Boyle to have the Network Administrator contact him about his email account. He stated that the Recycling Committee is working on a second cleanup day for the Township.

Council President Smolinski stated that the BOE has appointed a committee to meet with Council counterparts regarding the synthetic turf field. He asked the Council to consider establishing a like committee to move this along and suggested that Phil Pirro ought to be considered as a civilian member because he has expertise in this industry. He stated that Senator Pennachio was instrumental in obtaining a \$100,000 grant for Greenwood Lake. He thanked Senators Pennachio and Smith for sponsoring a bill to eliminate dock fees from legislation adopted earlier this year that would affect Greenwood Lake. This bill has passed the Senate and is moving to the Assembly for consideration.

Councilman Nolan stated that Ample Harvest, an organization established by West Milford resident Gary Oppenheimer, has received national attention with coverage from CNN and there are over fifty states participating in this effort to feed the needy. He expressed concern that not all departments are fully utilizing the Spatial Data Logic software purchased to track applications across department. Mr. Boyle stated that he met with staff today and all fifteen seats are now being used despite some teething pains.

Councilwoman Lichtenberg listed some upcoming community events. She gave a thumbs up to Dave Stires for his volunteer efforts and for his dedication to recycling. She stated that she is available to residents at Town Hall every Thursday from 10 a.m. to noon.

Mayor Bieri asked Administrator Boyle to look into effective programs for animal control that facilitate licensing, tracking, summonses, payments, etc. She commended all the volunteers in West Milford who give so much to this community. She stated that Passaic County selected a West Milford teacher to be recognized as the 2010 teacher of the year. She asked Administrator Boyle if he needs Council approval to initiate furlough days for employees. Mr. Boyle stated that he has held off on enacting such measures because it appears that watershed aid may be restored. He stated that he does not need Council approval because this would be strictly an administrative decision. He stated that he will discuss that further with Council at the budget meeting. In response to a query from Mayor Bieri, Mr. Boyle advised that he will discuss the assessment process with Council at the next meeting. Mayor Bieri advised that she traveled to Trenton last week to appear at a stakeholder meeting to continue her petitions for restoration of watershed aid. The meeting was billed as a review of proposed amendments to the Highlands Act. Although some of our state representatives were at the meeting, she was the only person who spoke about the fiscal inequities that affect municipalities in the preservation zone as well as the conflicts related to COAH. Primarily, the other people who spoke limited their comments to development and redevelopment. Most other attendees hailed from state departments and various environmental clubs.

Administrator Kevin Boyle advised that he, Mayor Bieri and Council President Smolinski met with staff from Engineering yesterday to discuss restructuring concepts. The meeting, he said, was productive, and included discussion about reaching out to Ringwood to open a dialogue about potential shared services. He advised that FBI-Leeda contract has been returned and is awaiting the Mayor's signature. He stated that he has received an electric aggregation bid through NJSEM with an 11% savings for consumption which also includes street lights. With Mr. Magnotti retiring at the end of the month he has sought resumes to fill the position of CFO and the deadline date for submissions is this coming Friday. He reviewed upcoming retirements throughout the municipality. He stated that easement agreements are being drafted to allow the municipality to proceed with the Greenwood Lake projects. Mr. Semrau has sent a letter to Brian Townsend and Mr. Boyle about the revaluation RFP and they plan to put that out for consideration in July. In response to Councilman Weisbecker, Mr. Boyle advised that he is looking at all options for the CFO position including shared services.

Mayor Bieri looked to Council for consensus for a committee as requested by Council President Smolinski to meet with the BOE about the turf field. Councilman Jurkovic volunteered to serve on such a committee. The Council gave consensus to form a committee comprising of Mayor Bieri, Council President Smolinski, Councilman Jurkovic and citizen member Phil Pirro.

Mayor Bieri advised Administrator Boyle that despite his earlier comments, the FBI-Leeda contract is not in her signature folder. She asked him to locate it so that she can sign.

Agenda No. XII

Appointments and Resignations

Councilman Ramaglia nominated the following new citizen members to the Economic Development Committee David W. Camperlino, John Lauritano and Jonathan L. Sherwood.

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

