

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- (c) Each fire company within the Township may have auxiliary members to be appointed by the Mayor upon recommendation of the Fire Commissioner. Any applicant denied membership shall have the right to appeal pursuant to Subsection J.
(d) Auxiliary members shall receive no clothing allowance or L.O.S.A.P. and shall have no voting powers. Auxiliary members shall not be allowed to hold any offices within the Division of Fire Suppression except that members shall be permitted to hold a civil position if no other individual shows interest or is qualified to hold such office within such individual fire company.
(e) The status, administrative assignment and supervision of auxiliary members shall be under the control of the applicable fire company Chief.
(f) Auxiliary members will have no seniority and will have no line number in the Fire Suppression Division.
(g) Auxiliary members shall provide their respective volunteer fire company, to which they are assigned or appointed, assistance in the administrative functions and operations of the fire company.
(h) Any auxiliary member who wishes to move to active membership in the volunteer fire company must complete all requirements established by the applicable fire company bylaws and Township Code provisions.

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ordinances of the Township of West Milford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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

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

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

INTRODUCED: April 9, 2008

Ordinance was introduced on April 9, 2008 and the notice of public hearing was published in the Herald News on April 13, 2008. On May 7, 2008, The Council tabled action on this ordinance. The Council will open the meeting to the public to speak to this ordinance only.

Motion to close public portion of discussion.

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

Motion to move ordinance.

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

Discussion: Township Attorney Semrau stated that questions had been asked about insurance coverage for auxiliary members of the volunteer fire companies. He has contacted the Morris Joint Insurance Fund and they say that no endorsement is required. This Ordinance is to clarify any gray areas. Councilman Scangarello said that Fire Commissioner Steines and Mr. Paul Reilly requested that this Ordinance be moved and they are pleased with it.

Agenda No. IV 2

~ Ordinance 2008 - 031 ~

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

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

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

ARTICLE XIII Department of Planning and Building

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§ 15-71. Establishment; Head of Department; Composition.
There is hereby established a Department of Planning and Building, the head of which shall be the Land Use Administrator. The Department shall consist of the Land Use Administrator who shall serve as the department head, a Construction Official and Building Subcode Official who shall serve as the head of the Building Division and the appropriate subcode officials as deemed necessary by state statute, and such additional employees as authorized by the Township Council.

§ 15-72. Powers and duties.

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

§ 15-73. Powers and duties of Construction Official and other subcode officials.

- A. Subject to the administrative control of the Land Use Administrator, the Construction Official and the subcode officials shall perform such duties as outlined in the Uniform Construction Code Act and shall keep such records as may be necessary to properly comply with local and state law.
- B. The Construction Official and subcode official(s) shall assist in the enforcement of Chapter 500, Zoning, under the administrative direction of the Land Use Administrator.
- C. Building, occupancy and zoning permits are to be issued in accordance with the Uniform Construction Code and applicable local ordinance.
- D. Fire subcode official.
- (1) Duties of fire subcode official. The fire subcode official shall:
 - (a) Be responsible for the inspection of new buildings, alterations and additions to structures.
 - (b) The subcode official may be the Fire Official.

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

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

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SECTION 4. This Ordinance may be renumbered for purposes of codification.
SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: June 11, 2008

Mayor Bieri noted that this Ordinance was introduced on June 11, 2008 and the notice of public hearing was published in the Herald News on June 15, 2008. The Council will open the meeting to the public to speak on this issue only.

Andrew Gargano, Apsawa Crossroad – said that he feels that this Ordinance does not indicate what the position pays. He would like to know who appoints this person. He asked how many other towns have this position.

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

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

Mayor Bieri – explained that salary would be a separate Ordinance.

Township Attorney Semrau - said that this is a Department Head. This section provides for a Land Use Administrator in lieu of the Planner as a Department Head. He and Interim Administrator Battaglia met with an Administrator and Land Use Administrator from Montville Township and have researched an extensive number of other municipalities to compare Land Use Administrators. They have also met with the person who teaches this certified course.

Councilman Weisbecker - commented that the Council has received a second Ordinance regarding this and asked what changes were made in addition to Page. 2 B6. Interim Administrator Battaglia clarified that there are also changes within Section 15-7-3 D where a reference was removed.

Township Attorney Semrau – asked that the Council move to amend this Ordinance.

Motion to move

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

Motion to move

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

Agenda No. IV 3
~ Ordinance 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

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

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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 noted that this Ordinance was introduced on June 25, 2008 and is scheduled for public hearing tonight. The notice of public hearing was published in the Herald News on June 29, 2008. She opened the meeting to the public to speak on this issue only.

Ada Erik, Macopin Road – explained that she was present when this was introduced. Her recollection of what transpired at that time was that the Township was taking over part of Magnolia Road because of work being done on Warwick Tpk. The road has a steep incline and she is concerned with the condition of the remaining portion of Magnolia Road. She asked how tax dollars, being used for the Warwick Tpk. work, are going to be protected and not undermined.

Daniel Jurkovic, Seymour Drive – began speaking and was reminded by Mayor Bieri that discussion at this time was strictly for Magnolia Road.

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

Motion to close discussion and move.

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

Discussion:

Councilman Smolinski – expressed that he was not at the last meeting when the road assessment on Magnolia Road was being discussed. Township Clerk Battaglia reviewed the options that were discussed, and explained that the residents of Magnolia Road have been advised of their options.

Councilman Nolan - clarified that this Ordinance is because of the work being done on Warwick Tpk.

Councilman Weisbecker – said that he would like a workshop discussion of mandatory road takeover. He stated that when there is an emergency takeover, there are limited options to the residents. He would like to meet with all of the residents there. They could learn about the potential assessments.

Councilman Scangarello – said that he and Councilman Smolinski visited Magnolia Road and spent time speaking with residents. They know their options and have subsequently spoken to the Township Engineer as well as the Township Clerk.

Councilwoman Lichtenberg – expressed that she is sure that the Township Engineer is fully aware of the situation with Magnolia Road.

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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

Mayor Bieri noted that this Ordinance was introduced on June 25, 2008 and is scheduled for public hearing tonight. The Notice of Public Hearing was published in the Herald News on June 29, 2008. She opened the meeting to the public to speak on this issue only.

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

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

Discussion:

Councilman Smolinski – asked if this property qualifies West Milford for a tax rebate from Passaic County. He asked if the property qualifies as an Open Space purchase under the Highlands Act or if it would be a loss of revenue.

Township Attorney Semrau – explained that the Highlands Act gives a rebate. There is also a repayment for plan for Green Acres purchases. He will research the options and advise.

Councilman Nolan – commented that this piece of property abuts Eagle Ridge and is next to the Sheridan property. This purchase established a value for property in West Milford. The price for the property is very reasonable.

