
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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that the Director recently resigned. He also obtained a copy of the most recent audit. Mr. Cuva from the MUA's auditing firm addressed Councilman Nolan's questions about the audit. Councilman Nolan asked why operating revenues decreased and Mr. Cuva advised that delinquent customers were brought current in 2008 which resulted in one-time revenue of \$60,000. Operating expenses increased by 12% primarily due to repairs at MUA facilities. He also advised that in the past year electric costs have been soaring causing that line item to be over-expended. This, he advised, is allowed in Authority budgets. The deficit in 2008 will be absorbed by surplus and rates were recently adjusted to meet expenses. In response to Councilman Nolan, Mr. Cuva advised that the MUA is required to maintain certain levels of accessible funding to comply with bond laws thus there is \$2 million in bank accounts. A public hearing was held and advertised regarding the increased rates which became effective on May 1, 2009. Chairman Scangarello advised that the increase was 3.5% and he advised that it is possible that notices were sent out with bills. Mr. Cuva reviewed the audit conclusions which outline deficiencies and a recommendation that those deficiencies be corrected. He opined that a staff of two in the office should be sufficient to handle the workload and the work should be segregated accordingly. He stated that the MUA operates with internal controls on expenditures and are currently instilling internal controls on revenue. Additionally, the MUA is addressing prior failure by the payroll provider to file timely payroll taxes. He is satisfied with the steps being taken to address the comments in the audit.

Councilman Nolan stated that the Council received copies of correspondence from Senator Pennachio and Assemblymen DeCroce and Webber referencing upgrades and various MUA projects. In that letter, these elected officials make reference to the Mayor and Council stating that the Township is requesting funding. Neither the Chairman of the MUA nor the MUA professionals knew why the governing body was referenced in that letter and they were unaware where the Senator and Assemblymen obtained that information. Robert Beinfeld, Esq., bond counsel to the MUA, explained the bonding process and stated that there will not be prospectus. Rather, these bonds will be floated through a pool which is overseen by the State as it is a State issue. The Township has no obligation with regard to this bond.

Chairman Scangarello confirmed that the MUA has placed their attorney on notice but he is still employed by the MUA. The MUA is actively seeking a new director and new legal counsel. They are also researching the practicality of hiring other professionals to take over operations. He asked the MUA Engineer, Dennis Karakos, to address Councilman Nolan's queries about the Awosting project. Mr. Karakos advised that the MUA is bonding to upgrade the Awosting treatment plant, to do additional work at the Bald Eagle plant and to purchase a new sludge hauling truck. The work at Awosting will bring the plant into compliance and the work at Bald Eagle will bring that project to completion. All other MUA plants are currently in compliance. Councilman Nolan asked for more information about the 3.5% increase. Chairman Scangarello advised that initially the board members opposed the notion of the increase but they learned that the MUA must generate revenues in excess of 10% of their overall debt service. That left the Board with no choice but to approve the increase. He stated that the members of the MUA Board are fiscally responsible while cognizant of the need to adhere to the law. They continue to review means to save the ratepayers money. The MUA is currently under contract with D2L who operates the plants. Having scrutinized the bills and doing research, the Board is looking at hiring a different company to handle these operations at a lesser cost while improving service. He explained licensing requirements for operating a plant and the liability incurred by the operators. He stated that the MUA recently negotiated a new contract with the Passaic Valley Sewerage Commission and one with the Wanaque Valley Regional Sewerage Authority which cut costs by 50%. The bond money has been obtained through federal stimulus initiatives where 50% of the projects will be fully funded, there is a low interest loan of 1% on 25% of the funding and the remaining 25% will be funded at market rates. The MUA will lock in the market rate and bond at a fixed rate. It will be reflected as contributed capital in the audit. Chairman Scangarello stated that because of the past history between the MUA and former Township Councils the Board responded promptly to the Council's request and he urged Council members to attend meetings or call him directly with any questions or comments. He stated that the MUA has scrutinized back-charges from D2L and recognizes that savings can be realized in the future. D2L or any company operating the MUA plants should be responsible for any penalties levied by the DEP. The MUA Board has implemented two meetings per month because they recognize the need for a workshop meeting and a regular meeting. In the future, hydrant flushing will be done during the day to be more effective and hydrant repairs will be considered a priority. RFP's will be sought when services are required and they have instituted shared service agreements to realize savings. They provide water free to the Township and have installed locking mechanisms on fire hydrants. Every board member has toured the plants and water facilities. The Board has given the Greenwood Lake animal hospital a needed extension and the new sludge truck will be purchased with grant monies. They are assuming a proactive approach to problems and have implemented internal controls for employees. He has met with the Township Administrator to discuss possible shared services with the Township. Employees have been instructed to be proactive in addressing customer complaints and they will take measures to improve maintenance and repairs at the plants while improving the appearance of these facilities. The Board plans to hire an Administrator rather than a Director. In response to Councilman Nolan, Mr.

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Karakos advised that he expects work on the Awosting plant to be completed by March 2011. The Council thanked the Board and MUA professionals for attending tonight's meeting.

Agenda No. III

Executive Session

**~ Resolution No. 2009-273 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 22nd day of July 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Potential Property Acquisitions – Block 7903, Lots 13, Union Valley Road
 - () 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.
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: July 22, 2009

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

Mayor Bieri advised that Douglas Ott and Gillian Hempstead, members of the Library Board, will be present in executive session with the Council.

The Council convened in executive session at 8:18 p.m.
The Council returned to the public meeting at 9:20 p.m. with all present as before.

Agenda No. IV

Proclamations
None.

Agenda No. IV 1

Unfinished Business, Final Passage of Ordinances

**~ Ordinance No. 2009-012 ~
AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 101, CHARITABLE CLOTHING BINS**

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

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

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

CHAPTER 101 CHARITABLE CLOTHING BINS

§101-1 Definitions.

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

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

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

§101-3 Permit Fee.

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

§101-4 Application Requirements.

The application for obtaining a permit shall include:

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

§101-5 Renewal Application Requirements.

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

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

§101-6 Placement of Bins.

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

§101-7 Display of Permit.

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

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

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

- A. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of Section, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, West Milford Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the chief financial officer of the Township.

§101-9 Additional penalties, remedies.

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

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

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

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

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

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

INTRODUCED: June 24, 2009
ADOPTED: July 22, 2009
EFFECTIVE DATE: August 11, 2009

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Mayor Bieri noted that this Ordinance was introduced on June 24, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Doris Aaronson, 19 Bearfort Road, West Milford asked that the fees for the clothing bins be eliminated from this ordinance. She stated that these bins serve charitable organizations who are collecting clothing for indigent persons and thus there should be no fee for ethical reasons.

