
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
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Passaic County and Green Acres. The property owner is seeking \$2.3 million for this property and has committed to installing a recreation field at the site.

There are two applications being submitted for improvements to municipal properties. The first is for the rehabilitation of Bubbling Springs which is a priority for the Township. Passaic County previously awarded funding which resulted in the engineering firm of Keller Kirkpatrick being hired to design the project. He reviewed the proposed project which is estimated at \$785,000. The Township is asking Passaic County to fund half the cost and the Township would incur the remaining portion. The project would add new amenities and effectuate much needed improvements at the site. The most significant component would be the installation of a drainage system which will have a significant impact and which will address the sloping issues. The athletic fields will be improved, there will be new recreation activities allowed on site, parking and access will be improved, ADA access will be a key component of the project, and the concession stands and restrooms will be upgraded.

The fourth application is for improvements to the current tennis courts on Germantown Road. The plan is to convert this facility to a roller hockey rink to meet the needs of the community. The Township already owns the rink and residents have previously requested that this be a municipal recreation priority. The rink fits very well on this site and the Township's engineering department has worked to ensure that the proposed project is feasible. The Township Engineer has estimated the cost of this project at \$95,000 and the Township is requesting half of that funding from Passaic County. The West Milford Bears, a local volunteer sports organization, has agreed to conduct fundraisers to supplement the Township's contributions to this project as best they can.

Mayor Bieri opened the meeting to the public and asked that the speakers address their comments to each project individually. She stated that the third public hearing will be on Echo Lake Park Roller Hockey Rink on Germantown Road.

Nosenzo Pond Road, Block 9302, Lots 1 and 16, and Block 9301, Lot 12, CYO Property

Andrew Gargano, 45 Apshawa Crossroad, West Milford noted that there are a lot of people in attendance tonight because of the notices they received about these public hearings. He encouraged them to speak and convey their approval or disapproval, as Passaic County representatives should know how residents feel when they are reviewing these applications. He stated that he favors this purchase for a host of reasons. Primarily, West Milford residents have used this site for many years as a recreation facility and ownership would allow this resource to be available to our residents. We need recreation facilities and this site has those amenities already in place.

Tim Wilson, 38 Blakely Lane, West Milford asked what the long term maintenance cost for these properties will be to residents.

Teresa Carr, 14 Nosenzo Pond Road, West Milford asked if the pond on this property will be a part of the acquisition. Mr. Boyle advised that the proposal is for the acquisition of the entire property including the pond. Ms. Carr asked if the facility will be open to all residents of the State to which Mr. Boyle replied that if the Township accepts Green Acres funding toward the purchase such access will be required.

Mr. Barbieri, 214 Morsetown Road, West Milford asked what the cost of this acquisition is. Mr. Boyle stated that the Township wishes to acquire this property by utilizing open space funds through a combination of sources including Passaic County, the State of New Jersey and municipal open space funds. Mr. Barbieri asked if acquisition of this property will result in lost ratables to which Mr. Boyle replied that the Diocese of Paterson is a tax-exempt organization that does not pay taxes on this property. Mr. Barbieri asked about the tax implications of all the proposed applications. Mr. Boyle repeated that the CYO property is currently exempt as are the Bubbling Springs and Roller Hockey Rink properties which are currently municipally owned. The Random Woods property owners currently pay \$26,862 in annual taxes.

Bob Nicholson, 20 Hyde Road, West Milford stated that he agrees with the need to purchase this property. It provides much needed recreational facilities to the Township and he favors this proposed acquisition.

Geoffrey Syme, 865 Union Valley Road, West Milford stated that he supports this proposed purchase. This acquisition would not result in lost ratables to the Township and has existing recreational facilities. This acquisition guarantees the availability of these recreation fields to West Milford residents.

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Donald Carr, 14 Nosenzo Pond Road, West Milford stated that he and other residents in the area are concerned about the pond on this site. The pond requires regular weed and mosquito control for the health and safety of residents. He wholeheartedly supports the Township's acquisition of this property.

Jim Novack, Larchmont Drive, West Milford stated that, while the fields are a great resource, he is concerned about the Township assuming ownership of another dam which could ultimately become a liability.

Doris Aaronson, 19 Bearfort Road, West Milford stated that one can negotiate with Green Acres to control access to this facility. Green Acres recognizes the need for local control for noise and traffic issues. She supports this acquisition because it provides much needed resources for our children.

Councilman Nolan asked that any resident who has an opinion on these applications come forward because the people on the Passaic County Open Space Committee reviewing these applications value comments from residents. This is a very competitive process whereby many municipalities in the County are applying for a limited sum of money.

Jimmy Lucarello, 38 Starlight Road, West Milford stated that he favors this purchase.

Debra Pfeifer, 15 Starlight Road, West Milford favors this project because this Township needs recreational facilities for our children.

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

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

Council comments:

Township Attorney Fred Semrau stated that the Township does not currently have a contract for this property nor has a price been set as yet. The Diocese of Paterson has had the property appraised and the Township intends to hire an independent appraiser. This process will require that a licensed engineer evaluate the dam on the property and report on the future impact maintenance of that dam will have on the municipality. The Diocese of Paterson will provide their annual maintenance reports to the municipality.

Council President Smolinski stated that West Milford has not encountered problems with other Green Acres funded properties in West Milford. He reviewed the attributes of this property which include existing recreational fields and amenities. He stated that Starlight Road is in the vicinity of this property and it is important to note that residents from that street have expressed support for this acquisition. This property is located in the recreation hub of the Township.

Councilman Schimmenti stated that West Milford volunteers have historically been involved in field maintenance in this town. Their efforts have always minimized maintenance costs for all recreational facilities and he anticipates this will be the case at the CYO property. He assured residents that the Council will perform due diligence with regard to the condition and maintenance of the dam before any purchase is effectuated.

Councilman Jurkovic asked if the Township will be seeking Green Acres funding for this property acquisition. He stated that consideration should be given to the need to open the property to all state residents if such funding is obtained and he recalled a prior threat from another municipality to send busloads of people into West Milford to use Green Acres facilities. This property, he said, should be used for West Milford children.

Mayor Bieri stated that the Township is seeking open space funding for this acquisition and plans to use local open space funds to complete the purchase. No operating or capital funds will be used to acquire this property.

Discussion ensued about applying for Green Acre funding for this project. Mr. Semrau advised the Council that the deadline to apply for Green Acre funding is June 30, 2009. The Council gave consensus to have an application submitted to Green Acres for funding for this acquisition.

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Random Woods, Block 8001, Lot 1, Ridge Road

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that the Township of West Milford has been collecting municipal open space funds since 1999 or 2000. He asked the Administrator to research and advise him as to how much there is in the open space account and how many properties have been purchased to date. He recalled that about a year ago the owners of this property made a presentation to Council wherein they indicated an intent to donate approximately ten acres of this property to the Township and he asked if this is still a component of this acquisition. If it is, has the Township conferred with the Highlands Council about the potential for building on those ten acres? He asked if Random Woods and Valley Ridge have been considered open space acquisition priorities. He stated that he favors this proposed acquisition.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she shares Mr. Gargano's concerns and questions. She stated that the presentation he referenced proposed the construction of a library and a community center which would be wonderful. This property is located within the town center and would benefit the entire community. Random Woods is a high quality wetlands and its acquisition would result in significant protection of a variety of endangered species as well as protection of waterways in town including Belchers Creek. She would like to see the price reduced somewhat.

Kirk Lawrence, 2004 Macopin Road, West Milford stated that he favors the acquisition of this property.

Bob Nicholson, 20 Hyde Road, West Milford stated that he is not in favor of this proposed purchase. He believes that this property is not a priority at this time and there are other properties that should be of greater interest. There are no definitive plans for this property and it would sit for years without being of use to residents. In light of current economic challenges, it proposed waiting to proceed with this purchase.

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

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

Council comments:

Township Attorney Fred Semrau stated that the ten-acre exception to acquire this property is still a part of the deal and the proposal has the support of Green Acres. The Township has been approved for Green Acres and Passaic County funding. Township officials have had a couple of meetings with the DEP regarding this property. The Township must secure sufficient funding for this acquisition to proceed and the Township will have to seek assistance from the Highlands Council to support the proposed use of this property. In the coming year, it will be necessary for the Township Council to provide direction as to the use of the property. The seller has agreed to reduce the price from \$2.3 million to \$2.1 million and to install a recreation field for Township use. In response to a query from Councilwoman Lichtenberg, Mr. Semrau stated that the Township would not close on the property until the funding is in place, the field is installed and all DEP approvals for the ten acres have been obtained.

Mayor Bieri stated that at the meetings with the DEP, it was indicated that they would not approve a 17,000 square foot building on this property as proposed. It appears that the Township would get approval for a recreational field.

Councilman Schimmenti stated that West Milford needs ball fields. This property is contiguous to Township properties and it behooves the Township to purchase this property both to meet the recreational needs of the community and to protect this land for the future. This property was earmarked for development and if the Highlands Act were ever revoked or amended the results could be very problematic for the Township. He wholeheartedly recommends purchasing this property for the children of West Milford.

Council President Smolinski stated that he received a telephone call today from a reporter asking about both Random Woods and CYO. As most prior discussions have been in executive session, he was very limited in his ability to respond. He stated that he is delighted to be engaging in this public discussion about these proposed acquisitions. Without speaking for his fellow Council members, he believes the Council to be of one mind regarding open space acquisitions. That is, the Council believes it is important to purchase open space properties that will provide a benefit to the residents of this community.

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Councilwoman Lichtenberg stated that, in her personal opinion, the Township should only buy properties that are of use to the residents of this Township. Taking unusable properties off the tax rolls is, in her opinion, triple taxation. Residents have to assume the cost of the lost ratable, pay state, county and local open space taxes and incur the costs of maintenance. With the restrictions on development inherent in the Highlands Act and DEP regulations, she believes it is incumbent upon elected officials to secure properties that have a benefit to the community.

Administrator Boyle asked the Council to prioritize these applications. After discussion, a poll of the Council indicated that the CYO property should be the top priority and Random Woods a very desirable second priority.

Block 9001, Lots 12 & 13, Macopin Road, Rehabilitation of Bubbling Springs Park

Bob Nicholson, 20 Hyde Road, West Milford stated that he has been utilizing the facilities at Bubbling Springs for many years. This is a wonderful place and the application for its rehabilitation is great. He would like to see the lake open for ice-skating in the winter months. Everything possible should be done to improve this jewel of West Milford. Other towns wish they had such a resource available to their residents and he absolutely favors this application.

Naida Bode, 1435 Macopin Road, West Milford stated that she has lived across the street from Bubbling Springs since 1972. She recalls that when she first moved to West Milford there was concern that this property would be developed and she is grateful that the Township owns this facility. She completely supports this application. She asked for details about the proposed rehabilitation.

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

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

Council comments:

Administrator Boyle provided details of the proposed rehabilitation project advising that the most significant component is proposed improvements to the drainage at the facility. This work will address sloping concerns while resolving the ongoing drainage issues. It will also keep the lake healthy. He thanked all the residents who responded to the notices sent out and provided their comments here tonight.

Council President Smolinski stated that this project will not result in additional ball fields at Bubbling Springs. The Council discussed the prioritizing of these improvement projects. The consensus of Council is to have Bubbling Springs the number one priority.