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ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 8001, LOT 1 (RANDOM WOODS PROPERTY) 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, DTAK West Milford, LLC, c/o DT Allen Contracting, has agreed to convey BLOCK 8001, LOT 1 consisting of 98 plus or minus acres of land to the Township in consideration of the payment of \$2,300,000.00; 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 8001, LOT 1 for open space purposes for the total sum of \$2,300,000.00, with a significant portion of said monies to be obtained from the **Passaic County Open Space Grant Program and/or Green Acres** 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 is to be filed 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

Mayor Bieri noted that this Ordinance was introduced on June 25, 2008 and the notice of public hearing was published in the Herald News on June 29, 2008. The Council will open the meeting to the public to speak on this issue only.

Andy Gargano, Apschawa Crossroad – stated that for anyone who was not at the June 25, 2008 workshop meeting, that this is a good project.

Daniel Jurkovic, Seymour Drive – commented that Councilman Smolinski has raised a good question regarding Open Space purchases. He said that this is a good purchase. However, the public should be apprised of how much money will be removed from the tax rolls on each property.

Motion to amend the ordinance.

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

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

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

Motion to move and close discussion.

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

Discussion:
Township Attorney Semrau – asked for an amendment because the second “Whereas” has incorrect acreage.

Agenda No. V

Public Comments

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

Wendy Watson Hallowell, 50 Linden Road – stated that she is representing Sustainable West Milford and thank the Council for advertising their pizza fundraiser this weekend. The sign has to be changed to 4:30. She first asked about an Ordinance to protect the Township local businesses and has not heard about any such Ordinance. She provided the Council with a sample Ordinance a few months earlier. She additionally spoke pertaining to energy conservation and efficiency. Thousands of dollars have been lost because of waiting to maintain/upgrade the Township facilities and now energy costs are rising. This winter will be tough. She is asking Council to take action on recommendations. It appears to be no cost and no effort. She said that with regards to the Wallisch property, in looking at articles in the press, last spring Sustainable West Milford presented a solution to the Council. She provided copies for the new Council members. Sustainable West Milford was asked to follow up with a proposal and second they were asked to meet with the Board of Education. That meeting has taken place, but she has not heard back from them. She has never received a formal response from the Council. The property continues to remain neglected and she is seeking a response to her organizations proposal.

Richard Ashley, 14 Orange Road – stated that he was a long time friend of the Wallisch family and knows what the family wished for. They envisioned a walkway along the stream, and they discussed football and soccer fields. He said that his family has life rights from the Wallisch family. He would like to work with Sustainable West Milford to develop the property to conform to the will. The property is being under utilized.

Bill Messmer, Goldfinch Lane, Hewitt – asked to speak regarding the Energy Committee and a proposal to launch a study into potential energy saving efforts for Town Hall. He has spoken to a professional engineer who has come forward to help, along with another engineer who are offering information at no cost to the Township. He has received recommendations over the last five years and they need to be followed up on. He feels that no study is needed but rather spend the money on insulating the building roof and outside walls, and replace the windows. The money would be better spent.

Miko Almaleh, 3 Cliffside Drive – asked for an update from the Council regarding the icing condition that the residents of Cliffside Drive endured last winter. They were told in February of 2008 that the Township would take over the road and fix it. He asked if this was going through, as promised.

Daniel Jurkovic, Seymour Drive – asked the Council to support the Assembly Bill A2888 relative to housing obligations. He reviewed the numbers required by COAH and asked that Council support the bill as well as urge the legislature to support this legislation.

Doris Aaronson, 19 Bearfort Road – started by saying that there is another option to COAH. She understands that Township Attorney Semrau and Mr. Geminario have had discussions about legally petitioning COAH to reduce the Townships 3rd round requirements because there is not sufficient land for all of that development. She asked if Township Attorney Semrau and Mr. Geminario had noted an additional reason to reduce COAH that would be drinking water supply. She also said that Mr. Semrau was asked to develop a Resolution to respond to the County taking over certain Township departments. She understands that the Council is to address this at an upcoming workshop and is suggesting that a Resolution be adopted that would pertain to this potential takeover and also suggested asking the County to adopt a similar Resolution, resulting in both the Township and the County conveying the same message to the State. She also commented that the town of Butler has had 8 police officers trained on a car fit program. This is a program designed to check if senior citizens fit in their cars. She was in an accident some months ago and suffered a concussion because of the air bag. She would like the Council or the Interim Administrator discuss with Chief Costello the possibility of sending one of our officers to such a course. The might be useful to the Townships Senior citizens.

Doris Osterhoudt, Richmond Road – spoke regarding consolidation of services and said that Senate bill 1455 if passed, is in committee and will be on every November ballot. This is a statewide bill. Every county will be given the option as to whether or not they wish to have certain services consolidated. She listed the offices that potentially could be affected. Taxpayers would have to go to county offices for services. Any related information would come from those County offices. There would no longer be a

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local office for these services. She asked that everyone in West Milford vote “no” on this bill. She thanked Councilwoman Lichtenberg for bringing this up last week. This is very important. Residents at Bald Eagle Commons have already started a petition. She said that Senator Bob Smith (D), and Kyrillos (R), both of Middlesex County, are proposing this. She advised residents that anyone who wishes to start a petition, please contact her. There is a NAFTA superhighway being proposed. It will be a 10-lane highway across Mexico, Canada and the United States. She feels that all Americans need to be aware of this. The West Milford High School Board is requesting open discussion on the School Board and the fate of Hillcrest and how this pertains to senior services.

Andrew Gargano, Apshawa Crossroad – asked anyone who did not attend the last Planning Board meeting to OPRA the recording. They discussed COAH options. The Township Planner has provided his assessments. Vacant land assessment was not mentioned. He will research that as part of his Highlands study. This will be coupled with the vacant land study. He commented that at the beginning of the meeting, during the pledge of allegiance, the children forced everyone to slow down, and that was great. We should take our time more often, especially when the flag is being addressed. He asked Mayor Bieri to comment about the spaying and neutering of pets. He feels that the Township should be proactive in reducing animal overpopulations. It is amazing that this Council has not addressed the energy inefficiency in Town Hall. The building does not have thermopane windows. He feels that when comparing cost vs. waste, it is to our benefit to implement the Energy Committees recommendations. He said that Siemens and Honeywell wanted to install things to save us money. The Township purchased SUV’s rather than more economical vehicles. He also touched on idling vehicles. He is very concern that the taxes in the Township are out of control and this Council needs to address spending which is also out of control. He asked that they come together and work on meaningful things for the Township.

Jim Foody, Hewitt – said that Mr. Gargano is correct about the Township purchasing SUV’s. Two Ford Focus’s can run on the same amount of fuel as one SUV. The Wallisch property is falling into disrepair and becoming a junkyard. He lives in the Lakeside Road area. Private roads are owned by Lakeside. They have done a lot of improvements in the past few weeks. Drainage is going into West Milford lakes. No permits were taken out. This should not be happening. He notified the Department of Environmental Protection. Belgian block curbing has been installed. Previously, two cars could pass on the road and now the road has been narrowed. He showed photos. Work was done by the Lakeside Road Improvement Corp. He feels that this road is not an improvement. What can he do with members of this community to have the Township take over the roads? This is a safety issue.