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

Discussion: Councilman Nolan stated that the \$25 fee is intended to offset the costs to administer the ordinance. Councilman Jurkovic agreed adding that without a fee the costs would be borne by taxpayers while these organizations do not provide this service free of charge.

Motion to adopt ordinance 2009-012:

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

Agenda No. IV 2

~ Ordinance No. 2009- 015~

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

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

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

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

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

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

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

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

1. The public rights and interests in a certain portion of Glenwood Road, as more fully described in Exhibit A referred to and attached herein is hereby vacated, abandoned and released.
2. By virtue of such release of such dedication, the land, as a matter of law, becomes the property of the respective contiguous landowner, owner of Block 2609, Lot 1.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.
5. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the

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time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the aforementioned Lot(s) and Block(s). This is the notice required by N.J.S.A. 40:67-19 and 40:49-6.

6. The Township Clerk shall within sixty (60) days after such ordinance becomes effective, file a copy of said ordinance together with a copy of proof of publication thereof with the Clerk of Passaic County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A.40:67-21; and

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

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

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

INTRODUCED: June 24, 2009
ADOPTED: July 22, 2009
EFFECTIVE DATE: August 11, 2009

Mayor Bieri noted that this Ordinance was introduced on June 24, 2009 and is scheduled for public hearing tonight. 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 Nolan, to close this public portion of the meeting. Approved by unanimous roll call vote.

Motion to adopt ordinance 2009-015:

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

Agenda No. IV 3

~ Ordinance No. 2009- 016~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 414, 420, AND 500 PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO CLARIFY PROCEDURES REGARDING TIME PERIODS AND LOCATIONS FOR THE TEMPORARY OUTDOOR DISPLAY AND SALE OF MERCHANDISE AND SEASONAL FARMER'S MARKETS

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

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

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

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

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

§ 414-6 Temporary Outdoor Commercial Sales Permit and Seasonal Farmer's Market Permit

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

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

§ 420-6 Definitions

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

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

Section 3. Chapter 500 Zoning

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

- A. Purpose. The purpose of this section is to permit and regulate the outdoor display and sale of merchandise within the Township of West Milford in such a manner as to protect the public's health and safety and to ensure the integrity of the Township's land use plan and zoning regulations.
- B. Designated zones. Temporary Outdoor Commercial Sales Events and Farmer's Markets shall be permitted on any property in the NC, VC, CC, HC, LC zone districts where said property satisfies the minimum lot area standards of the applicable zone district. Said activities shall also be permitted in any zone district upon lands owned by the Township of West Milford, the West Milford Board of Education and on the grounds of a house of worship where the property in question is in compliance with the standards set forth in Chapter 500, Article X, "Conditional Uses", §500-94, "Houses of worship".
- C. Permit required. No property shall be utilized for Temporary Outdoor Commercial Sales Event or for the purpose of establishing a Seasonal Farmer's Market as defined in Chapter 420 without the issuance of either a Temporary Outdoor Commercial Sales Event Permit or a Seasonal Farmer's Market Permit, as applicable, from the Township's Administrative Officer or Zoning Officer in accordance with the provisions of this chapter.
- D. Term of permit.
 - 1. A Temporary Outdoor Commercial Sales Event Permit shall be required for each sales event with a maximum of six (6) events per calendar year for any property within West Milford Township. An event conducted over the course of two consecutive days shall constitute a single event for the purposes of issuing a permit and shall count as a single event towards the total of six (6) events permitted per property within a calendar year. No permit under this section shall be valid for more than two consecutive days.
 - 2. A Seasonal Farmer's Market Permit shall be required for each seasonal event. One permit shall cover the entire duration of the seasonal event permitted within the time period from June 1 through October 31 of each calendar year. The sponsor of the Seasonal Farmer's Market shall be responsible to secure said permit which shall cover any and all vendors participating in the event.
- E. Hours of operation. Functions authorized by a Temporary Outdoor Commercial Sales Event Permit or a Seasonal Farmer's Market Permit shall be limited to hours of 9:00 a.m. and 9:00 p.m.
- F. All temporary outdoor activities shall adhere to the following standards:
 - 1. Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub-code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a Temporary Outdoor Commercial Sales Permit as determined by the Township, including, but not limited to, the Police, Health and Planning departments.
 - 2. No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
 - 3. Temporary signage shall be subject to §500-160 of this chapter.
- G. Permit fee.
 - 1. The fee for a Temporary Outdoor Commercial Sales Permit and a Seasonal Farmer's Market Permit shall be as set forth in Chapter 400, §414-6.
- H. Exemptions. The display and sale of merchandise by non-profit organizations for fundraising purposes shall be exempt from the requirements of this section.

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- I. Appeals. Where there is a dispute regarding a decision by the Township's Administrative Officer or Zoning Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

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

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

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

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

INTRODUCED: June 24, 2009
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Mayor Bieri noted that this Ordinance was introduced on June 24, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Ada Erik, Macopin Road, West Milford stated that there are too many signs around town and expressed concern that this ordinance will permit further signs.

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

Discussion: Mr. Semrau advised that this ordinance is specifically related to the display of merchandise. The sign ordinance is a separate matter and the Planning Board will be addressing proposed changes to that legislation. This ordinance limits authorized events to two days and there is a limit to the number of events allowed by any one entity with the exception of the farmer's market.

Motion to adopt ordinance 2009-016:

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

Agenda No. VI

Public Comments

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

Ada Erik, Macopin Road, West Milford noted that the Council will be adopting a resolution later in the evening to award a contract for hydraulic hammer services. She stated that there have been issues in the past wherein the Township does not get the equipment specified and thus pays more for these services. She asked that the Township takes measures to ensure that we are getting what we are paying for.

Doris Aaronson, 19 Bearfort Road, West Milford stated that there was a recent newspaper article about Cedar Crest using cooking oil to fuel their vehicles. She suggested that the Township might consider getting cooking oil from local restaurants to be used in Township vehicles. She recalled that at the last meeting, Councilman Weisbecker stated that West Milford has a weak administrator and a strong mayor. He stated that he would prefer a weak mayor and strong administrator. She stated that Mayor Bieri works at the animal shelter while Administrator Boyle does not work out. She presented Mr. Boyle with toy dumb bells.

Scott Leonescu, Christine Court, West Milford stated that despite a recent presentation before the Council, the Health Department continues to delay application reviews. Some applications submitted for review have been left unattended for over thirty days. He personally submitted two applications on June 17th that have not been reviewed as yet. Statements made by the Health Officer indicating that the process takes between five and eight weeks, including resubmittals, are simply false. Initial reviews are taking that long. The Health Department has hired Gene Osias to review plans without any oversight and no attempt to monitor his hours. This contradicts the belief held by Council that there is a hiring freeze in

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WHEREAS, this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, was published in *The Herald News*, in the issue of July 5, 2009, and that said publication contained notices of public hearing on said amendment to be held at the Municipal Building on July 22, 2009, at 7:30 p.m.

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

RECORDED VOTE (insert last names)	AYES: Weisbecker Smolinski Schimmenti Nolan Lichtenberg Jurkovic	NAYS: None	ABSTAIN: None
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	FROM	TO
CURRENT FUND BUDGET		
ANTICIPATED REVENUES		
3. Miscellaneous Revenues – Section F: Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations		
Public Health Priority Funding	5,977.00	11,954.00
Drunk Driving Enforcement Fund	13,083.00	15,616.00
Passaic County Cultural Heritage Grant	2,500.00	1,550.00
Urban Mass transportation act of 1964		
State Share	35,414.00	37,667.00
Federal Share	70,828.00	75,334.00
Passaic County – Justice Assistance Grant	0.00	15,051.00
Highlands council 2009 Planned conformance	0.00	50,000.00
NJDEP – Waste Water Management	0.00	10,000.00
Total Section F: Special items of general revenue anticipated with prior written consent of Director of Local Government Services – Public and Private Revenues	331,207.00	420,577.00
TOTAL MISCELLANEOUS REVENUES	7,380,047.00	7,469,417.00
4. Receipts from Delinquent Taxes	1,100,000.00	1,126,000.00
5. SUBTOTAL GENERAL REVENUES (Items 1,2,3 and 4)	10,882,047.00	10,997,417.00
6. Amount to be raised by taxes for support of Municipal Budget:		
(A) Local tax for municipal purpose including resolution for uncollected taxes	19,232,972.00	18,815,864.00
TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	19,232,972.00	18,815,864.00
7. TOTAL GENERAL REVENUES (Items 5 and 6)	30,115,019.00	29,813,281.00
APPROPRIATIONS		
8. (A) Operations Within "CAPS"		
Mayor and Council		
Salaries and Wages	36,000.00	34,000.00
Office of Township Clerk		
Salaries and Wages	232,000.00	231,000.00
Other Expenses	31,330.00	31,230.00
Division of Treasury		
Other Expenses	9,630.00	5,630.00
Computerized Data Processing		
Salaries and Wages	74,450.00	79,000.00
Other Expenses	64,550.00	64,425.00

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	FROM	TO
Division of Tax Collection		
Salaries and Wages	179,000.00	176,175.00
Other Expenses	13,840.00	13,640.00
Division of Assessment		
Salaries and Wages	329,000.00	328,700.00
Heritage		
Other Expenses	1,500.00	0.00
Planning Board		
Other Expenses	41,000.00	36,000.00
Board of Adjustment		
Other Expenses	29,700.00	30,400.00
Division of Patrol		
Salaries and Wages	4,310,000.00	4,263,000.00
Purchase of Police Vehicles	146,000.00	0.00
Detective Division		
Salaries and Wages	614,000.00	603,000.00
Office of Municipal Disaster Control		
Other Expenses	28,000.00	16,000.00
Department of Fire		
Salaries and Wages	8,000.00	7,700.00
Other Expenses	234,650.00	244,650.00
Division of Streets and Roads		
Salaries and Wages	1,781,000.00	1,738,013.00
Other Expenses	346,500.00	326,500.00
Division of Public Property		
Salaries and Wages	99,000.00	97,000.00
Other Expenses	45,000.00	41,650.00
Fleet Maintenance		
Salaries and Wages	295,000.00	293,000.00
Bureau of Vital Statistics		
Other Expenses	9,725.00	16,925.00
Housing Standard Bureau		
Other Expenses	10,000.00	25,000.00
Division of Environmental Health		
Salaries and Wages	285,000.00	284,400.00
Environmental Commission		
Other Expenses	980.00	880.00
Recreation Programs		
Salaries and Wages	375,000.00	376,275.00
Division of Parks Maintenance		
Salaries and Wages	265,000.00	271,000.00
Insurance		
Other Insurance	760,365.00	755,015.00
Division of Inspections		
Salaries and Wages	366,000.00	365,000.00
Utility Expenses		
Gasoline	470,000.00	390,000.00
TOTAL OPERATIONS (Item 8(A) Within "CAPS")	21,988,025.00	21,642,013.00
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"	21,988,025.00	21,642,013.00
Detail:		
Salaries and Wages	13,436,350.00	13,335,163.00
Other Expenses (Including Contingent)	8,551,675.00	8,306,850.00
(E) Deferred charges and statutory expenditures – Municipal within "CAPS"		
Social Security (O.A.S.I.)	759,378.00	751,379.00
Police and Firemen's Retirement System of NJ		0.00

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	FROM	TO
TOTAL DEFERRED CHARGES AND STATUTORY EXPENDITURES- MUNICIPAL WITHIN "CAPS"	1,738,404.00	1,730,405.00
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	23,726,429.00	23,372,418.00
8. (A) Operations – Excluded from "CAPS"	90,000.00	40,000.00
Emergency Services Volunteer Length of Service Award Program		
Total Other Operations Excluded from "CAPS"	1,412,004.00	1,362,004.00
Public and Private Programs Offset by Revenues		
Public Health Priority Funding	5,977.00	11,954.00
Drunk Driving Enforcement Fund	13,083.00	15,616.00
Passaic County Cultural Heritage Grant	2,500.00	1,550.00
Urban Mass Transportation Act of 1964		
State Share	35,414.00	37,667.00
Federal Share	70,828.00	75,334.00
Local Share	35,414.00	37,667.00
Passaic County - Justice Assistance Grant	0.00	15,051.00
Highlands council 2009 Planned Conformance	0.00	50,000.00
NJDEP - Waste Water Management	0.00	10,000.00
Matching Funds for Grants	25,000.00	5,000.00
Total public and private programs offset by revenues	413,871.00	485,494.00
TOTAL OPERATIONS-EXCLUDED FROM "CAPS"	1,825,875.00	1,847,498.00
Detail:		
Salaries and Wages	5,977.00	11,954.00
Other Expenses	1,819,898.00	1,835,544.00
8. (C) Capital Improvements-Excluded from "CAPS"		
Capital Improvement Fund	375,818.00	376,468.00
Purchase of Fire Emergency Equipment	0.00	30,000.00
TOTAL CAPITAL IMPROVEMENTS EXCLUDED FROM "CAPS"	375,818.00	406,468.00
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	4,400,670.00	4,452,943.00
(O) TOTAL GENERAL APPROPRIATIONS-EXCLUDED FROM "CAPS"	4,400,670.00	4,452,943.00
(L) SUBTOTAL GENERAL APPROPRIATIONS (Items (H-1) and (O))	28,127,099.00	27,825,361.00
9. TOTAL GENERAL APPROPRIATIONS	30,115,019.00	29,813,281.00
SOLID WASTE COLLECTION DISTRICT BUDGET		
REVENUES FROM SOLID WASTE COLLECITON DISTRICT		
Operating Surplus Anticipated	165,550.00	119,283.00
TOTAL OPERATING SURPLUS ANTICIPATED	165,550.00	119,283.00
County of Passaic Recycling Grant	21,733.00	0.00
Amount to be Raised by Taxation for Support of Solid Waste Collection District		
TOTAL – SOLID WASTE COLLECTION DISTRICT REVENUES	2,834,233.00	2,766,233.00
APPROPRIATIONS FOR SOLID WASTE COLLECTION DISTRICT		
Operating:		

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	FROM	TO
Other Expenses	108,500.00	127,233.00
Disposal Fees	1,050,000.00	985,000.00
County of Passaic Recycling Grant	21,733.00	0.00
TOTAL – SOLID WASTE COLLECTION DISTRICT APPROPRIATIONS	2,834,233.00	2,766,233.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the local municipal budget so amended.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the budget, by the Governing Body on the 24th day of July 2009.

Adopted: July 22, 2009

Mayor Bieri advised that the first reading for the budget amendments was held on June 24, 2009. The public hearing was advertised on July 5, 2009 and the Mayor opened the meeting to the public to speak on the budget amendments only at this time.

There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilwoman Lichtenberg, 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, Jurkovic.
 Voted Nay: None.
 Motion carried.

Councilman Weisbecker made a motion, seconded by Council President Smolinski to place this resolution on the table for discussion.

Discussion: Council President Smolinski asked for an explanation of the increase in the salaries and wages line item in computerized data processing because the budget indicates an increase from \$74,500 to \$79,000. Chief Financial Officer (CFO), Art Magnotti, advised that this reflects contractual increases which include both increases in steps and grades. Mayor Bieri advised that there are no new hires. Council President Smolinski stated that the salary and wage line item for recreation programs also shows an increase in excess of the approved 4.5%. Mr. Magnotti explained how step and guide increases along with longevity impact the overall percentage increase to salaries and wages. Councilman Nolan stated that the preliminary budget is prepared in October and throughout the process the numbers are recalculated and changed. Mr. Magnotti confirmed this process adding that the numbers reflect an overall reduction in the aggregate for salaries and wages. The increase to the average homeowner is now approximately \$99.

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

Agenda No. VIII 2
 ~ Resolution No. 2009-275 ~
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
 COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING
 READING OF THE MUNICIPAL BUDGET BY TITLE**

WHEREAS, pursuant to the Local Budget Law N.J.S.A. 40A:4-1 et seq., all provisions for the introduction and public hearing of the 2009 Municipal Budget for the Township of West Milford have been met.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the 2009 Municipal Budget shall be read by title at this meeting for adoption of same.

Adopted: July 22, 2009

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

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Motion carried.

Agenda No. VIII 3
 ~ Resolution No. 2009-276 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2009 MUNICIPAL BUDGET AS AMENDED

**SECTION 2 – UPON ADOPTION FOR YEAR 2009
 (Only to be included in the Budget as Finally Adopted)**

BE IT RESOLVED by the Township Council of the Township of West Milford, of the County of Passaic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 18,815,864.00 (Item 2 below) for municipal purposes, and
- (b) \$ 0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amounts to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of taxation of the following summary of general revenues and appropriations.

Abstained (None
 (Weisbecker
 (Smolinski

RECORDED VOTE (Insert last name) Ayes (Schimmenti
 (Lichtenberg
 (Jurkovic

Nays (Nolan
 Absent (None

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	2,402,000.00
Miscellaneous Revenues Anticipated		40004-10	7,469,417.00
Receipts from Delinquent Taxes		15-499	1,126,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		07-190	18,815,864.00
(Item 6(a), Sheet 11)			
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICT ONLY:			
Item 6(b), Sheet 42	07-195		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			18,815,864.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
Total Revenues		40000-00	29,813,281.00
Sheet 41			

SUMMARY OF APPROPRIATIONS

5. General Appropriations:		xxxxxx	xxxxxxxxxxxxxxxx
Within "CAPS"		xxxxxxx	xxxxxxxxxxxxxxxx
(a&b) Operations Including Contingent		30001-00	21,642,013.00
(e) Deferred Charges and Statutory Expenditures – Municipal		30004-00	1,730,405.00
(g) Cash Deficit		46-885	
Excluded from "CAPS"		xxxxxxx	xxxxxxxxxxxxxxxx
(a) Operations – Total Operations Excluded from "CAPS"		60023-00	1,847,498.00
(c) Capital Improvements		60002-00	406,468.00
(d) Municipal Debt Service		60003-00	2,136,977.00
(e) Deferred Charges - Municipal		60024-00	62,000.00
(f) Judgements		37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A:48-17.1 & 17.3)		29-405	

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(g) Cash Deficit		46-885	
(k) For Local District School Purposes		60008-00	
(m) Reserve for Uncollected Taxes (include Other Reserves if any)		50-899	1,987,920.00
6. SCHOOL APPROPRIATIONS –TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)		60010-00	
Total Appropriations		30000-00	29,813,281.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of July, 2009.

It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2009 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: July 22, 2009

Agenda No. VIII 3
 ~ Resolution No. 2009-276 ~
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
 COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2009
 MUNICIPAL SOLID WASTE BUDGET AS AMENDED**

BE IT RESOLVED by the Governing Body of the Township of West Milford, County of Passaic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 2,418,950.00 (item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

	(Weisbecker	Abstained (None)
	(Smolinski	
RECORDED VOTE	Ayes (Schimmenti	Nays (None
(insert last name)	(Nolan	
	(Lichtenberg	Absent (None
	(Jurkovic	

SUMMARY OF REVENUES and APPROPRIATIONS

1. General Revenues	
Surplus Anticipated	119,283.00
Miscellaneous Revenues Anticipated	228,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT	2,418,950.00
TOTAL REVENUES	<u>2,766,233.00</u>
3. General Appropriations	
Operations	2,766,233.00
Deferred Charges	
Statutory Expenditures	
Judgement	
Deficit in Operations in Prior Years	
Surplus (General Budget)	
TOTAL APPROPRIATIONS	<u>2,766,233.00</u>

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of July, 2009. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2009 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: July 22, 2009

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

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~ Resolution No. 2009-277 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2008 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body whom, after a date fixed for compliance, fails or refuses to obey and order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, in the County of Passaic, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: July 22, 2009

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

Agenda No. VIII 5
~ Resolution No. 2009-278 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2008 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Township of West Milford has by Resolution accepted the 2008 audit as prepared and presented by the Township Auditors, and

WHEREAS, Arthur Magnotti, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2008 audit and presented copies of same to the Mayor, Council, and Administrator,

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: July 22, 2009

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

Agenda No. VIII 6
 ~ Resolution No. 2009-297 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF VARIOUS CAPITAL APPROPRIATION UNFUNDED

WHEREAS, the Township of West Milford, County of Passaic, State of New Jersey authorizing cancellation of various capital appropriations unfunded; and

WHEREAS, the Township of West Milford has determined that the following purchases and/or projects have been cancelled or deferred at this time; and

WHEREAS, given that determination they were removed for funding as part of the 2009 note sale; and

WHEREAS, must be formally cancelled from the balance sheet; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford cancel the following capital appropriations unfunded in the amount of \$335,692

Ordinance Number	Project Description	Total Ordinance
2007-018	Utility Vehicle, Police	40,000.00
2007-018	Mid Size car, Administration	9,357.00
2007-018	SUV, Fire Inspector	1,380.00
2007-018	6 Yard Dump Truck	3,864.00
2007-018	Replacement Lights & Bars, Police Cars	13,292.00
2007-018	Air Cascade Systems	12,400.00
2007-018	Generator, UGS	30,000.00
2007-018	Portable Lights, Recreation	901.00
2007-018	Smithco Field Conditioner, Recreation	4,900.00
2007-018	Town Hall Renovations	55,000.00
2007-006	Various Streets and Roads	257,375.00
2008-041	Finance Computer Hardware	15,000.00
2008-041	Hillcrest Tables & Chairs	3,500.00
2008-041	Police Body Armor	7,000.00
2008-040	Copier/Fax, Tax Department	4,392.00
2008-040	Generator, WM Fire Company	15,000.00
2008-040	Breathing Apparatus with Masks	40,000.00
2008-040	Thermal Imaging Cameras, 3	20,000.00
2008-040	Athletic Field Rehabilitation	25,000.00
2008-040	Farrell Field Upgrade	25,000.00
2008-040	Magnolia Road Assessment	60,000.00
	TOTAL:	643,361.00

Adopted: July 22, 2009

Discussion: Mr. Boyle advised that this resolution and the next ordinance are part of a process that began when the Township went out for a note sale earlier this year. At that time, he and the CFO reviewed capital ordinances to determine what could be cut. Subsequently, the Council approved recommendations and these action items authorize those cuts. Certain items will be funded through the 2009 capital budget and others will be funded at a later date.

Moved: Weisbecker Seconded: Lichgenberg

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

Agenda No. VIII 7
 ~ Ordinance No. 2009- 017 ~

BOND ORDINANCE APPROPRIATING \$3,322,778, AND AUTHORIZING THE ISSUANCE OF \$2,863,550 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$3,322,778 including the aggregate sum of \$158,228, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$301,000 received or expected to be received by the Township from the New Jersey Department of Transportation, as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$3,322,778 appropriations not provided for by application hereunder of said down payments and said grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,863,550 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,863,550 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION & EST. COST	EST. MAX. AMT OF BONDS & NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) utility vehicle for use by the Police Department of the Township and (1) ambulance for use by the First Aid Squad of the Township, together with the reconditioning and rehabilitation of two (2) dump trucks for use by the Department of Public Works of the Township, and all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	\$271,163	\$258,250
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Cahill Cross Road, Adelaide Terrace, Atlantic Court, Belford Drive, Bisset Drive, Burnt Meadow Road, Carolyn Street, Center Street, Daniel Street, Eatontown Road, Gleason Road, Heather Lane, Jefferson Street, Jenkins Road, Joseph Place, Juniata Street, Larsen Road, Lebanon Road, Leslie Road, Lou-Ann Boulevard, Middlesex Court, Millington Avenue, Post Brook Road North & South, Reidy Place, Rockburn Pass, Roger Drive, Rumson Court, Saint George Street, Somerset Place, Sussex Drive, Upper High Crest Drive, Vine Avenue, Linwood Road, Trenton Road, Williams Street and Warren Place,	2,677,500	2,249,000

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together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$2,677,500 appropriation hereby made therefore being inclusive of the amount of \$301,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement to Cahill Cross Road		
(c) Improvement of Union Valley Road and Marshall Hill Road from Park Lane to West Shore Road in and by the Township, by the streetscaping thereof, including paving, landscaping, lighting, structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	105,000	100,000
(d) Improvement of municipally-owned facilities and grounds in and by the Township, including the Police Department building by the upgrade of the boiler system, the Bubbling Springs swimming facility by the rehabilitation of the septic system, the Bubbling Springs Dam by the rehabilitation thereof, Farrel Field by the upgrade of the athletic fields thereof and the installation of a lightning detection system at various athletic fields, together with for all the aforesaid all structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	180,390	171,800
(e) Acquisition by purchase and installation, as necessary, of new and additional equipment, including one (1) gun striping machine for use by the Department of Public Works of the Township, a diesel exhaust removal system for use by the Apshawa Fire Company of the Township, three (3) thermal imaging cameras for use by the Volunteer Fire Companies, and five (5) knox boxes for use by various offices of the Township, together with all appurtenances, apparatus and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	88,725	84,500
Totals	<u>\$3,322,778</u>	<u>\$2,863,550</u>

Except as otherwise stated in paragraph (b) above with respect to the \$301,000 grant-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.99 years.

c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,863,550, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d) Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under

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Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the \$301,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (b) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefore by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

INTRODUCED: July 22, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for August 26, 2009 and it shall be advertised as required by law.

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

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

Agenda No. VIII 8
~ Ordinance No. 2009- 018 ~

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN
IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY,
AND APPROPRIATING \$218,240 THEREFORE FROM THE CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$218,240 from moneys available in the Capital Improvement Fund of the Township.

Section 2. The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: for the Administration and Finance Departments of the Township, acquisition by purchase of computer and communications equipment; for the First Aid Squads of the

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Township, acquisition by purchase of safety clothing; for the Volunteer Fire Companies of the Township, acquisition by purchase of various fire fighting equipment and knock down tools; for the Parks and Recreation Department of the Township, acquisition by purchase of a beach wheelchair and a portable light tower; and the Hillcrest Recreation Building, by the renovation thereof, including, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

INTRODUCED: July 22, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for August 26, 2009 and it shall be advertised as required by law.

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

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

Agenda No. VIII 9

Other New Business

~ Ordinance No. 2009- 013 ~

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

TABLED TO AUGUST 12, 2009 WORKSHOP MEETING

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

Discussion: Council President Smolinski expressed concerns about the practicalities of enforcing this ordinance. He stated that he has repeatedly requested that an attendant be assigned to this park especially during the summer months. His requests have been ignored despite the fact that this was the initial plan. Councilman Nolan agreed that supervision is needed to ensure the safety of the kids. He recalled that Council had discussed a provision in the penalty clause that would hold parents accountable for violations but that language is not reflected in the draft before Council tonight.

Councilman Weisbecker made a motion to table the introduction of this ordinance to August 12, 2009 to allow the insertion of language holding parents responsible for violations.

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

Agenda No. VIII 10

~ Ordinance No. 2009-019 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 300, "SEWERS", SECTIONS 300-40, LICENSE TO OPERATE, AND 300-41, STANDARDS ON THE USE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS, OF THE REVISED GENERAL ORDINANCES

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

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Agenda No. VIII 11
~ Ordinance No. 2009-020 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES IN THE OFFICE OF THE MUNICIPAL COURT

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges;

Table with 3 columns: JOB TITLE, MINIMUM, MAXIMUM. Row 1: Office of the Municipal Court Confidential and Unaffiliated Employees. Row 2: Public Defender (per court session) \$400 \$400

- 1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. BENEFITS: Persons holding these positions within the Township of West Milford shall not receive additional benefits.
3. EMPLOYMENT CONTRACTS: In the event the Township has an employment agreement with any position identified herein, the terms of the employment agreement shall prevail.
4. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

INTRODUCED: July 22, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for August 26, 2009 and it shall be advertised as required by law.

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

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

The following Resolutions 2009-279 and 2009-280 were moved together.

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

Agenda No. VIII 12
~ Resolution No. 2009-279 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the Township Council has determined that membership in the Joint Meeting is in the best interest of the Township of West Milford; and

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds to pay the membership fee of \$600 said funds to be encumbered from account #9-01-20-100-426.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Joint Contract Joinder Agreement and that the Township Clerk is hereby designated to represent the Local Unit as a member of the State Management Council of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

Adopted: July 22, 2009

Discussion: In response to Council President Smolinski, Mr. Boyle advised that this resolution authorizes a shared services arrangement for the purchase of fuel the Township already uses.

Agenda No. VIII 13
~ Resolution No. 2009-280 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT FOR EMD CALL SCREENING WITH HACKENSACK UNIVERSITY MEDICAL CENTER

WHEREAS, it is the desire of the Township of West Milford to continue to maintain its high level of service to the community by keeping all of the 9-1-1 Dispatch operations within the West Milford Township Police Department; and

WHEREAS, in order to do so, the Township Police Department is currently in the process of training its officers to allow them to fill in for the Public Safety Telecommunicators (PST's) when needed; and

WHEREAS, the training of these police officers is mandatory and requires over seventy (70) hours of instruction; and

WHEREAS, while the officers are obtaining the requisite and necessary training, the Township is in need to contract out the Township's Emergency Medical Dispatch (EMD) calls when the Township's certified Telecommunicators are unavailable; and

WHEREAS, the Township's Police Chief recommends utilizing the EMC communications services of Hackensack University Medical Center; and

WHEREAS, the Township Attorney has reviewed the attached service agreement with Hackensack University Medical Center to provide these services to the Township; and

WHEREAS, the Township wishes to enter into the services agreement with Hackensack University Medical Center to handle the EMD calls when the Township's certified Telecommunicators are unavailable; and

WHEREAS, funds are available for this purpose.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Service Agreement with Hackensack University Medical Center, to provide the Township with EMD call screening services subject to the terms and conditions of the agreement.
2. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Hackensack University Medical Center, for their information and guidance.

Adopted: July 22, 2009

The following Resolutions were moved as one 2009-283, 2009-284, 2009-285, 2009-286 and 2009-296:

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

Agenda No. VIII 16
~ Resolution No. 2009-283 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARING A CONTRACT TO JOHN JOSEPH, INC. FOR HYDRAULIC HAMMER SERVICES

WHEREAS, the Township of West Milford solicited bids on June 12, 2009 at 9:45 a.m. for Hydraulic Hammer Services; and

WHEREAS, in response to the "Notice to Bidders" the Township received two (2) bids; and

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

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to John Joseph Inc., 695 Westbrook Road, Ringwood, NJ 07456; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number C-04-08-943-624; and

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

1. The Township Council hereby awards a contract to John Joseph Inc. in an amount not to exceed \$38,400.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with John Joseph Inc. in accordance with its bid for Hydraulic Hammer Services.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 22, 2009

Agenda No. VIII 17
~ Resolution No. 2009-284 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF INLET CASTINGS TO CAMPBELL FOUNDRY COMPANY

WHEREAS, the Township of West Milford solicited bids on June 26, 2009 for Inlet Castings; and

WHEREAS, in response to the "Notice to Bidders" advertised and sent to twenty three prospective bidders and bid service companies the Township received one (1) bid; and

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Campbell Foundry Company, 800 Bergen Street, Harrison, NJ 07029; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number(s) C-04-08-943-624; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Campbell Foundry Company for Inlet Castings.

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

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1. The Township Council hereby awards a contract to Campbell Foundry Company in an amount not to exceed \$62,155.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Campbell Foundry Company in accordance with its bid for Inlet Castings.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 22, 2009

Agenda No. VIII 18
~ Resolution No. 2009- 285 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A MONTH-TO-MONTH CONTRACT TO BLUE DIAMOND DISPOSAL, INC. FOR CURBSIDE COLLECTION OF RECYCLABLES

WHEREAS, the Township Council of the Township of West Milford desires, through its appointed Committee, to review the recycling program throughout the Township; and

WHEREAS, said review will take some time to accomplish as the Township is looking into other alternatives and will utilizing the bidding process to procure such services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Blue Diamond Disposal, Inc. currently has a contract with the Township of West Milford for the collection of recyclables, said contract to expire on July 31, 2009; and

WHEREAS, there remains a need for the continued operation of the recycling program throughout the Township of West Milford subsequent to the termination of the aforementioned contract and during the Township's review process; and

WHEREAS, Blue Diamond Disposal, Inc. has agreed to provide the same services on a month-to-month basis for the same rate as set forth in the existing contract set to expire for a maximum period of ninety (90) days; and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from account number 9-26-55-500-515.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford the following:

1. The Township Council hereby awards a month-to-month contract to Blue Diamond Disposal, Inc. for the same terms and rates as are currently set forth in the contract set to expire July 31, 2009, for a maximum period of ninety (90) days, for the curbside collection of recyclables.
2. The Mayor and Administrator be and is hereby authorized and directed to execute a contract with Blue Diamond Disposal, Inc. for said curbside collection of recyclables.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 22, 2009

Agenda No. VIII 19
~ Resolution No. 2009- 286 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A MONTH-TO-MONTH CONTRACT TO BLUE DIAMOND DISPOSAL, INC. FOR CURBSIDE COLLECTION OF SOLID WASTE

WHEREAS, the Township Council of the Township of West Milford desires, through its appointed Committee, to review the solid waste program throughout the Township; and

WHEREAS, said review will take some time to accomplish as the Township is looking into other alternatives and will utilizing the bidding process to procure such services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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WHEREAS, Blue Diamond Disposal, Inc. currently has a contract with the Township of West Milford for the collection of solid waste, said contract to expire on July 31, 2009; and

WHEREAS, there remains a need for the continued operation of the solid waste collection program throughout the Township of West Milford subsequent to the termination of the aforementioned contract and during the Township's review process; and

WHEREAS, Blue Diamond Disposal, Inc. has agreed to provide the same services on a month-to-month basis for the same rate as set forth in the existing contract set to expire for a maximum period of ninety (90) days; and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from account number 9-26-55-500-514.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford the following:

1. The Township Council hereby awards a month-to-month contract to Blue Diamond Disposal, Inc. for the same terms and rates as are currently set forth in the contract set to expire July 31, 2009, for a maximum period of ninety (90) days, for the curbside collection of solid waste.
2. The Mayor and Administrator be and is hereby authorized and directed to execute a contract with Blue Diamond Disposal, Inc. for said curbside collection of solid waste.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 22, 2009

Agenda No. VIII 20
~ Resolution No. 2009- 296 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A MONTH-TO-MONTH CONTRACT TO VEOLIA ENVIRONMENTAL SERVICES FOR DISPOSAL OF SOLID WASTE

WHEREAS, the Township Council of the Township of West Milford desires, through its appointed Committee, to review the solid waste disposal program throughout the Township; and

WHEREAS, said review will take some time to accomplish as the Township is looking into other alternatives and will utilizing the bidding process to procure such services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Veolia Environmental Services currently has a contract with the Township of West Milford for the disposal of solid waste, said contract to expire on July 31, 2009; and

WHEREAS, there remains a need for the continued operation of the solid waste disposal program throughout the Township of West Milford subsequent to the termination of the aforementioned contract and during the Township's review process; and

WHEREAS, Veolia Environmental Services has agreed to provide the same services on a month-to-month basis for the same rate as set forth in the existing contract set to expire for a maximum period of ninety (90) days; and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from account number 9-26-55-500-548.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford the following:

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Agenda No. VIII a
 ~ Resolution No. 2009-288 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1004-8	J. & D. Dzoba 1474 Huron Road North Brunswick, NJ 08902	\$17.20	2009	1
6404-21	J. & M. Myers 168 Lincoln Avenue West Milford, NJ 07480	\$298.20	2009	1
7801-17.06	Hills Title Agency, LLC P.O. Box 769 Millburn, NJ 07041	\$310.00	2009	1
10702-8	Gary & Christina Grossman 547 Otter hole Road West Milford, NJ 07480	\$197.35	2009	2
10808-8	K. Smolski 10 Seymour Drive West Milford, NJ 07480	\$65.67	2009	2
10808-11	M. & N. Poremba 16 Seymour Drive West Milford, NJ 07480	\$76.10	2009	2
10808-018	Wells Fargo Home Mortgage MAC X2302-04D, Tax Dept. 1 Home Campus Des Moines, IA 50328	\$944.41	2009	2
TOTAL		\$1,908.93		

Adopted: July 22, 2009

Agenda No. VIII b
 ~ Resolution No. 2009-289 ~
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
Maria Rowena Manalo 10 Somerville Road Hewitt, NJ 07421	Refund for swim lessons	\$200.00
Maria Rowena Manalo 10 Somerville Road Hewitt, NJ 07421	Refund for Harry Potter camp	\$260.00
Sallyann Colucci 41 Clinton View Terr. Hewitt, NJ 07421	Refund for swim team	\$80.00
Laura Martin	Once Upon A Time Camp – Session 2	\$85.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Name & Address	Reason	Amount Refunded
502 Ridge Road West Milford, NJ 07480		
Nicole Klosz 84 Bergen Drive West Milford, NJ 07480	Sciensational Summer Workshop/Harry Potter	\$130.00
Carrie Ann Bradley 10 Glens Road Hewitt, NJ 07421	Sciensational Summer Workshop/Harry Potter	\$130.00
Justine Maiello 18 Dan Jennings Rd. Oak Ridge, NJ 07438	Sciensational Summer Workshop/Harry Potter	\$130.00
Terrence Fossum 17 Olde Hickory Rd. West Milford, NJ 07480	Sciensational Summer Workshop/Harry Potter	\$130.00
Mary A. Macheska 33 Highview Drive West Milford, NJ 07480	Refund for Lifeguard class	\$240.00
Anneke Hoek 192 Bearfort Road West Milford, NJ 07480	Refund for swim lessons due to injury	\$120.00
Christina Burke 11 Woodland Drive Hewitt, NJ 07421	Swim lesson refund	\$65.00
Valerie Haggerty 12 Circle Blvd. Newfoundland, NJ 07435	Swim lesson refund	\$ 55.00
Ana Williams 22 Terrace Rd. West Milford, NJ 07480	Day Camp refund	\$680.00
Elizabeth Jayasinghe 43 Freemont Terrace West Milford, NJ 07480	Day Camp refund	\$585.00
Merly Brule 11 Millington Ave. Hewitt, NJ 07421	Day Camp refund	\$300.00
Christine Dinzik 24 Broadway West Milford, NJ 07480	Day Camp refund	\$310.00

Adopted: July 22, 2009

Agenda No. VIII c
 ~ Resolution No. 2009-290 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
07-025	04/03/2007	02601-034	\$30,804.24	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
09-006	03/25/2009	00601-008	\$9,106.84	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
09-064	03/25/2009	06201-022	\$14,044.20	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
09-072	03/25/2009	06710-004	\$21,196.90	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
09-093	03/25/2009	08101-007	\$28,213.45	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
09-121	03/25/2009	13704-006	\$14,983.45	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TLG 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$118,349.08	

Adopted: July 22, 2009

Agenda No. VIII d
 ~ Resolution No. 2009-291 ~
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	Purpose	Amount Refunded
Michael Masarof 10 Rutgers Street, 8B New York, NY 10002	Traffic Control - Filming	\$69.44
Upper Greenwood Lake Property Owners Association P.O. Box 457 Hewitt, NJ 07421	UGL POA Trust Account	\$60.38

Adopted: July 22, 2009

Agenda No. VIII e
 ~ Resolution 2009 - 292 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
10602-68	A. Zazi	\$3732.46	2009
TOTAL		\$3,732.46	

Adopted: July 22, 2009

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2009- 293 ~
RESOLUTION APPROVING THE PAYMENT OF BILLS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account.	\$127,452.02
2	Reserve Account	4,627.95
3	Animal Control Trust	0.00
6	Capital.	604,165.96
7	Grants.	17,046.00
8	Refuse.	213,680.33
9	Refunds.	123,758.01
12	General Ledger.	3,488.00
16	Heritage Trust.	0.00
14	Open Space Trust	719.50
17	Trust	9,937.26
18	Development Escrow.	3,882.50
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$1,108,757.53
Less Refund Resolution		123,758.01
Actual Bill List		\$984,999.52
Other Payments		0.00
Less Refund Resolution		
Total Expenditures		\$984,999.52

Adopted: July 22, 2009

Discussion: Councilman Nolan stated that the payment to Tom Geminario on page 7 pertains to a Highlands-related suit. The Highlands Council should be providing representation in such matters. Mr. Semrau advised that he has spoken with Mr. Geminario on this matter and he also contacted Tom Borden of the Highlands Council. He has been advised that the Highlands Council will provide such legal representation pertaining to an action resulting from the Highlands Act when, and only when the municipality obtains conformance. That defense will apply when West Milford obtains conformance in about six to eight months. However, the Highlands Council has offered to provide assistance by virtue of supporting briefs if the Township requires such. Councilman Nolan stated that the Township should contact Senator Pennachio and Assemblymen DeCroce and Webber asking them to intercede so that a defense is provided immediately to West Milford. He stated that the Township has followed the provisions of the Highlands Act and are not getting help as promised. The Council agreed and asked Mr. Semrau to draft a letter for Mayor Bieri's signature.

Councilman Nolan stated that this bill list reflects a payment of \$11,389 to our labor counsel and he expressed concern about the sum being spent on labor counsel. Mayor Bieri advised that the Township's labor counsel is working on a great number of personnel issues.

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

Agenda No. XI

Reports of Administrator, Mayor and Council Members

Councilman Jurkovic asked about the process for drafting the master plan. He stated that there are a number of zoning and planning issues that must be addressed in this process and interested parties

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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should know the process and the related time lines. Personally, he would like the masterplan outline productive uses of land despite the Township's Highlands designation. Mr. Semrau stated that he recently spoke with Mr. McGroarty about this he is working on the 7 modules required as part of the grant he is working on. Modules 1, 2, and 4 are completed and have been submitted. Module 3 is due to the DEP by October 1st. Module 5 is due on September 1st and the Planning Board is required to have a public hearing before September 30th. He will request that Mr. McGroarty make a presentation to the Governing Body.

Council President Smolinski asked about the wastewater management plan. Mr. Semrau stated that this plan is required by the DEP who initially mandated that each county be responsible for drafting the plans for the municipalities within their jurisdiction. Because Passaic County has advised that they will not be drafting the wastewater management plan, the DEP will give West Milford additional time. Much of the module data being compiled for the master plan can be used in drafting the wastewater management plan. In the past Eagle Ridge, Valley Ridge, and the Bowling Alley have asked for amendments to the Township's plan. Eagle Ridge and Valley Ridge are no longer viable and the DEP has not acted on the proposed amendment for the Bowling alley. If the Township gets an extension into early next year the Township will utilize interim mapping from the DEP. The council asked Mr. Semrau to contact the attorney for the Bowling Alley to determine if they wish to draft an amendment or wait for inclusion in the new plan.

Council President Smolinski asked Mr. Boyle to provide copies of the caretaker applications to the Council. He asked that additional controls be placed around the safety of this building to prevent vandalism. Mr. Boyle advised that he and Mayor Bieri will be interviewing candidates as part of this administrative process.

Councilman Nolan stated that Council received a letter from Hometown Online about a cable franchise renewal and he asked if this is related to the Warwick Cable renewal. Ms. Battaglia advised that there are two separate agreements subject to renewal. She asked Council to delay the process for this renewal until after September 23rd which is the date scheduled for public hearing on the Warwick renewal. Councilman Nolan stated that Lakeland Bank filed a tax appeal which will cost taxpayers a significant sum of money both this year and in the years to come. He stated that the Township and the Board of Education deposit significant sums at this institution and their actions do not make good business sense. He stated that the forecast for the 2010 budget does not look good with State pension obligations estimated to increase 12.7% and 19.5% for police and fire. These increases must be taken into consideration when negotiating with the labor unions.

Councilwoman Lichtenberg stated that last night's concert at Bubbling Springs was rained out and is now scheduled for August 18th. She gave a thumbs up to John Fredericks of Fredericks fuel.

Township Administrator Boyle stated that he will be scheduling workshop discussions of a funding determination for Eagle Ridge and a proposed house numbering ordinance. He is awaiting a response from the State about the live where you work program. He stated that the Township will be assisting Sustainable West Milford with a grant application for a DEP Greenhouse Gas Reduction Grant program. He advised that work will begin on the salt shed replacement and the police communications in the near future. The bridge on Clinton Road has been closed because the County has deemed it unsafe. They have scheduled this bridge for repair and hope to begin work in September. Mr. McFadden has provided a list of 32 roadways that are scheduled for repair in the 2009 roadway program. He is working with Mr. Semrau on a vacation of Shady Lane and there will be a preliminary assessment meeting with Mount Glen Lakes on August 6th.

Township Attorney Semrau stated that Council President Smolinski asked him to look into the water rate hike at Bald Eagle Commons. The Governing Body authorized him to send a letter requesting the financial information they used to support the recommendations made for this rate hike. Mr. Semrau advised that West Milford met all its affordable housing obligations for the first 2 rounds and some deficiencies are being addressed. Some property owners get affordable housing but when they sell they are doing so at market value. This becomes the Township's responsibility as the municipality loses those units and cannot apply them toward the obligation. Mr. McGroarty recommends that the Township hire someone to monitor these situations and the costs would be charged to COAH funds or escrow. He has received a proposal from Piaggia & Associates. He stated that this work does not alleviate the responsibilities of the Municipal Housing Liaison but rather is intended to ensure that deeds and titles properly reflect COAH units when ownership is transferred. Councilman Jurkovic supported this contract stating the he encountered problems in chain of title transactions and can confirm that the municipality is ultimately liable if this is not property reflected in the deed. The Council gave consensus to proceed with limited services.

Agenda No. XII

Appointments and Resignations

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution No. 2009- 294 ~

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

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

Table with 3 columns: Name, Position, Date Tendered. Row 1: Joseph Ponzo, Recreation Advisory Committee Vice Chairman, May 21, 2009

Adopted: July 22, 2009

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

Agenda No. XIII

Executive Session

~ Resolution No. 2009-295 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 22nd day of July 2009 that:

- 3. Prior to the conclusion of this Regular Meeting, the Township Council shall meet in Executive Session... () b. (1) Confidential or excluded matters... () b. (2) A matter in which the release of information would impair... () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy... () b. (4) A collective bargaining agreement including negotiations... (X) b. (5) Purchase, lease or acquisition of real property... () b. (6) Tactics and techniques utilized in protecting the safety and property of the public... (X) b. (7) Pending or anticipated litigation or contract negotiations... () b. (8) Personnel matters... () b. (9) Deliberations after a public hearing...

- 4. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: July 22, 2009

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