Block 14403, Lot 1, Germantown Road, Echo Lake Park Roller Hockey Rink

Andrew Gargano, 45 Apshawa Crossroad, West Milford clarified that the municipality currently owns this property and this application is for improvements and upgrades. Mr. Boyle confirmed this to be true and advised that the estimated cost of this project is \$95,000 with the Township applying to Passaic County for \$47,500 and the remaining balance to come from municipal contributions and philanthropic donations. Mr. Gargano stated that he is in favor of this project because the community has been very vocal about the need for these recreation resources.

David Vosburgh, 98 Forrest Hill Drive, West Milford asked where this property is located. Mayor Bieri informed him that it is on Germantown Road close to St. Joseph's. It is the property that currently houses the existing tennis courts. Mr. Vosburgh stated that he supports this improvement.

Bob Nicholson, 20 Hyde Road, West Milford stated that he supports this project. The installation of a roller hockey rink provides a valuable and necessary resource for our children. This recreational facility is needed in West Milford.

Tim Wilson, 38 Blakely Lane, West Milford stated that he is in favor of this proposed project.

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Doris Aaronson, 19 Bearfort Road, West Milford stated that this is the perfect location for a roller hockey rink for our children. This adds balance to our recreation needs and is a perfect opportunity for the municipality.

Robert Kochka, 26 Saw Mill Road, West Milford expressed concern for the people who currently use this facility to play tennis. He stated that he supports recreation for our children, but adults need recreational facilities also.

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

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

Council comments:

Councilwoman Lichtenberg stated that efforts to house the roller hockey rink in the past proved difficult. She stated that this will be a great sport complex for our residents.

Council President Smolinski stated that this rink will not be converted to an ice hockey rink in winter. The engineering department addressed all issues, including a cost estimate, when they designed this project. The West Milford Bears organization has been included in all discussions and every aspect of the design. He stated that the Township recently rehabilitated tennis courts in town which are open to all residents and provide a location for all tennis players who also have access to the courts behind Macopin School. He fully supports this project and appreciates the efforts of the Department of Community Services & Recreation. Mayor Bieri added that this would not have been possible without the efforts of our engineering staff.

Agenda No. III

Proclamations

None.

Agenda No. IV 1

Unfinished Business, Final Passage of Ordinances

~ Ordinance No. 2009- 010~

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

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

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

§ 470-27 Review fee escrow deposits.

- C. The review fee escrow deposit shall be applied to defray the actual and reasonable expenses incurred by the Township of West Milford for professional services in connection with the processing of the application for development.
 - (2) If, during the processing of the application, the funds remaining in the escrow account are depleted below a sum equal to 25% of the original deposit or \$500, whichever is greater, the applicant shall deposit additional funds to bring the escrow account equal to the larger of either \$500 or 50% of the original deposit before the application shall continue to be processed by the approving authority and prior to action on the application. By mutual agreement, the applicant and the approving authority may agree to another payment schedule where the size and scope of the application may warrant it. Upon final disposition of the application, unused funds in the escrow deposit account shall be returned to the applicant, pursuant to the procedure set forth in N.J.S.A. 40:55D-53.2. If there

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should become a delinquency in an escrow account that goes unpaid and the applicant fails to deposit the additional funds as required by this section, such failure shall be considered a violation of this Chapter which payment may be enforced by the land use administrator or his/her designee by way of summary action in municipal court.

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

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

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

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

INTRODUCED: May 27, 2009
ADOPTED: June 24, 2009
EFFECTIVE DATE: July 14, 2009

Mayor Bieri noted that this Ordinance was introduced on May 27, 2009 and the notice of public hearing was published in the Herald News on May 31, 2009. The Council opened the meeting to the public to speak on this ordinance only.

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

Councilman Nolan made a motion to adopt this ordinance.

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

Agenda No. IV 2

~ Ordinance No. 2009- 011~

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

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

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

§ 414-4 Zoning permits.

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

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

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

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

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

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INTRODUCED: May 27, 2009
ADOPTED: June 24, 2009
EFFECTIVE DATE: July 14, 2009

Mayor Bieri noted that this Ordinance was introduced on May 27, 2009 and the notice of public hearing was published in the Herald News on May 31, 2009. The Council opened the meeting to the public to speak on this ordinance only.

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

Councilwoman Lichtenberg made a motion to adopt this ordinance.

Moved: Lichtenberg Seconded: Nolan
Voted Aye: Smolinski, Schimmenti, 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.

Rand Reed, 18 Broadway, West Milford stated that he represents Mount Glen Lakes Association and he provided a brief history of the incorporation of this association. The Association has been working to effectuate repairs to the dam and the funding to repay the related loan would come from assessing affected property owners. To that end, the Property Owner's Association has been trying to have the Tax Assessor provide them with a listing of properties that can be assessed and they also spent several hundred hours researching deeds to accurately ascertain what properties belong to the Mount Glen Lakes Association. He stated that the Tax Assessor has failed to respond to their requests for two years and they have now resorted to hiring an attorney to get the information. He asked the Council for assistance.

Doris Aaronson, 19 Bearfort Road, West Milford stated that there will be a lyme disease education session at Town Hall on Monday evening. She reviewed statistics about lyme disease which can be a fatal disease if not properly diagnosed and treated. She encouraged interested parties to attend at 7:00 p.m. where they can be educated about this issue. She stated that the Township Council convened a special meeting last Tuesday evening to discuss certain positions in the Health and Engineering Departments. She asked that residents convey their positive experiences with these departments at Council meetings because Council President Smolinski has requested that the Administrator research the feasibility of outsourcing these particular departments. She stated that, in her experience, sanitarians in the Health Department have been at the forefront on health issues and the Engineering staff are invaluable. Thanks to their diligence, West Milford roads are kept exceptionally clean in winter weather. She asked Council to keep these services inhouse.

Tom Nelson, 29 Osage Drive, West Milford stated that he has been experiencing drainage problems on his road since it was resurfaced in 2005. He has repeatedly conveyed his issues to the Engineering Department and the problems have not been addressed. He reviewed the problems he is experiencing stating that there is constant flooding as a result of the resurfacing. Mr. Boyle visited his street about a month ago but the staff in the Engineering Department has been consistently dismissive of his concerns. Rather than address the problems, they insist on defending their position and poor design. He asked the Council to intervene stating that he does not know where else to turn for help.

Jessie Suttor, 31 Osage Drive, West Milford stated that he too has been experiencing problems on his street and looks forward to an upcoming meeting with the Administrator. In his opinion, the Engineering Department has been very arrogant in their response to residents even though the problems are a direct result of their work. The resulting issues are negatively impacting property values. The obvious lack of communication amongst Township departments is also contributing to the situation which is evidenced by a leachfield approved by the Health Department that is running into a bad drain designed by Engineering. Engineering initially promised to cut the road down and install drainage but he can no longer mow his lawn for weeks after a hard rain because of the resulting water issues. He did not have these problems before the road work and there are major issues that are simply not being addressed by the Engineering Department. This department has created the problems he is experiencing and it is unacceptable. They are now knowledgeable and he urged the Council to visit his street after a rain storm to see the conditions

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the residents are subjected to. He asked the Council to do something by this situation created by the Engineering Department.

Andrew Gargano, 45 Apshawa Crossroad, West Milford asked that references to smoking in ordinance 2009-013 be changed to "tobacco use". He apologized to Councilman Jurkovic for implying that his previous comments were racially prejudiced. It was not his intent to cast aspersions but rather to clarify the comments because he interpreted them to be racist. He urged residents to attend the West Milford High School fundraiser with the drum and bugle corps and the Boston Crusaders on July 5th. These young musicians are very talented and worth seeing.

Gary Steele, North Glenwood Road, West Milford stated that the Council is responsible for increasing taxes in West Milford. However, the Council consistently votes to increase taxes but they refuse to assume the responsibility. The record shows that they have continuously voted to increase budgets despite the opportunities they have had to stop the increases or actually reduce taxes. He has spoken with the Township Attorney and he is still convinced that the vote taken by the Council on the defeated school budget is illegal. Mr. Semrau has not provided him with the legal authority which allowed the override of the charter, the code or Robert's Rules of Order. The BOE wanted a 4% increase over last year's budget and the Council did not have to go along with that. The Council abdicated their responsibility and failed to make the necessary cuts to the school budget. Additionally, the Council spent up to \$7,000 to hire a consultant and then shirked their responsibility. It is shocking to him that each member of the Council did not receive a copy of the school budget. They had an obligation to review that budget line item by line item so that there would be no increase in taxes. How is it possible, he asked, to validate the consultant's work if you have not reviewed the budget itself. He also asked why the Township Attorney was not at that meeting. Mr. Steele asked for an additional two minutes to finish his comments.

Mayor Bieri sought a poll vote of the Council to allow Mr. Steele to continue. Council President Smolinski and Councilman Jurkovic voted in the affirmative with Councilmen Schimmenti and Nolan and Councilwoman Lichtenberg voting in the negative. Mr. Steele continued.

Mr. Steele stated that the Council did not get elected to do fluff. They were elected to do the tough jobs and they abdicated this responsibility.

Jim Novack, Larchmont Drive, West Milford stated that he was the only person who spoke at the joint meeting with the BOE on May 18th in favor of the Council making deeper cuts to the budget. Everyone else who spoke at that meeting asked that the Council not cut the budget. He stated that the meeting should not have been held the night before the deadline date for action and the consultant hired by the Township should have attended an earlier Council meeting to discuss the budget with the Council. Residents, by a large margin, voted to defeat the school budget and the Council's inaction is a slap in the face to that mandate.

Bob Nicholson, 20 Hyde Road, Stockholm stated that he is not happy with his tax bill and the prognosis for next year is not good. There has been a majority on the Council for the past six years and nothing has been done about taxes. Residents cannot continue to afford to live in this town. The Council is not doing their job and party politics should be put aside. There is a majority on the dais and he is tired of listening to them focus on trivial matters. He urged the Council to make cuts.

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

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

Agenda No. VI

Council Comments

Councilman Nolan asked that Mr. Boyle and Mr. Semrau address the drainage issues and the school budget issues respectively.

Mr. Semrau stated that he recalls the Mount Glen Lakes correspondence wherein concerns were raised about who would be included in the assessment process. He met with the Tax Assessor, Brian Townsend, about two weeks ago to discuss this matter and he learned that Mr. Townsend is working on compiling an accurate list of affected properties. The Tax Assessor's office has been focused on the tax appeal process which has stringent time restrictions and now that that process is complete Mr. Townsend has indicated that he will have an answer for the Mount Glen Lakes POA by July 10th. It is important for

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the Property Owners Association to know the affected properties and he will put this on his calendar for follow up.

Mr. Semrau stated that he spoke with Mr. Steele last Wednesday by telephone. There is a case on point regarding the defeated school budget vote and he provided the case citation. There were two members of a board who had to recuse and the court ruled that the recusals did not count toward full membership. This is the same situation the Township encountered with the defeated school budget vote. Council President Smolinski recused and he therefore was not counted toward the full membership. That reduces the full membership to five Council members. The result is that the Council needed three affirmative votes to adopt the resolution and that was accomplished on May 18th.

Council President Smolinski confirmed with Mr. Semrau that the Mount Glen Lakes Property Owner's Association has been apprised of the proposed schedule for their request. Council President Smolinski asked Mr. Boyle to provide the Council with a history of the problems on Osage Drive and to apprise them of steps that will be taken to address these problems.

Councilman Jurkovic agreed with Council President Smolinski's comments on Osage Drive adding that something must be done to address the residents' concerns. He stated that he is offended by Mr. Gargano's comments which were made by a person who does not know anything about Mr. Jurkovic's contributions to underprivileged persons. In speaking earlier, he was addressing a Township matter pertaining to the acquisition of open space property for use by West Milford residents. The intent of this acquisition is to provide fields for West Milford kids. The scenario he relayed actually occurred and he does not want to acquire a property that cannot be used by West Milford children.

Councilwoman Lichtenberg asked Mr. Semrau if the law compels a joint meeting with the BOE relative to the defeated school budget to which Mr. Semrau replied that this is not a requirement. The intent of such a meeting, Mr. Semrau stated, is to engage in open dialogue and to avoid the appeal process if possible. If the BOE were to appeal the proposed cuts to the State they can challenge the reduction.

Agenda No. VII 1

New Business, Introduction of Ordinances, Resolutions

~ Ordinance No. 2009- 012~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 101, CHARITABLE CLOTHING BINS

WHEREAS, this ordinance is established pursuant to P.L. 2007, c.209 approved by the NJ Legislature on December 20, 2007.

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

SECTION 1. The West Milford Township Revised General Ordinances are hereby amended and supplemented with the addition of Chapter 101, "Charitable Clothing Bins", to read as follows:

CHAPTER 101 CHARITABLE CLOTHING BINS

§101-1 Definitions.

For the purposes of this Section only, the terms "solicitation" or "solicit" shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§101-2 Requirements for placement, use of clothing bins for solicitation purposes.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin within the Township of West Milford, for solicitation purposes, without obtaining a permit from the Municipal Clerk, which is approved by the Township Council. Permits are renewable on an annual basis during the month of January.

§101-3 Permit Fee.

The annual permit fee is \$25.00 per bin and will be used to offset the costs involved in enforcing this Section.

§101-4 Application Requirements.

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The application for obtaining a permit shall include:

- A. The location where the bin would be situated, as precisely as possible;
- B. The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- C. The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
- D. Written consent from the property owner to place the bin on his property.
- E. Submission of proof that the clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 (*N.J.S.A. 45:17A-18 et seq.*) or that the clothing bin is owned by a religious corporation, trust, foundation, association or organization incorporated under the provisions of Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

§101-5 Renewal Application Requirements.

In addition to the above application requirements, renewal applications must include:

- A. A statement on the manner in which the person has used, sold, or dispersed any clothing or other donation collect via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipate it may make in these process during the period covered by the renewal;
- B. The name and telephone number of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and
- C. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

§101-6 Placement of Bins.

West Milford Township shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 50 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a donation clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§101-7 Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

- A. The permit number and its date of expiration;
- B. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
- C. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;
- D. In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
- E. A statement, consistent with the information provided to the Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

§101-8 Receipt, investigation of complaints relative to donation clothing bin.

- A. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning

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- Officer that a person has engaged in, or is engaging in any act or practice in violation of Section, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, West Milford Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the chief financial officer of the Township.

§101-9 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this Section or the provisions of P.L.2007, c.209 (C 40:48-2.60, *et seq.*) which results in seizure of the donation clothing bin shall be:

- A. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the West Milford Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (C.2A:58-10 *et seq.*), and any penalty monies collected shall be paid to the chief financial officer of the Township; and
- B. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Section and P.L.2007, c.209 (C.40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 *et seq.*) may apply to the Township Council to have that person's eligibility restored. The Township Council may restore the eligibility of a person who:
- i. Acts within the public interest; and
 - ii. Demonstrates that he made a good faith effort to comply with the provisions of this Section and P.L.2007, c.209 (C.40:48-2.60 *et seq.*), and all other applicable laws and regulations, or had no fraudulent intentions.

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

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

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

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

INTRODUCED: June 24, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for July 22, 2009 and it shall be advertised as required by law.

Discussion: Councilman Nolan questioned the penalty of \$20,000 in Section 101-9 of this ordinance. Mr. Semrau advised that this reflects the maximum fine allowed by the State of New Jersey but ultimately the actual penalty is determined by the court.

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

Agenda No. VII 2

~ Ordinance No. 2009 - 013 ~

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AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 84, BICYCLES, SKATEBOARDS AND SCOOTERS, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF ARTICLE II, MT. LAUREL SKATE PARK

TABLED TO JULY 8, 2009 COUNCIL WORKSHOP MEETING

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

Discussion: Mr. Boyle stated that he is waiting for feedback from the municipal prosecutor on this proposed legislation. He asked the Council to table action on this ordinance to July 8th. Councilman Nolan made a motion to table this ordinance to July 8, 2009, seconded by Councilman Jurkovic.

Council President Smolinski stated that the issue at the site is lack of supervision and he asked the Township Administrator to instruct the Director of Community Services & Recreation to address the supervision problem. Councilman Nolan stated that it is necessary to have the ordinance in place so that the supervisor can have rules to enforce. Conversely, one needs supervision to enforce rules. Council President Smolinski agreed with the need to have the ordinance in place but he urged the Administrator to address the issue of supervision. He stated that records indicate that no one is attending the coffee house and he asked if those staff members can be reassigned to the skate park to supervise. Councilman Nolan also asked for supervision recounting an episode whereby his wife, a medical professional, recently attended to a patient who suffered a skating-related injury.

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

Agenda No. VII 3

~ Ordinance No. 2009 - 014 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES," OF THE REVISED GENERAL ORDINANCES

NUMBER NOT USED

Councilman Nolan made a motion seconded by Councilwoman Lichtenberg to place this ordinance on the table for discussion.

Discussion: Councilman Jurkovic noted that this ordinance refers to chapter 135 "Fees" while it is the intent of the Council to address compensation for the public defenders. Mr. Semrau agreed and asked the Council to table action on this ordinance.

Councilman Nolan made a motion to table this ordinance.

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

Agenda No. VII 4

~ Ordinance No. 2009 - 015 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY VACATING A CERTAIN PORTION OF GLENWOOD ROAD

WHEREAS, there exists in the Township of West Milford, Passaic County, New Jersey, a certain roadway know as Glenwood Road as shown on the Official Tax Map of the Township of West Milford; and

WHEREAS, a request to vacate a certain portion of Glenwood Road was made by the property owners of Block 2609, Lot 1 with said portion being more fully described in the Deed description, attached hereto as **Exhibit A**; and

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WHEREAS, the aforementioned portion of the subject roadway is to be vacated subject to certain requirements, obligations and restrictions as established herein by the Township Council of the Township of West Milford; and

WHEREAS, the Township Council of the Township of West Milford does hereby determine that the aforementioned portion of Glenwood Road was never needed for municipal purposes and will no longer be needed for municipal purposes; and

WHEREAS, the Township Council of the Township of West Milford does hereby determine that vacation of the aforementioned portion of Glenwood Road will better serve the public interest; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the public's rights in said portion of Glenwood Road.

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

1. The public rights and interests in a certain portion of Glenwood Road, as more fully described in Exhibit A referred to and attached herein is hereby vacated, abandoned and released.
2. By virtue of such release of such dedication, the land, as a matter of law, becomes the property of the respective contiguous land owner, owner of Block 2609, Lot 1.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.
5. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the aforementioned Lot(s) and Block(s). This is the notice required by N.J.S.A. 40:67-19 and 40:49-6.
6. The Township Clerk shall within sixty (60) days after such ordinance becomes effective, file a copy of said ordinance together with a copy of proof of publication thereof with the Clerk of Passaic County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A.40:67-21; and

BE IT FURTHER ORDAINED, that all ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED, that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED: June 24, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for July 22, 2009 and it shall be advertised as required by law.

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

Agenda No. VII 5

~ Ordinance No. 2009 - 016 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 414, 420, AND 500 PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO CLARIFY PROCEDURES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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REGARDING TIME PERIODS AND LOCATIONS FOR THE TEMPORARY OUTDOOR DISPLAY AND SALE OF MERCHANDISE AND SEASONAL FARMER'S MARKETS

WHEREAS, the Township of West Milford has duly adopted land use and zoning regulations in conformance with a Master Plan, consistent with the standards set forth in the Municipal Land Use Law and in particular with regard to N.J.S. 40:55D-62; 65; and

WHEREAS, the Township Council upon favorable recommendation by the the Planning Board has established procedures to permit certain temporary commercial activities and farmer's markets within West Milford in Township Ordinance 2009-007 and

WHEREAS, upon further analysis and input from the Planning Board, the Township Council of the Township of West Milford finds it desirable and necessary to provide certain clarifications to the standards regulating these activities to ensure proper and efficient implementation of same.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

Section 1. Chapter 414 Fees, Land Development
A new section shall be created as follows:

§ 414-6 Temporary Outdoor Commercial Sales Permit and Seasonal Farmer's Market Permit
A permit shall be required to conduct a Temporary Outdoor Commercial Sales event and a Seasonal Farmer's Market as defined in Chapter 420, § 420-6 and as regulated in Chapter 500, §500-36.1. The fee for each permit shall be fifty dollars (\$50). A Seasonal Farmer's Market shall be entitled to operate on the basis on one permit per season which shall constitute the time period from June 1 through October 31 per calendar year.

Section 2. Chapter 420 Land Use Procedures
A new definition shall be created as follows:

§ 420-6 Definitions
SEASONAL FARMER'S MARKET – The offering for sale of fresh agricultural products, organic merchandise, food products, and other merchandise typical of a seasonal market directly to the consumer at an open air market on a seasonal basis which shall constitute the time period from June 1 through October 31 per calendar year under the sponsorship of a non-profit, civic, or religious organization.

FARMER'S MARKET PERMIT – A permit issued in accordance with the standards set forth in § 500-36.1 of Chapter 500.

Section 3. Chapter 500 Zoning

§ 500-36.1 Temporary Outdoor Commercial Sales Event and Seasonal Farmers' Market Sales.

- A. Purpose. The purpose of this section is to permit and regulate the outdoor display and sale of merchandise within the Township of West Milford in such a manner as to protect the public's health and safety and to ensure the integrity of the Township's land use plan and zoning regulations.
- B. Designated zones. Temporary Outdoor Commercial Sales Events and Farmer's Markets shall be permitted on any property in the NC, VC, CC, HC, LC zone districts where said property satisfies the minimum lot area standards of the applicable zone district. Said activities shall also be permitted in any zone district upon lands owned by the Township of West Milford, the West Milford Board of Education and on the grounds of a house of worship where the property in question is in compliance with the standards set forth in Chapter 500, Article X, "Conditional Uses", §500-94, "Houses of worship".
- C. Permit required. No property shall be utilized for Temporary Outdoor Commercial Sales Event or for the purpose of establishing a Seasonal Farmer's Market as defined in Chapter 420 without the issuance of either a Temporary Outdoor Commercial Sales Event Permit or a Seasonal Farmer's Market Permit, as applicable, from the Township's Administrative Officer or Zoning Officer in accordance with the provisions of this chapter.
- D. Term of permit.
 - 1. A Temporary Outdoor Commercial Sales Event Permit shall be required for each sales event with a maximum of six (6) events per calendar year for any property within West Milford Township. An event conducted over the course of two consecutive days shall constitute a single event for the purposes of issuing a permit and shall count as a single event towards the total of six (6) events

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- permitted per property within a calendar year. No permit under this section shall be valid for more than two consecutive days.
- 2. A Seasonal Farmer's Market Permit shall be required for each seasonal event. One permit shall cover the entire duration of the seasonal event permitted within the time period from June 1 through October 31 of each calendar year. The sponsor of the Seasonal Farmer's Market shall be responsible to secure said permit which shall cover any and all vendors participating in the event.
 - E. Hours of operation. Functions authorized by a Temporary Outdoor Commercial Sales Event Permit or a Seasonal Farmer's Market Permit shall be limited to hours of 9:00 a.m. and 9:00 p.m.
 - F. All temporary outdoor activities shall adhere to the following standards:
 - 1. Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub-code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a Temporary Outdoor Commercial Sales Permit as determined by the Township, including, but not limited to, the Police, Health and Planning departments.
 - 2. No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
 - 3. Temporary signage shall be subject to §500-160 of this chapter.
 - G. Permit fee.
 - 1. The fee for a Temporary Outdoor Commercial Sales Permit and a Seasonal Farmer's Market Permit shall be as set forth in Chapter 400, §414-6.
 - H. Exemptions. The display and sale of merchandise by non-profit organizations for fundraising purposes shall be exempt from the requirements of this section.
 - I. Appeals. Where there is a dispute regarding a decision by the Township's Administrative Officer or Zoning Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

Section 4. All ordinances of the Township of West Milford which are inconsistent with the provisions of the ordinance are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

Section 6. This Ordinance may be renumbered for purposes of codification.

Section 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: June 24, 2009

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

Agenda No. VII 6

~ Resolution No. 2009 - 240 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING 2009 TEMPORARY BUDGET EXTENSION - THIRD QUARTER

WHEREAS, N.J.S.A. 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations should be made for the purposes and amounts; and

WHEREAS, said temporary appropriations are extended and now limited to 78.75% (Nine Months) of the total appropriation in the 2008 budget, exclusive of any appropriations made for debt service.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORARY BUDGET	COMMENTS
<i>ADMINISTRATION</i>				
ADMINISTRATOR				
Administrator S&W	01-20-100-100	215,000	169,313	Subject to normal %
Administrator O.E.	01-20-100-200	49,400	38,903	Subject to normal %
TOTAL		264,400	208,215	
PERSONNEL				
Personnel S&W	01-20-105-100	79,000	62,213	Subject to normal %
Personnel O.E.	01-20-105-200	10,600	8,348	Subject to normal %
TOTAL		89,600	70,560	Subject to normal %
MAYOR & COUNCIL				
Township Mayor & Council S&W	01-20-110-101	36,000	28,350	Subject to normal %
Township Mayor & Council O.E.	01-20-110-200	4,500	3,544	Subject to normal %
TOTAL		40,500	31,894	
INFORMATION TECHNOLOGY				
Information Technology S&W	01-20-140-100	76,000	59,850	Subject to normal %
Information Technology O.E.	01-20-140-200	46,400	36,540	Subject to normal %
TOTAL		122,400	96,390	
Legal O.E.	01-20-155-200	250,000	196,875	Subject to normal %
GENERAL SERVICES				
General Services S&W	01-20-161-100	12,000	9,450	Subject to normal %
General Services O.E.	01-20-161-200	102,600	80,798	Subject to normal %
TOTAL		114,600	90,248	
INSURANCE				
Insurance, Other	01-23-210-200	728,166	573,431	Subject to normal %
Insurance, Other, Less Library Charge Back	01-23-210-200	-10,000	-7,875	Subject to normal %
Insurance, Group	01-23-220-506	3,086,290	2,430,453	Subject to normal %
Insurance, Group - Less Library Chargebacks	01-23-220-506	-119,000	-93,713	Subject to normal %
TOTAL		3,685,456	2,902,297	
Heritage O.E.	01-20-173-200	1,500	0	0 Request for 2009
<i>CLERK'S OFFICE</i>				
CLERK				
Clerk S&W	01-20-120-100	218,000	171,675	Subject to normal %
Clerk O.E.	01-20-120-200	27,800	21,893	Subject to normal %
TOTAL		245,800	193,567	
ELECTIONS				
Elections S&W	01-20-146-101	500	250	
Elections O.E.	01-20-146-101	18,900	9,000	
TOTAL		19,400	9,250	
<i>FINANCE</i>				
TREASURER				
Treasurer S&W	01-20-130-100	271,000	213,413	Subject to normal %
Treasurer O.E.	01-20-130-200	7,560	5,954	Subject to normal %
Treasurer O.E. - Less Library Chargebacks	01-20-130-200	-2,000	-1,575	Subject to normal %
TOTAL		276,560	217,791	
ANNUAL AUDIT				
Annual Audit	01-20-135-200	40,000	\$ 20,000	Seasonal
Annual Audit Additional Services	01-20-135-201	10,000	7,000	Note Sale Plus
TOTAL		50,000	27,000	
TAX COLLECTOR				
Tax Collector S&W	01-20-145-100	168,000	132,300	Subject to normal %
Tax Collector O.E.	01-20-145-200	13,250	10,434	Subject to normal %
TOTAL		181,250	142,734	
ASSESSOR				
Tax Assessor S&W	01-20-150-200	316,000	248,850	Subject to normal %
Tax Assessor O.E.	01-20-150-200	6,000	4,725	Subject to normal %

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORARY BUDGET	COMMENTS
TOTAL		322,000	253,575	
<i>PLANNING AND BUILDING</i>				
PLANNING BOARD O.E.	01-21-180-200	46,000	36,225	
COMPREHENSIVE PLANNING				
Planning, Comp. S&W	01-21-181-100	272,000	214,200	Subject to normal %
Planning, Comp. O.E.	01-21-181-200	3,200	2,520	Subject to normal %
TOTAL		275,200	216,720	
ZONING ADMINISTRATION S&W				
	01-21-185-100	73,000	57,487	Subject to normal %
BOARD OF ADJUSTMENT O.E.				
	01-21-186-200	35,000	27,563	Subject to normal %
HISTORIC PRESERVATION				
Historic Preservation S&W	01-20-175-101	1,600	1,260	Subject to normal %
Historic Preservation O.E.	01-20-175-200	1,800	1,418	Subject to normal %
TOTAL		3,400	2,678	
Autumn Lights Festival	01-20-171-200	3,000	\$ -	Seasonal
BUILDING / CODE ENFORCEMENT				
Building S&W	01-22-195-100	401,000	315,787	Subject to normal %
Building O.E.	01-22-195-200	12,000	9,450	Subject to normal %
TOTAL		413,000	325,237	
ENVIRONMENTAL COMMISSION				
Environmental Commission S&W	01-22-196-101	1,600	1,260	Subject to normal %
Environmental Commission O.E.	01-22-196-200	0	675	Subject to normal %
TOTAL		1,600	1,935	
<i>PUBLIC SAFETY</i>				
POLICE DEPARTMENT				
Police Patrol S&W	01-25-240-100	4,100,000	3,228,750	Subject to normal %
Police Patrol O.E.	01-25-240-200	91,240	71,852	Subject to normal %
Police Patrol-Purchase of Police Vehicles	01-25-240-201	142,000	\$ -	Deferred to later in year
Police Detective S&W	01-25-241-100	465,000	366,188	Subject to normal %
Police Administration S&W	01-25-242-100	588,000	463,050	Subject to normal %
Police Communication S&W	01-25-243-100	269,000	211,837	Subject to normal %
Police Comm. O.E.	01-25-243-200	29,000	22,838	Subject to normal %
Police Specials S&W	01-25-244-100	31,000	24,413	Subject to normal %
Police Specials O.E.	01-25-244-200	3,000	2,363	Subject to normal %
TOTAL		5,718,239	4,391,288	
OEM				
EMERGENCY MGMT. S&W	01-25-252-100	5,000	3,938	Subject to normal %
EMERGENCY MGMT. O.E.	01-25-252-200	24,500	19,294	Subject to normal %
TOTAL		29,500	23,231	
FIRST AID SQUADS				
First Aid - WMFAS Contributions	01-25-260-200	67,275	52,979	Subject to normal %
First Aid - UGL 1st Aid Squad Contributions	01-25-261-200	40,500	31,894	Subject to normal %
TOTAL		107,775	84,873	
FIRE DEPARTMENT				
Aid To Vol. Fire Co.	01-25-255-200	90,000	70,875	Subject to normal %
Fire Prevention Bureau S&W	01-25-265-100	185,000	145,688	Subject to normal %
Fire Prevention Bureau O.E.	01-25-265-200	8,700	6,851	Subject to normal %
Fire Co. Admin. S&W	01-25-266-100	8,000	6,300	Subject to normal %
Fire Co. Admin. O.E.	01-25-266-200	257,350	202,663	Subject to normal %
LOSAP	01-25-267-200	90,000	\$ -	Deferred to later date
TOTAL		639,050	432,377	
<i>ENGINEERING AND PUBLIC WORKS</i>				
ENGINEERING				
Engineering S&W	01-20-165-100	482,000	379,575	Subject to normal %
Engineering O.E.	01-20-165-200	18,350	14,451	Subject to normal %
TOTAL		500,350	394,026	

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORARY BUDGET	COMMENTS
DPW				
DPW Streets & Roads S&W	01-26-290-100	1,704,000	1,341,900	Subject to normal %
DPW Streets & Roads O.E.	01-26-290-200	315,600	248,535	Subject to normal %
DPW Buildings & Grounds S&W	01-26-291-100	94,000	74,025	Subject to normal %
DPW Buildings & Grounds O.E.	01-26-291-200	59,250	46,659	Subject to normal %
DPW Snow Removal S&W	01-26-294-100	175,000	176,300	Seasonal
DPW Snow Removal O.E.	01-26-294-200	579,000	964,500	Seasonal
DPW Vehicle Maintenance S&W	01-26-315-100	318,000	250,425	Subject to normal %
DPW Vehicle Maintenance O.E.	01-26-315-200	266,500	209,869	Subject to normal %
TOTAL		3,511,350	3,312,213	
<i>HEALTH DEPARTMENT</i>				
HEALTH DEPARTMENT				
Public Health S&W	01-27-330-100	251,000	197,663	Subject to normal %
Public Health O.E.	01-27-330-200	52,100	41,029	Subject to normal %
Vital Statistics S&W	01-27-331-100	8,000	6,300	Subject to normal %
Vital Statistics O.E.	01-27-331-200	15,400	12,128	Subject to normal %
Housing Standard Bureau O.E.	01-27-332-441	1,500	10,000	Emerg. Funds
Environmental Health S&W	01-27-335-100	273,000	214,988	Subject to normal %
Environmental Health O.E.	01-27-335-200	20,800	16,380	Subject to normal %
Animal Control S&W	01-27-340-100	79,000	62,213	Subject to normal %
Animal Control O.E.	01-27-340-450	\$ -	\$ -	
TOTAL		700,801	560,699	
<i>PARKS AND RECREATION</i>				
RECREATION				
Recreation Programs S&W	01-28-370-100	403,000	317,362	Subject to normal %
Recreation Programs O.E.	01-28-370-200	133,000	104,738	Subject to normal %
Recreation.-Bubbling Springs S&W	01-28-371-100	167,000	56,000	Seasonal
Recreation.-Bubbling Springs O.E.	01-28-371-200	64,000	22,000	Seasonal
Recreation.-Admin. S&W	01-28-372-100	202,000	159,075	Subject to normal %
Recreation.-Admin. O.E.	01-28-372-200	12,400	9,765	Subject to normal %
Recreation.-Hillcrest S&W	01-28-374-100	126,000	99,225	Subject to normal %
Recreation.-Hillcrest O.E.	01-28-374-200	23,375	18,408	Subject to normal %
Recreation.-Parks Maintenance S&W	01-28-375-100	250,000	196,875	Subject to normal %
Recreation.-Parks Maintenance O.E.	01-28-375-200	124,700	98,201	Subject to normal %
Senior Citizen Services S&W	01-28-376-100	104,000	81,900	Subject to normal %
Senior Citizen Services O.E.	01-28-376-200	12,725	10,021	Subject to normal %
TOTAL		1,622,201	1,173,570	
VETERAN'S BUREAU				
Veteran's Bureau S&W	01-20-172-100	1,500	1,181	Subject to normal %
Veteran's Bureau O.E.	01-20-172-200	500	0	0 Request for 2009
TOTAL		2,000	1,181	
PUBLIC ASSISTANCE				
Public Assistance S&W	01-27-345-100	\$ -	\$ -	
Public Assistance O.E.	01-27-345-200	\$ -	\$ -	
TOTAL		\$ -	\$ -	
Celebration of Public Events O.E.	01-30-420-200	5,700	1,500	Seasonal
Mass Transportation	01-30-431-200	88,277	69,518	Subject to normal %
<i>LIBRARY</i>				
LIBRARY				
Library S&W	01-29-390-100	510,000	401,625	Subject to normal %
Library O.E.	01-29-390-200	757,738	596,719	Subject to normal %
TOTAL		1,267,738	998,344	
<i>MUNICIPAL COURT</i>				
MUNICIPAL COURT				

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORARY BUDGET	COMMENTS
Municipal Court S&W	01-43-490-100	295,000	232,312	Subject to normal %
Municipal Court O.E.	01-43-490-200	14,125	11,123	Subject to normal %
Municipal Court Prosecutor S&W	01-43-491-101	27,000	21,263	Subject to normal %
Municipal Court Public Defender Fees	01-43-495-450	\$ -	\$ -	
TOTAL		336,125	264,698	
UTILITY EXPENSES & BULK PURCHASES				
UTILITIES & FUELS				
Utilities-Electricity	01-31-430-200	170,000	60,000	Adjusted to Actual
Utilities-Street Lights	01-31-435-200	46,000	36,225	Subject to normal %
Utilities-Telephone	01-31-440-200	145,000	100,000	Adjusted to Actual
Utilities-Natural Gas	01-31-446-200	140,000	70,000	Adjusted to Actual
Utilities-Fuel	01-31-460-200	470,000	300,000	Adjusted to Actual
TOTAL		971,000	566,225	
MISCELLANEOUS AND STATUTORY EXPENDITURES				
PENSION & FICA				
PERS	01-36-471-532	406,100	470,470	Due April 30
PERS - Less Library Chargebacks	01-36-471-532	-40,000	-40,000	Due April 30
Social Security	01-36-472-533	768,066	604,852	Subject to normal %
Less Library Charge backs - Social Security	01-36-472-533	-39,081	-39,081	Subject to normal %
PFRS	01-36-473-534	983,600	555,556	Due April 30
TOTAL		2,078,685	1,551,797	
Salaries & Wages Adjustment Account	01-37-480-501	218,000	\$ -	No Budget needed for 09
Compensated Absences	01-38-485-110	80,000	\$ -	Deferred to later in year
CAPITAL BUDGET				
CURRENT YEAR CAPITAL				
Capital Improvements Fund	01-44-900-200	89,413	\$ -	Exempt
Cap Improvements Fund Down Payments	01-44-900-200	159,160	\$ -	Exempt
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	0		
TOTAL		248,573	\$ -	
GRANTS				
MASS TRANSIT GRANTS				
Grants-Mass Trans. State Share	02-41-702-100	35,414	\$ -	Exempt
Grants-Mass Trans. Federal Share	02-41-702-200	70,828	\$ -	Exempt
Grants-Mass Trans. Local Share	02-41-702-201	35,414	\$ -	Exempt
TOTAL		141,656	\$ -	
C.A.S.A. GRANTS				
Grants-C.A.S.A. County Share	02-41-705-200	46,300	\$ -	Exempt
Grants-C.A.S.A. - Local Share	02-41-705-201	12,333	\$ -	Exempt
TOTAL		58,633	\$ -	
INDV. WITH DISAB. GRANT				
Grants-Indv. with Disabilities-State	02-41-707-200	15,000	\$ -	Exempt
Grants-Indv. with Disabilities-Local	02-41-707-201	3,000	\$ -	Exempt
TOTAL		18,000	\$ -	
PUBLIC HEALTH PRIORITY GRANT				
	02-41-714-162	14,216	\$ -	Exempt
RECREATION TRAILS PROGRAM GRANT				
Grants-Recreation Trails-State	02-41-715-109	15,000	\$ -	Exempt
Grants-Recreation Trails-	02-41-715-110	5,000	\$ -	Exempt

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORARY BUDGET	COMMENTS
Local				
TOTAL		20,000	\$ -	
CLEAN COMMUNITIES GRANT	02-41-718-674	38,070	\$ -	Exempt
CULTURAL HERITAGE GRANT				
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	1,782	\$ -	Exempt
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	2,500	\$ -	Exempt
TOTAL		4,282	\$ -	
DWI				
DWI State	02-41-000-000	13,083	\$ -	Exempt
DWI Local	02-41-000-000	\$ -	\$ -	No budget
TOTAL		13,083	\$ -	
HIGHLANDS COAH GRANT (CHAP 159)				
Grants-Highlands COAH	01-41-000-000	\$ -	\$ -	No Budget
Grants-Storm Drain Infstrctr. Inventory	02-41-000-000	4,000	\$ -	Exempt
TOTAL		4,000	\$ -	
NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT	02-41-733-200	\$ -	\$ -	No Budget
NJDEP ESP MAPPING GRANT				
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$ -	\$ -	No Budget
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$ -	\$ -	No Budget
TOTAL		\$ -	\$ -	
TOURISM & DEVELOPMENT GRANT (CHAP 159)	02-41-000-000	\$ -	\$ -	No Budget
NJ DCJ BODY ARMOR GRANT	02-41-742-331	5,288	\$ -	Exempt
POST BROOK S.W. STUDY GRANT				
Grants - NJDEP- Pst Brk S.W. Study	02-41-744-330	\$ -	\$ -	No Budget
Grants - NJDEP- Pst Brk S.W. Study Local	02-41-744-331	\$ -	\$ -	No Budget
TOTAL		\$ -	\$ -	
BELCHERS CREEK FECAL TESTING				
Grants - NJDEP-Belchers Creek -State	02-41-749-331	\$ -	\$ -	No Budget
Grants - NJDEP-Belchers Creek -Local	02-41-749-332	\$ -	\$ -	No Budget
TOTAL		\$ -	\$ -	
GRANT - GREENWOOD LK ANTI- PHOSPHORUS	02-41-750-331	\$ -	\$ -	No Budget
GRANT - PANDEMIC INFLUENZA PREPARDNES	02-41-000-000	10,072	\$ -	Exempt
GRANT - CONTINGENT. LOCAL MATCH	02-41-745-999	25,000	\$ -	Exempt
GRANT - FIRE DEPT EXHAUST SYSTEMS	02-41-746-331	\$ -	\$ -	No Budget
Div Traff Safety Over Limit Under Arrest - Chap 159	02-41-746-332	5,000	\$ -	No Budget
GRANT - WONDER LAKE WATER IMPROVEMENT	02-41-746-334	\$ -	\$ -	No Budget
TOTAL		357,300	\$ -	Exempt
DEBT SERVICE				
Debt Service Total	01-45-000-000	2,299,000	\$ -	Exempt
DEFERRED CHARGES AND				

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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APPROPRIATION	ACCOUNT NUMBER	2008 BUDGET AS ADOPTED	2009 TEMPORAR Y BUDGET	COMMENTS
<i>RESERVE FOR UNCOLLECTED TAXES</i>				
Deficit in Dog Trust Fund	01-37-480-503	12,416	\$ -	No Deficit/No budget
Deficit in Assessment Cash	01-46-886-000	\$ -	\$ -	No budget
Cancelled Assessments	01-46-886-648	2,552	\$ -	Deferred to later in year
Reserve for Tax Appeals	01-46-886-667	20,000	\$ -	Deferred to later in year
Prior Yrs Bills-Rentl of Polling Pls, N Jersey Media	01-46-887-528	18,000	\$ -	No budget
Def Charges - Bond Ordinance Unfunded	01-46-875-528	39,000	\$ -	Deferred to later in year
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	\$ -	\$ -	No Budget
Reserve for Uncollected Taxes	01-50-899-200	1,987,920	\$ -	Exempt
TOTAL		2,079,888	\$ -	
TOTAL OPERATING BUDGET		\$29,375,217	\$18,933,782	64.45%
<i>SOLID WASTE DISTRICT BUDGET</i>				
Solid Waste S&W	26-55-500-100	205,000	161,437	Subject to normal %
Solid Waste O.E. All Other	26-55-500-200	127,950	100,761	Subject to normal %
Contractual Services	26-55-500-202	1,388,000	1,093,050	Subject to normal %
Disposal Fees	26-55-500-203	1,050,000	826,875	Subject to normal %
Grants - Recycling County of Passaic	26-41-753-336	\$ -	\$ -	Exempt
Prior Year's Bills	26-55-900-900	\$ -	\$ -	No budget
Commercial Pick Up	26-55-500-201	\$ -	\$ -	No budget
TOTAL		\$2,770,950	\$ 2,182,123	78.75%

Adopted: June 24, 2009

Discussion: Councilman Nolan stated that he sought answers this afternoon from the Administrator about the bi-state commission. Mr. Boyle reviewed the events of 2008 which delayed payment to the Greenwood Lake Bi-State Commission. Ultimately, the money has been encumbered and now that the State of New Jersey has confirmed that they will pay for the weed harvesting, the Township can proceed with processing and paying the insurance bill submitted. At this time, the Township has not been invoiced for 2009 services and future temporary budgets will appropriate funding for earlier payments in coming years.

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

Agenda No. VII 7

~ Resolution No. 2009 - 241 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING 2009 AMENDED BUDGET

WHEREAS, the local municipal budget for the year 2009 was approved on April 22, 2009; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford, Passaic County, that the following amendments to the approved budget of 2009 be made:

RECORDED VOTE (Smolinski ((((Schimmenti ((((

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	FROM	TO
Other Expenses	29,700.00	30,400.00
Division of Patrol		
Salaries and Wages	4,310,000.00	4,263,000.00
Purchase of Police Vehicles	146,000.00	0.00
Detective Division		
Salaries and Wages	614,000.00	603,000.00
Office of Municipal Disaster Control		
Other Expenses	28,000.00	16,000.00
Department of Fire		
Salaries and Wages	8,000.00	7,700.00
Other Expenses	234,650.00	244,650.00
Division of Streets and Roads		
Salaries and Wages	1,781,000.00	1,738,013.00
Other Expenses	346,500.00	326,500.00
Division of Public Property		
Salaries and Wages	99,000.00	97,000.00
Other Expenses	45,000.00	41,650.00
Fleet Maintenance		
Salaries and Wages	295,000.00	293,000.00
Bureau of Vital Statistics		
Other Expenses	9,725.00	16,925.00
Housing Standard Bureau		
Other Expenses	10,000.00	25,000.00
Division of Environmental Health		
Salaries and Wages	285,000.00	284,400.00
Environmental Commission		
Other Expenses	980.00	880.00
Recreation Programs		
Salaries and Wages	375,000.00	376,275.00
Division of Parks Maintenance		
Salaries and Wages	265,000.00	271,000.00
Insurance		
Other Insurance	760,365.00	755,015.00
Division of Inspections		
Salaries and Wages	366,000.00	365,000.00
Utility Expenses		
Gasoline	470,000.00	390,000.00
TOTAL OPERATIONS (Item 8(A) Within "CAPS")	21,988,025.00	21,642,013.00
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"	21,988,025.00	21,642,013.00
Detail:		
Salaries and Wages	13,436,350.00	13,335,163.00
Other Expenses (Including Contingent)	8,551,675.00	8,306,850.00
(E) Deferred charges and statutory expenditures – Municipal within "CAPS"		
Social Security (O.A.S.I.)	759,378.00	751,379.00
Police and Firemen's Retirement System of NJ		0.00
TOTAL DEFERRED CHARGES AND STATUTORY EXPENDITURES- MUNICIPAL WITHIN "CAPS"	1,738,404.00	1,730,405.00
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	23,726,429.00	23,372,418.00
8. (A) Operations – Excluded from "CAPS"	90,000.00	40,000.00
Emergency Services Volunteer Length of Service Award Program		
Total Other Operations Excluded from "CAPS"	1,412,004.00	1,362,004.00

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	FROM	TO
Public and Private Programs Offset by Revenues		
Public Health Priority Funding	5,977.00	11,954.00
Drunk Driving Enforcement Fund	13,083.00	15,616.00
Passaic County Cultural Heritage Grant	2,500.00	1,550.00
Urban Mass Transportation Act of 1964		
State Share	35,414.00	37,667.00
Federal Share	70,828.00	75,334.00
Local Share	35,414.00	37,667.00
Passaic County - Justice Assistance Grant	0.00	15,051.00
Highlands council 2009 Planned Conformance	0.00	50,000.00
NJDEP - Waste Water Management	0.00	10,000.00
Matching Funds for Grants	25,000.00	5,000.00
Total public and private programs offset by revenues	413,871.00	485,494.00
TOTAL OPERATIONS-EXCLUDED FROM "CAPS"	1,825,875.00	1,847,498.00
Detail:		
Salaries and Wages	5,977.00	11,954.00
Other Expenses	1,819,898.00	1,835,544.00
8. (C) Capital Improvements-Excluded from "CAPS"		
Capital Improvement Fund	375,818.00	376,468.00
Purchase of Fire Emergency Equipment	0.00	30,000.00
TOTAL CAPITAL IMPROVEMENTS EXCLUDED FROM "CAPS"	375,818.00	406,468.00
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	4,400,670.00	4,452,943.00
(O) TOTAL GENERAL APPROPRIATIONS-EXCLUDED FROM "CAPS"	4,400,670.00	4,452,943.00
(L) SUBTOTAL GENERAL APPROPRIATIONS (Items (H-1) and (O))	28,127,099.00	27,825,361.00
9. TOTAL GENERAL APPROPRIATIONS	30,115,019.00	29,813,281.00
SOLID WASTE COLLECTION DISTRICT BUDGET		
REVENUES FROM SOLID WASTE COLLECITON DISTRICT		
Operating Surplus Anticipated	165,550.00	119,283.00
TOTAL OPERATING SURPLUS ANTICIPATED	165,550.00	119,283.00
County of Passaic Recycling Grant	21,733.00	0.00
Amount to be Raised by Taxation for Support of Solid Waste Collection District		
TOTAL – SOLID WASTE COLLECTION DISTRICT REVENUES	2,834,233.00	2,766,233.00
APPROPRIATIONS FOR SOLID WASTE COLLECTION DISTRICT		
Operating:		
Other Expenses	108,500.00	127,233.00
Disposal Fees	1,050,000.00	985,000.00
County of Passaic Recycling Grant	21,733.00	0.00
TOTAL – SOLID WASTE COLLECTION DISTRICT APPROPRIATIONS	2,834,233.00	2,766,233.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2009 Local Municipal Budget so amended.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Herald News, in the issue of July 5, 2009, and that said publication contain notification of public hearing on said amendment to be held at the Municipal Building on July 22, 2009, at 7:30 p.m.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 24th day of June, 2009.

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

Agenda No. VII 8

~ Resolution No. 2009 - 242 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2008 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7

Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S. 40A:5-7.

Summary or Synopsis of 2008 Audit Report of the TOWNSHIP OF WEST MILFORD, County of Passaic, as required by N.J.S. 40A:5-7.

COMBINED COMPARATIVE BALANCE SHEET

ASSETS	December 31 Year 2008	December 31 Year 2007
Cash and Cash Equivalents	\$ 12,415,805.51	\$ 15,503,251.96
Taxes, Liens and Utility Charges Receivable	4,084,521.38	3,640,718.17
Property Acquired for Taxes	2,614,600.00	2,954,600.00
Accounts Receivable	2,703,476.42	3,159,794.69
Deferred Charges	31,326,515.35	29,086,469.85
Fixed Assets	31,779,569.00	31,331,193.00
TOTAL ASSETS	<u>84,924,487.66</u>	<u>85,676,027.67</u>
<u>LIABILITIES, RESERVES AND FUND BALANCES</u>		
Bond and Notes	\$ 23,159,585.00	\$ 21,194,585.00
Loans Payable	1,587,115.17	1,521,361.05
Other Liabilities and Special Funds	13,840,179.81	14,631,715.07
Reserve for Certain Assets Receivable	2,039,033.15	2,031,883.80
Reserve to Pay Debt Service	720,626.59	751,566.07
Investment in Fixed Assets	31,779,569.00	31,331,193.00
Improvement Authorizations	8,900,243.08	9,791,211.06
Capital Improvement Fund	23,036.00	200,407.00
Fund Balance	<u>2,875,099.86</u>	<u>4,222,105.62</u>
TOTAL LIABILITIES, RESERVES AND SURPLUS	\$ <u>84,924,487.66</u>	\$ <u>85,676,027.67</u>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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**TOWNSHIP OF WEST MILFORD, N.J. COMPARATIVE STATEMENT OF OPERATIONS
 AND CHANGE IN FUND BALANCE – CURRENT FUND**

<u>Revenue and Other Income Realized</u>	<u>Year Ended December 31,</u>	
	<u>2008</u>	<u>2007</u>
Fund Balance Utilized	\$ 3,495,000.00	\$ 2,050,000.00
Miscellaneous Revenue Anticipated	7,336,205.54	10,465,275.60
Receipts from:		
Delinquent Taxes	1,067,394.99	808,757.94
Current Taxes	83,984,824.65	81,176,877.95
Nonbudget Revenue	176,488.60	540,680.70
Other Credits to Income:		
Unexpended Balance of Appropriation Reserves	1,021,871.94	1,199,774.94
Interfunds Returned	237,158.07	2,741,301.81
Cancelled Grant Reserves		349,509.00
Increase in Deferred School Tax	432,194.50	
Unexpended Balance of Accounts Payable	<u>31,259.65</u>	<u>8,961.34</u>
Total Income	<u>97,782,397.94</u>	<u>99,341,139.28</u>
<u>Expenditures</u>		
Budget Appropriations:		
Municipal Purpose	27,397,952.00	27,816,719.30
Municipal Open Space Tax	151,555.00	151,931.30
County Taxes	19,155,962.82	17,888,102.23
Amount Due County for Added and Omitted Taxes	47,341.23	40,814.59
Local School District Taxes	46,230,729.000	44,355,908.50
Garbage District Taxes	2,419,272.98	2,473,918.16
Late Payment Penalty on Assessment Debt	4,494.93	54,155.92
Cancelled Grants Receivable		349,509.00
Interfunds Advanced	75.41	2,688,386.89
Total Expenditures	<u>95,407,383.37</u>	<u>95,819,445.89</u>
Excess in Revenue	2,375,014.57	3,521,693.39
Adjustments to Income Before Fund Balance:		
Expenditures Included Above Which are by Statute		
Deferred Charges to Budget of Succeeding Year:		
Emergency Authorization	<u>20,000.00</u>	
Statutory Excess to Fund Balance	2,395,014.57	3,521,693.39
Fund Balance		
Balance January 1	<u>3,526,279.39</u>	<u>2,054,586.00</u>
	5,921,293.96	5,576,279.39
Decreased by:		
Utilized as Anticipated Revenue	<u>3,495,000.00</u>	<u>2,050,000.00</u>
Balance December 31	\$ <u>2,426,293.96</u>	\$ <u>3,526,279.39</u>

**COMPARATIVE STATEMENT OF OPERATIONS AND
 CHANGE IN FUND BALANCE – GARBAGE DISTRICT**

<u>Revenue and Other Income Realized</u>	<u>Year Ended December 31,</u>	
	<u>2008</u>	<u>2007</u>
Fund Balance	\$ 152,000.00	\$
Reserve for Recycling	200,000.00	230,709.00
Rents	2,419,272.98	2,473,918.16
Other Credits to Income:		
Unexpended Balance of Appropriations	29,187.47	95,660.64
Encumbrances Cancelled	<u>77,114.48</u>	<u>12,581.60</u>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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	Total Income	2,877,574.93	2,812,869.40
<u>Expenditures</u>		<u>2,770,950.00</u>	<u>2,699,000.00</u>
Budget Expenditures:			
Operating			
	Total Expenditures	<u>2,770,950.00</u>	<u>2,699,000.00</u>
Statutory Excess to Fund Balance		106,624.93	113,869.40
<u>Fund Balance</u>			
Balance January 1		<u>238,345.73</u>	<u>124,476.33</u>
		<u>344,970.66</u>	<u>238,345.73</u>
Decreased by:			
Utilization as Anticipated			
Revenue		<u>152.00.00</u>	
Balance December 31	\$	<u>192,970.66</u>	\$ <u>238,345.73</u>

RECOMMENDATIONS

1. A formal general ledger system of accounting be implemented.
2. All interfunds be returned to the proper fund.
3. A review of the federal and state grants receivable and reserves be performed to identify those grants which will be collected or expended and which grants should be canceled.

A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2008. This Report of Audit, submitted by William Schroeder, Registered Municipal Accountant, of Nisovocchia & Company LLP, is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: June 24, 2009

Discussion: Mr. Boyle advised the Council that the CFO is working on the corrective action plan to address audit comments.

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

Agenda No. VII 9

~ Resolution No. 2009 - 243 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSIAC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND for Echo Lake Park in the Township of West Milford

WHEREAS, the Department of Community Services and recreation has recommended to the Township Council the submission of an application for funding the rehabilitation of Echo Lake Park Roller Hockey site for this calendar year; and

WHEREAS, the Department of Community Services and Recreation has recommended that this application be approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program; and

WHEREAS, the Department of Community Services and Recreation submitted the following application for consideration to the Township Council:

Project

Echo Lake Park Roller Hockey

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Germantown Road Total Project Funding: \$95,000.00
Block 14403 Lot 1 County Funds Requested: \$47,500.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the township advertised a public notice on June 14, 2009 for the public hearing to be held on June 24, 2009 on the application; and

WHEREAS, the public hearing is scheduled for June 24, 2009, at which time public input will be solicited on the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials as prepared by the West Milford, Department of Community Services and Recreation to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Rehabilitation of Echo Lake Park – Roller Hockey.

Adopted: June 24, 2009

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

Agenda No. VII 10

~ Resolution No. 2009 - 244 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND FOR BUBBLING SPRINGS PARK IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Department of Community Services and Recreation has recommended to the Township Council the submission of an application for funding the rehabilitation of Bubbling Springs Park for this calendar year; and

WHEREAS, the Department of Community Services and Recreation has recommended that this application be approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program; and

WHEREAS, the Department of Community Services and Recreation submitted the following application for consideration to the Township Council:

Project:

Bubbling Springs Park Rehabilitation
1468 Macopin Road, West Milford Total Project Funding: \$825,000.00
Block 9001 Lots 12 & 13 County Funds Requested: \$412,500.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the Township advertised a Public Notice on June 14, 2009 for the public hearing to be held on June 24, 2009 on the application; and

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the Township did mail by Certified Mail a letter notifying property owners within 200 feet of the site being considered for rehabilitation of the scheduled hearing of June 24, 2009; and

WHEREAS, a public hearing is scheduled for June 24, 2009, at which time public input will be solicited on the application;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials as prepared by the West Milford Department of Community Services and Recreation to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Rehabilitation of Bubbling Springs Park.

Adopted: June 24, 2009

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Discussion: In response to Council questions, Mr. Boyle stated that the grant process generally allows about three years for project completion. During that time the Township will either begin work or apply for additional funding to apply to the project.

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

Agenda No. VII 11

~ Resolution No. 2009 - 245 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE & FARMLAND PRESERVATION TRUST FUND FOR THE ACQUISITION OF BLOCK 9302, LOT 16 ON NOSENZO POND ROAD IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford has considered a number of Open Space proposals and initiatives pertaining to lands throughout the Township; and

WHEREAS, the Mayor and Township Council have reviewed and approached the owners of Block 9301, Lots 1 and 16 and Block 9301 Lot 12, also known as "Nosenzo Pond", located on Nosenzo Pond Road, within the Township which consist of 26.5 ± acres of land; and

WHEREAS, with the assistance of the Land Conservancy of New Jersey, the Mayor and Township Council prepared an application for a Passaic County Open Space Grant for the following project:

Nosenzo Pond Road
Block 9302, Lots 1 and 16, Block 9301 Lot 12
Nosenzo Pond Road
West Milford Township

Total Acquisition Cost:	\$750,000
County Funds Requested:	\$500,000
Green Acres Funds Requested:	\$175,000

WHEREAS, in accordance with the requirements of the Passaic County Open Space Trust Fund Grant Application, the Township advertised a public notice on June 14, 2009 for the public hearing to be held on June 24, 2009 as to this application; and

WHEREAS, in accordance with the requirements of the Passaic County Open Space Trust Fund Grant Application, the Township notified by certified mail all property owners within 200 feet of the subject property that the site known as Nosenzo Pond, Block 9302, Lot 1 and 16 and Block 9301 Lot 12 is being considered for an Open Space Acquisition and that a public hearing would take place on June 24, 2009; and

WHEREAS, a public hearing was held on June 24, 2008 at which time public input was solicited regarding the application; and

WHEREAS, the Township is also interested in applying for Green Acres Funding to acquire the aforementioned property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that after considering all of the materials and reviewing the application for the Passaic County Open Space Trust Fund Grant for funding for the acquisition of the Nosenzo Pond property known as a portion of Block 9302, Lot 1 and 16 and Block 9301 Lot 12 which total 26.5 acres in size and after conducting a public hearing with respect to this application, the Township Administration is hereby authorized to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for this acquisition in the amount of \$500,000.

BE IT FURTHER RESOLVED that the Administrator is hereby authorized to take any and all action to effectuate and file this application with the County of Passaic.

BE IT FURTHER RESOLVED that the Administrator is hereby authorized to take any and all action to effectuate and file an application for funding with the State of New Jersey Department of

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Environmental Protection Division of Green Acres in the amount of \$175,000 for the acquisition of this property.

Adopted: June 24, 2009

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

Discussion: Mr. Semrau asked Council if they wish to apply for Green Acres funding to be applied toward this acquisition. The Council answered in the affirmative and Mr. Semrau recommended adding language to the resolution authorizing submission of an application to the New Jersey DEP for Green Acres funding.

Councilwoman Lichtenberg amended her motion to include language in the resolution to submit an application for Green Acres funding for this acquisition.

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

Agenda No. VII 12

~ Resolution No. 2009 - 246 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE & FARMLAND PRESERVATION TRUST FUND FOR THE ACQUISITION OF BLOCK 8001, LOT 1 ON RIDGE ROAD IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford has considered a number of Open Space proposals and initiatives pertaining to lands throughout the Township; and

WHEREAS, the Mayor and Township Council have reviewed and approached the owners of Block 8001, Lot 1, located on Ridge Road, which is also known as "Random Woods", within the Township which consists of 98 ± vacant acres of land that previously obtained approval for a 102 residential homes subdivision; and

WHEREAS, the Township has reviewed various data and information regarding the property and has negotiated, with the assistance of a Licensed Real Estate Appraiser, a purchase price for a portion of the property consisting of 90 ± acres for the amount of \$2.3 million; and

WHEREAS, the property provides a unique location with respect to its proximity to the center of the Township and the Township Municipal Building, Library and First Aid Squad; and

WHEREAS, with the assistance of the Morris Land Conservancy, the Mayor and Township Council prepared an application for a Passaic County Open Space Grant for the following project:

Random Woods
Block 8001, Lot 1
Ridge Road
West Milford Township
Total Acquisition Cost: \$2.3 million
County Funds Requested: \$1.0 million

WHEREAS, in accordance with the requirements of the Passaic County Open Space Trust Fund Grant Application, the Township advertised a public notice on June 14, 2009 for the public hearing to be held on June 24, 2009 as to this application; and

WHEREAS, in accordance with the requirements of the Passaic County Open Space Trust Fund Grant Application, the Township notified by certified mail all property owners within 200 feet of the subject property that the site known as Random Woods, Block 8001, Lot 1 is being considered for an Open Space Acquisition and that a public hearing would take place on June 24, 2009; and

WHEREAS, a public hearing was held on June 24, 2008 at which time public input was solicited regarding the application.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that after considering all of the materials and reviewing the application for the Passaic County Open Space Trust Fund Grant for funding for the acquisition of the Random Woods property known as a portion of Block 8001, Lot 1 which is 90 acres in size and after conducting a public hearing with respect to this application, the Township Administration is hereby authorized to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for this acquisition in the amount of an additional \$1.0 million.

BE IT FURTHER RESOLVED that the Administrator is hereby authorized to take any and all action to effectuate and file this application with the County of Passaic.

Adopted: June 24, 2009

Discussion: Council President Smolinski asked why this is a second priority if funding has already been approved for this acquisition. Mr. Semrau advised that the Passaic County Open Space Committee will review the application, take the priorities into consideration and conduct a site inspection. This will present an opportunity to explain the change in priority.

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

The following resolutions 2009-247, 2009-250, 2009-251, and 2009-252 were moved as one.

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

Agenda No. VII 13

~ Resolution No. 2009 - 247 ~

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 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.

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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 \$6379.50 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 24, 2009

Agenda No. VII 16

~ Resolution No. 2009 - 250 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF DRAINAGE PIPE THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT #7 DRAINAGE PIPE TO BRENT MATERIAL COMPANY

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 #7 Drainage Pipe for the 2009 year to Brent Material Company, 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 purchase drainage pipe through the Morris County Cooperative Purchasing Council, Contract #7 to Brent Material Company in an amount not to exceed \$25,000; and

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

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

1. The Township Council hereby authorizes the Township Engineer to purchase drainage pipe in an amount not to exceed \$25,000, through the Morris County Cooperative Purchasing Council contract #7 awarded to Brent Material Company.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 24, 2009

Agenda No. VII 17

~ Resolution No. 2009 - 251 ~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Purchase of TRAFFIC STRIPING ON ROADWAYS through the Morris County Cooperative Purchasing Council, Contract #36 to DENVILLE LINE PAINTING, inc.

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

WHEREAS, THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL HAS AWARDED CONTRACT #36, TRAFFIC STRIPING ON ROADWAYS TO DENVILLE LINE PAINTING, INC.

WHEREAS, 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 of West Milford anticipates a need for Traffic Striping in 2008; 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 purchase traffic striping on roadways through the Morris County Cooperative Purchasing Council, Contract #36 in an amount not to exceed \$70,000; 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 9-01-26-290-623 and C-04-08-943-624.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Traffic Striping on Roadways, in an amount not to exceed \$70,000, through the Morris County Cooperative Purchasing Council, contract #36, to Denville Line Painting, Inc.
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 24, 2009

Consent Agenda

Agenda No. VIII

~ Resolution No. 2009 - 252 ~

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 2009-253** – Refund Overpayments
- b. **Resolution 2009-254** – Refund Recreation Fees
- c. **Resolution 2009-255** – Refund Other Liens
- d. **Resolution 2009-256** – Refund Performance Guarantee
- e. **Resolution 2009-257** – Reinstate Taxes

Applications:

None.

Adopted: June 24, 2009

Resolutions included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2009 - 253 ~

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

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

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

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

REASONS:

- | | |
|-------------------------------------|----------------------|
| 1. Incorrect Payment | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | 6. Erroneous Payment |

Block/Lot	Name	Amount	Year	Reason
206-14.02	West Milford Planning Board 1480 Union Valley Road West Milford, NJ 07480	\$700.00	2009	6
3102-1	D. Boris 38 Quigley Road Hewitt, NJ 07421	\$250.00	2009	3
TOTAL		\$950.00		

Adopted: June 24, 2009

Agenda No. VIII b

~ Resolution No. 2009 - 254 ~

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

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

Name & Address	Reason	Amount Refunded
Mrs. Laura McMahon 20 Alpine Lane West Milford, NJ 07480	Refund for Day Camp	\$270.00
Mrs. Maureen Groh 83 Vine Avenue West Milford, NJ 07480	Refund for Day Camp	\$70.00

Adopted: June 24, 2009

Agenda No. VIII c

~ Resolution No. 2009 - 255 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
08-036	04/08/2008	02414-001	\$31,384.38	FIDELITY TAX LLC P.O. BOX 5707 FT. LAUDERDALE, FL 33310
09-020	03/25/2009	01912-006	\$7,910.76	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TL5G 50 SOUTH 16 ST. STE 1950

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Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
				PHILADELPHIA, PA 19102
09-029	03/25/2009	03107-013	\$52,233.39	US BANK-CUST/SASS MUNI VLDTR 2 LIBERTY PLACE PHILADELPHIA, PA 19102
09-058	03/25/2009	05703-004	\$8,976.81	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TLSG 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
09-068	03/25/2009	06504-015	\$13,533.32	US BANK-CUST/SASS MUNI VLDTR 2 LIBERTY PLACE PHILADELPHIA, PA 19102
09-100	03/25/2009	08801-019	\$37,901.09	ROBERT E. ROTHMAN PENSION PLAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
Grand Total			\$151,939.75	

Adopted: June 24, 2009

Agenda No. VIII d

~ Resolution No. 2009 - 256 ~

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

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 Guarantee be refunded:

Name & Address	Block & Lot	Amount Refunded	Pg. No.
Your Home Team Scott Leonescu 37 Christine Court West Milford, NJ 07480	1809/1.02	\$2,425.00	<u>79</u>

Adopted: June 24, 2009

Agenda No. VIII e

~ Resolution No. 2009 - 257 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
9401-9	C. Gronning	\$2,497.93	2009
103-5	L. Naccara	\$2,290.00	2009
401-25	C. Tapia	\$2,284.66	2009
10703-5	K. Cooper	\$1,979.35	2009
10602-56	C. Strobino	\$1,602.79	2009
2402-33	K. Furuya	\$6,329.70	2009
15803-12	ABZ Holding Co. LLC	\$2,000.00	2009
TOTAL		\$18,984.36	

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Adopted: June 24, 2009

Agenda No. VII 14

~ Resolution No. 2009 - 248 ~

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

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

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

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

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

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

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

Table with 2 columns and 2 rows listing licensees: PIONEER BAR & GRILL, INC., JESSIE'S COUNTRY KETTLE INC., JAMES ANTHONY DELI RESTAURANT, INC., and LE BISTRO INC. with their respective addresses and license numbers.

Adopted: June 24, 2009

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

Agenda No. VII 15

~ Resolution No. 2009 - 249 ~

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

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

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

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

- 1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.

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3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

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

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

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

LICENSE/LICENSEE/T/A	CONDITIONS
PETER W. ANOLL 322 Lakeside Road Hewitt, NJ 07421 1615-33-015-008	<ol style="list-style-type: none"> 1. Licensee must file a 12.39 Petition with the Director of the NJ ABC for 2010-2011 license renewal. 2. Premise must be inspected by the Police and Health Departments prior to opening.
NORMTRA LLC t/a Big John's Pub 49 Old Rt 23 N Newfoundland, NJ 07435 1615-33-027-008	<ol style="list-style-type: none"> 1. Patrons are not to leave the curtilage of the licensed premises with alcoholic beverages. 2. The licensed portion of the deck must have a railing and gate which physically separates it from non-licensed areas. 3. A written notice must also be posted instructing patrons that they cannot leave the licensed portion of the premises with alcoholic beverages. 4. Amplified music should be restricted to the interior of the building only. This should include live bands and DJ's. 5. Non-amplified musical entertainment outside the building should remain within the licensed area and cease by 9:00 P.M.
OLD SCHOOL PUB LLC t/a Pickles Pub 551 Warwick Turnpike Hewitt, NJ 07421 1615-33-004-007	<ol style="list-style-type: none"> 1. 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.

Adopted: June 24, 2009

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

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2009 - 258 ~

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	\$127,978.20
2	Reserve Account	1,716.49
3	Animal Control Trust	2,615.00
6	Capital	300,103.39
7	Grants	719.00
8	Refuse	197,597.43

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9	Refunds.	151,939.75
12	General Ledger.	0.00
16	Heritage Trust.	904.11
14	Open Space Trust	0.00
17	Trust	4,011.40
18	Development Escrow.	3,065.00
19	LOSAP	0.00
20	Special Reserve	<u>0.00</u>
Total		\$790,649.77
Less Refund Resolution		-151,939.75
Actual Bill List		\$638,710.02
Other Payments		0.00
Less Refund Resolution		
Total Expenditures		\$638,710.02

Approved: June 24, 2009

Discussion: Councilman Nolan stated that the labor attorney is over \$6,000 and his last bill was about \$14,000. He urged the Administrator to get these costs under control. He also requested that the Administrator ask for more detailed invoices from labor counsel with references to subject rather than a chronological index of services provided. Council President Smolinski concurred and noted that it appears that labor issues reflected on the invoices emanate from only one or two departments. Councilman Nolan questioned the payment to Keller & Kirkpatrick to which Administrator Boyle advised that the Township will be seeking reimbursement from Passaic County for these services related to a grant received for Bubbling Springs.

Moved: Nolan Seconded: Smolinski
 Voted Aye: Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilman Nolan abstain Valley Health only
 Motion carried.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Nolan stated that the garbage & recycling contracts are scheduled to expire on July 31st. Because the process is time consuming, Blue Diamond has agreed to extend the current rates for ninety days. He stated that the empty lot across the street from the Presbyterian Church on Union Valley Road looks like a used car lot of late. Mr. Boyle advised that the Zoning Officer was at that site today. Councilman Nolan stated that he noticed that the Zoning Board memorialized a bulk variance at a recent meeting while at the same time the Council was copied on a letter from the Health Officer advising that the same property was subject to a hearing to be held on June 30th. Councilman Jurkovic advised that the Zoning Board has no jurisdiction over septic to which Councilman Nolan asked if the applicant should have disclosed this matter to the Board. Mr. Semrau has a call in to the Land Use Administrator to discuss the process. Councilman Nolan stated that he has asked for an agenda for the June 30th special meeting adding that Council members who have asked for this meeting have not given the Administrator clear direction. He stated that it is important to have a clearly defined agenda outlining what is to be discussed and what the Council hopes to accomplish.

Councilwoman Lichtenberg stated that the employees who received notices about this meeting determine whether the discussion will be held in public or in executive session. Mr. Boyle advised that it appears at this time that each of the notified employees has opted for public discussion. He proposes starting with the engineering department and he will send packets out to Council on Friday with an agenda, an outline and backup documents. Councilman Jurkovic stated that this process is not new and recalled that similar meetings were convened a few years ago when there were issues with the planning department. The law mandates a process for reviewing departments and the Council is following that process. Mr. Boyle stated that this is the first time in his 26-year career that he has been involved in employees receiving Rice notices for a Council meeting. Councilman Jurkovic stated that the changes in the planning department have worked well and it is responsible to review the operations of a department that costs \$750,000 especially when one acknowledges that West Milford is completely in the Highlands preservation zone. Council President Smolinski agreed and added that in the past the Administrator

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compiled data outlining cost savings options for Council consideration. The Council depends on the Administration for direction. This, he said, is not political and the Council will rely on Administrator Boyle's years of experience to guide them through the process. Current economic conditions require diligence and the Council is simply reacting to economic conditions. Councilman Nolan expressed disbelief to which Council President Smolinski took issue.

Councilwoman Lichtenberg stated that Thunder in the Highlands will be held on July 2nd, the Boston Crusaders will perform at the High School on July 5th and the summer concert series begins this month at Bubbling Springs. She gave a thumbs up to a local 5th grade student who helped her pick up garbage at the playground. She is at Town Hall on Thursday mornings from 10 a.m. until noon.

Council President Smolinski stated that Bald Eagle residents had a meeting about United Water increases earlier this year. They were advised that there would be another meeting in July but that has not come to fruition. United Water is imposing an 48% increase on their users and the Bald Eagle residents are primarily on fixed incomes. He asked for Council support to formally object to this and other exorbitant utility increases. Mr. Semrau advised that the Township could file an application to formally intervene in this ongoing process and would likely need to hire an expert to analyze the water company's argument for the rate increase. He will research this matter and get back to Council.

Councilman Schimmenti stated that we will soon celebrate Independence Day and the Township will again host Thunder in the Highlands on July 2nd. He stated that there is still a need for volunteers to assist in parking cars that evening.

Mayor Bieri stated that she attended six meetings this week pertaining to Township business. Yesterday she met with representatives from Cablevision to share residents complaints with them. She stated that she was polite but very forthcoming noting that many complaints relate to phone service. The representatives from Cablevision stated that they will send out service men at no charge to determine where problems originate. She encouraged residents to call if they are experiencing difficulties and advised that Cablevision is visiting trouble spots throughout the municipality. She conveyed a welcome home to Staff Sergeant Alvarado who just completed his most recent tour of duty in our armed services. She attended the relay for life on May 30th where the American Cancer Society had more than 300 walkers who raised over \$66,000 for this worthy cause. Sustainable West Milford had over 800 people attend their farmer's market on opening day this past week. She stated that the Township's Health Officer has been providing regular updates on the swine flu which is now a worldwide pandemic. She listed a number of health programs available to those in need including a health insurance program for kids. She urged residents to contact the Health Department for information. She stated that she favors researching matters for economy and efficiency but such efforts should not be limited to two departments. She does not believe that the Highlands Act has had a significant impact on the workload for sanitarians because the deal with existing septics and food establishments. The Engineering Department has not seen a reduction in miles of roads as a result of the Highlands act but they have had increased work related to stormwater regulations and special projects. This year alone, the Township has had four employees exit the workforce and these people have not been replaced.

Township Administrator Boyle stated that the Township has received tentative approval for \$37,000 in PARIS grants with only 51 municipalities in the state receiving funding at this level. Mr. Magnotti is preparing an ordinance to cancel capital funding and the Township Engineer will be seeking approval of a change order for work on Warwick Turnpike. He is waiting for a response from the State about the work where you live program. He has received the survey of Jungle Habitat and is working with the Director of Community Services & Recreation on a management plan to be presented to the State. He has followed up with the Engineer and DPW Superintendent and learned that there are not additional supplies or equipment lying around for donation to Lindy Lake to make improvements on Cliffside Drive. He will notify the Association. He advised that the plans to renovate the police department are moving forward. The CFO will be moving his offices downstairs to accommodate the renovation and the MUA will be moving to Hillcrest.

Township Attorney Semrau stated that he has reviewed the proposed ordinance for public defender fees and rather than the ordinance presented to Council he will prepare a salary ordinance for public defender fees on a per session basis. He has sent a number of discovery requests pertaining to the Newark tax appeals. This is a lengthy process and the trial calendars are heavy. He will continue discovery and will update Council as this evolves. The work on the Hillcrest lease continues and there is an outstanding question pertaining to capital and maintenance costs. The Council will discuss this in executive session. He noted that there was an a recent court ruling suspending sex offender ordinances. West Milford adopted such an ordinance and he will be seeking Council consideration of a resolution to suspend that ordinance in West Milford. Jackson Township had a tree removal ordinance with an escrow fund for tree removal that was struck down and later that decision was overturned by the Supreme Court. He will share that with the Township Planner and the Planning Board. A resident has submitted proposed changes to the septic maintenance ordinance adopted by the Council earlier this year. He will review these comments with staff and may present amendments to Council for consideration. The Planning

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Department has contacted him with concerns about determinations needed for properties in the Highlands. Many property owners assume their properties are exempt for various reasons and they proceed to construction. This can cause subsequent problems for those residents and to that end he has contacted the Highlands Council to seek guidance with coordinating construction and zoning permits and approvals to minimize the impact on West Milford residents and to protect them in the future. His office has been working with the Director of Community Services & Recreation on transportation specifications. They will be ready within a couple of weeks. He asked for approval to follow up with Paul Ferriero about the wastewater management plan. Councilman Nolan stated that the Township should cease working the wastewater management plan when we have expended \$10,000 which is the amount provided by the State. The State should fund this mandate. Mr. Semrau stated that an RFP will indicate how much this process will cost. There is remediation being done at Apple Acres. The DEP is seeking a letter outlining that the Township wishes to acquire this property for open space and/or recreational use with no intention for development. The Council gave consensus to have Mr. Semrau send that letter to DEP. Council President Smolinski clarified that the Council insisted on the higher level of remediation to allow for use of the property.

Agenda No. XI

Appointments and Resignations

None.

Agenda No. XII

Executive Session

Mayor and Council went into Executive Session at 9:49 pm

~ Resolution No. 2009 - 259 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 24th day of June 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - ~~Potential Property Acquisitions – Block 9001, Lots 10, 11 + 12 Apple Acres~~
 - Potential Property Acquisitions – Block 5708, Lot 1, West Milford Lakes
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contract Negotiations – Hillcrest Lease
 - ~~Contract Negotiations – Guild & AFSCME~~
 - Potential Litigation – Block 6407, Lot 7, Estate of Emily Weise
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: June 24, 2009

Moved: Nolan Seconded: Jurkovic
Voted Aye: Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.