Peter Bremy, Macopin Road – spoke as a representative of NJ Search and Rescue Inc. Volunteers will be in the library on July 10 at 7pm presenting a program to residents. He invited all residents to attend. Many volunteers are West Milford residents. Four of the six dog handlers are West Milford residents. This enhances West Milford Police, Fire and Rescue services.

Don Weise, 81 Pinecliff Lake Drive – said that he was excited by the presentation from Sustainable West Milford. Their initiatives are exciting to see. He would like the Council to discuss the Wallisch property and the potential.

Ada Erik, Macopin Road – said that people should put their hands on their hearts when saying the Pledge of Allegiance. She said that Magnolia Road was deeded in 1962. She said that the Township needed SUV’s in the Township because many Township roads are inaccessible to various departments. Magnolia Road is in deplorable condition.

Ann Thornton, Union Valley Road – explained that she was in attendance to support Sustainable West Milford in their proposal for Wallisch Estates. She said that it is disturbing to see property becoming so dilapidated. It is in the best interest of the Municipality to protect it. She wants West Milford to set an example in preserving and utilizing land. This is an admirable organization.

Renee Alessio, Hillcrest Dr., Upper Greenwood Lake – said that she came before Council a couple of years earlier and asked to sign onto a climate agreement. This passed unanimously. Now, two years later she wants to see something done. Energy is not getting cheaper. She is proud to be a part of Sustainable West Milford. As a grassroots organization, they are doing quite a lot. She would like to see the government doing more. Energy costs are escalating. The Wallisch property is part of sustainability and energy. A community garden would be awesome. Residents must think about food sources.

Jim Novack, Larchmont Drive – said that many Council members went to the fireworks display at Thunder in the Highlands on July 3. He commented that the airport has cleaned up around their sign and the place is being spruced up. He also noted that the areas around Macopin Road and Maple Road are also being cleaned up. The Township is looking better. He suggested putting more pressure on community groups to adopt more portions of the Township roads. Regarding metal recycling, he would like to see metal recycling on the agenda. It is less than a year until the garbage and recycling contracts expire. He would like to establish a taskforce to research this. This will be a significant impact to taxpayers.

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James Warden, 199 Highcrest Drive – stated that earlier someone had commented that Random Woods would result in lost tax revenue. He asked how much would this have cost the Township if Random Woods had been developed. He commended the Council on their decision to purchase this. Common sense supports this purchase. He expressed that there is a big gorilla in the room, and it is the tax gorilla. There are ominous bodings due to loss of interest and high fuel costs. The Township is already under the gun for next year. He said that there are two struggles in town; the political struggle for Council majority and the struggle for average people to survive. The tax increases being proposed have houses that are assessed more than \$130,000.00. The increase will be more than \$80. The council never discusses the gorilla. The Council must agree to streamline operations. He says that you can blame the entity but you can only control the Township. When he sat on the Council with Bob Nolan, they tried to get the majority to make tough decisions. They tried to streamline the Planning Department, but at the time, everyone felt that the “sky would fall”. He implored the Council to agree to streamline all departments. He also encouraged everyone to offer more support to Sustainable West Milford.

Douglas Herdt, Terra Cotta Road, Hewitt – referred to an article in last week’s newspaper regarding hydro-electrical power and water turbines being used to generate power. He asked whether dam water can be used to generate electricity and if it should be looked at. He appealed to the Council to look into this as well as solar panels. He said that there are many ways to make this community sustainable and profitable as well as gaining community involvement. He said that everyone should look forward toward the next generations. Energy is vital and there is a lot available for free. He feels that West Milford should be made as “green” as possible. He suggested doing this in public buildings to set an example for residents. He said that High School students did a recycling drive and they have not been getting support from adults.

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

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

Agenda No. VI

Council Comments

Councilman Weisbecker – began by saying that he appreciates what Sustainable West Milford does for the Township. He remembers their Wallisch presentation. The School Board needs to participate and he is sorry that they won’t help. He commented that there have been nothing but problems with the Wallisch Estate since it was willed to West Milford. He asked Township Attorney Semrau to look into lifetime rights to anyone else. He commented that there was no delineation for use of that property. More information may improve dialogue with the Board of Education. He and Councilwoman Lichtenberg, Township Engineer McFadden, Director of Public Works Storms, and the former Township Administrator have all been to Cliffside Drive. Interim Administrator Battaglia said that there were discussions and their options were reviewed. Mr Byrnes, President of Lindy Lake Assoc. has been in touch with a number of offices in the Township to review options. At this time, it is her understanding that Mr. Byrnes was taking this to the property owners for further direction to proceed. Councilman Weisbecker said that he heard what the Planning Board Attorney said regarding COAH. He commented that Doris Aaronson had disappointed him earlier. The Township should use every means to protect the Township against COAH. There was a Resolution put forth two weeks ago. He asked if Township Attorney Semrau should be directed to draft a Resolution for the Township. Mr. Jurkovic presented factual information. We should work with all information. He asked for Council consensus to draft a mirror Resolution to Wayne Township’s for discussion at the next workshop. Mayor Bieri interjected by saying that both 1455 and 8288 are scheduled for the next workshop meeting. Councilman Nolan agreed and said to discuss it at the next workshop meeting and take action. It will still be in place before the next legislative session. Councilwoman Lichtenberg agreed that the sooner is better. Mayor Bieri stated that the Council has not ignored requests to have this discussed. He recomends getting a Resolution right rather than rush it. He would like to discuss this at the next workshop meeting. Councilman Scangarello said that nobody is going to object to this. It should be reviewed at the next workshop meeting. Councilman Weisbecker asked Township Attorney Semrau to draft a resolution. Councilman Weisbecker said that he empathizes with Mr. Foody. He told him to contact the Township Interim Administrator. The Department of Environmental Protection will react. He suggested that he goes to the Bistate Committee meetings. He thanked Peter Bremy for what he does. At the last meeting, the Energy Committee was discussed. Everyone is witness to ever increasing energy costs. Energy should become a standing committee to explore all possibilities. The Energy Committee was first focusing on the buildings. Honeywell came here to conduct a study. Police cars are large users of gasoline in West Milford. The Energy Committee has looked at many things. The previous Administrator did not accomplish his tasks. The Energy Committee still meets and it should be expanded and given more direction. The committee needs more members.

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Doris Aaronson, 19 Bearfort Road – asked for a point of order. Township Attorney Semrau explained that it was once a practice that a person could call a point of order when their name is mentioned. He reviewed the process. Ms. Aaronson asked the Council to consider prohibiting the use of Council comment time to demean volunteers for political purposes. She resents Councilman Weisbecker doing that. It is not appropriate use of Council time.

Councilman Smolinski – started out by saying that he welcomes all comments. Wallisch property seems to be a hot topic this evening. Recently he asked if the Wallisch property could be used for sports fields. There is a map before him tonight with multiple facilities. The burden is being put onto the Council. He said that this is not so. It is sitting idle and he finds this bewildering. He hopes something can be done to utilize that property. He said that it may appear that Council is being inactive about the Energy Committee recommendations. It is logical to proceed with this. He said that a new boiler was installed at Hillcrest and there was a significant realized fuel savings. He appreciates everyones input. As a Township he feels we must address COAH and we must be proactive. COAH is confusing and frightening. It is no good for West Milford. He thanked his fellow Council members for the acquisition of Random Woods. COAH will result in more taxes for West Milford.

Councilman Schimmenti – thanked Sustainable West Milford. He said that the State won't let us play with bog turtles. As a businessman, the economy is having a negative impact. He feels that he is carrying the gorilla alone. He reviews the Municipal budget as he does his check book. He said that we must all do our part. Council is trying their best. West Milford is gaining from the Random woods purchase.

Councilman Nolan – began by saying that Sustainable West Milford mentioned an Ordinance to protect local businesses. That fell into a black hole. It needs to be resurrected and he asked for another copy of the documents for a future meeting. It should go to the Planning Board. He commented that the Wallisch property is a nightmare because of joint ownership. The Council should give it to Sustainable West Milford. He has read in the newspaper that the School Board wants a joint meeting with the Council. He feels that nothing will be accomplished. Private roads have been talked about for some time. Consensus was that we must resurrect an assessment program and make it mandatory. The Township must get it moving. S1455 is on the agenda for the next workshop meeting. The Council may want to oppose it. No one wants increased taxes, but no one wants to give up home rule. Mr. Jurkovic mentioned a 98 unit obligation under COAH. Most of the units, West Milford already has. He complimented the Planning Board and the Planner for being proactive. The plan is due in December. Most of NJ municipalities are opposing 3rd round COAH obligations. It is the intention of the Council that if the League of Municipalities proceeds with a lawsuit, West Milford would participate.

Councilwoman Lichtenberg – suggested that the residents on Cliffside Drive speak with Dave Byrnes. The Lindy Lake Association met recently to discuss options. In the newspaper, she read that the Board of Education wishes an open meeting with the Council regarding Wallisch and Hillcrest. She has asked for such a meeting for some time. Residents are tired of hear say. She said that letters should be made public. She thanked Mr. Bremy for his volunteerism. She cannot attend the organizations presentation. She said that she has requested continually that the doors in the Municipal Building be replaced. The heat loss is tremendous.

Councilman Scangarello – said that there were ideas given for Wallish Estates at this meeting. With the Highlands Act, the estate cannot be developed. He said that a gentleman had gotten quotes from Mr. Townsend regarding assessments to homes. He said that Mr. Townsend rarely gives out information such as this over the telephone. He advised that he has formed a Facilities Assessment Committee. It incorporates many Energy Committee recommendations. They are looking to move forward with possibly revamping the Johner Building. It has a new roof, heating system, is ADA accessible etc. The Committee is looking to utilize the Townships assets. Regarding the Town Hall energy issues, he expressed that these are more difficult to tackle, but that there is an Energy Committee member on the Facilities Assessment Committee. There are also staff, an engineer, construction professionals and an ADA member. He stated that options for utilizing the Wallisch property were presented to the Mayor and Council two weeks prior and asked that the overturned truck on the property be looked in to. He commented that the township has purchased a Ford Focus and are looking to streamline. The Police Department, however, requires apparatus that will not fit into a smaller vehicle.

Mayor Bieri – expressed the the Council will be having a budget meeting next week. The Township is faced with a larger deficit than expected because of rising costs and lower interest rates. Some of the deficit could not be foreseen in January. The Township is currently earning low interest rates and she feels that this could be improved on. She stated that if Lakeland Bank does not want to offer better rates then the Township has the option of changing banks. She spoke regarding the Road Assessment program and energy efficient Township vehicles. She thanked Council Scangarello for his work in forming the Facilities Assessment Committee. The Township must look at the larger picture. The Ordinance to protect the local businesses will be considered at the Planning Board level and recommendations will be made to the Council. She said that there have been other priorities that have come before Council. The Wallisch property has been discussed in Executive Sessions and she is hopeful to begin to utilize buildings on the property. She commented that she would like to have a meeting with the Board of Education. She encouraged everyone to listen to the Planning Board about COAH and stated that the rules are complex. West Milford has agreed to join other towns to fight COAH.

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Township Attorney Semrau – stated that Sustainable West Milford has some unique ideas. Municipal Land Use Law allows for zoning for enumerated purposes. The proposed Protect Local Business Ordinance may not be supported in a court. From a zoning perspective, it may not be possible. He suggests that the Planner and the Attorney for the Planning Board come before Council to update COAH. He will send a memo regarding Random Woods.

Township Clerk Battaglia – spoke regarding the Townships spaying and neutering and admitted that the Township is deficient in not having acquired a current animal census. She has conveyed this deficiency as well as the financial deficiency to the Townships new Health Officer. Small steps will be taken in the upcoming year to begin the animal census. Regarding the Road Assessment program she said that the Council has expressed its desire to work with residents regarding their individual streets. The Road Assessment program is very expensive and during the budget process the Council has opted to not leave a down payment. The Township Auditor has also expressed concerns because of the bonding that the Road Assessment program would cause.

Agenda No. VII

New Business, Introduction or Ordinances, Resolutions

The following items were acted upon by the Town Council:

Agenda No. VII 1
~ Ordinance 2008 - 035 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 500 ENTITLED “ZONING”, ARTICLE IV, ENTITLED “COMMERCIAL DISTRICTS” AND IN PARTICULAR THE PERMITTED AND CONDITIONAL USE STANDARDS OF THE LAKE COMMERCIAL (LC) ZONE DISTRICT AND CERTAIN PROVISIONS OF THE REGULATIONS PERTAINING TO FENCES, WALLS AND SIGHT TRIANGLES AND CHAPTER 470, ARTICLE XI, ENTITLED “ZONING PERMITS” TO CLARIFY THE REQUIREMENTS FOR ISSUANCE OF SAID PERMITS

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

WHEREAS, the Township’s Planning Board has determined upon analysis and discussion that greater clarity is required with respect to the range of permitted and conditional uses within the Lake Commercial Zone District and has likewise determined that certain activities and operations are inappropriate proximate to the waters and environs of Greenwood Lake; and

WHEREAS, the Planning Board does further find it necessary and appropriate to modify the standards provided in §470-44 so as to clarify the point that fences, walls and sheds are considered structures and shall be subject to review and obligation to secure a Zoning Permit in accordance with the provisions of Article XI in Chapter 470 with concurrent modifications to §500-68 in Chapter 500 to reiterate and reinforce said findings; and

WHEREAS, the Township’s Planning Board does recommend to the Township Council of West Milford that the modifications and supplements described herein will advance the purposes of zoning as set forth in N.J.S. 40:55D-2 in promoting the public health, safety, morals, and general welfare and to provide in appropriate locations a variety of land use activities according to their respective environmental requirements, and will further the objectives of the West Milford Master Plan in general and its Land Use Element in particular; and

WHEREAS, the Township Council of the Township of West Milford does concur with the recommendations of the Planning Board with respect to such modifications to the various chapters of the Township’s Land Development Ordinance.

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

Section 1. Chapter 470, Article XI, §470-44 entitled “Zoning Permits”, subsection A (1) is hereby revised as follows:

1. No person shall commence the construction, reconstruction, alteration, conversion or installation of a structure or building, including but not limited to signs, fences, walls, and sheds without first obtaining a zoning permit.

Subsection A (2) through (5): No change.

Subsection B (1) through (3): No change.

A new subsection (4) shall read as follows:

- (4) The structure or use is in compliance with the standards set forth in Chapter 500, Article IX, §500-68, A through D, as applicable.

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Subsections C through E: No change.

Section 2. Chapter 500, Article IV, entitled "Commercial Districts" is amended and supplemented as follows:

i. §500-25 "Purpose" shall read:

C. The purpose of the LC District is to maximize the potential of Greenwood Lake with regard to both recreational and commercial opportunities and to protect the waters and environs of the lake from certain land use activities which are not consistent with such objectives.

ii. §500-26 "Principal permitted uses on the land and in the buildings", subsection C "Permitted uses in the LC Zone shall be as follows" shall read:

(1) Retail sale of goods and services including but not limited to craft and specialty shops such as art galleries, antique shops, bakery shops, book and stationery stores, delicatessens, craft stores, wearing apparel shops, florist shops and boating and specialty sporting goods stores in keeping with the commercial and recreation development permitted in the LC District. The permitted range of retail sale of goods and services shall not include car wash facilities, Laundromats, dry cleaners, body repair shops, service stations, and dealerships of automobiles, trucks or other on or off-road vehicles. Further, no retail sale of goods and services will be permitted which involves the use and/or storage of industrial, toxic, or hazardous materials or wastes. The approving authority may waive this restriction for piers, boathouses and marinas subject to review and approval of same pursuant to Article XI in Chapter 500.

(2) Restaurants, bars, taverns and nightclubs excluding drive-in business.

Subsections (3) and (4): No change.

(5) Active recreational facilities including but not limited to those activities and facilities oriented towards health and physical fitness such as tennis or racquetball facilities and health clubs.

(6) Marinas which may include boat sales, dealerships and the sale of related sporting goods, as well as ancillary uses such as restaurants, taverns and boat repair facilities in accordance with the standards set forth in Article XI of this Chapter.

Subsections (7) through (9): No change.

iii. §500-35 "Conditional uses", subsection C "Conditional uses in the LC Zone shall be as follows" shall read:

C. Conditional uses in the LC Zone shall be as follows:

Subsections (1) through (3): No change.

(4) Outdoor storage of boats and boat trailers as principal and accessory uses in accordance with §500-103 of this Chapter.

(5) Boat storage buildings and boat trailer storage as principal and accessory uses in accordance with §500-104 of this Chapter

Section 3. Chapter 500, Article IX, entitled "General Provisions and Design Standards", §500-68 "Fences, walls and sight triangles" is revised to read as follows:

A. A Zoning Permit pursuant to §470-44 of Chapter 470 shall be required prior to the installation of any fence or wall unless said fence or wall is part of an approved site plan or subdivision. For any fence or wall proposed for a corner lot and/or at a location within one hundred (100) feet from the intersection of centerlines of intersecting streets no Zoning Permit shall be issued without authorization by the Township Engineer that the structure in question does not create an obstruction within the sight triangle. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms or where necessary for the keeping of farm animals as provided in §500-90 and except further that fences permitted for commercial and industrial uses may be topped by a bared wire barrier. Moreover, notwithstanding any other provisions of this section, retaining walls may be constructed as approved by the Construction Code Official upon submission of a request for approval to the administrative officer. Any township review of the submitted request shall consider the safety and aesthetic aspects of the proposed retaining wall.

Subsections B through D: No change.

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

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

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

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

Introduced: July 8, 2008

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing will be held on August 6, 2008. Notice of this public hearing shall be published in the Herald News on or about July 13, 2008.

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

Agenda No. VII 2
~ Ordinance 2008 - 036~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 135 ENTITLED "FEES AND COSTS", SECTION §135-7 FINANCE

BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that Chapter 135 of the West Milford Township Municipal Code, entitled "Fees, and Costs" is hereby amended as follows:

- Section 1. §135-7 Finance
Section 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.
Section 3. If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.
Section 4. This Ordinance shall take effect immediately upon final publication as provided by law.

Introduced: July 9, 2008

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing for this ordinance is set for the Regular Meeting scheduled for August 6, 2008. Notice of the public hearing shall be published in the Herald News on or about July 13, 2008.

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

Agenda No. VII 3
~ Ordinance 2008-037~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, SUBDIVISION OF LAND AND SITE PLAN REVIEW, ARTICLE XIII, AFFORDABLE HOUSING, TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING WEST MILFORD TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

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

- SECTION 1. Chapter 470, Subdivision of Land and Site Plan Review, Article XIII, Affordable Housing, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Section 470-69.1, Municipal Housing Liaison, to read as follows:
§470-69.1. Purpose.
§470-69.2. Definitions.
MUNICIPAL HOUSING LIAISON - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for West Milford Township.
ADMINISTRATIVE AGENT - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for West Milford Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

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§470-69.3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for West Milford Township.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for West Milford Township, including the following responsibilities which may not be contracted out:
 - (1) Serving as West Milford Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in West Milford Township's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in West Milford Township as described in F. below.
- D. Subject to approval by COAH, West Milford Township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of West Milford Township. If West Milford Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
 - (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of West Milford Township and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of West Milford Township when referring households for certification to affordable units.
 - (3) Affordability Controls
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO KELLER & KIRKPATRICK FOR ENGINEERING FOR THE BUBBLING SPRINGS PARK IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$53,050

WHEREAS, the Township of West Milford's requested proposals for engineering services for the Bubbling Springs Park Improvement Project; and

WHEREAS, the Township Interim Administrator has recommended that Keller & Kirkpatrick, Inc. be retained to perform this work in accordance with their proposal for same; 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, Keller & Kirkpatrick, Inc. 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 Keller & Kirkpatrick, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the total amount of the contract shall not exceed \$53,050; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number C-04-04-942-371

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute a contract with Keller & Kirkpatrick, Inc. for Engineering Services for The Bubbling Springs Park Improvement Project in an amount not to exceed \$53,050.00.
2. This contract is awarded without competitive bidding as "Professional Services" in accordance with the provisions of the local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$53,050.00 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: July 9, 2008

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

Agenda No. VII 5
~ Resolution 2008-265~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING BIDS EXCEEDING APPROPRIATIONS FOR AN AMBULANCE AND AUTHORIZING THE TOWNSHIP'S INTERIM ADMINISTRATOR TO NEGOTIATE A CONTRACT FOR SAME

WHEREAS, this proposed purchase, originally bid on January 23, 2008 was rejected because the bids received were above the funds appropriated for same; and

WHEREAS, the Township of West Milford re-advertised for the receipt of sealed competitive bids to be received on April 23, 2008 at 10:00 a.m. for one 2008 Ford F450 Diesel, Type I, Class II, 4X4 Ambulance or equal; and

WHEREAS, the Township received two (2) bid which were again over the appropriated amounts before a trade-in.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the bids received on April 23, 2008 at 10:00 A.M. for one 2008 Ford F450 Diesel, Type I, Class II, 4X4 Ambulance or equal are hereby rejected because they exceed appropriations; and

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WHEREAS, N.J.S.A. 40A-11-5 provides that if a bid has been advertised on two occasions and rejected both times as being unreasonable as to price, the contracting agent shall notify each responsible bidder on the second occasion, of its intention to negotiate a contract.

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford hereby authorizes and directs the Township Interim-Administrator to negotiate a contract for the purchase of one 2008 Ford F450 Diesel, Type I, Class II, 4X4 Ambulance or equal according to the statutory requirements of N.J.S.A. 40A:11-5(3) (i)(ii)(iii).

Adopted: July 9, 2008

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

Discussion: Councilman Nolan asked Interim Administrator Battaglia to get prices for rear wheel drive vehicles vs. 4-Wheel drive. Councilman Smolinski commented that rear wheel may not ultimately result in any cost savings.

Agenda No. VII 6
~ Resolution 2008-266~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY rejecting bids for THE REHABILITATION OF THE WESTBROOK TENNIS
COURTS AND AUTHORIZING RE-BID OF SAME**

WHEREAS, the Township of West Milford solicited bids on May 23, 2008 at 10:15 a.m. for the Rehabilitation of Westbrook Tennis Courts; and

WHEREAS, in response to the "Notice to Bidders" the Township received three (3) bids; and

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

WHEREAS, the bids exceed the amount of funding appropriated for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bids received on May 23, 2008 for the Rehabilitation of Westbrook Tennis Courts are hereby rejected for the reason stated above.

BE IT FURTHER RESOLVED that the Interim Township Administrator be and is hereby authorized to rebid for this project.

Adopted: July 9, 2008

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

Agenda No. VII 7
~ Resolution 2008-267~

**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 GSM ARCHITECTURAL SERVICES, LLC FOR ARCHITECT
SERVICES ASSOCIATED WITH THE JOHNER BUILDING IN AN AMOUNT NOT TO EXCEED \$21,196**

WHEREAS, the Township Council did establish a Facilities Assessment Committee to review and make recommendations pertaining to municipally owned facilities; and

WHEREAS, the Facilities Assessment Committee has recommended that the Township Council consider utilizing the Johner Building on Edgar Drive to improve delivery of municipal services; and

WHEREAS, the Township has received four proposals from architectural firms to conduct a study of the Johner building; and

WHEREAS, the Township Interim Administrator has recommended that GSM Architectural Services, LLC be retained to perform this work in accordance with their proposal for same; and

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GEORGE INDUSTRIES INC.
 t/a South Shore Grill
 1555 Greenwood Lake Turnpike
 West Milford, NJ 07480
 1615-33-024-012

Adopted: July 9, 2008

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

Agenda No. VII 9
 ~ Resolution 2008-269~

**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, application has been made by a business owner for an Amusement Game and Pool Table 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 – 15	Jose Nuesi	JJC Transportation Inc. 125 Continental Road West Milford, NJ 07480
2008 – 16	Jose Nuesi	JJC Transportation Inc. 125 Continental Road West Milford, NJ 07480

Amusement Game License No.	Applicant Name	T/A - Address
2008 – 12	Raymond Taylor	Pioneer Bar & Grill 350 Warwick Tpk. Hewitt, NJ 07421
Pool Table License No.	Applicant Name	T/A - Address
2008 – 9	Raymond Taylor	Pioneer Bar & Grill 350 Warwick Tpk. Hewitt, NJ 07421

Adopted: July 9, 2008

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

Agenda No. VII 10
 ~ Resolution 2008-277~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
 JERSEY SUPPORTING THE OVER THE LIMIT UNDER ARREST 2008 CRACKDOWN**

WHEREAS, impaired drivers on our nations roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2008 Impaired Driving Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 15 – September 1, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of West Milford declares it's support for the Over the Limit Under Arrest 2008 Crackdown from August 15 – September 1, 2008 and pledges to increase awareness of the dangers of disregard of signs and traffic devices.

Adopted: July 9, 2008

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

Agenda No. VIII

Consent Agenda

~ Resolution 2008-270~

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

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

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

Resolutions:

- a. **Resolution 2008-271** – Refund Other Liens
- b. **Resolution 2008-272** – Refund Recreation Fees
- c. **Resolution 2008-273** – Refund Police Trust Funds
- d. **Resolution 2008-274** – Reinstate Taxes
- e. **Resolution 2008-278** – Refund Limousine License Fees

Applications:

- (a) **Application for Off Premise 50/50 Raffle – West Milford Midget Football Association** for August 29, 2008; November 30, 2008; December 3-6, 2008
- (b) **Application for Off Premise Draw – West Milford Midget Football Association** for December 6, 2008
 - a. **Application for Special Permits for Social Affair – Apsawa Fire Company** for August 9, 2008.
 - b. **Application for On Premise 50/50 Raffle – Apsawa Volunteer Fire Company** for August 9, 2008

Adopted: July 9, 2008

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

The following resolutions were included in the consent agenda:

Agenda No. VIII (a)
~ Resolution 2008- 271~

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

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

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

Certificate No.	Certificate Date	Block / Lot / Qual	Reimbursement Amt	Pay the Lien Holder
07-066	04/03/2007	10803 / 001	\$11,319.60	PAM Investors C/O Patrick Carabellese 127 South Washington Avenue Bergenfield, NJ 07621
08-037	04/08/2008	02605 / 019	\$5,180.02	Edison Tax Service LLC 1350 Liberty Avenue Hillside, NJ 07205
08-059	04/08/2008	05701 / 003	\$56,243.85	Edison tax Service LLC 1350 Liberty Avenue Hillside, NJ 07205
08-060	04/08/2008	05701 / 004	\$66,844.37	Plymouth Park Tax Service LLC P.O. Box 2288 Morristown, NJ 07962
08-062	04/08/2008	06002 / 046 / CELL	\$6,049.11	Robert Rothman 411 Grand Avenue Englewood, NJ 07631
08-082	04/08/2008	09901 / 009 / CELL	\$1,505.96	Crusader Lien Services 179 Washington Lane Jenkintown, PA 19046
08-101	04/08/2008	12801 / 001	\$24,350.34	Crusader Lien Services 179 Washington Lane Jenkinton, PA 19046
GRAND TOTAL			\$171,493.25	

Adopted: July 9, 2008

Agenda No. VIII (b)
 ~ Resolution 2008-272~

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

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

Name & Address	Reason	Amount Refunded
Cynthia Lippe 240 Highcrest Drive West Milford, NJ 07480	Refund of enrollment for cancellation of May Little Chef's class	\$40.00
Tracey Strace 492 Lakeshore Drive Hewitt, NJ 07421	Refund of enrollment for cancellation of May Little Chef's class	\$40.00
Brett Hanson 566 Ridge Road West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$65.00
Carol Kubelle 65 Mt. Circle North West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$955.00
Michele Ellis 102 Wesley Drive West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$1,730.00
Sylvia Carnes 171 Gould Road Newfoundland, NJ 07435	Refund of enrollment in Bubbling Springs Day Camp	\$40.00
Joyce Leinberger 125 Kitchell Lake Drive West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$40.00
Marion Wyatt 20 Second Avenue West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$126.25
Elayne Liggieri 33 Frederick Drive West Milford, NJ 07480	Refund of enrollment in Bubbling Springs Day Camp	\$404.75
Deborah Malatak	Refund of enrollment for Sports	\$80.00

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Name & Address	Reason	Amount Refunded
124 Vreeland Road West Milford, NJ 07480	Squirts Camp	
Siti Chamalian 990 Union Valley Road West Milford, NJ 07480	Refund of enrollment for Multi-sport Camp	\$20.00
Lisa Gonzalez 43 Schofield Road West Milford, NJ 07480	Refund of enrollment for Bubbling Springs Day Camp	\$375.00

Adopted: July 9, 2008

Agenda No. VIII (c)
 ~ Resolution 2008-273~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE TRUST ACCOUNT MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Police Chief, the following Police Trust Account monies be refunded:

Name & Address	Trust Account No.	Amount Refunded
North Star Building Associates, Inc. 54 Cliff Road West Milford, NJ 07480	T-15-56-850-008	\$57.93

Adopted: July 9, 2008

Agenda No. VIII (d)
 ~ Resolution 2008-274~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS 2. DELETED IN ERROR

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON #
811-14	William Blagoja Markoski	\$1,555.00	2007	1
407-4	A. & S. Carpentry Corp.	\$1,936.64	2007	2
811-2	Wayside, LLC NJ LLC	\$353.60	2007	2
1605-1.03	Fisher, Helen	\$2,165.12	2007	2
1608-5	Ronzo, Julius & Constance	\$201.28	2007	2
1611-8	Halliwell, James & Daphine	\$625.60	2007	2
1701-63	Friedman, S.	\$380.80	2007	2
1808-11	Sheahan, Joseph	\$1,496.00	2007	2
1814-10	Mickiewicz, Richard	\$1,229.44	2007	2
2005-7	Andragna, Jacobe	\$233.92	2007	2
2012-12	Roland, Ted Jr.	\$1,229.44	2007	2
2101-4.03	Weber, Eugene & Arlene	\$2,273.92	2007	2
3503-31	Esposito, Bessie	\$2,556.80	2007	2
3605-10	Colianni, Joseph & Elaine	\$1,800.64	2007	2
5603-2.01	Lobosco, Joseph	\$467.84	2007	2
5603-2.02	Lobosco, Joseph	\$467.84	2007	2
6902-7	Wood, Richard Jr.	\$1,942.08	2007	2
10301-15	Anderson, Jon B. & Charlotte	\$767.04	2007	2
11601-7.03	Barberia, Anthony & Albarelli, Sr.	\$875.84	2007	2
11601-8	Meyer, Vincent F. Jr.	\$696.32	2007	2
TOTAL		\$23,255.16		

Adopted: July 9, 2008

Agenda No. VIII (e)
 ~ Resolution 2008-278~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF TAXI/LIMOUSINE OWNER LICENSE FEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report of the Township Clerk, the following Taxi/Limousine Owner License fees be refunded:

Name & Address	License Nos.	Amount Refunded
Jose Nuesi JJC Transportation Inc. 125 Continental Road West Milford, NJ 07480	3 vehicles not licensed	\$150.00

Adopted: July 9, 2008

Agenda No. IX

Approval of Expenditures

~ Resolution 2008-275~

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.	\$370,677.98
2	Reserve Account	183.75
3	Animal Control Trust	605.00
6	Capital.	192,224.37
7	Grants.	4,958.95
8	Refuse.	18,438.50
9	Refunds.	172,024.25
12	General Ledger.	
16	Heritage Trust.	557.29
14	Open Space Trust	
17	Trust	1,533.37
18	Development Escrow.	3,449.50
19	LOSAP	
20	Special Reserve	
	Total	\$764,652.96
	Less Refund Resolution	(172,024.25)
	Actual Bill List	\$592,628.71
	Other Payments	299.11
	Less Refund Resolution	
	Total Expenditures	\$592,927.82

Approved: July 9, 2008
 Motion to amend payment of bills by removing Glatt invoice.

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

Motion to move.

Moved: Weisbecker Seconded: Scangarello

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

Discussion: Councilwoman Lichtenberg questioned the Dewberry Goodkind bills on Page 4 and Mt. Laurel Park. Ms Battaglia stated that after research, there was no reason to not pay the bills. Councilman Nolan asked regarding Page 7 and a payment to Stephen Glatt for \$850.00. According to the contract, the amount should be \$800.00. Mr. Nolan clarified that under NJ Municipal Employees Benefits payments that there have been reimbursements to retired employees which he feels is becoming unaffordable. He feels that the Council needs to address this as part of the budget process and that the Zoning Board should review their bills.

Agenda No. 1X

Approval of Expenditures

**~ Resolution 2008-275~
 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.	\$370,677.98
2	Reserve Account	183.75
3	Animal Control Trust	605.00
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7	Grants.	4,958.95
8	Refuse.	18,438.50
9	Refunds.	172,024.25
12	General Ledger.	
16	Heritage Trust.	557.29
14	Open Space Trust	
17	Trust	1,533.37
18	Development Escrow.	3,449.50
19	LOSAP	
20	Special Reserve	
	Total	\$764,652.96
	Less Refund Resolution	(172,024.25)
	Actual Bill List	\$592,628.71
	Other Payments	299.11
	Less Refund Resolution	
	Total Expenditures	\$592,927.82

Approved: July 9, 2008

Motion to amend resolution to remove Glatt invoice.

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

Motion to move resolution.

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

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Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Nolan – reported on the County Open Space dollars. In 2003 awarded \$150,000 for the rehab of Mt. Laurel. He said that to his knowledge, no bills have been submitted for reimbursement. In 2005, the Township was awarded \$255,000 to reconstruct the tennis courts on Nonsenzo Pond Rd. In 2006, awarded \$75,000 for the Bubbling Springs engineering study, with a \$53,000 contract being awarded this evening. Westbrook rehab was awarded funds in 2007. He has spoken with Kathleen Caren about these funds. She recommended that a letter be sent to her and John Pogorelec, County Counsel to ask for a time extension and to give a progress report. The County will replace over 1.55 miles of county roads in West Milford this year. The reconstruction of Greenwood Lake Tpke. is costing over \$9 million. Mr. Nolan commented that at the last Council meeting, they had received a memo from Township Finance Director Magnotti regarding fuel appropriations. He expressed that electricity costs will also increase. This couples with State Aid being cut to the Township. There is a \$482,000 gap in the budget. The stock market and the real estate markets have dropped and jobs are being lost. West Milford's government is becoming unaffordable to the common homeowner. The Township cannot continue high raises without contributions from the employees. If the problem is not addressed it will only have a greater impact for 2009. There is already a minimum of \$90.00 tax increase next year without consideration to other cost increases. Garbage and recycling contracts come due in 2009. The township must review the contracts and must plan now. Asphalt prices will also be affected. The Township did not purchase new fire apparatus this year. He said that he is awaiting the new study. He predicts that state aid will remain flat next year. He has attended a Planning Board meeting. West Milford should have a COAH plan in place by years end. He said that it was good to see the Planning Board and Consultant being proactive. He thanked the Planning Board for reviewing invoices. There will be no attorney nor engineer bill from that meeting as they did not attend.

Councilwoman Lichtenberg – stated that she has received a copy of a Ringwood Resolution opposing revenue for Open Space unless money is used for the lands in the Highlands area. She would like this put on the agenda for the Workshop Meeting. She thanked Ada Erik for the beautiful rose garden in memory of Al Pecci and for cleaning behind the Veterans pond and Memorial park. She reminded everyone that the Pizza Olympics are from 2:30-4:30 on Sunday. She noted that the first Concert in the Park is being held on Tuesday, July 15, at 7:15pm. The concession stand will be open. She asked all property owners to display their house numbers as required by the Ordinance. One of her suggestions is to have a farmers market in West Milford. She reminded everyone that she is in Town Hall on Thursdays, so that the public can express any concerns, or ask questions that they may have.

Councilman Scangarello – said that he is glad to know that Passaic County is paving a high percentage of their roads in West Milford and said that the Township does have a number of county roads. He commented that the intersection of Greenwood Lake Turnpike and East Shore Drive was recently being landscaped. He has contacted Mr. Aiello and Mr. Battinelli and said that they are about to resume working on the project. He stated that July 3rd, Thunder in the Highlands, was a huge success. He thanked all of the volunteers and thanked the spectators for their patience. He thanked the women from the Administrators office for volunteering their services as well as the DPW, Dept of Community Services and Recreation, Police, Fire Department, Ambulance Squad and Marshall Hill School for donating materials. He thanked Freeholder Duffy and Tony DeNova for their use of the golf carts. He expressed that the Facilities Assessment committee is moving forward and are reviewing many options. They have found another facility owned by the Township. With these improvements comes need for furniture, etc. This can cost thousands of dollars. He expects a large contribution through a friend and would like a letter from the Township when the furniture has been picked up. He spoke regarding the Ridge Road construction and said that access appears too narrow at the Red Barn intersection. He commented that in Wayne there is a COAH meeting this evening and he hoped that there was a representative from West Milford in attendance.

Councilman Weisbecker – began by reporting that he had toured the Hewitt section of the municipality with the Township Clerk and Township Engineer. They will be going out again. He asked to schedule discussion regarding intersections at a future Workshop Meeting. He has spoken with the County Engineer regarding Greenwood Lake Tpke. and the 25mph speed limit will be removed at the end of the month. Until then he said to adhere to that speed limit. There are still some minor items that need to be completed.

Councilman Smolinski – said that he wishes to withdraw the proposal that he has given to Township Clerk Battaglia regarding the roller hockey rink. The West Milford Bears wish to use the ice hockey rink and rejuvenate the program. He has met with them and they would like to keep the equipment in town. Mark Crevina and Mike Latronica are committed to this program and to the kids. They need a permanent home to set the equipment up. He asked the Council to consider a permanent site for them. Warwick wishes to utilize the rink until West Milford is ready to set up. Mayor Bieri asked if the Parks and Recreation was asked about this proposal before coming before Council. Councilman Smolinski said that he did not know the answer. The program ceased progressing and he isn't certain that ice hockey was aware of this. Councilwoman Lichtenberg commented that the program had failed in the past because West Milford did

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not have a permanent location. Mayor Bieri stated that in the future, before considering the sale of any Township assets to assess the needs and uses of and within the Township first.

Councilman Schimmenti – thanked Bill Remia for all of his work on the Thunder in the Highlands event. He arranged to park 1462 cars this year. Feedback was very positive.

Mayor Bieri – said that the upcoming weekend will be a busy one in West Milford. Wine in the Woods is conducting a Chili Contest, there will be Family Fun Night at Bubbling Springs as well as the Pizza Contest. She said that on June 26, 2008 the Township had a huge victory at the last Highlands Council meeting. The council has revised the mapping to exclude lands in the Highlands preservation area. Another meeting is tomorrow for final opportunity to resolve outstanding issues before the master plan is adopted.

Township Attorney Fred Semrau - said that he had a request for an amendment to the Wastewater Management Plan from Browns Point. The last letter is a report from the Engineer from the Planning Board. He will forward all information to the Mayor and Council and asked that this be scheduled for the next meeting.

Interim Administrator Battaglia – expressed that she wished to echo the sentiments of Councilmen Scangarello and Schimmenti regarding Thunder in the Highlands. It was very nice. She requested Council consent to send a letter to the County regarding the Corridor Enhancement Program. The county has not yet set process and she would like to use the money for the Streetscape Program. She stated that she is seeking to establish a Committee to interview for the position of Land Use Administrator. She hopes for the interviews to begin in early August. Councilmen Scangarello, Schimmenti and Nolan along with Mayor Bieri volunteered for the committee. Ms. Battaglia said that there will be a budget meeting held on Wednesday, July 16th. She also stated that she had received a note from Passaic County apologizing for the delay in advising them, but that there is a kickoff meeting for the Community Development Block Grant Program. The meeting is July 14th at 5pm. She is seeking for the Council to address what West Milford would be looking for with this program. Councilman Weisbecker said that he will attend the meeting. Ms. Battaglia informed the Mayor and Council that she will be on vacation from July 20, 2008 through to the end of the month.

Agenda No. XI

Appointments and Resignations

None.

Agenda No. XII

~ Resolution 2008-276~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 11th day of June, 2008, that:

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: July 9, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 28 of 28

Adopted: July 9, 2008

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

The Council went into Executive Session at 10:57 p.m.

The Council reconvened in public session at 11:38 p.m. with all present as before.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:38 p.m.

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

Approved: September 24, 2008

Respectfully Submitted:
Judy Manning, Part Time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK