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

Minutes of: Township Council Workshop  
Date of Meeting: June 25, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 28

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The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 6, 2008; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Philip Weisbecker, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.  
Absent: Councilman Smolinski.  
Also Present: Interim Township Administrator and Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Councilman Weisbecker noted for the record that Council President Smolinski is at a graduation tonight.

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt the minutes of the April 30, 2008 Special Meeting as presented.

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

Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

July 9, 2008 Regular Meeting July 23, 2008 Workshop Meeting  
August 6, 2008 Regular Meeting August 20, 2008 Workshop Meeting

Agenda No. IV

**Proclamations**

None.

Agenda No. V

**Presentations**

Public hearing – Open Space Purchase of Random Woods Block 8801, Lot 1

Notice of this public hearing was published in the Herald news on June 15, 2008. All property owners within 200' of the property were sent notices by certified mail.

Township Attorney Semrau - stated that this presentation was for the Passaic County Open Space Trust Fund. He reviewed the application process and said that the application is due on June 26, 2008. He reviewed the prior proposed development of this property and proposed the configuration under this Open Space purchase. All property owners within 200 feet were notified. The Grant application asked for a contribution because the purchase price was negotiated at \$2.3 million. An appraisal was performed by Matthew Krauser. The Township will acquire about 9.3 acres for municipal use and the remaining acreage will be used for other recreational purposes. The 9.3 acres is not part of the funding for this transaction. The application asks for \$1.9 million from Passaic County and the balance is being requested from New Jersey Green Acres Fund. If there is a shortfall of money, Township Open Space Funds can be used. There are Resolutions to approve appraisers tonight because Green Acres requires 2 appraisals for the property. He described the appraisal process. If West Milford does not receive grant funding, the Township can opt out of the contract.

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Councilman Scangarello - asked if it is possible to get the Highlands exemption for the 9.3 acres to be used by the Township. Township Attorney Semrau responded that every effort will be made to do just that. The application will be made now and make it transferable to the Township after the sale.

Councilman Nolan – asked when the County will be responding. Township Attorney answered that he expects to hear in the Fall. The application will be reviewed and the site will be visited. They will deliberate and then make a recommendation. The same process applies to the Green Acres funding. By the end of the year, he hopes to know.

Mayor Bieri – confirmed that the property is on Ridge Road and that it is almost 100 acres. In the worse case scenario the Township would be paying \$40,000.

The discussion was opened to the Public on this application only at 7:47pm.

Doris Aaronson, 19 Bearfort Road – requested clarification regarding a 17 acre sand pit on the property that she thought the Municipal Utilities Authority was looking to use for a town center leaching field. She wondered if the Township portion overlapped that sand pit. Township Attorney Semrau explained that the MUA had done some studies on the property and that the documentation has been forwarded to the Township Engineer. No infrastructure would be installed. He said this property is in the proximity of the town center. The chosen area of the property is because it is the most desirable for municipal purposes.

Jim Novack, Largemont Drive – questioned previous discussion where it was said that this property could be used for a new Township Library. He asked if there was intention to sell the property to the Library Board. Township Attorney Semrau responded that the Township might allow a Library to be constructed or maintained, however there is not intent to convey the land to any other entity. It is being purchased with Open Space funds. It is not fully determined that it will be used for a Library. Mayor Bieri said that the Council has not ultimately decided what to build on this property. Councilman Schimmenti clarified that the Council will consider a multi-use facility.

Ada Erik, Macopin Road – Asked where the entry and exit to the property would be located. Township Attorney Semrau said that Mickens Road is not part of the application and entry and exit would not be through this road.

Jennifer Fleming, 12 Mickens Road – asked if the wooded area across the street from Mickens Road is part of the acquisition. Township Attorney Semrau confirmed that they are not part of the acquisition. There is access all along Ridge Road to this property.

Don Partington, Snake Den Road – asked about acquiring the land through eminent domain and Township Attorney Semrau replied that funding is not available through this process. He said that there is a provision in the Highlands Act to allow for property acquisition based on pre and post Highlands valuations. Under the grant application rules, if the property is condemned it is not eligible for grant application funding. That is why there was a negotiated value.

Doug Ott, Stephens Road – representing the Library Board, commented that the property is shaped unusually. Township Attorney Semrau explained that it is the Township boundaries. He indicated where the property line for Township use would be. Mr. Ott asked about steep terrain and Mr. Semrau replied that there are limited steep slopes in the area.

Ada Erik, Macopin Road – expressed that the property has a drop off which may explain the irregularity of the shape.

Wayne Gottlieb, 20 South Ridgefield Road – asked about the terms of the contract. He asked about the maximum minimum commitment of the Township. Mayor Bieri answered that the contract is for a total acquisition of \$2.3 million. The Township is applying to Passaic County for \$1.9 million and the State Open Space funding is being applied for, in the worse case, if the Township does not receive the grant application funding. The entire contract is contingent on receiving full funding, and Highlands's exemption.

Andrew Gargano, Apshawa Crossroad – said that he is very much in favor of this project and that it is an excellent idea. He feels that it will accommodate this community. He appreciates the Council for making this happen.

Mayor Bieri – said that the audience comments are favorable of this application and acquisition. She summed up the questions and concerns of those who spoke by saying that they were first of all concerned about the cost and secondly concerned over the use, and that with both subjects being answered in a positive fashion that the Townships response is favorable. Those in attendance applauded. One behalf of the entire Council, she stated that they are fully in favor of this acquisition.

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

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

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Agenda No. VI

**Public Comments**

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

Don Partington, Snake Den Road – commented that he was clearing his property and took it to the Township Recycling Center. He was charged \$50.00 to unload the debris. He has been going to the Recycling Center for 13 years. He feels that the Township Ordinance needs reworking. He uses the vehicle he transported to the Recycling Center for working around his property. The Township does not pick up on Snake Den Road. His trailer holds no more than a pickup truck and said that the Ordinance is overtaxing certain residents and annoying others. He wants a refund of his \$50.00. He additionally stated that he has applied for a variance to install a fence. He said that the fence Ordinance also needs to be changed.

James Geist, 57 Bayonne Drive – stated that he would like to see a new Library constructed. He goes to the Ringwood Library and it is great. He lives in Upper Greenwood Lake. He has noticed quite a few campaign signs still up from the Joe Pennachio campaign. He would like them to be removed.

Doris Aaronson, 19 Bearfort Road – began by speaking about the Department of Environmental Protections standards about phosphorous going into rivers. The Council may want to consider new standards for the Municipal Utilities Authority for effluent in their treatment plants as well as other treatment plants. The Council should ask for reports from these groups. The DEP is considering a new Fertilizer Model Ordinance. The Council should review the Townships' Ordinance to be certain the Township is compliant. The DEP is also updating the Stormwater Regulations. In the Health Department she has noticed a petition regarding merging services with the County. This bill is being resurrected in the State Senate. She feels it would be a disaster for residents of West Milford to have to go to Paterson for health services. She said that the same would hold for tax services. She has asked the Council to consider a Resolution opposing this. She hopes that residents continue to support local businesses.

James Novack, Mount Laurel - asked for a status update on metal recycling. He said that it is easy to develop the specifications and that metal recycling should be on this meetings agenda. The sign on Airport Road is beautiful. He said to get rid of the garbage signs in themidle of the road. He commented about the big event coming up and stated that the flowers are beautiful. The small signs don't look very good. Years ago, the Township property was damaged and employees sought reimbursement from insurance companies. The sign by Apshawa Crossroad is constantly knocked down. Guardrails are constantly hit. He said that people have insurance and should be reimbursing the Township for these damages. He commented that committees are having meetings in buildings that are not handicapped accessible.

Daniel Jurkovic, Seymour Drive – said that the Township struggled agains development for decades. He furthered by commenting that the Highlands Act was passed in 2004. This has creaed a problem because it did not exempt the Township from the COAH obligations. Assemblyman Scott Romano has proposed legislation to exempt municipalities that are 10% or less developable from COAH. Proposal A2888 would relieve the Township from the costs associated with COAH obligations. The recent drug store approval has caused COAH obligations. The replacement of an existing business should not cause a fair housing obligation. COAH has ignored the Mount Laurel decision. Imposing COAH obligations to municipalities in the preservation zone is unreasonable. He asked that the Council move to adopt a Resolution of support for A2888.

Andrew Gargano, Apshawa Crossroad – stated that he has concerns with the sale of the inline roller hockey rink. The Township paid \$27,000 for this equipment. If the Township sells the equipment and then wants to start a program in the future, the equipment would have to be purchased again. The Council may want to consider storing this for a few years and save it for a later date. He asked if the equipment was going to be used in Warwick. He said that the Planning Board Ordinance Committee has met and discussed the fence Ordinance. The Planner is putting options together for the Council consideration. He said that on June 26, 2008, at the Planning Board meeting, the Planner will be discussing COAH obligations. He has sent a memo regarding the Townships obligations. He believes that the Township will meet the deadline.

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James Warden, 199 Highcrest Drive – said that both of his children participated in the Township Roller Hockey program. The program kept expanding and it came to the point that the rink was purchased. He is not in favor of giving away a Township asset. It would be in excess of \$75,000 to replace the equipment if it were purchased at this time. It is more prudent to store the equipment until the program is brought back by persons who are interested in rejuvenating it. His concern is that in 5-7 years from now, the Township may have a program and no rink.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

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

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Agenda No. VII

**Council Comments**

Councilwoman Lichtenberg –responding to comments from Doris Aaronson stated that she intended to address the bill for County take over of Municipal services. Bill 1455 is currently in the Senate Community and Urban Affairs Committee. She asked the Council for a Resolution in opposition to this bill which takes away home rule. She requested that this be a discussion item at the next Workshop meeting.

Councilman Schimmenti – said that there is supposed to be the word “discretion” in the Recycling Center Ordinance. The staff at the center needs to be educated. Regarding the roller hockey rink, Mr. Carbone, who is on the Recreation Advisory Board is in favor of this sale.

Councilman Scangarello – asked that Mr. Carbone attend a Council meeting to discuss the roller hockey rink.

Councilman Weisbecker – spoke about Random Woods. A fence Ordinance is scheduled for discussion this evening. He said that the Planning Board has reviewed the Ordinance and has concluded discussion. The Council adopted a Resolution passed the the past years opposing consolidation of services to the County and eliminating home rule. The Council has also requested that the Planning Board review the Sign and Billboard Ordinances. Deficiencies must be addressed. There are two Resolutions before the Council this evening, Assembly Bills 2888 and 2838. He asked that the Council support these two bills. He asked Township Attorney Semrau to review these Resolutions and adapt them to West Milford for adoption at our next meeting. Councilman Nolan said that he would like to read the bill first and the Council should schedule discussion for the next workshop meeting.

Councilman Nolan – said that the Recycling Center employees can use discretion, and he feels that they did not use it wisely in Mr. Partingtons case and would like to see how it be best to reimburse him. Interim Administrator Battaglia said that she will be looking into the circumstances surrounding this tomorrow. He expressed concern that a petition regarding County take over of Municipal services was on the counter in a Municipal Office and asked that the subject be addressed at the next Department Head Meeting. He said that he didn't feel it should be the business of the employees of Town Hall to be petitioning this.

Councilman Scangarello – stated that the Township does file insurance claims for damage to public property. He spoke regarding metal recycling by saying that he had recently met with the Township Engineer and specifications are being drafted.

Mayor Bieri – clarified that leaves and grass are not picked up in any part of the Township. The origin of the Ordinance for Recycling was designed to protect residents. Regarding signs for upcoming elections, political signs cannot be banned. She also said to add action on both of the bills to the list of priorities.

Agenda No. VIII

**Action Items**

The Township Council took action on the following items:

Agenda No. VIII 1.

~ Ordinance No. 2008- 029 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF CERTAIN  
TOWNSHIP RIGHT-OF-WAY AND EASEMENT INTERESTS**

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

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**WHEREAS**, the Township of West Milford, with the assistance of the County of Passaic and the State of New Jersey Department of Environmental Protection (Green Acres Program), was able to purchase a large tract of land ("subject property") consisting of over 63 acres of land which is further described and set forth in the attached survey and legal description, for open space purposes; and

**WHEREAS**, in order to effectuate title, the Township wishes to vacate its current right-of-way interests on portions of Queen's Court (per FM3310), Camelot Drive, and King Arthur Court (per FM3310) as well as its drainage and utility easement interests per FM2418 and FM3310, which are all located on the subject property as depicted on the attached survey and legal description; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the best interest of the Township to vacate these said right-of-way interests as well as the drainage and utility easement interests located on the subject property.

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

**SECTION 1.** The Township of West Milford hereby authorizes the vacation of its current right-of-way interests on portions of Queen's Court (per FM3310), Camelot Drive, and King Arthur Court (per FM3310) as well as its drainage and utility easement interests per FM2418 and FM3310, which are all located on the subject property as depicted on the attached survey and legal description.

**SECTION 2.** The subject property in which these interests are located are further described on Schedule A (copy of survey and legal description) which is attached hereto and made a part hereof.

**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** 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 5.** 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.

**SECTION 6.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Mayor Bieri advised this Ordinance was introduced on May 14, 2008 and the notice of public hearing was published in the Herald News on May 18, 2008 and is scheduled for public hearing tonight. A public hearing was held on May 28, 2008 and the ordinance was tabled to the June 4, 2008 Workshop Meeting. Notice was published in the Herald News on June 1, 2008 and a second public hearing was held on June 4, 2008. The Ordinance was tabled to this Workshop Meeting and a notice was published in the Herald News on June 8, 2008. The Council will open the meeting to the public to speak on this ordinance only.

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

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

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This ordinance was tabled to the July 23, 2008 Council Workshop Meeting.

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

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Discussion: Township Attorney Semrau explained that this has to do with easements on the Hollowbrook Open Space acquisition, an agreement that was entered into in December, 2007. Green Acres asked that easements be vacated. The Township Engineering Department believes some of the easements were drainage easements and should be maintained. This Resolution asks Green Acres to allow them to remain. He has not heard back from Green Acres regarding this.

Agenda No. VIII 2.  
~ Ordinance No. 2008- 032 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING A PORTION OF MAGNOLIA ROAD FOR USE AS A PUBLIC ROAD**

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

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**WHEREAS**, Magnolia Road is a roadway located within the boundaries of the Township of West Milford; and

**WHEREAS**, Magnolia Road was dedicated to the Township of West Milford by the making and filing of a Map entitled "Map of Upper Greenwood Lake, Town of West Milford, Passaic County, New Jersey" which was filed with the Passaic County Register of Deeds on May 28, 1932 as filed map number 936, and

**WHEREAS**, the Township of West Milford does hereby determine to accept a portion of said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The Township of West Milford formally accepts a portion of Magnolia Road, from the easterly sideline of Warwick Turnpike in an easterly direction for a distance of 265 feet more or less, for use as a public road.
2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of a portion of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. this Ordinance shall take effect after publication and passage according to law.

Introduced: June 25, 2008

Mayor Bieri advised this Ordinance is scheduled for public hearing tonight and the second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 9, 2008. Notice of this public hearing shall be published in the Herald News on or about June 29, 2008. The Council will open the meeting to the public to speak on this ordinance only.

There being no comments from the public, Councilman Scangarello made a motion to close the public portion, seconded by Councilman Nolan. Mayor Bieri moved to close the public portion by roll call vote.

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

Agenda No. VIII 3.  
 ~ Resolution 2008 – 247 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 2008 TEMPORARY BUDGET**

**WHEREAS**, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2008 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

**WHEREAS**, said temporary appropriations are extended and now limited to 52.5% (Six Months) of the total appropriation in the 2007 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2007 budget.

**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:

APPROPRIATION	ACCOUNT NUMBER	2007 BUDGET	2008 TEMPORARY BUDGET
<b>ADMINISTRATION</b>			
ADMINISTRATOR			

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Administrator S&W	01-20-100-100	\$237,000	\$186,638
Administrator O.E.	01-20-100-200	\$57,350	\$45,163
<b>TOTAL</b>		<b>\$294,350</b>	<b>\$231,801</b>
<b>PERSONNEL</b>			
Personnel S&W	01-20-105-100	\$75,500	\$59,456
Personnel O.E.	01-20-105-200	\$9,000	\$7,088
<b>TOTAL</b>		<b>\$84,500</b>	<b>\$66,544</b>
<b>MAYOR &amp; COUNCIL</b>			
Township Mayor & Council S&W	01-20-110-101	\$34,000	\$26,775
Township Mayor & Council O.E.	01-20-110-200	\$5,000	\$3,938
<b>TOTAL</b>		<b>\$39,000</b>	<b>\$30,713</b>
<b>INFORMATION TECHNOLOGY</b>			
Information Technology S&W	01-20-140-100	\$72,700	\$57,251
Information Technology O.E.	01-20-140-200	\$52,400	\$41,265
<b>TOTAL</b>		<b>\$125,100</b>	<b>\$98,516</b>
<b>Legal O.E.</b>	01-20-155-200	<b>\$255,000</b>	<b>\$200,813</b>
<b>GENERAL SERVICES</b>			
General Services S&W	01-20-161-100	\$9,000	\$7,088
General Services O.E.	01-20-161-200	\$110,600	\$87,098
<b>TOTAL</b>		<b>\$119,600</b>	<b>\$94,186</b>
<b>INSURANCE</b>			
Insurance, Other	01-23-210-200	\$702,751	\$553,416
Insurance, Other, Less Library Charge Back	01-23-210-200	-\$10,000	\$ (7,875)
Insurance, Group	01-23-220-506	\$2,902,500	\$1,523,813
Insurance, Group, Less Library Charge Back	01-23-220-506	-\$110,000	\$ (86,625)
<b>TOTAL</b>		<b>\$3,485,251</b>	<b>\$1,982,729</b>
<b>APPROPRIATION</b>	<b>ACCOUNT NUMBER</b>	<b>2007 BUDGET</b>	<b>2008 TEMPORARY BUDGET</b>
Heritage O.E.	01-20-173-200	\$3,000	\$2363
<b>CLERK'S OFFICE</b>			
<b>CLERK</b>			
Clerk S&W	01-20-120-100	\$211,600	\$166,635
Clerk O.E.	01-20-120-200	\$22,800	\$17,955
<b>TOTAL</b>		<b>\$234,400</b>	<b>\$184,590</b>
<b>ELECTIONS</b>			
Elections S&W	01-20-146-101	\$5,000	\$2,625
Elections O.E.	01-20-146-101	\$12,600	\$6,615
<b>TOTAL</b>		<b>\$17,600</b>	<b>\$9,240</b>
<b>FINANCE</b>			
<b>TREASURER</b>			
Treasurer S&W	01-20-130-100	\$251,000	\$197,663
Treasurer O.E.	01-20-130-200	\$31,455	\$24,771
Treasurer O.E. - Less Library Chargebacks	01-20-130-200	-\$2,000	\$ (1,575)
<b>TOTAL</b>		<b>\$280,455</b>	<b>\$220,859</b>
<b>ANNUAL AUDIT</b>			

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Annual Audit	01-20-135-200	\$40,000	\$21,000
Annual Audit Additional Services	01-20-135-201	\$10,000	\$5,250
<b>TOTAL</b>		<b>\$50,000</b>	<b>\$26,250</b>
<b>TAX COLLECTOR</b>			
Tax Collector S&W	01-20-145-100	\$169,000	\$133,088
Tax Collector O.E.	01-20-145-200	\$12,250	\$9,647
<b>TOTAL</b>		<b>\$181,250</b>	<b>\$142,735</b>
<b>ASSESSOR</b>			
Tax Assessor S&W	01-20-150-200	\$307,000	\$241,763
Tax Assessor O.E.	01-20-150-200	\$6,000	\$4,725
<b>TOTAL</b>		<b>\$313,000</b>	<b>\$246,488</b>
<b>PLANNING AND BUILDING</b>			
<b>PLANNING BOARD O.E.</b>	01-21-180-200	<b>\$38,800</b>	<b>\$ 30,555</b>
<b>COMPREHENSIVE PLANNING</b>			
Planning, Comp. S&W	01-21-181-100	\$301,000	\$237,038
Planning, Comp. O.E.	01-21-181-200	\$6,200	\$4883
<b>TOTAL</b>		<b>\$307,200</b>	<b>\$241,921</b>
<b>ZONING ADMINISTRATION S&amp;W</b>	01-21-185-100	<b>\$69,000</b>	<b>\$54,338</b>
<b>BOARD OF ADJUSTMENT O.E.</b>	01-21-186-200	<b>\$20,450</b>	<b>\$16,104</b>
<b>HISTORIC PRESERVATION</b>			
Historic Preservation S&W	01-20-175-101	\$1,500	\$1,181
Historic Preservation O.E.	01-20-175-200	\$2,300	\$1,811
<b>TOTAL</b>		<b>\$3,800</b>	<b>\$2,992</b>
<b>TOURISM COMMITTEE (Formerly R/D)</b>	01-20-171-200	<b>\$3,000</b>	<b>\$-</b>
<b>BUILDING / CODE ENFORCEMENT</b>			
Building S&W	01-22-195-100	\$414,000	\$326,025
Building O.E.	01-22-195-200	\$12,500	\$9,844
<b>TOTAL</b>		<b>\$426,500</b>	<b>\$335,869</b>
<b>ENVIRONMENTAL COMMISSION</b>			
Environmental Commission S&W	01-22-196-101	\$1,500	\$1,181
Environmental Commission O.E.	01-22-196-200	\$900	\$709
<b>TOTAL</b>		<b>\$2,400</b>	<b>\$1,890</b>
<b>PUBLIC SAFETY</b>			
<b>POLICE DEPARTMENT</b>			
Police Patrol S&W	01-25-240-100	\$4,152,000	\$3,269,700
Police Patrol O.E.	01-25-240-200	\$88,400	\$69,615
Police Patrol-Purchase of Police Vehicles	01-25-240-201	\$170,000	\$ -
Police Detective S&W	01-25-241-100	\$508,000	\$400,050
Police Administration S&W	01-25-242-100	\$455,000	\$358,313
Police Communication S&W	01-25-243-100	\$293,000	\$230,738
Police Comm. O.E.	01-25-243-200	\$30,000	\$23,625
Police Specials S&W	01-25-244-100	\$30,000	\$23,625
Police Specials O.E.	01-25-244-200	\$3,600	\$2,835
<b>TOTAL</b>		<b>\$5,730,000</b>	<b>\$4,378,501</b>
Emergency Management S&W	01-25-252-100	\$5,000	\$3,938
Emergency Management O.E.	01-25-252-200	\$25,000	\$19,688

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<b>APPROPRIATION</b>	<b>ACCOUNT NUMBER</b>	<b>2007 BUDGET</b>	<b>2008 TEMPORARY BUDGET</b>
<b>TOTAL</b>		<b>\$30,000</b>	<b>\$23,626</b>
<b>FIRST AID SQUADS</b>			
First Aid Organization Contributions	01-25-260-200	\$67,275	\$52,979
First Aid - UGL 1st Aid Squad	01-25-261-200	\$40,500	\$31,894
<b>TOTAL</b>		<b>\$107,775</b>	<b>\$84,873</b>
<b>FIRE DEPARTMENT</b>			
Aid To Vol. Fire Co.	01-25-255-200	\$90,000	\$70,875
Fire Prevention Bureau S&W	01-25-265-100	\$192,000	\$151,200
Fire Prevention Bureau O.E.	01-25-265-200	\$8,400	\$6,615
Fire Co. Admin. S&W	01-25-266-100	\$10,000	\$7,875
Fire Co. Admin. O.E.	01-25-266-200	\$309,350	\$243,613
LOSAP	01-25-267-100	\$110,000	\$ -
<b>TOTAL</b>		<b>\$719,750</b>	<b>\$480,178</b>
<b>ENGINEERING AND PUBLIC WORKS</b>			
<b>ENGINEERING</b>			
Engineering S&W	01-20-165-100	\$460,000	\$362,250
Engineering O.E.	01-20-165-200	\$33,100	\$26,066
<b>TOTAL</b>		<b>\$493,100</b>	<b>\$388,316</b>
<b>DPW</b>			
DPW Streets & Roads S&W	01-26-290-100	\$1,583,000	\$1,246,613
DPW Streets & Roads O.E.	01-26-290-200	\$350,500	\$276,019
DPW Buildings & Grounds S&W	01-26-291-100	\$99,000	\$77,963
DPW Buildings & Grounds O.E.	01-26-291-200	\$55,250	\$29,006
DPW Snow Removal S&W	01-26-294-100	\$178,000	\$178,000
DPW Snow Removal O.E.	01-26-294-200	\$756,500	\$595,744
DPW Vehicle Maintenance S&W	01-26-315-100	\$305,000	\$240,188
DPW Vehicle Maintenance O.E.	01-26-315-200	\$262,700	\$206,876
<b>TOTAL</b>		<b>\$3,589,950</b>	<b>\$2,850,409</b>
<b>HEALTH DEPARTMENT</b>			
<b>HEALTH DEPARTMENT</b>			
Public Health S&W	01-27-330-100	\$285,000	\$224,438
Public Health O.E.	01-27-330-200	\$50,975	\$40,143
Vital Statistics S&W	01-27-331-100	\$6,000	\$4,725
Vital Statistics O.E.	01-27-331-200	\$15,800	\$12,443
Housing Standard Bureau O.E.	01-27-332-441	\$2,500	\$1,969
Environmental Health S&W	01-27-335-100	\$263,000	\$207,113
Environmental Health O.E.	01-27-335-200	\$20,800	\$16,380
Animal Control S&W	01-27-340-100	\$77,000	\$60,638
Animal Control O.E.	01-27-340-450	\$0	\$ -
<b>TOTAL</b>		<b>\$721,075</b>	<b>\$567,849</b>
<b>PARKS AND RECREATION</b>			
<b>RECREATION</b>			
Recreation Programs S&W	01-28-370-100	\$378,000	\$297,675
Recreation Programs O.E.	01-28-370-200	\$170,000	\$133,875
Recreation-Bubbling Springs S&W	01-28-371-100	\$167,000	\$167,000
Recreation-Bubbling Springs O.E.	01-28-371-200	\$65,000	\$65,000
Recreation-Admin. S&W	01-28-372-100	\$200,000	\$157,500

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<b>APPROPRIATION</b>	<b>ACCOUNT NUMBER</b>	<b>2007 BUDGET</b>	<b>2008 TEMPORARY BUDGET</b>
Recreation-Admin. O.E.	01-28-372-200	\$11,900	\$9,371
Recreation-Hillcrest S&W	01-28-374-100	\$117,000	\$92,138
Recreation-Hillcrest O.E.	01-28-374-200	\$23,100	\$18,191
Recreation-Parks Maintenance S&W	01-28-375-100	\$204,000	\$160,650
Recreation-Parks Maintenance O.E.	01-28-375-200	\$123,000	\$96,863
Senior Citizen Services S&W	01-28-376-100	\$99,000	\$77,963
Senior Citizen Services O.E.	01-28-376-200	\$13,225	\$10,415
<b>TOTAL</b>		<b>\$1,571,225</b>	<b>\$1,286,641</b>
<b>VETERAN'S BUREAU</b>			
Veteran's Bureau S&W	01-20-172-100	\$1,400	\$1,103
Veteran's Bureau O.E.	01-20-172-200	\$1,200	\$945
<b>TOTAL</b>		<b>\$2,600</b>	<b>\$2,048</b>
<b>PUBLIC ASSISTANCE</b>			
Public Assistance S&W	01-27-345-100	\$0	\$0
Public Assistance O.E.	01-27-345-200	\$0	\$0
<b>TOTAL</b>		<b>\$0</b>	<b>\$0</b>
<b>Celebration of Public Events O.E.</b>	01-30-420-200	<b>\$20,300</b>	<b>\$15,986</b>
<b>Mass Transportation</b>	01-30-421-200	<b>\$84,821</b>	<b>\$44,531</b>
<b>LIBRARY</b>			
<b>LIBRARY</b>			
Library S&W	01-29-390-100	\$410,000	\$322,875
Library O.E.	01-29-390-200	\$821,122	\$646,634
<b>TOTAL</b>		<b>\$1,231,122</b>	<b>\$969,509</b>
<b>MUNICIPAL COURT</b>			
<b>MUNICIPAL COURT</b>			
Municipal Court S&W	01-43-490-100	\$276,000	\$217,350
Municipal Court O.E.	01-43-490-200	\$14,225	\$11,202
Municipal Court Prosecutor S&W	01-43-491-101	\$26,000	\$20,475
Municipal Court Public Defender Fees	01-43-495-450	\$0	\$-
<b>TOTAL</b>		<b>\$316,225</b>	<b>\$249,027</b>
<b>UTILITY EXPENSES &amp; BULK PURCHASES</b>			
<b>UTILITIES &amp; FUELS</b>			
Utilities-Electricity	01-31-430-200	\$125,000	\$98,438
Utilities-Street Lights	01-31-435-200	\$40,000	\$31,500
Utilities-Telephone	01-31-440-200	\$150,000	\$118,125
Utilities-Natural Gas	01-31-446-200	\$145,000	\$114,188
Utilities-Fuel	01-31-460-200	\$320,000	\$252,000
<b>TOTAL</b>		<b>\$780,000</b>	<b>\$614,251</b>
<b>MISCELLANEOUS AND STATUTORY EXPENDITURES</b>			
<b>PENSION &amp; FICA</b>			
PERS	01-36-471-532	\$240,000	\$-
PERS - Less Library Chargebacks	01-36-471-532	-\$30,000	\$-
Social Security	01-36-472-533	\$744,206	\$586,062
Less Library Charge backs - Social Security	01-36-472-533	-\$34,200	\$ (26,933)
PFRS	01-36-473-534	\$649,000	\$-

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<b>APPROPRIATION</b>	<b>ACCOUNT NUMBER</b>	<b>2007 BUDGET</b>	<b>2008 TEMPORARY BUDGET</b>
<b>TOTAL</b>		<b>\$1,569,006</b>	<b>\$559,129</b>
<b>Salaries &amp; Wages Adjustment Account</b>	01-37-480-501	<b>\$0</b>	<b>\$-</b>
<b>Compensated Absences</b>	01-46-887-529	<b>\$150,000</b>	
<b>CAPITAL BUDGET</b>			
<b>CURRENT YEAR CAPITAL</b>			
Capital Improvements Fund	01-44-900-200	\$110,900	\$-
Cap Improvements Fund Down Payments	01-44-900-200	\$395,974	\$-
Cap. Improv. Fund-UGL 1st Aid Squad	01-44-905-261	\$ -	
<b>TOTAL</b>		<b>\$506,874</b>	<b>\$-</b>
<b>GRANTS</b>			
<b>MASS TRANSIT GRANTS</b>			
Grants-Mass Trans. State Share	02-41-702-100	\$31,672	\$-
Grants-Mass Trans. Federal Share	02-41-702-200	\$64,742	\$-
Grants-Mass Trans. Local Share	02-41-702-201	\$32,138	\$-
<b>TOTAL</b>		<b>\$128,552</b>	<b>\$-</b>
<b>C.A.S.A. GRANTS</b>			
Grants-C.A.S.A. County Share	02-41-705-200	\$47,200	\$-
Grants-C.A.S.A. - Local Share	02-41-705-201	\$11,575	\$-
<b>TOTAL</b>		<b>\$58,775</b>	<b>\$-</b>
<b>INDV. WITH DISAB. GRANT</b>			
Grants-Indv. with Disabilities-State	02-41-707-200	\$13,723	\$-
Grants-Indv. with Disabilities-Local	02-41-707-201	\$2,805	\$-
<b>TOTAL</b>		<b>\$16,528</b>	<b>\$-</b>
<b>PUBLIC HEALTH PRIORITY GRANT</b>			
<b>REREATION TRAILS PROGRAM GRANT</b>			
Grants-Recreation Trails-State	02-41-715-109	\$15,000	\$-
Grants-Recreation Trails-Local	02-41-715-110	\$5,000	\$-
<b>TOTAL</b>		<b>\$20,000</b>	<b>\$-</b>
<b>CLEAN COMMUNITIES GRANT</b>			
<b>CULTURAL HERITAGE GRANT</b>			
Grants-Pas. Co. Cultural Heritage- County	02-41-728-331	\$1,936	\$-
Grants-Pas. Co. Cultural Heritage- Local	02-41-728-332	\$968	\$-
<b>TOTAL</b>		<b>\$2,904</b>	<b>\$-</b>
<b>DWI</b>			
DWI State	02-41-000-000	\$13,083	
DWI Local	02-41-000-000	\$0	
<b>TOTAL</b>		<b>\$13,083</b>	<b>\$-</b>
<b>HIGHLANDS COAH GRANT (CHAP 159)</b>			
Grants-Highlands COAH	01-41-000-000	\$0	
Grants-Storm Drain Infstrctr. Inventory	02-41-000-000	\$0	
<b>TOTAL</b>		<b>\$0</b>	<b>\$-</b>
<b>NJ DIV OF HGHWY SAFETY TICKET OR CLICK IT</b>			
	02-41-733-200	<b>\$0</b>	
<b>NJDEP ESP MAPPG GRANT</b>			
Grants-NJDEP ESP Mapping-State Share	02-41-735-331	\$2,500	
Grants-NJDEP ESP Mapping-Local Share	02-41-735-332	\$2,500	

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<b>TOTAL</b>		<b>\$5,000</b>	<b>\$-</b>
<b>TOURISM &amp; DEVELOPMENT GRANT (CHAP 159)</b>			
	02-41-000-000	\$0	
<b>NJ DCJ BODY ARMOR GRANT</b>	02-41-742-331	\$0	
<b>POST BROOK S.W. STUDY GRANT</b>			
Grants - Police Aggressive Driving-State	02-41-744-330	\$0	
Grants - Police Aggressive Driving-Local	02-41-744-331	\$0	
<b>TOTAL</b>		<b>\$0</b>	<b>\$-</b>
<b>BELCHERS CREEK FECAL TESTING</b>			
Grants - NJDEP-Belchers Creek -State	02-41-749-331	\$0	
Grants - NJDEP-Belchers Creek -Local	02-41-749-332	\$0	
<b>TOTAL</b>		<b>\$0</b>	
<b>GRANT - GREENWOOD LK ANTI-PHOSPHORUS</b>	02-41-750-331	<b>\$913,600</b>	<b>\$-</b>
<b>GRANT - PANDEMIC INFLUENZA PREPARDNESS</b>	02-41-000-000	<b>\$0</b>	
<b>GRANT - CONTINGENT. LOCAL MATCH</b>	02-41-745-999	<b>\$25,000</b>	
<b>GRANT - FIRE DEPT EXHAUST SYSTEMS</b>	02-41-746-331	<b>\$0</b>	
<b>GRANT - POLICE, SPEEDING/AGGRESSIVE DRVNG</b>	02-41-746-332	<b>\$0</b>	
<b>GRANT - WONDER LAKE WATER IMPROVEMENT</b>	02-41-746-334	<b>\$0</b>	
<b>TOTAL</b>		<b>\$1,238,588</b>	<b>\$-</b>
<b>DEBT SERVICE</b>			
Debt Service Total	01-45-000-000	<b>\$2,036,000</b>	<b>\$-</b>
<b>DEFERRED CHARGES AND RESERVE FOR UNCOLLECTED TAXES</b>			
Deficit in Dog Trust Fund	01-37-480-503	\$4,875	
Deficit in Assessment Cash	01-46-886-000	\$1,490	
Cancelled Assessments	01-46-886-648	\$7,918	
Reserve for Tax Appeals	01-46-886-667	\$20,000	
Prior Yrs Bills-Rentl of Polling Pls, N Jersey Media	01-46-887-528	\$714	
Def Charges - Bond Ordinance Unfunded	01-46-875-528	\$39,000	
Spec Emerg - Storm Water Mngmt Plan	01-46-877-000	\$0	
Reserve for Uncollected Taxes	01-50-899-200	\$1,770,000	
<b>TOTAL</b>		<b>\$1,843,997</b>	<b>\$-</b>
<b>TOTAL OPERATING BUDGET</b>		<b>\$29,096,064</b>	<b>\$16,736,357</b>
<b>SOLID WASTE DISTRICT</b>			
Solid Waste S&W	26-55-500-100	\$211,000	\$166,163
Solid Waste O.E. All Other	26-55-500-200	\$115,291	\$90,792
Contractual Services	26-55-500-202	\$1,292,000	\$1,017,450
Disposal Fees	26-55-500-203	\$1,050,000	\$826,875
Grants - Recycling County of Passaic	26-41-753-336	\$ 30,709	\$24,183
Prior Year's Bills	26-55-900-900	\$0	\$-
Commercial Pick Up	26-55-500-201	\$0	\$-
<b>TOTAL</b>		<b>\$2,699,000</b>	<b>\$2,125,463</b>

Adopted: June 25, 2008

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

Discussion: Councilman Weisbecker referred to a memo from Township Finance Director and asked if there would be any impact on the current Resolution. Interim Township Administrator Battaglia explained that this Resolution was to authorize the extension of the temporary budget that was authorized by Council. The memo was to apprise and update Council of conditions, which have changed, and which may compel Council to revisit the 2008 budget.

Agenda No. VIII 4.  
 ~ Resolution No. 2008-248 ~

**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 2008 - 2009 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2008 - 2009 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, 2007 - June 30, 2008).

**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.

AMERICAN LEGION POST #289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	WINE IN THE WOODS LLC t/a Wine in the Woods c/o Vincent Paragano, Esq. 5 Seney Drive Bernardsville, NJ 07924 1615-33-023-003
JESSIE'S COUNTRY KETTLE INC. t/a Jessie's Country Kettle 1603 Greenwood Lake Tpk Hewitt, NJ 07421 1615-33-013-008	WEST MILFORD BAR & LIQUORS, INC. t/a West Milford Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002
ALO INC. t/a Village Square Inn P.O. Box 590 Newfoundland, NJ 07435 1615-33-005-003	PLAZA BAR & LIQUORS INC. t/a Plaza Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-003
BRUCO CORPORATION t/a Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002	2236 CORPORATION t/a W.M. Elk's Lodge 2236 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001
PMS L.L.C. t/a The Huntsman Restaurant 1745 Macopin Road West Milford, NJ 07480 1615-33-029-007	NEW VINELAND CORP t/a Uncorked Wines & Liquors 9 Marshall Hill Road West Milford, NJ 07480 1615-33-003-005
574 MACOPIN, INC. t/a S & S Pub & Liquors 574 Macopin Road West Milford, NJ 07480 1615-33-009-004	PIONEER BAR & GRILL, INC. T/a Pioneer Bar & Grill 350 Warwick Turnpike Hewitt, NJ 07421 License No. 1615-33-028-006

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GUSTAV KOHLE CORP. t/a Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002	FILLIPPO ENTERPRISES LLC t/a The Lakeshore Inn 399 Lakeshore Road Hewitt, NJ 07421 1615-33-035-006
MERSIMI & MAHMUDI, INC. t/a Cafe Amore P.O. Box 1093 Hewitt, NJ 07421 1615-33-032-009	2 MOMENTO 2, INC. Momento Restaurant 374 Morsetown Road West Milford, NJ 07480 1615-33-012-005
JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Tpk. Hewitt, NJ 07421 1615-33-021-004	LE BISTRO INC. t/a Le Bistro 9 Lakeside Road Hewitt, NJ 07421 1615-33-017-007
SHARON A MCKEAGE TAVERN INC. t/a McKeages Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007	

Adopted: June 25, 2008

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

Agenda No. VIII 5.  
 ~ Resolution No. 2008-249 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2008 - 2009 LICENSE YEAR WITH CONDITIONS**

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2008 - 2009 License year have been received and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2007 - June 30, 2008).

**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
OLD SCHOOL PUB LLC t/a Pickles Pub 551 Warwick Turnpike Hewitt, NJ 07421 1615-33-004-007	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.
MURAPPAUL CORP. t/a ISLAND OF SPIRITS 3025 Rt. 23 Oak Ridge, NJ 07438 1615-33-019-001	1. The owner is to consider parking limitations when scheduling advertised special events.

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LICENSE/LICENSEE/T/A	CONDITIONS
NORMTRA LLC t/a Big John's Pub 49 Old Rt 23 N Newfoundland, NJ 07435 1615-33-027-008	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.
LONGSTAFF'S OAK RIDGE PUB & LIQUORS t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-006	1. Licensee must prevent liquor from being consumed in the fenced-in side yard which is not included in the licensed premises.

Adopted: June 25, 2008

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

Agenda No. VIII 6.  
 ~ Resolution No. 2008-250 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE POSITION OF TOWNSHIP AUDITOR**

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

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

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

**WHEREAS**, the term of a contract for this service is one year from January 1, 2008 through December 31, 2008; and

**WHEREAS**, William F. Schroeder of Nisivoccia and Company, 5 Emery Avenue, Randolph, NJ 07869 has submitted a proposal indicating the firm will provide auditing services as sought by the Township of West Milford in an amount not to exceed \$50,000.00; and

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

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4* said funds to be encumbered from account number 8-01-20-135-200; and

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

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

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

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Adopted: June 25, 2008

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

Agenda No. VIII 7.  
 ~ Resolution No. 2008-251 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
 STATE OF NEW JERSEY APPROVING THE ISSUANCE OF LICENSES FOR LICENSE YEAR 2008**

WHEREAS, application has been made by a business owner for a Taxicab/Limousine License for the year 2008; and  
 WHEREAS, reports of recommendation have been received from various Township Departments recommending the issuance of said licenses as listed below;  
 NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of *Licenses for 2008 as listed below:*

Taxi-Limo Owner License No.	Applicant Name	T/A - Address
2008 – 14	Jose Nuesi	JJC Transportation Inc. 125 Continental Road West Milford, NJ 07480
Taxi-Limo Driver License No.	Applicant Name	T/A - Address
2008 – 12	Jose Nuesi	JJC Transportation Inc. 125 Continental Road West Milford, NJ 07480

Adopted: June 25, 2008

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

Agenda No. IX  
Approval of Expenditures  
 Agenda No. IX  
 ~ Resolution No. 2008-252 ~  
**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. . . . .	\$ 87,582.84
2	Reserve Account . . . . .	27,799.86
3	Animal Control Trust	
6	Capital. . . . .	4,022.00
7	Grants. . . . .	11,033.00
8	Refuse. . . . .	78,600.68
9	Refunds. . . . .	7,137.04
12	General Ledger. . . . .	

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

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Acct #	Account Name	Amount
16	Heritage Trust. . . . .	225.00
14	Open Space Trust	
17	Trust . . . . .	13,338.88
18	Development Escrow. . . . .	
19	LOSAP	
20	Special Reserve	
Total		\$229,739.30
Less Refund Resolution		(7,137.04)
<b>Actual Bill List</b>		<b>\$222,602.26</b>
Other Payments		\$1,000.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$223,602.26</b>

Approved: June 25, 2008

Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Abstain: Councilman Nolan abstained on the Valley Health bill and voted aye on all others.  
 Motion carried.

Agenda No. X

**Discussion Items**

The Township Council discussed the following items:

1)	Ordinance – Amending Lake Commercial Zone – Councilwoman Lichtenberg requested clarification, whether Greenwood Lake is the only Lake Commercial Zone in the Township. Mayor Bieri answered that yes, it is. Interim Administrator clarified that this is to be sent to the Planning Board after introduction. Councilwoman Lichtenberg asked regarding page 3, section 3, if reference should be made to a Land Use Administrator. Mayor Bieri explained that this is only if there is a sight impediment. Township Attorney Semrau said that a Land Use Administrator would still have oversight because that person oversees all zoning permits. When it is sent to the Planning Board, consistency will be determined. Introduction was scheduled for July 9, 2008.
2)	Ordinance – Amending Fence Ordinance – discussed in conjunction with Amending Lake Commercial Zone. Introduction was scheduled for July 9, 2008.
3)	Ordinance – Massage, Bodywork or Somatic Therapy Permits – Township Attorney Semrau said that Councilman Weisbecker had requested this. Councilwoman Lichtenberg asked how existing businesses would be affected. Mr. Semrau said that they would have to comply. Councilman Weisbecker said that this must be addressed. There have been several instances where the Township has been embarrassed. This would help deter that and this will benefit our municipality. Mayor Bieri explained that this is a nine-page Ordinance to regulate businesses. People who are currently practice massage therapy are already certified. It was asked if it might be easier to require licensing, state registration and a permit from the Township. State laws are already in place to govern this. Councilman Weisbecker said that the Township should ensure that these businesses be compelled to conduct business as the Township deems appropriate. Mayor Bieri asked how a therapist who goes into peoples homes is handled. Councilman Schimmenti said that these people are already licensed. They should be compelled to register with the Township and to show their license. Township Attorney Semrau advised that if the Council were to move forward with this, the activity of the business must be outlined in the Ordinance. If consensus is to move forward, he would research further. Councilman Schimmenti stated that definitions regarding what they do in their profession be removed. His concern is that the more written, the greater chance of opening the Township up to litigation. Township Attorney Semrau responded that the police department would need clarification to prosecute. There must be a clear violation of legislation for prosecution. An Ordinance would be this tool. Mayor Bieri expressed concern that

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	the Township is duplicating processes for the applicants. She furthered by saying that the applicants get background checks when they receive their license. Councilman Schimmenti said that he is fine with no fee being charged. Councilman Nolan explained that they were talking about removing the verbiage from item 217-4 and everything under "f" and 217-8. Township Attorney Semrau said that he will draft a proposed revision and outline the changes. Council gave consent. Mr. Semrau said that the Ordinance is attempting to capture people who work at the establishment who is not licensed.
4)	Proposed Agreement for Lease to Purchase of In-Line Roller Hockey Rink – discussion was tabled and consent was given to invite Mr. Carbone to the next Workshop Meeting.
5)	Facilities Assessment Committee Updates – Councilman Scangarello explained that the Township is looking to save energy and use our buildings better. The Johner Building is free and clear of contaminants. The Township has owned the building since 1966. It is almost the size of Town Hall and it is intact. There is a new roof, new heating system, new airconditioning system, it is ADA compliant, up to code, has ADA bathrooms, and parking. The Committee is asking to hire an architect. The Committee feels that Town Hall cannot be brought up to the specifications for ADA compliance. They are seeking consensus to proceed with hiring an architect. Interim Administrator Battaglia explained that they are seeking to establish a professional services agreement with an architect. Proposals are due in at weeks and end. They would like to review the proposals and make a recommendation with the intention to hire an architect at the July 9, 2008 meeting. Consensus was to proceed. Mayor Bier commended Councilman Scangarello and the Committee for their speed and efficiency.
6)	Agreement – Sunny Blue LLC Developer's Agreement – Township Attorney Semrau explained that this would put a formal agreement in place to compel the developer to stay on track. It was drafted by Mr. Geminario. The developer has agreed to the terms outlined. He recommends that Council act on this. Councilman Scangarello asked how this would impact First Avenue. Mr. Semrau said that the developer is responsible for a pro-ratio share. One condition is that the developer commits to make a contribution to improvement of First Avenue. There will no access from First Avenue to the site.
7)	Contract – Bubbling Springs Park Improvement Project Proposals – Interim Administrator Battaglia explained that Renee recommended Lan Associates and when it was reviewed, the lowest two bidders lacked details. The third lowest bidder, Keller and Kirkpatrick had submitted a complete bid. She has spoken with the Township Engineer and Councilman Scangarello regarding any portion that his department can convey. Township Engineer agreed that his department is able to assume the construction administration and construction inspection tasks which would amount to \$24,200.00. Consensus was to proceed with a Resolution for July 9, 2008.
8)	Contract – Ambulance Bid – Interim Administrator Battaglia advised that they again went out to bid for this and received bids from the same two companies. The First Aid Squad has concerns regarding the bids that they have received. Councilman Nolan asked why there were only 2 bids secured. Councilman Scangarello agreed with Councilman Nolan saying that there are eight other companies. Administration has reached out to other townships and asked them for a copy of their specifications and bids as well as to review and comment on what West Milford is doing. Consensus was to reject these bids. Additional information will be forthcoming.
9)	Contract – Westbrook Park Tennis Courts – Interim Administrator Battaglia explained that this has gone out for bid for the second time. Bids again were too high. She has scheduled a meeting to review the specifications with the Township Engineer and has spoken to Civil Dynamics at length. It is in his estimation the bid demands the type of material to be used as well as the amount, thusly limiting the number of bidders. In his opinion the material should be specified as black top which would open the field of bidders and lower the costs. She would like to sit with the Township Engineer before suggesting to go out for rebid. Council consensus was to reject and possibly rebid.
10)	Contract – Appropriations for Labor Counsel – Township Attorney Semrau requested that this be discussed in Executive Session .
11)	Grant – 2009 Alliance to Prevent Alcoholism and Drug Abuse (CASA) – Action item with discussion at that time.
12)	Grant – 2009 Cultural Heritage– Action item with discussion at that time.
13)	Grant – Recreational Opportunities for Individuals with Disabilities (ROID) – Action item with discussion at that time.
14)	Grant – Passaic County Open Space – Random Woods Block 8801, Lot 1– Action item with discussion at that time.
15)	Open Space Acquisition – Gallman Property Block 5301 Lots 34 and 38– Action item with discussion at that time.

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

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Agenda No. XI

**Action Items**

Agenda No. XI 1.

~ Ordinance No. 2008-033 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A  
PORTION OF BLOCK 5301, LOTS 34 AND 38 IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

**WHEREAS**, Ann Gallmann, has agreed to convey BLOCK 5301, LOTS 34 and 38 consisting of 47.203 acres of land to the Township in consideration of the payment of \$250,000; and

**WHEREAS**, the Township is in the process of obtaining monies from the State of New Jersey Department of Environmental Protection (Green Acres Program) to help in the purchase of said land; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for open space purposes.

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

**SECTION 1.** The Township of West Milford hereby authorizes the acquisition of BLOCK 5301, LOTS 34 and 38 for open space purposes for the total sum of \$250,000, with a significant portion of said monies to be obtained from the State of New Jersey Department of Environmental Protection (Green Acres Program) with the remaining soft/transaction costs to be appropriated from the Open Space Trust Fund of the Township of West Milford, County of Passaic, State of New Jersey.

**SECTION 2.** The said land to be conveyed to the Township of West Milford is described on Schedule A which shall be on file with the contract in the office of the Township Clerk.

**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.

**SECTION 5.** 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 6.** 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.

**SECTION 7.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: June 25, 2008

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 9, 2008. Notice of this public hearing shall be published in the Herald News on or about June 29, 2008.

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

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Discussion: Township Attorney Semrau explained that this is for the 47 acre Gallmann tract. Morris Land Conservancy has presented this to Mayor and Council for Green Acres funding.

Mayor Bieri recommended that action items 2 through 11 excluding 8 be moved as one. Councilman Nolan asked how a Resolution can be adopted before the Ordinance is introduced? Township Administrator said that the contract is contingent on the Ordinance being adopted and not repealed.

Resolutions 2008-253, 2008-254, 2008-255, 2008-256, 2008-257, 2008-258, 2008-261, 2008-262, 2008-263 all be moved as presented as one roll call.

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

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Agenda No. XI 2.  
~ Resolution No. 2008-253 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING  
THE EXECUTION OF A CONTRACT TO ACQUIRE REAL PROPERTY FROM ANN GALLMANN**

**WHEREAS**, the Township Council of the Township of West Milford desires to acquire a portion of a certain tract of land from Ann Gallmann which is set forth in the contract to be filed in the Office of the Township Clerk, and which constitutes a part of Block 5301, Lots 34 and 38 on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey pursuant to NJSA 40A:12-1 et seq; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for open space purposes.

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

1. The Mayor and Township Clerk are hereby authorized and directed to sign the contract, to acquire a portion of Block 5301, Lots 34 and 38 on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey and as shown in the. The contract is contingent upon the Township Council approving, by Ordinance, the purchase of the property.
2. This resolution shall take effect immediately.

Adopted: June 25, 2008

Agenda No. XI 3.  
~ Resolution No. 2008-254 ~

**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**

**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: \$1.9 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 15, 2008 for the public hearing to be held on June 25, 2008 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 25, 2008; and

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

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**WHEREAS**, a public hearing was held on June 25, 2008 at which time public input was solicited regarding the application.

**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 \$1.9 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 25, 2008

Agenda No. XI 4.  
~ Resolution No. 2008-255 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION BY THE MUNICIPAL ALLIANCE COMMITTEE FOR SCHOOL AND COMMUNITY BASED DRUG AND ALCOHOL PREVENTION PROGRAMS**

**WHEREAS**, in March 1989, the Governor's Council on Alcoholism and Drug Abuse was established to coordinate all State Departments' efforts with regard to the planning and provision of prevention, education, treatment, research and evaluation serviced for, and public awareness of, alcoholism and drug abuse; and

**WHEREAS**, in addition, the legislation created an Alliance to Prevent Alcoholism and Drug Abuse, comprised of all the communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse by providing funds to member municipal communities to support appropriate county and municipal based alcohol and drug abuse education and public awareness activities.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2009 Alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$45,800.00, from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$11,450.00 which is assumed by CASA, and an in-kind match of \$34,350.00; and

**BE IT FURTHER RESOLVED** that the Municipal Alliance Chairperson and the Mayor or Township Administrator be and are hereby authorized to execute the proposed application.

Adopted: June 25, 2008

Agenda No. XI 5.  
~ Resolution No. 2008-256 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT**

**WHEREAS**, the Township of West Milford, County of Passaic, State of New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for funding in the amount of \$35,000 State share, with \$7,000 local share, for a total contract of \$42,000 for 2009 to carry out Comprehensive Recreation Programs for Individuals With Disabilities.

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

1. The submittal of the grant application to the Department of Community Affairs is hereby authorized.
2. The Township Council recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount and, therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, they hereby authorize the execution of any such grant agreement.
3. Upon receipt of the fully executed agreement from the Department, the Township Council authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the New Jersey Department of Community Affairs.

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**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Adopted: June 25, 2008

Agenda No. XI 6.

~ Resolution No. 2008-257 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2009**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$5,000.00 with a cash match of \$2,500.00 and an in-kind match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2009 and;

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

Adopted: June 25, 2008

Agenda No. XI 7.

~ Resolution No. 2008-258 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND SUNNY BLUE, LLC**

**WHEREAS**, the Planning Board of the Township of West Milford granted Sunny Blue, LLC a preliminary and final site plan approval with variances for premises consisting of 1.56 acres located in the "CC" - Community Commercial Zone and known as Block 5701, Lot 1; and

**WHEREAS**, the Resolution of approval was memorialized by the Planning Board on May 8, 2008; and

**WHEREAS**, Sunny Blue, LLC intends to proceed with the site plan in accordance with the Resolution of approval consistent with Township ordinances, rules and regulations; and

**WHEREAS**, in order to monitor, inspect and insure compliance and protect the general welfare of the residents of the Township, the Township of West Milford seeks to enter into a Developer's Agreement with Sunny Blue, LLC, a copy of said agreement being on file with the Township Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute a Developer's Agreement between the Township of West Milford and Sunny Blue, LLC.

**BE IT FURTHER RESOLVED** that the fully executed Developer's Agreement shall be recorded with the Passaic County Registrar's Office.

**BE IT FURTHER RESOLVED** that a copy of the fully executed Developer's Agreement shall be provided to the Township Engineer, Township Planner, Health Department and Planning Board.

Adopted: June 25, 2008

Agenda No. XI 8.

~ Resolution No. 2008-259 ~  
**NUMBER NOT USED**

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Agenda No. XI 9.  
~ Resolution No. 2008-261 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO INTEGRA REALTY RESOURCES FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE GALLMANN PROPERTY IN AN AMOUNT NOT TO EXCEED \$5,000.00**

**WHEREAS**, with the creation of a dedicated source of tax revenue (“Open Space Trust Fund”) for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

**WHEREAS**, as a result, the Township recently authorized the purchase of certain parcel of land for open space, designated as Block 5301, Lots 34 and 38 (Gallmann property); and

**WHEREAS**, with this potential acquisition, there is a need for real estate appraisal work to be performed; and

**WHEREAS**, the Township received a proposal from Integra Realty Resources dated June 15, 2008; and

**WHEREAS**, the Township wishes to award a contract without competitive bidding to Integra Realty Resources for the performance of real estate appraisal work associated with the property designated as Block 5301, Lots 34 and 38; and

**WHEREAS**, the total amount of the contract shall not exceed \$5,000.00; and

**WHEREAS**, funds are available for this purpose through the Open Space Trust Fund; and

**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

**WHEREAS**, Integra Realty Resources has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Integra Realty Resources from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Integra Realty Resources, with offices located at 110 S. Jefferson Road, 2<sup>nd</sup> Floor, Whippany, New Jersey, 07981, for real estate appraisal services associated with the property designated as Block 5301, Lots 34 and 38 in an amount not to exceed \$5,000.00 and in accordance with his proposal dated June 15, 2008.
2. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$5,000.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk.
5. Notice of this action shall be published once in the Township’s official newspaper as required by law.
6. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Integra Realty Resources, 110 S. Jefferson Road, 2<sup>nd</sup> Floor, Whippany, New Jersey, 07981, for their information and guidance.

Adopted: June 25, 2008

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

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Agenda No. XI 10.  
~ Resolution No. 2008-262 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ROBERT F. HEFFERNAN & ASSOCIATES FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE RANDOM WOODS PROPERTY IN AN AMOUNT NOT TO EXCEED \$4,500.00**

**WHEREAS**, with the creation of a dedicated source of tax revenue ("Open Space Trust Fund") for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

**WHEREAS**, as a result, the Township recently authorized the purchase of certain parcel of land for open space, designated as Block 8001, Lot 1 (Random Woods property); and

**WHEREAS**, with this potential acquisition, there is a need for real estate appraisal work to be performed; and

**WHEREAS**, the Township received a proposal from Robert F. Heffernan & Associates dated June 17, 2008; and

**WHEREAS**, the Township wishes to award a contract without competitive bidding to Integra Realty Resources for the performance of real estate appraisal work associated with the property designated as Block 8001, Lot 1 (Random Wood property); and

**WHEREAS**, the total amount of the contract shall not exceed \$4,500.00; and

**WHEREAS**, funds are available for this purpose through the Open Space Trust Fund; and

**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

**WHEREAS**, Robert F. Heffernan & Associates has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Integra Realty Resources from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Robert F. Heffernan & Associates, with offices located at P.O. Box 611, Oldwick, New Jersey, 08858, for real estate appraisal services associated with the property designated as Block 8001, Lot 1 in an amount not to exceed \$4,500.00 and in accordance with his proposal dated June 17, 2008.
2. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$4,500.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.
6. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Robert F. Heffernan & Associates, P.O. Box 611, Oldwick, New Jersey, 08858, for their information and guidance.

Adopted: June 25, 2008



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

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**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.

**SECTION 5.** 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 6.** 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.

**SECTION 7.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: June 25, 2008

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

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Discussion: Township Attorney Semrau asked that this be amended to remove the verbage "a portion." And also that reference to 98 acres be amend. He has been advised by Green Acres that the entire property is being secured.

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 9, 2008. Notice of this public hearing shall be published in the Herald News on or about June 29, 2008.

Discussion: Amend Ordinance Title

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

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

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Agenda No. XII

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

Councilman Schimmenti – reminded that July 3<sup>rd</sup> is the date for the Township celebration "Thunder in the Highlands" He will be parking cars and welcomes any volunteers. He is proud of how Random Woods is progressing and that it is well deserved.

Councilman Nolan – expressed that at the last Council meeting Councilman Scangarello asked to reach out to Freeholder Duffy to secure golf carts for Thunder in the Highlands. He has done this and stated that Interim Administrator Battaglia can call Tony DeNova and the carts will be available for use.

Councilwoman Lichtenberg – thanked Councilman Scangarello and his committee for the information on the facilities. She would like to move forward with opposition to Bill 1425.

Councilman Scangarello – reminded all that July 3 is the Thunder in the Highlands celebration. He commended Township Community Services and Recreation for getting the site up and running and the DPW employees who helped. He has received calls about a noise ordinance in the new code book. He stated an incident earlier in the day regarding a neighbor who was riding a quad with no muffler. Plicie officers were called and advised the resident that the Township does not have a noise ordinance and sent him to the Health Department. The police department needs a noise reader and asked that it be addressed.

Councilman Weisbecker – reported that he had toured the 3<sup>rd</sup> ward with Interim Township Administrator Battaglia and Township Engineer McFadden. He said that he will continue that into the 2<sup>nd</sup> ward. There was a question of maintaining fronting of roadways. He requested direction from Township Attorney

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Semrau. He explained that brush from private properties overgrow the roadway. Township Attorney Semrau explained that if there is an Ordinance in place, onus can be put back onto the property owner.

Mayor Bieri – thanked Councilman Scangarello for bringing a Noise Ordinance to the Council’s attention. Township Attorney Semrau will provide the model State Ordinance for consideration.

Interim Township Administrator and Township Clerk Battaglia – requested consensus for a manual check to mail which pays for the moving of new furniture into Town Hall. The furniture was acquired at no charge to the Township.

Township Attorney Semrau – stated that his report entailed reviewing the matters which are up for discussion during Executive Session. He gave an overview of each item.

Agenda No. XIII

Appointments and Resignations

MUA Alternate #1 – Term Expires 01/31/2013

- Scangarello Motion 2nd
Seureth Motion 2nd
Love Motion Councilman Schimmenti 2nd Councilman Scangarello
LoBianco Motion 2nd
Kirwin Motion 2nd
Rauth Motion 2nd

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

Agenda No. XIV

Executive Session

~ Resolution 2008- 260 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 25th day of June 2008, that:

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

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- ~~PBA & SOA~~
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - Labor Counsel matters
  - ~~West Milford & Mr. Teshkoyan — ADA Ramp~~
  - O'Shea v. Township of West Milford Docket # PAS-L-000825-08
  - Stelmach v. Township of West Milford Docket # PAS-L-4794-05
  - Wallisch & Hillcrest Properties
- (X) b. (8) Personnel matters.
  - Administrator Search & Interim Administrator
- ( ) 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 25, 2008

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

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Agenda No. XIV

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:59 p.m.

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

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Approved: September 3, 2008

Respectfully Submitted: Judy Manning, Part Time Secretary

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK