
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: July 26, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 25

The Regular Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

Adequate Notice Statement

Mayor DiDonato advised that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issues of January 23, and January 30, 2006; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski,
Robert Nolan, James Warden.
Mayor Joseph DiDonato.
Absent: Carmelo Scangarello.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and
Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the June 19, 2006 Special Meeting as presented.

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried.

Councilman Scangarello moved to adopt the minutes of the June 19, 2006 Executive Meeting as presented.

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried.

Presentation

None.

Proclamations

None.

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1

~ Resolution 2006-231 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN INVESTIGATION OF THE PLANNING BOARD ATTORNEY’S WITHDRAWAL FROM A TOWNSHIP LEGAL ACTION IDENTIFIED AS PAS-1429-06

Discussion: Councilman Nolan reminded all present that this resolution was tabled at the last meeting for reconsideration tonight. Since that meeting, Weiner Lesniak has sent the Council a letter advising that they began representing Trammel Crow on May 11, 2006 and answering the questions asked by Council. Councilman Nolan stated that he is satisfied with the answers provided. Mayor DiDonato asked the Council if they wish to withdraw this resolution. Councilman Smolinski answered in the affirmative and stated that it is a shame that we had to go through all this to get an answer. He noted that the planning board acted appropriately as did our professionals and our staff.

Councilman Nolan made a motion to withdraw this resolution.

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Moved: Nolan Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried.

Agenda No. V 2
~ Ordinance 2006-006 ~

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X,
TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

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

SECTION 1. Chapter X, Traffic, Section 10-5, Speed Limits, Schedule V, is hereby amended in regard to the speed limit for both directions of traffic along Doremus Road as follows:

<u>NAME OF STREET</u>	<u>DIRECTION</u>	<u>SPEED</u>	<u>LOCATION</u>
Doremus Road	Both	a. 35 mph	From Route US 23 to Old Hoop Hole Road
		b. 35 mph	From Old Hoop Hole Road to Route US 23

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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect as required by law and upon the posting of appropriate signs and the approval of the Commissioner of Transportation.

INTRODUCED: May 24, 2006

Discussion: Administrator Kunze advised that the police and engineering departments have been working together on this matter. They have conducted a study and, as a result, the Engineer has recommended that the speed be reduced to 45mph. He directed the Council to the Engineer's report which outlines the specific areas that would be affected by the proposed speed reductions. The Township Attorney stated that this change is too substantive to amend the ordinance. Therefore, he recommended that the Council defeat the ordinance as presented and reintroduce with the new speeds, have another public hearing and then adopt. Mayor DiDonato asked if anyone from the public wished to speak about this ordinance. There being no one wishing to speak, the public hearing was closed.

Councilman Weisbecker made a motion to reject this ordinance as presented.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried; Ordinance defeated.

Public Comments

Mayor DiDonato opened the meeting to the public.

Don Partington, 572 Snakeden Road, West Milford stated that he has asked the Council for help with on-going issues with his neighbor. He advised that the situation continues to worsen and that his neighbor has now added yellow pipe to the top of the fence dividing their properties, causing an even greater eyesore. He advised that the Zoning Officer issued a summons and the complaint went to court. He stated that the judge did not enforce the Township's property maintenance code and did not fine the person. In his opinion, the judge's decision was not reasonable and he stated that the judge must go. He provided a brief history of the problems he has encountered with his neighbor. He stated that the neighbor continues to engage in actions to exacerbate the situation. Recently he has moved his wood and wood-splitting business as close as possible to the property line; he has placed no trespassing signs on trees where they are unsightly from the Partington's property. He stated that an appeal has been filed

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Council Comments

Councilman Weisbecker stated that Michael Tfank, the Planning Board Chairman, recused himself from the Valley Ridge vote at the last meeting. He thanked Mr. McQuaid for his condolences and expressed agreement with his opinion of the "West Milford Sunshine Act".

Councilman Smolinski stated that the staff in the DPW department is stretched to the max and cannot stop projects to clean the bike paths after every storm. He encouraged people to join the adopt-a-road projects in town. He stated that Veterans should not have to pay for benefits after having served this country. He agreed that the fears expressed about the "Sunshine Act" are valid.

Councilman Nolan asked if the Township has a fence ordinance on the books that might assist Mr. Partington in his plight. Administrator Kunze advised that we have both a fence ordinance and a property maintenance code. In this instance, a summons was issued, it went to court and the judge found there was no violation. Councilman Nolan stated that the roads experiencing tree limb problems are County roads and asked the Administrator to reach out to the County and the electric companies in an effort to resolve this problem. He stated that there will be plenty of opportunities to discuss the "Sunshine Act" between now and November.

Mayor DiDonato stated that the Township staff are still getting updates on the Wallisch property but we expect to set up a meeting with the Board of Education in the near future. He advised that the Council plans to appoint a hydro geologist tonight.

Administrator Kunze stated that staff is still working on obtaining estimates on Hillcrest. He will contact the School Board Administrator, Steve Cea, to set up a meeting, possibly for September.

New Business, Introduction of Ordinances, Resolutions

The Mayor and Township Council proceeded to take action on the following ordinance and resolutions:

Agenda No. VIII 1

~ Ordinance 2006-008 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING RIGHTS-OF-WAY DEDICATION OF HEARTHSTONE DRIVE WITHIN FIELDSTONE ESTATES DEVELOPMENT

WHEREAS, Eastern Building & Utility Company, Inc. (hereinafter "Developer") was the developer of both Section One and Section Two of the Fieldstone Estates subdivision lying between Macopin Road and High Crest Drive within the Township of West Milford (hereinafter "Township"); and

WHEREAS, the Developer was required to dedicate various Rights of Way to the Township pursuant to Planning Board approvals for the subdivision; and

WHEREAS, the Developer has filed a Right-of-Way dedication as identified by way of a map entitled "Final Subdivision Plat, Lot 1, Block 13001, Fieldstone Estates, Section Two, Township of West Milford, Passaic County, New Jersey" filed with County Registrar on April 15, 2002 as Map. No. 3481; and

WHEREAS, the Township desires to accept said Dedication and record same with the County Registrar; and

WHEREAS, the acceptance of a street by the Township is subsequent to the release of the performance guarantee pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53, and the Township desires to formally acknowledge interest of said street.

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 Township of West Milford hereby accepts the attached Right-of-Way Dedication for Hearthstone Drive as identified by way of a map entitled "Final Subdivision Plat, Lot 1, Block 13001, Fieldstone Estates, Section Two, Township of West Milford, Passaic County, New Jersey" filed with County Registrar on April 15, 2002 as Map. No. 3481. The Township Clerk is authorized to arrange for the filing of same with the County Registrar.

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

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

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

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

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Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 2

~ Ordinance 2006-009 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING RIGHTS-OF-WAY DEDICATION OF LONE PINE LANE AND SPLIT ROCK ROAD WITHIN ALPINE RIDGE DEVELOPMENT

WHEREAS, Alpine Ridge Developers, Inc. (hereinafter "Developer") was the developer of the Alpine Ridge subdivision (Sections 2B and 3), lying alongside Alpine Ridge Road within the Township of West Milford (hereinafter "Township"); and

WHEREAS, the Developer was required to dedicate various Rights of Way to the Township pursuant to Planning Board approvals for the subdivision; and

WHEREAS, the Developer has filed a Right-of-Way dedication as identified by way of a map entitled "Final Plat, Alpine Ridge, Section III, Township of West Milford, Passaic County, New Jersey" filed with the County Registrar on July 20, 2000 as Map. No. 3457; and

WHEREAS, the Township desires to accept said Dedication and record same with the County Registrar; and

WHEREAS, the acceptance of a street by the Township is subsequent to the release of the performance guarantee pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53, and the Township desires to formally acknowledge interest of said street.

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 Township of West Milford hereby accepts the attached Right-of-Way Dedication for Lone Pine Lane and Split Rock Road as identified by way of a map entitled, "Final Plat, Alpine Ridge, Section III, Township of West Milford, Passaic County, New Jersey" filed with the County Registrar on July 20, 2000 as Map No. 3457. The Township Clerk is authorized to arrange for the filing of same with the County Registrar.

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.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

Moved: Gervens Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 3

In their packets, the Council was provided two drafts of the following ordinance. One draft allowed for commercial brush disposal at our recycling center, the second draft did not. Administrator Kunze advised that the Engineer had asked that the Council reconsider allowing brush disposal because there has been some difficulty monitoring the activities of the commercial landscapers who commonly use this facility. Councilman Weisbecker moved option #1 which allows for commercial disposal of brush and Councilman Gervens moved option #2 which does not. Mr. Semrau, noting that there is a motion on the floor to consider option #1 advised that this should be acted on before a second motion can be moved.

~ Ordinance 2006-010 ~

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AN ORDINANCE OF THE TOWNSHIP COUNCIL AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AS AMENDED

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of West Milford are hereby amended and supplemented to read as follows:

SECTION	SERVICE	FEE
HEALTH		
24.2.3	Menomune Vaccine	\$90.00
24.2.3	TD (Tetanus 7 Diphtheria)	\$20.00
24.2.3	Skin Cancer	\$15.00
19.4.4	Sewage (Soil Log: New Construction)	\$110.00
19.4.4(A)	Sewage (Soil Log: Alteration)	\$80.00
19.4.4(B)	Sewage (Plan Review: New Construction)	\$220.00
19.4.4(B)	Sewage (Plan Review: Alteration)	\$165.00
19.4.4(B)	Sewage (Plan Revision: New Construction)	\$80.00
19.4.4(B)	Sewage (Installation Permit: New Construction)	\$165.00
19.4.4(D)	Sewage (Installation Permit: Alteration)	\$165.00
19.4.4(E)	Sewage (Installation Permit: Repair)	\$80.00
19.4.4	Sewage (Installers License)	\$110.00
19.4.4	Sewage (Renewal of Installation Permits)	\$55.00
FIRE PROTECTION		
11.7 B(1)	Smoke Detector Re-inspection Fee	\$15.00
RECYCLING		
22.2.3 C1	The cost for Commercial entities to Dispose of Grass, Leaves, and Brush (no larger than 4" in caliber)	\$250 for 5 tickets Each ticket good for One (1) load of material
TAX ASSESSMENT		
	Duplicate Bills	\$5.00

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

Discussion: Councilman Warden stated that he agreed that the Township should offer commercial brush disposal for one year at this rate. Councilman Nolan advised that he was at the recycling center on Monday and there were about four people there doing community service. He asked if these people can be used to monitor and help enforce the ordinance. Administrator Kunze advised that we do not consistently have that level of staffing through the community service program and that often people doing community service are not highly motivated to enforce such statutes. He also advised that they are minimally trained and we regularly have one paid person on site. Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

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Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 4

~ Ordinance 2006-011 ~

AN ORDINANCE AMENDING CHAPTER 10 (TRAFFIC), SECTION 10.7 (TURNS PROHIBITED), SPECIFICALLY SCHEDULE VII (TURN PROHIBITIONS) AS ATTACHED TO THE END OF CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ADD AN ADDITIONAL PROHIBITED LEFT TURN ONTO EISENHOWER DRIVE FROM LINCOLN AVENUE DURING THE HOURS OF 6 AM AND 9 AM

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

SECTION 1. Schedule VII (Turn Prohibitions) as attached to Chapter 10 (Traffic) of the aforesaid Revised General Ordinances, is hereby amended to add an additional prohibited left hand turn. The addition to Schedule VII as attached to Chapter 10 shall read as follows:

LOCATION	TURN PROHIBITED	MOVEMENT PROHIBITED
Lincoln Avenue and Eisenhower Drive	Left	Southbound on Lincoln Avenue onto eastbound Eisenhower Drive between the hours of 6:00 a.m. and 9:00 a.m.

SECTION 2. Appropriate regulatory signs shall be erected and maintained to effect the above designated regulations as authorized by the NJ Department of Transportation.

SECTION 3. 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 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect upon publication and as required by law and upon the posting of appropriate signs and upon approval of the New Jersey Commissioner of Transportation.

Discussion: Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006. Councilman Nolan stated that this ordinance is intended to prohibit this no left turn during rush hour traffic. He asked if the Council should consider making the prohibition apply from Monday through Friday only. Mr. Semrau recommended introducing it in its present form and we can then amend and adjust the ordinance before final adoption. This will give him an opportunity to determine if DOT has to revisit the subject to include this caveat. Councilman Weisbecker stated that this prohibition will not be necessary in less than a year because of the new road. He asked if anyone has studied the potential impact of this ordinance on Lincoln and Marshall. Mayor DiDonato asked the Township Attorney to inquire with DOT.

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried.

Agenda No. VIII 5

~ Ordinance 2006-012 ~

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF THE MUNICIPAL CODE

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WHEREAS, the New Jersey Legislature has amended *N.J.S.A.* 40:49-5 to permit municipalities to increase to maximum fines for violations of the Municipal Code from \$1,250 to \$2,000; and

WHEREAS, the Township Council of the Township of West Milford has determined that said increase in the maximum permitted fines is warranted and in the best interests of the residents of the Township of West Milford.

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

SECTION 1. The following provisions of the Code of the Township of West Milford shall be revised to increase the maximum allowable fine from \$1,250 to \$2,000:

- Chapter 5- Littering, § 5.1.10
- Chapter 5- Penalty, § 5.9.1
- Chapter 5- Filming, § 5.21.5
- Chapter 6- Tattooing Parlors & Tattooists, § 6.11.6
- Chapter 17- Land Subdivisions & Site Plan Review, § 17-12.2(A)
- Chapter 17- Land Subdivisions & Site Plan Review, § 17-12.3(A)
- Chapter 22- Separation, Collection & Sale of Recyclable Materials, §22.2.10(A)

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, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions 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.

Discussion: Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Abstained: None.
Motion carried.

Agenda No. VIII 6

~ Resolution 2006-257 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AMENDMENTS TO THE 2006 BUDGET AS INTRODUCED

Mayor DiDonato instructed the Clerk to read this resolution in full as required by State statute. When the resolution had been read into the record, the Mayor opened the meeting to the public to speak to this matter only. There being no persons wishing to be heard, the meeting was closed to the public.

Adopted: July 26, 2006

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.
Voted Nay: Warden.
Abstained: None.
Motion carried.

Agenda No. VIII 7

~ Resolution 2006-258 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING ADOPTION OF THE 2006 MUNICIPAL BUDGET

Discussion: Administrator Kunze advised that the budget being presented for adoption tonight represents a \$100 increase for the average homeowner and uses \$15,000 less in surplus than the introduced budget. Councilman Nolan stated that the decisions made in any year affect the budget in ensuing years. He stated that he does not foresee any additional state aid next year and that the pension payments are expected to increase again next year. He noted that salary negotiations are underway through the process of contract negotiations. Councilman Weisbecker, noting that the Council worked very hard on this budget, expressed his desire to see a finance committee established in the Township, which, he stated, would streamline the process. Councilman Smolinski thanked the Council for restoring funds to emergency services. Administrator Kunze thanked the department heads and Township staff for all the work involved in the budget process. He commended the Chief Financial Officer for all his hard work and noted that this budget does not reflect any funding for additional personnel.

Adopted: July 26, 2006

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.
Voted Nay: Warden.
Motion carried.

Agenda No. VIII 7a

~ Resolution 2006-258A ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING ADOPTION OF THE 2006 SOLID WASTE BUDGET

Adopted: July 26, 2006

Moved: Nolan Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 8

~ Resolution 2006-259 ~

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2007 Alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$46,300.00, from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$11,575.00 which is assumed by CASA, and an in-kind match of \$34,725.00; and

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

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Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 9

~ Resolution 2006-260 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2007

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$5,000.00 with a cash match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2007.

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

Adopted: July 26, 2006

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 10

~ Resolution 2006-261 ~

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

WHEREAS, the Township of West Milford received funds in 2005 for the Rehabilitation of the Westbrook Tennis and Basketball Courts; and

WHEREAS, said funds were in the form of a loan award in the amount of \$125,000 and a grant award in the amount of \$125,000; and

WHEREAS, financial constraints prohibit the Township from assuming costs for this important project that exceed the 50% cash match stated in the original grant application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials, as prepared by the West Milford Township Recreation Department, to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Conversion of a previously awarded loan award in the amount of \$125,000 to a grant award in the same amount for the Rehabilitation of the Westbrook Tennis and Basketball Courts.

Adopted: July 26, 2006

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Discussion: Administrator Kunze advised that, when we first received these funds, we believed the total amount was grant money. However, it has recently been discovered that a portion of the funds was actually a 0% loan and this resolution asks that the loan amount be converted to grant funding.

Moved: Nolan Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 11

~ Resolution 2006-262 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, NEW JERSEY AWARDDING A CONTRACT TO BEYER BROS. CORP FOR ONE (1) 2006 – 3.2 CY 4X4 MASON DUMP TRUCK WITH PLOW, SPREADER AND CENTRAL HYDRAULICS AS PER THE BID SPECIFICATIONS

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on June 30, 2006 at 10:00 a.m. for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications; and

WHEREAS, the Township of West Milford received one (1) bids for this contract; and

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

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Beyer Bros. Corp.; and

WHEREAS, encumbrances for these services shall come from account number C-04-05-940-291; 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 Beyer Bros. Corp. for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications.

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 Beyer Bros. Corp. in the amount of \$64,324.00 for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Beyer Bros. Corp. in accordance with its bid for said one 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics.
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 26, 2006

Discussion: Councilman Smolinski expressed ongoing concern that we only received one bid on this vehicle. He stated that he would like to reject this bid and go out for bid again. Administrator Kunze noted that the DPW contacted the vendors who took out packages but did not bid. He referred the Council to a memorandum in their packet which provides the specifics. In brief, the Ford and Chevrolet dealers did not bid in anticipation of increased costs associated with upcoming emission legislation. Mr. Semrau advised that the bid can only be rejected if there is a valid reason under the law to do so. Councilman Weisbecker asked that the Council be provided with a list of bidders on all future bids.

Moved: Gervens Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VIII 12

~ Resolution 2006-263 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH KELLER & KIRKPATRICK INC. - HIGH CREST DRIVE BRIDGE INSPECTION AND CONDITION EVALUATION

Councilman Weisbecker moved to consider this resolution as presented. Motion seconded by Councilman Gervens.

Discussion: Councilman Nolan confirmed that this resolution is simply committing \$1,800 to evaluate the bridge and asked if the Administrator is sure that we are responsible for this work. Councilman Weisbecker stated that he always believed that the County is responsible for all the bridges throughout the County and asked the Administrator to research the regulations and confirm that we are responsible.

Councilman Weisbecker moved to table this resolution until August 9, 2006.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.
Voted Nay: None.
Abstained: Warden.
Motion carried.

Agenda No. VIII 13 through VIII 16

Mayor DiDonato asked the Council to consider moving the next four resolutions as a group. Councilman Nolan asked for clarification on Resolution 2006-266. The Township Clerk advised that originally the Fire and Police Department expressed objections to the issuance of this license. However, since the packets went out to Council on Friday, they have found that the licensee is taking steps to abate an existing fire code violation and they no longer have any objections. The Council agreed to move the four resolutions as a group.

~ Resolution 2006-264 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-011-003 PETER W. ANOLL T/A LAKESIDE INN FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS

WHEREAS, an application for renewal of inactive Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

WHEREAS, The Township Council was advised by the Police Department of an investigation on this license; and

WHEREAS, the Police Department has recommended that the license be renewed as inactive to the current owner with Conditions as noted below.

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

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<u>LICENSE/LICENSEE/T/A</u>	<u>CONDITIONS</u>
PETER W. ANOLL T/a Lakeside Inn 322 Lakeside Road Hewitt, NJ 07421 1615-33-011-003	1. Food Handlers License must be current before issuance of License. 2. Premises must be inspected and approved by the Police Department before opening. 3. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

Adopted: July 26, 2006

~ Resolution 2006-265 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-024-011 FROM THOMAS J. MCGURR LOCATED AT 1555 GREENWOOD LAKE TURNPIKE, HEWITT, NEW JERSEY TO GEORGE INDUSTRIES, INC. FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of inactive 2006 - 2007 Plenary Retail Consumption License No. 1615-33-024-011 presently held by Thomas J. McGurr at 1555 Greenwood Lake Turnpike, Hewitt to George Industries, Inc. for premises at the same location; and

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

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

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

1. Applicant must provide the Township Clerk with proof of Closing on the License prior to issuance of the License Certificate.
2. Food Handlers License must be current before issuance of License Certificate.
3. Premises must be inspected and approved by the Police Department before opening.
4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

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

Adopted: July 26, 2006

~ Resolution 2006-266 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-007-003 BEARFORT PLAZA, INC. T/A VALLEY VIEW PUB FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS

WHEREAS, the application for renewal of Plenary Retail Consumption License No. 1615-33-007-003 Bearfort Plaza, Inc. t/a Valley View Pub for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

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

WHEREAS, the Fire Marshall has recommended that the license be renewed with a condition that existing fire code violations be abated or corrected; and

WHEREAS, the Police Department has recommended that the license be renewed pursuant to the recommendation of the Fire Bureau; and

WHEREAS, the Construction Official has recommended that the license be renewed with a condition that the occupancy of the room in the basement be used for storage only due to a deficiency in the sprinkler system; and

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to renew the license certificate for the Mayor and Township Council of the Township of West Milford as follows:

<i>LICENSE/LICENSEE/T/A</i>	<i>CONDITIONS</i>
BEARFORT PLAZA, INC. t/a VALLEY VIEW PUB 1612 Union Valley Road West Milford, NJ 07480 1615-33-007-003	<ol style="list-style-type: none"> 1. The fire violation due to a deficiency in the sprinkler system be abated or corrected. 2. The room in the basement be used for storage only.

Adopted: July 26, 2006

~ Resolution 2006-267 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-016-004 JERZY CRZANOWSKI T/A MAMA MIA RESTAURANT FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS

WHEREAS, the application for renewal of Plenary Retail Consumption License No. 1615-33-016-004 Jerzy Crzanowski t/a Mama Mia restaurant for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

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

WHEREAS, the Police Department has recommended that the license be renewed to the current owner, and outstanding requirements must be completed within one month of date of renewal of license as noted below; and

WHEREAS, the New Jersey Division of Taxation requires that the name on the License Certificate be corrected by transfer to the Limited Liability Corporation licensed on the NJ Sales Tax Certificate of Authority (Mama Mia Restaurant LLC) prior to renewal for the 2007 – 2008 License year.

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

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8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder.

9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.

10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.

11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.

12. Adjoining property owners shall be given the first right to bid. If no adjoining property owners bids, the bidding will be opened to the public.

13. The deed of conveyance shall contain a restriction that the lot cannot be built upon and if purchased by an adjoining property owner, the property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.

14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

15. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

16. The resolution shall take effect immediately.

Adopted: July 26, 2006

Moved: Weisbecker Seconded: Gervens
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VIII 18

~ Resolution 2006-269~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO MATTHEW J. MULHALL, P.G. OF M2 ASSOCIATES, INC.**

WHEREAS, the Township of West Milford has intervened in the matter entitled *K. Hovnanian at West Milford, L.L.C. v. Department of Environmental Protection of the State of New Jersey and Township of West Milford as Intervenors*, Appellate Division Docket Numbers A-4407-04T3 and A-6031-04T3; and

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WHEREAS, the Township has expressed serious concerns and reservations relevant to the long term sustainability of water supply for the Eagle Ridge development which is the subject matter of the aforesaid litigation; and

WHEREAS, as a result of overwhelming public concerns and the Department of Environmental Protection's diversion of a Water Allocation Permit for the project, there will be additional testing by K. Hovnanian in order to verify sustainability of a long term water supply allocation for the project; and

WHEREAS, in order to participate in this process by way of analysis and communication with the Department of Environmental Protection, the Mayor and Township Council solicited a proposal for professional services by a hydro geologist familiar with West Milford Township to assist in this matter; and

WHEREAS, Matthew J. Mulhall, PG, M2 Associates, 56 Country Acres Drive, Hampton, NJ has submitted a proposal dated July 26, 2006 to provide such services in the interest of the municipality; and

WHEREAS, Mr. Mulhall demonstrates the requisite experience and familiarity and background to assist the Township in this matter; and

WHEREAS, the Chief Financial Officer has certified the availability of funds said funds to be encumbered from account number 6-01-20-100-200; and

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

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

1. The Township of West Milford hereby awards and authorizes the Township Administrator and Township Clerk to execute an agreement with Matthew J. Mulhall, PG of M2 Associates, Inc., 56 County Acres Drive, Hampton, NJ 08827 to assist the Township in the litigation entitled *K. Hovnanian at West Milford, L.L.C. v. Department of Environmental Protection of the State of New Jersey and Township of West Milford as Intervenors*, Appellate Division Docket Numbers A-4407-04T3 and A-6031-04T3, by reviewing existing technical reports, plans, and documentation and attending hearings/meetings in an amount not to exceed \$10,000.00 in accordance with his proposal dated July 26, 2006, a copy of which is attached hereto.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Township Council.

4. Notice of this action shall be published once in the Township's official newspaper as required by law.

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Adopted: July 26, 2006

Discussion: Mr. Semrau advised that the hydro geologist will assist in monitoring and providing analysis of the Hovnanian testing and the associated DEP application for the development known as Valley Ridge. There is a cap of \$10,000 for his services, he has worked for West Milford before, and he is available to assume these responsibilities now.

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Gervens Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. IX 1

~ Resolution 2006-270 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

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

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

Resolutions:

- a. **Resolution 2006-271** –Authorizing Refund of Overpayments
- b. **Resolution 2006-272** –Authorizing Partial Refund – Retail Food License
- c. **Resolution 2006-273** –Authorizing Refund of Recreation Fees
- d. **Resolution 2006-274** –Authorizing Reinstatement of Taxes
- e. **Resolution 2006-275** –Authorizing Refund of Other Liens
- f. **Resolution 2006-276** –Authorizing Tax Lien (Block 2302, Lot 3)
- g. **Resolution 2006-277** –Authorizing Release of Performance Guarantees
- h. **Resolution 2006-280** - Authorizing the Application for Permission to Conduct Fireworks Display – Change in Date

Applications:

- a. Application with Police Department Restrictions for Petition to Extend Licensed Premises – Big John’s Pub/Norman Bennett for August 26, 2006
- b. Application with Police Department Restrictions for Petition to Extend Licensed Premises – Big John’s Pub/Norman Bennett for September 4, 2006.
- c. Application for Special Permit for Social Affair – West Milford Education Foundation for October 14, 2006

Adopted: July 26, 2006

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

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. IX 1a

~ Resolution 2006-271 ~

RESOLUTION 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
- 4. Homestead Rebate
- 5. Tax Appeal

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3. Senior Citizen/Veteran Deduction

Block/Lot	Name	Amount	Year	Reason
9801-28.06	Richard & Gina Hanley 47 Christine Court West Milford, NJ 07480	\$87.84	2005	5
15901-001	Oak Ridge Road Assoc. LLC & Michael A. Vespasiano, Esq. 150 Morris Avenue Box 694 Springfield, NJ 07081	\$2,836.50	2004	5
15901-001	Oak Ridge Road Assoc. LLC & Michael A. Vespasiano, Esq. 150 Morris Avenue Box 694 Springfield, NJ 07081	\$7,656.72	2005	5
	TOTAL	<u>\$10,581.06</u>		

Adopted: July 26, 2006

 Agenda No. IX 1b

~ Resolution 2006-272 ~

RESOLUTION AUTHORIZING PARTIAL REFUND OF RETAIL FOOD LICENSE APPLICATION FEE

WHEREAS, the Township Clerk has reported a request from the Health Department for a partial refund of a check in the amount of \$115.00 for the submission of an Application for a Retail Food License for Pinecliff Lake Community Club, 1577 Union Valley Road, West Milford, New Jersey, 07480.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the amount of \$115.00 to the aforesaid applicant as shown above.

Adopted: July 26, 2006

 Agenda No. IX 1c

~ Resolution 2006-273 ~

RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEES

RESOLVED, that the following Recreational fees upon the report of the Recreation Director be refunded:

<u>Name & Address</u>	<u>Reason</u>	<u>Amount Refunded</u>
Cathy Hiester 186 Vreeland Road West Milford, NJ 07480	Cancellation of Early Drop Off for Bubbling Springs Day Camp	\$55.00
James Fitzgerald 512 Warwick Tpk. Hewitt, NJ 07421	Cancellation of Bubbling Springs Swim Team	\$165.00
Barbara Kwiatek 1 Jacobs Road West Milford, NJ 07480	Cancellation Bubbling Springs Swim Lessons	\$80.00
Christine Adler 1443 Union Valley Road Floor 2 West Milford, NJ 07480	Cancellation Bubbling Springs Swim Lessons	\$105.00
Catherine Patterson 565 Otterhole Road West Milford, NJ 07480	Cancellation of Lifeguard Training Class	\$240.00
Bonnie Cuomo 36 Bisset Drive West Milford, NJ 07480	Cancellation of Bubbling Springs Day Camp	\$195.00

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Renee Cascino 31 Belford Drive Hewitt, NJ 07421	Cancellation of Bubbling Springs Day Camp	\$1,225.00
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Adopted: July 26, 2006

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 Agenda No. IX 1d

~ Resolution 2006-274 ~

**RESOLUTION 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

| <u>BLOCK/LOT</u> | <u>NAME</u>    | <u>AMOUNT</u>            | <u>YEAR</u> | <u>REASON</u> |
|------------------|----------------|--------------------------|-------------|---------------|
| 2611-26          | Robert J. Free | \$870.00                 | 2006        | 1             |
| 4104-2           | G. & B. Welkey | \$603.48                 | 2006        | 1             |
|                  | <b>TOTAL</b>   | <b><u>\$1,473.48</u></b> |             |               |

Adopted: July 26, 2006

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 Agenda No. IX 1e

~ Resolution 2006-275 ~

RESOLUTION 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	Reimbursement Amount	Pay to the Lien Holder
05-032	30/09/2005	02315-002	\$18,970.78	Fidelity Tax LLC P.O. BOX 5707 FORT LAUDERDALE, FL 33310
06-021	04/11/2006	02701-028	\$15,095.32	WACHOVIA CUST/SASS5 MUNI V DTR 123 S. BROAD ST. PA 1328S TAX LIEN SERVICES GROUP PHILADELPHIA, PA 19109
06-022	04/11/2006	02701-029	\$271.16	CHUN T LI 9 MALJIM COURT WAYNE, NJ 07470
06-023	04/11/2006	02705-002	\$102.67	CHUN T LI 9 MALJIM COURT WAYNE, NJ 07470
06-026	04/11/2006	03013-027	\$158.20	CHUN T LI 9 MALJIM COURT WAYNE, NJ 07470
06-041	04/11/2006	05301-044.04	\$1,401.02	ALMAR 2 KIEL AVENUE #202 KINNELON, NJ 07405
06-059	04/11/2006	07801-023.02	\$13,930.56	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621

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06-084	04/11/2006	16307-016	\$16,598.75	ROBERT U. DEL VECCHIO; PENSION TRUST PO BOX 196 HAWTHORNE, NJ 07507
GRAND TOTAL			\$66,528.46	

Adopted: July 26, 2006

 Agenda No. IX 1f

~ Resolution 2006-276 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE BOARDING UP AND CLEAN UP OF AN UNSAFE AND HAZARDOUS STRUCTURE AND PROPERTY AND PROVIDING FOR THE PAYMENT AND COLLECTION OF COSTS

WHEREAS, the Building Standards Board of the Township of West Milford has boarded up and cleaned up a house and property located at 92 Riverside Road (Block 2302, Lot 3), West Milford, New Jersey, as a result of its Unsafe and Hazardous condition; and

WHEREAS, Imperial Home Loans, c/o Micah Rolff, Esq., 560 Route 23 North, Pequannock, New Jersey 07440 the owner of these premises, has failed to comply with said order or to appeal the order of the Board within the period permitted by law; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3 et seq., the Township made necessary repairs and cleanup and has placed the cost of same as a tax lien upon the property; and

WHEREAS, the final cost of completing the necessary boarding up and outside cleanup is certified as \$2,875.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the appropriate Township officials are hereby authorized to place a tax lien upon a house and property located at 92 Riverside Road (Block 2302, Lot 3), West Milford, New Jersey in the amount of \$2,875.00 which is certified as the cost of boarding up of and cleanup of same; and

BE IT FURTHER RESOLVED that the Township Clerk shall present this Resolution to the Tax Collector who shall proceed to collect the foregoing as provided by law.

Adopted: July 26, 2006

 Agenda No. IX 1g

~ Resolution 2006-277 ~

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

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

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Louis Pagano 19 Pinecliff Lake Drive West Milford, NJ 07480	14301 / 14.06	\$ 600.00	68
Peak Development Corp. 17 Deal Lane Livingston, NJ 07035	4101 / 7	\$ 1,400.00	60

Adopted: July 26, 2006

 Agenda No. IX 1h

~ Resolution 2006-280 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
 Date of Meeting: July 26, 2006
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**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
 COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
 A SPECIAL EVENT PERMIT APPLICATION TO UPPER GREENWOOD LAKE PROPERTY OWNERS
 ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH
 AREA**

WHEREAS, on June 14, 2006 the Township Council adopted Resolution 2006-213 A Resolution Of The Township Of West Milford, County Of Passaic And State Of New Jersey Authorizing A Special Event Permit Application To Upper Greenwood Lake Property Owners Association To Hold A Fireworks Display At The Upper Greenwood Lake Launch Area; and

WHEREAS, Resolution 2006-213 authorized the Upper Greenwood Lake Property Owners Association To Hold A Fireworks Display on June 24, 2006 with a rain date of September 3, 2006; and

WHEREAS, the Upper Greenwood Lake Property Owners Association has requested to change the date(s) of the Fireworks Display to be held August 20, 2006 between 9 p.m. and 10:30 p.m. at the Upper Greenwood Lake launch area with a rain date of September 2, 2006; and

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

WHEREAS, the Township is in receipt of the Upper Greenwood Lake Property Owners Association application, along with a Certificate of Insurance, the required \$2,500.00 Bond in the form of a certified check and the Upper Greenwood Lake Property Owners Association has paid in advance for Special Police Officers to work at this event.

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

1. Resolution No. 2006-213 is hereby rescinded and replaced by this Resolution No. 2006-280.
2. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on August 20, 2006 at the Upper Greenwood Lake launch area, with a rain date of September 2, 2006, between the hours of 9 p.m. and 10:30 p.m.

Adopted: July 26, 2006
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**Payment of Bills**

Agenda No. X

**~ Resolution 2006-278 ~  
 RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

| <b>Acct #</b> | <b>Account Name</b>       | <b>Amount</b> |
|---------------|---------------------------|---------------|
| 1             | Current Account. . . . .  | \$303,008.37  |
| 2             | Reserve Account . . . . . | 991.00        |
| 3             | Animal Control Trust      |               |
| 6             | Capital. . . . .          | 117,798.90    |
| 7             | Grants. . . . .           | 1,906.63      |
| 8             | Refuse. . . . .           | 87,606.77     |
| 9             | Refunds. . . . .          | 79,174.52     |
| 12            | General Ledger. . . . .   | 5,684.00      |
| 16            | Heritage Trust. . . . .   |               |
| 14            | Open Space Trust          |               |

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

Minutes of:  
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|                           |                             |                   |
|---------------------------|-----------------------------|-------------------|
| 17                        | Trust . . . . .             | 1,983.00          |
| 18                        | Development Escrow. . . . . | 4,696.00          |
| 19                        | LOSAP                       |                   |
| 20                        | Special Reserve             |                   |
| Total                     |                             | 602,849.19        |
| Less Refund Resolution    |                             | <u>-79,174.52</u> |
| <b>Actual Bill List</b>   |                             | <b>523,674.67</b> |
| Other Payments            |                             | 10,000.00         |
| Less Refund Resolution    |                             |                   |
| <b>Total Expenditures</b> |                             | <b>533,674.67</b> |

Adopted: July 26, 2006

Councilman Nolan made a moved the bill list as presented. Seconded by Councilman Weisbecker.

Discussion: Councilman Nolan noted that there is a scheduled payment to Tilcon and he asked if we have received the expected payment from them. Mr. Semrau advised that the invoice has been sent to Tilcon and we expect payment soon. Administrator Kunze noted that the last check is being held pending receipt of Tilcon's check and that the Council can direct that this one be held also. Council instructed that the checks to Tilcon be written but held until their check is received. Councilman Nolan stated that there are a number of payments on the bill list that are to be paid from escrow accounts. He asked if professionals are supposed to submit these invoices on a monthly basis. Mr. Semrau advised that the invoices should be submitted to the developer's account on a monthly basis to allow them to be contested. Councilman Nolan stated that if someone did work in October, they should not be paid if they are submitting a bill now. Mr. Semrau noted that, if there are not sufficient funds in an escrow account, this would cause a delay. He noted that there are circumstances where bills are sent out late. Councilman Nolan asked the Administrator to check with the Planning Department to determine if such conditions exist and he asked for the Attorney to provide clarification at the next meeting.

Councilman Nolan amended his motion to approve the bill list but hold the Tilcon payment in the amount of \$13,388.65 until the Township of West Milford receives a check from Tilcon in the amount of \$18,787.50.

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 Moved: Nolan Seconded: Weisbecker  
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
 Voted Nay: None.  
 Abstained: None.  
 Motion carried.  
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**Reports of Administrator, Mayor and Members of the Council**

Mayor DiDonato advised that the interviews for a new judge have resumed. He stated that interviews are scheduled for next week and the following week. He noted that a decision will follow shortly thereafter.

Administrator Kunze advised that the staff has worked hard to develop specifications for bear proof garbage cans in conformance with a grant we received last year. The notice is being sent out on Friday, the bid opening will be on August 25<sup>th</sup>, and we expect delivery some time in November.

Councilman Weisbecker thanked everyone for the wishes and prayers they conveyed to him and his family on his recent loss. He apologized for the fact that he has not been as available as usual in recent times because he had family issues to focus on. He advised that he will not be present at the August 9<sup>th</sup> workshop meeting because he will be on vacation. He asked the Council to delay any discussion on the Wanaque Valley Regional Sewerage Authority. He recommended that the Council seek input on this subject from people who have been involved in this matter from the start. He recommended speaking with former Mayor Moshman and inviting the Wanaque Valley Regional Sewerage Authority's Chairman to a meeting to discuss this matter.

Councilman Smolinski congratulated Kerry Babcock from West Milford who competed in her first special Olympic event recently. He noted that Kerry learned to swim at Bubbling Springs and has made West Milford very proud. He thanked the Council for restoring funds for emergency services in this year's budget. He noted that West Milford, because of our dedicated volunteers, has the ability to respond to

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

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emergency calls from our residents and noted that other communities are not so fortunate. He advised that he attended the concert under the stars at Bubbling Springs last night. He stated that it was a wonderful event and asked that the Council consider funding a dance floor at that site during next year's budget process.

Council President Gervens asked the Administrator to research the possibility of funding a sidewalk on Lincoln Avenue to serve the seniors who live in that area. He recommended that the Council authorize testing of the sewerage treatment plants to address this ongoing issue. He asked the Administrator to place this on the agenda for discussion at the workshop meeting.

Councilman Nolan expressed agreement about testing the MUA plants and concurred that it should be discussed at the workshop. He advised that Kristen Koerner, a member of the Heritage Committee, won a volunteer service grant from her employer, Prudential, and consequently the Heritage Committee received a check for \$250. He advised that the museum will be open on Sunday August 10<sup>th</sup> and September 17<sup>th</sup> from 1:00 p.m. to 4:00 p.m. He noted that these dates coincide with the monthly blood drive at the first aid squad on Ridge Road. Noting that the budget process was drawn out, he thanked the newest members of the Council, Councilmen Smolinski and Weisbecker. He said that, while they disagree sometimes, these two Councilmen voted with their conscience unlike their predecessors. Referring to recent articles in the papers, he suggested that the Township adopt an ordinance to limit buyouts to retiring employees. Administrator Kunze noted that this is a mandatory negotiating item with the bargaining units. He advised that there is an inherent control on vacation time because current policy only allows employees to carry over one-year's vacation time. With the exception of grandfathered employees and some police exceptions, sick time buyouts are capped at \$15,000.

Councilman Warden stated that on Sunday last he met with some residents who live on Belchers Creek. They shared some concerns with him about odors emanating from the creek. He asked the Administrator to send a DPW employee out to cut back an easement that is overgrown and is causing standing water in backyards on Adelaide Terrace. He noted that tonight the Council received a copy of the MUA's letter to the editor. He stated that he cannot believe the contents of the letter because the flaws in the system are not being addressed. He agreed that the Council should investigate the matter. He stated that he has been involved with the Sheriff's Environmental Crimes Department who have indicated that they would provide resources to help with testing. He asked for the Council to vote on this matter tonight. Mayor DiDonato recommended having this subject placed on the agenda for discussion at the next workshop. He noted that we should look into the matter before involving the Sheriff's Environmental Crime Unit. He asked the Attorney to find out what the terms of such testing would be. Councilman Smolinski stated that he would like to discuss this further at the workshop meeting and asked that the Council also discuss fertilizers at that meeting also. Administrator Kunze replied that we are still awaiting input from the environmental commission. Councilman Nolan advised that he will not be present at the workshop meeting.

**Report of Township Clerk**

None.

**Report of Township Attorney**

Mr. Semrau advised that Farrell Field is nearing completion of the remediation project. He noted that he may be seeking action from the Council after the executive session discussion. He advised that he has asked Mr. Murphy, a former Township attorney, to review the Wanaque Valley Regional Sewerage Authority file and will reach out to more individuals to get a better understanding of the history of this relationship with West Milford.

**Executive Session**

Agenda No. XIV

~ Resolution 2006-279 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 26<sup>th</sup> day of **July**, 2006, 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):

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

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- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ☐ K. Hovnanian v. DEP & Township of West Milford – Superior Court Appellate Division - Docket Nos. A-4407-04T3 & A-6031-04T3
  - ☐ Paff v. Byrnes – Docket No. A-1641-04T1
- ( ) 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 26, 2006  
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Moved: Nolan Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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The Council reconvened into open session at 10:12 p.m. with all present as before.

Councilman Weisbecker made a motion to authorize the Township Attorney to file for an adjudicatory hearing in the Valley Ridge matter. Seconded by Councilman Nolan.  
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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:16 p.m.  
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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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APPROVED: August 9, 2006

\_\_\_\_\_  
MAYOR DI DONATO  
PRESIDING OFFICER

\_\_\_\_\_  
ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK

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

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The Regular Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

**Adequate Notice Statement**

Mayor DiDonato advised that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issues of January 23, and January 30, 2006; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski,  
Robert Nolan, James Warden.  
Mayor Joseph DiDonato.  
Absent: Carmelo Scangarello.  
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and  
Township Attorney Frederick Semrau.

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt the minutes of the June 19, 2006 Special Meeting as presented.

Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.

Councilman Scangarello moved to adopt the minutes of the June 19, 2006 Executive Meeting as presented.

Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.

**Presentation**

None.

**Proclamations**

None.

**Unfinished Business, Final Passage of Ordinances**

Agenda No. V 1

~ Resolution 2006-231 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND  
STATE OF NEW JERSEY AUTHORIZING AN INVESTIGATION OF THE PLANNING BOARD  
ATTORNEY’S WITHDRAWAL FROM A TOWNSHIP LEGAL ACTION IDENTIFIED AS PAS-1429-06**

Discussion: Councilman Nolan reminded all present that this resolution was tabled at the last meeting for reconsideration tonight. Since that meeting, Weiner Lesniak has sent the Council a letter advising that they began representing Trammel Crow on May 11, 2006 and answering the questions asked by Council. Councilman Nolan stated that he is satisfied with the answers provided. Mayor DiDonato asked the Council if they wish to withdraw this resolution. Councilman Smolinski answered in the affirmative and stated that it is a shame that we had to go through all this to get an answer. He noted that the planning board acted appropriately as did our professionals and our staff.

Councilman Nolan made a motion to withdraw this resolution.  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Nolan Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. V 2  
~ Ordinance 2006-006 ~

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X,  
TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

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

**SECTION 1.** Chapter X, Traffic, Section 10-5, Speed Limits, Schedule V, is hereby amended in regard to the speed limit for both directions of traffic along Doremus Road as follows:

| <u>NAME OF STREET</u> | <u>DIRECTION</u> | <u>SPEED</u> | <u>LOCATION</u>                        |
|-----------------------|------------------|--------------|----------------------------------------|
| Doremus Road          | Both             | a. 35 mph    | From Route US 23 to Old Hoop Hole Road |
|                       |                  | b. 35 mph    | From Old Hoop Hole Road to Route US 23 |

**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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect as required by law and upon the posting of appropriate signs and the approval of the Commissioner of Transportation.

INTRODUCED: May 24, 2006

Discussion: Administrator Kunze advised that the police and engineering departments have been working together on this matter. They have conducted a study and, as a result, the Engineer has recommended that the speed be reduced to 45mph. He directed the Council to the Engineer's report which outlines the specific areas that would be affected by the proposed speed reductions. The Township Attorney stated that this change is too substantive to amend the ordinance. Therefore, he recommended that the Council defeat the ordinance as presented and reintroduce with the new speeds, have another public hearing and then adopt. Mayor DiDonato asked if anyone from the public wished to speak about this ordinance. There being no one wishing to speak, the public hearing was closed.

Councilman Weisbecker made a motion to reject this ordinance as presented.

-----  
Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried; Ordinance defeated.  
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**Public Comments**

Mayor DiDonato opened the meeting to the public.

Don Partington, 572 Snakeden Road, West Milford stated that he has asked the Council for help with on-going issues with his neighbor. He advised that the situation continues to worsen and that his neighbor has now added yellow pipe to the top of the fence dividing their properties, causing an even greater eyesore. He advised that the Zoning Officer issued a summons and the complaint went to court. He stated that the judge did not enforce the Township's property maintenance code and did not fine the person. In his opinion, the judge's decision was not reasonable and he stated that the judge must go. He provided a brief history of the problems he has encountered with his neighbor. He stated that the neighbor continues to engage in actions to exacerbate the situation. Recently he has moved his wood and wood-splitting business as close as possible to the property line; he has placed no trespassing signs on trees where they are unsightly from the Partington's property. He stated that an appeal has been filed



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

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**Council Comments**

Councilman Weisbecker stated that Michael Tfank, the Planning Board Chairman, recused himself from the Valley Ridge vote at the last meeting. He thanked Mr. McQuaid for his condolences and expressed agreement with his opinion of the "West Milford Sunshine Act".

Councilman Smolinski stated that the staff in the DPW department is stretched to the max and cannot stop projects to clean the bike paths after every storm. He encouraged people to join the adopt-a-road projects in town. He stated that Veterans should not have to pay for benefits after having served this country. He agreed that the fears expressed about the "Sunshine Act" are valid.

Councilman Nolan asked if the Township has a fence ordinance on the books that might assist Mr. Partington in his plight. Administrator Kunze advised that we have both a fence ordinance and a property maintenance code. In this instance, a summons was issued, it went to court and the judge found there was no violation. Councilman Nolan stated that the roads experiencing tree limb problems are County roads and asked the Administrator to reach out to the County and the electric companies in an effort to resolve this problem. He stated that there will be plenty of opportunities to discuss the "Sunshine Act" between now and November.

Mayor DiDonato stated that the Township staff are still getting updates on the Wallisch property but we expect to set up a meeting with the Board of Education in the near future. He advised that the Council plans to appoint a hydro geologist tonight.

Administrator Kunze stated that staff is still working on obtaining estimates on Hillcrest. He will contact the School Board Administrator, Steve Cea, to set up a meeting, possibly for September.

**New Business, Introduction of Ordinances, Resolutions**

The Mayor and Township Council proceeded to take action on the following ordinance and resolutions:

Agenda No. VIII 1

~ Ordinance 2006-008 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING RIGHTS-OF-WAY DEDICATION OF HEARTHSTONE DRIVE WITHIN FIELDSTONE ESTATES DEVELOPMENT**

**WHEREAS**, Eastern Building & Utility Company, Inc. (hereinafter "Developer") was the developer of both Section One and Section Two of the Fieldstone Estates subdivision lying between Macopin Road and High Crest Drive within the Township of West Milford (hereinafter "Township"); and

**WHEREAS**, the Developer was required to dedicate various Rights of Way to the Township pursuant to Planning Board approvals for the subdivision; and

**WHEREAS**, the Developer has filed a Right-of-Way dedication as identified by way of a map entitled "Final Subdivision Plat, Lot 1, Block 13001, Fieldstone Estates, Section Two, Township of West Milford, Passaic County, New Jersey" filed with County Registrar on April 15, 2002 as Map. No. 3481; and

**WHEREAS**, the Township desires to accept said Dedication and record same with the County Registrar; and

**WHEREAS**, the acceptance of a street by the Township is subsequent to the release of the performance guarantee pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53, and the Township desires to formally acknowledge interest of said street.

**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 Township of West Milford hereby accepts the attached Right-of-Way Dedication for Hearthstone Drive as identified by way of a map entitled "Final Subdivision Plat, Lot 1, Block 13001, Fieldstone Estates, Section Two, Township of West Milford, Passaic County, New Jersey" filed with County Registrar on April 15, 2002 as Map. No. 3481. The Township Clerk is authorized to arrange for the filing of same with the County Registrar.

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

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

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

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

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

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Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 2

**~ Ordinance 2006-009 ~**

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING RIGHTS-OF-WAY DEDICATION OF LONE PINE LANE AND SPLIT ROCK ROAD WITHIN ALPINE RIDGE DEVELOPMENT**

**WHEREAS**, Alpine Ridge Developers, Inc. (hereinafter "Developer") was the developer of the Alpine Ridge subdivision (Sections 2B and 3), lying alongside Alpine Ridge Road within the Township of West Milford (hereinafter "Township"); and

**WHEREAS**, the Developer was required to dedicate various Rights of Way to the Township pursuant to Planning Board approvals for the subdivision; and

**WHEREAS**, the Developer has filed a Right-of-Way dedication as identified by way of a map entitled "Final Plat, Alpine Ridge, Section III, Township of West Milford, Passaic County, New Jersey" filed with the County Registrar on July 20, 2000 as Map. No. 3457; and

**WHEREAS**, the Township desires to accept said Dedication and record same with the County Registrar; and

**WHEREAS**, the acceptance of a street by the Township is subsequent to the release of the performance guarantee pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53, and the Township desires to formally acknowledge interest of said street.

**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 Township of West Milford hereby accepts the attached Right-of-Way Dedication for Lone Pine Lane and Split Rock Road as identified by way of a map entitled, "Final Plat, Alpine Ridge, Section III, Township of West Milford, Passaic County, New Jersey" filed with the County Registrar on July 20, 2000 as Map No. 3457. The Township Clerk is authorized to arrange for the filing of same with the County Registrar.

**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.

Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

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Moved: Gervens Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 3

In their packets, the Council was provided two drafts of the following ordinance. One draft allowed for commercial brush disposal at our recycling center, the second draft did not. Administrator Kunze advised that the Engineer had asked that the Council reconsider allowing brush disposal because there has been some difficulty monitoring the activities of the commercial landscapers who commonly use this facility. Councilman Weisbecker moved option #1 which allows for commercial disposal of brush and Councilman Gervens moved option #2 which does not. Mr. Semrau, noting that there is a motion on the floor to consider option #1 advised that this should be acted on before a second motion can be moved.

**~ Ordinance 2006-010 ~**

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 6 of 25

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**AN ORDINANCE OF THE TOWNSHIP COUNCIL AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AS AMENDED**

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of West Milford are hereby amended and supplemented to read as follows:

| <b>SECTION</b>         | <b>SERVICE</b>                                                                                         | <b>FEE</b>                                                           |
|------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>HEALTH</b>          |                                                                                                        |                                                                      |
| 24.2.3                 | Menomune Vaccine                                                                                       | \$90.00                                                              |
| 24.2.3                 | TD (Tetanus 7 Diphtheria)                                                                              | \$20.00                                                              |
| 24.2.3                 | Skin Cancer                                                                                            | \$15.00                                                              |
| 19.4.4                 | Sewage (Soil Log: New Construction)                                                                    | \$110.00                                                             |
| 19.4.4(A)              | Sewage (Soil Log: Alteration)                                                                          | \$80.00                                                              |
| 19.4.4(B)              | Sewage (Plan Review: New Construction)                                                                 | \$220.00                                                             |
| 19.4.4(B)              | Sewage (Plan Review: Alteration)                                                                       | \$165.00                                                             |
| 19.4.4(B)              | Sewage (Plan Revision: New Construction)                                                               | \$80.00                                                              |
| 19.4.4(B)              | Sewage (Installation Permit: New Construction)                                                         | \$165.00                                                             |
| 19.4.4(D)              | Sewage (Installation Permit: Alteration)                                                               | \$165.00                                                             |
| 19.4.4(E)              | Sewage (Installation Permit: Repair)                                                                   | \$80.00                                                              |
| 19.4.4                 | Sewage (Installers License)                                                                            | \$110.00                                                             |
| 19.4.4                 | Sewage (Renewal of Installation Permits)                                                               | \$55.00                                                              |
| <b>FIRE PROTECTION</b> |                                                                                                        |                                                                      |
| 11.7 B(1)              | Smoke Detector Re-inspection Fee                                                                       | \$15.00                                                              |
| <b>RECYCLING</b>       |                                                                                                        |                                                                      |
| 22.2.3 C1              | The cost for Commercial entities to Dispose of Grass, Leaves, and Brush (no larger than 4" in caliber) | \$250 for 5 tickets<br>Each ticket good for One (1) load of material |
| <b>TAX ASSESSMENT</b>  |                                                                                                        |                                                                      |
|                        | Duplicate Bills                                                                                        | \$5.00                                                               |

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

Discussion: Councilman Warden stated that he agreed that the Township should offer commercial brush disposal for one year at this rate. Councilman Nolan advised that he was at the recycling center on Monday and there were about four people there doing community service. He asked if these people can be used to monitor and help enforce the ordinance. Administrator Kunze advised that we do not consistently have that level of staffing through the community service program and that often people doing community service are not highly motivated to enforce such statutes. He also advised that they are minimally trained and we regularly have one paid person on site. Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 7 of 25  
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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 4

**~ Ordinance 2006-011 ~**

**AN ORDINANCE AMENDING CHAPTER 10 (TRAFFIC), SECTION 10.7 (TURNS PROHIBITED), SPECIFICALLY SCHEDULE VII (TURN PROHIBITIONS) AS ATTACHED TO THE END OF CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ADD AN ADDITIONAL PROHIBITED LEFT TURN ONTO EISENHOWER DRIVE FROM LINCOLN AVENUE DURING THE HOURS OF 6 AM AND 9 AM**

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

**SECTION 1.** Schedule VII (Turn Prohibitions) as attached to Chapter 10 (Traffic) of the aforesaid Revised General Ordinances, is hereby amended to add an additional prohibited left hand turn. The addition to Schedule VII as attached to Chapter 10 shall read as follows:

| LOCATION                            | TURN PROHIBITED | MOVEMENT PROHIBITED                                                                                       |
|-------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------|
| Lincoln Avenue and Eisenhower Drive | Left            | Southbound on Lincoln Avenue onto eastbound Eisenhower Drive between the hours of 6:00 a.m. and 9:00 a.m. |

**SECTION 2.** Appropriate regulatory signs shall be erected and maintained to effect the above designated regulations as authorized by the NJ Department of Transportation.

**SECTION 3.** 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 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect upon publication and as required by law and upon the posting of appropriate signs and upon approval of the New Jersey Commissioner of Transportation.

Discussion: Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006. Councilman Nolan stated that this ordinance is intended to prohibit this no left turn during rush hour traffic. He asked if the Council should consider making the prohibition apply from Monday through Friday only. Mr. Semrau recommended introducing it in its present form and we can then amend and adjust the ordinance before final adoption. This will give him an opportunity to determine if DOT has to revisit the subject to include this caveat. Councilman Weisbecker stated that this prohibition will not be necessary in less than a year because of the new road. He asked if anyone has studied the potential impact of this ordinance on Lincoln and Marshall. Mayor DiDonato asked the Township Attorney to inquire with DOT.

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 5

**~ Ordinance 2006-012 ~**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF THE MUNICIPAL CODE**

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 8 of 25  
-----

**WHEREAS**, the New Jersey Legislature has amended *N.J.S.A.* 40:49-5 to permit municipalities to increase to maximum fines for violations of the Municipal Code from \$1,250 to \$2,000; and

**WHEREAS**, the Township Council of the Township of West Milford has determined that said increase in the maximum permitted fines is warranted and in the best interests of the residents of the Township of West Milford.

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

**SECTION 1.** The following provisions of the Code of the Township of West Milford shall be revised to increase the maximum allowable fine from \$1,250 to \$2,000:

- Chapter 5- Littering, § 5.1.10
- Chapter 5- Penalty, § 5.9.1
- Chapter 5- Filming, § 5.21.5
- Chapter 6- Tattooing Parlors & Tattooists, § 6.11.6
- Chapter 17- Land Subdivisions & Site Plan Review, § 17-12.2(A)
- Chapter 17- Land Subdivisions & Site Plan Review, § 17-12.3(A)
- Chapter 22- Separation, Collection & Sale of Recyclable Materials, §22.2.10(A)

**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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions 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.

Discussion: Mayor DiDonato advised that the second reading and public hearing for this ordinance is scheduled for August 23, 2006. Notice shall be published in the *Herald News* on or about July 30, 2006.

-----  
Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 6

~ Resolution 2006-257 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AMENDMENTS TO THE 2006 BUDGET AS INTRODUCED**

Mayor DiDonato instructed the Clerk to read this resolution in full as required by State statute. When the resolution had been read into the record, the Mayor opened the meeting to the public to speak to this matter only. There being no persons wishing to be heard, the meeting was closed to the public.

Adopted: July 26, 2006

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Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.  
Voted Nay: Warden.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 7

~ Resolution 2006-258 ~

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 9 of 25  
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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING ADOPTION OF THE 2006 MUNICIPAL BUDGET**

Discussion: Administrator Kunze advised that the budget being presented for adoption tonight represents a \$100 increase for the average homeowner and uses \$15,000 less in surplus than the introduced budget. Councilman Nolan stated that the decisions made in any year affect the budget in ensuing years. He stated that he does not foresee any additional state aid next year and that the pension payments are expected to increase again next year. He noted that salary negotiations are underway through the process of contract negotiations. Councilman Weisbecker, noting that the Council worked very hard on this budget, expressed his desire to see a finance committee established in the Township, which, he stated, would streamline the process. Councilman Smolinski thanked the Council for restoring funds to emergency services. Administrator Kunze thanked the department heads and Township staff for all the work involved in the budget process. He commended the Chief Financial Officer for all his hard work and noted that this budget does not reflect any funding for additional personnel.

Adopted: July 26, 2006

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.  
Voted Nay: Warden.  
Motion carried.  
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Agenda No. VIII 7a

~ Resolution 2006-258A ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING ADOPTION OF THE 2006 SOLID WASTE BUDGET**

Adopted: July 26, 2006

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Moved: Nolan Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 8

~ Resolution 2006-259 ~

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2007 Alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$46,300.00, from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$11,575.00 which is assumed by CASA, and an in-kind match of \$34,725.00; and

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

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 10 of 25  
-----

Adopted: July 26, 2006

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 9

~ Resolution 2006-260 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2007**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$5,000.00 with a cash match of \$2,500.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2007.

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

Adopted: July 26, 2006

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 10

~ Resolution 2006-261 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND**

**WHEREAS**, the Township of West Milford received funds in 2005 for the Rehabilitation of the Westbrook Tennis and Basketball Courts; and

**WHEREAS**, said funds were in the form of a loan award in the amount of \$125,000 and a grant award in the amount of \$125,000; and

**WHEREAS**, financial constraints prohibit the Township from assuming costs for this important project that exceed the 50% cash match stated in the original grant application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials, as prepared by the West Milford Township Recreation Department, to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Conversion of a previously awarded loan award in the amount of \$125,000 to a grant award in the same amount for the Rehabilitation of the Westbrook Tennis and Basketball Courts.

Adopted: July 26, 2006

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

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 11 of 25  
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Discussion: Administrator Kunze advised that, when we first received these funds, we believed the total amount was grant money. However, it has recently been discovered that a portion of the funds was actually a 0% loan and this resolution asks that the loan amount be converted to grant funding.

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Moved: Nolan Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 11

~ Resolution 2006-262 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, NEW JERSEY AWARDDING A CONTRACT TO BEYER BROS. CORP FOR ONE (1) 2006 – 3.2 CY 4X4 MASON DUMP TRUCK WITH PLOW, SPREADER AND CENTRAL HYDRAULICS AS PER THE BID SPECIFICATIONS**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on June 30, 2006 at 10:00 a.m. for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications; and

**WHEREAS**, the Township of West Milford received one (1) bids for this contract; and

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

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

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Beyer Bros. Corp.; and

**WHEREAS**, encumbrances for these services shall come from account number C-04-05-940-291; 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 Beyer Bros. Corp. for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications.

**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 Beyer Bros. Corp. in the amount of \$64,324.00 for one (1) 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics as per the Bid Specifications
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Beyer Bros. Corp. in accordance with its bid for said one 2006-3.2 CY 4x4 Mason Dump Truck with Plow, Spreader and Central Hydraulics.
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 26, 2006

Discussion: Councilman Smolinski expressed ongoing concern that we only received one bid on this vehicle. He stated that he would like to reject this bid and go out for bid again. Administrator Kunze noted that the DPW contacted the vendors who took out packages but did not bid. He referred the Council to a memorandum in their packet which provides the specifics. In brief, the Ford and Chevrolet dealers did not bid in anticipation of increased costs associated with upcoming emission legislation. Mr. Semrau advised that the bid can only be rejected if there is a valid reason under the law to do so. Councilman Weisbecker asked that the Council be provided with a list of bidders on all future bids.

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Moved: Gervens Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council  
Date of Meeting: July 26, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 12 of 25  
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Agenda No. VIII 12

~ Resolution 2006-263 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH KELLER & KIRKPATRICK INC. - HIGH CREST DRIVE BRIDGE INSPECTION AND CONDITION EVALUATION**

Councilman Weisbecker moved to consider this resolution as presented. Motion seconded by Councilman Gervens.

Discussion: Councilman Nolan confirmed that this resolution is simply committing \$1,800 to evaluate the bridge and asked if the Administrator is sure that we are responsible for this work. Councilman Weisbecker stated that he always believed that the County is responsible for all the bridges throughout the County and asked the Administrator to research the regulations and confirm that we are responsible.

Councilman Weisbecker moved to table this resolution until August 9, 2006.

-----  
Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan.  
Voted Nay: None.  
Abstained: Warden.  
Motion carried.  
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Agenda No. VIII 13 through VIII 16

Mayor DiDonato asked the Council to consider moving the next four resolutions as a group. Councilman Nolan asked for clarification on Resolution 2006-266. The Township Clerk advised that originally the Fire and Police Department expressed objections to the issuance of this license. However, since the packets went out to Council on Friday, they have found that the licensee is taking steps to abate an existing fire code violation and they no longer have any objections. The Council agreed to move the four resolutions as a group.

~ Resolution 2006-264 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-011-003 PETER W. ANOLL T/A LAKESIDE INN FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS**

**WHEREAS**, an application for renewal of inactive Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

**WHEREAS**, The Township Council was advised by the Police Department of an investigation on this license; and

**WHEREAS**, the Police Department has recommended that the license be renewed as inactive to the current owner with Conditions as noted below.

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

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

Minutes of: Township Council  
 Date of Meeting: July 26, 2006  
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| <u>LICENSE/LICENSEE/T/A</u>                                                                                          | <u>CONDITIONS</u>                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PETER W. ANOLL</b><br><br><b>T/a Lakeside Inn</b><br><br>322 Lakeside Road<br>Hewitt, NJ 07421<br>1615-33-011-003 | 1. Food Handlers License must be current before issuance of License.<br>2. Premises must be inspected and approved by the Police Department before opening.<br>3. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate. |

Adopted: July 26, 2006

**~ Resolution 2006-265 ~**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-024-011 FROM THOMAS J. MCGURR LOCATED AT 1555 GREENWOOD LAKE TURNPIKE, HEWITT, NEW JERSEY TO GEORGE INDUSTRIES, INC. FOR PREMISES AT THE SAME LOCATION**

**WHEREAS**, an application has been received for a Person to Person transfer of inactive 2006 - 2007 Plenary Retail Consumption License No. 1615-33-024-011 presently held by Thomas J. McGurr at 1555 Greenwood Lake Turnpike, Hewitt to George Industries, Inc. for premises at the same location; and

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

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred as inactive with the following conditions:

1. Applicant must provide the Township Clerk with proof of Closing on the License prior to issuance of the License Certificate.
2. Food Handlers License must be current before issuance of License Certificate.
3. Premises must be inspected and approved by the Police Department before opening.
4. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

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

Adopted: July 26, 2006

**~ Resolution 2006-266 ~**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-007-003 BEARFORT PLAZA, INC. T/A VALLEY VIEW PUB FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS**

**WHEREAS**, the application for renewal of Plenary Retail Consumption License No. 1615-33-007-003 Bearfort Plaza, Inc. t/a Valley View Pub for the 2006 - 2007 License year has been received and reviewed; and

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

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

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

**WHEREAS**, the Fire Marshall has recommended that the license be renewed with a condition that existing fire code violations be abated or corrected; and

**WHEREAS**, the Police Department has recommended that the license be renewed pursuant to the recommendation of the Fire Bureau; and

**WHEREAS**, the Construction Official has recommended that the license be renewed with a condition that the occupancy of the room in the basement be used for storage only due to a deficiency in the sprinkler system; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk is directed to renew the license certificate for the Mayor and Township Council of the Township of West Milford as follows:

| <b>LICENSE/LICENSEE/T/A</b>                                                                                               | <b>CONDITIONS</b>                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BEARFORT PLAZA, INC.</b><br>t/a VALLEY VIEW PUB<br>1612 Union Valley Road<br>West Milford, NJ 07480<br>1615-33-007-003 | <ol style="list-style-type: none"> <li>1. The fire violation due to a deficiency in the sprinkler system be abated or corrected.</li> <li>2. The room in the basement be used for storage only.</li> </ol> |

Adopted: July 26, 2006

~ Resolution 2006-267 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-016-004 JERZY CRZANOWSKI T/A MAMA MIA RESTAURANT FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS**

**WHEREAS**, the application for renewal of Plenary Retail Consumption License No. 1615-33-016-004 Jerzy Crzanowski t/a Mama Mia restaurant for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

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

**WHEREAS**, the Police Department has recommended that the license be renewed to the current owner, and outstanding requirements must be completed within one month of date of renewal of license as noted below; and

**WHEREAS**, the New Jersey Division of Taxation requires that the name on the License Certificate be corrected by transfer to the Limited Liability Corporation licensed on the NJ Sales Tax Certificate of Authority (Mama Mia Restaurant LLC) prior to renewal for the 2007 – 2008 License year.

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



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8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder.

9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.

10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.

11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.

12. Adjoining property owners shall be given the first right to bid. If no adjoining property owners bids, the bidding will be opened to the public.

13. The deed of conveyance shall contain a restriction that the lot cannot be built upon and if purchased by an adjoining property owner, the property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.

14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

15. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

16. The resolution shall take effect immediately.

Adopted: July 26, 2006

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 18

~ Resolution 2006-269~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING  
THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT  
COMPETITIVE BIDDING TO MATTHEW J. MULHALL, P.G. OF M2 ASSOCIATES, INC.**

**WHEREAS**, the Township of West Milford has intervened in the matter entitled *K. Hovnanian at West Milford, L.L.C. v. Department of Environmental Protection of the State of New Jersey and Township of West Milford as Intervenors*, Appellate Division Docket Numbers A-4407-04T3 and A-6031-04T3; and

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**WHEREAS**, the Township has expressed serious concerns and reservations relevant to the long term sustainability of water supply for the Eagle Ridge development which is the subject matter of the aforesaid litigation; and

**WHEREAS**, as a result of overwhelming public concerns and the Department of Environmental Protection's diversion of a Water Allocation Permit for the project, there will be additional testing by K. Hovnanian in order to verify sustainability of a long term water supply allocation for the project; and

**WHEREAS**, in order to participate in this process by way of analysis and communication with the Department of Environmental Protection, the Mayor and Township Council solicited a proposal for professional services by a hydro geologist familiar with West Milford Township to assist in this matter; and

**WHEREAS**, Matthew J. Mulhall, PG, M2 Associates, 56 Country Acres Drive, Hampton, NJ has submitted a proposal dated July 26, 2006 to provide such services in the interest of the municipality; and

**WHEREAS**, Mr. Mulhall demonstrates the requisite experience and familiarity and background to assist the Township in this matter; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds said funds to be encumbered from account number 6-01-20-100-200; and

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

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

1. The Township of West Milford hereby awards and authorizes the Township Administrator and Township Clerk to execute an agreement with Matthew J. Mulhall, PG of M2 Associates, Inc., 56 County Acres Drive, Hampton, NJ 08827 to assist the Township in the litigation entitled *K. Hovnanian at West Milford, L.L.C. v. Department of Environmental Protection of the State of New Jersey and Township of West Milford as Intervenors*, Appellate Division Docket Numbers A-4407-04T3 and A-6031-04T3, by reviewing existing technical reports, plans, and documentation and attending hearings/meetings in an amount not to exceed \$10,000.00 in accordance with his proposal dated July 26, 2006, a copy of which is attached hereto.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Township Council.

4. Notice of this action shall be published once in the Township's official newspaper as required by law.

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Adopted: July 26, 2006

Discussion: Mr. Semrau advised that the hydro geologist will assist in monitoring and providing analysis of the Hovnanian testing and the associated DEP application for the development known as Valley Ridge. There is a cap of \$10,000 for his services, he has worked for West Milford before, and he is available to assume these responsibilities now.

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Moved: Nolan Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Gervens Nolan, Warden.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IX 1

~ Resolution 2006-270 ~

**RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

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

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

**Resolutions:**

- a. **Resolution 2006-271** –Authorizing Refund of Overpayments
- b. **Resolution 2006-272** –Authorizing Partial Refund – Retail Food License
- c. **Resolution 2006-273** –Authorizing Refund of Recreation Fees
- d. **Resolution 2006-274** –Authorizing Reinstatement of Taxes
- e. **Resolution 2006-275** –Authorizing Refund of Other Liens
- f. **Resolution 2006-276** –Authorizing Tax Lien (Block 2302, Lot 3)
- g. **Resolution 2006-277** –Authorizing Release of Performance Guarantees
- h. **Resolution 2006-280** - Authorizing the Application for Permission to Conduct Fireworks Display – Change in Date

**Applications:**

- a. Application with Police Department Restrictions for Petition to Extend Licensed Premises – Big John’s Pub/Norman Bennett for August 26, 2006
- b. Application with Police Department Restrictions for Petition to Extend Licensed Premises – Big John’s Pub/Norman Bennett for September 4, 2006.
- c. Application for Special Permit for Social Affair – West Milford Education Foundation for October 14, 2006

Adopted: July 26, 2006

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Moved: Smolinski Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. IX 1a

~ Resolution 2006-271 ~

**RESOLUTION 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
- 4. Homestead Rebate
- 5. Tax Appeal

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3. Senior Citizen/Veteran Deduction

| Block/Lot  | Name                                                                                                                | Amount                    | Year | Reason |
|------------|---------------------------------------------------------------------------------------------------------------------|---------------------------|------|--------|
| 9801-28.06 | Richard & Gina Hanley<br>47 Christine Court<br>West Milford, NJ 07480                                               | \$87.84                   | 2005 | 5      |
| 15901-001  | Oak Ridge Road Assoc. LLC &<br>Michael A. Vespasiano, Esq.<br>150 Morris Avenue<br>Box 694<br>Springfield, NJ 07081 | \$2,836.50                | 2004 | 5      |
| 15901-001  | Oak Ridge Road Assoc. LLC &<br>Michael A. Vespasiano, Esq.<br>150 Morris Avenue<br>Box 694<br>Springfield, NJ 07081 | \$7,656.72                | 2005 | 5      |
|            | TOTAL                                                                                                               | <b><u>\$10,581.06</u></b> |      |        |

Adopted: July 26, 2006

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 Agenda No. IX 1b

~ Resolution 2006-272 ~

**RESOLUTION AUTHORIZING PARTIAL REFUND OF RETAIL FOOD LICENSE APPLICATION FEE**

**WHEREAS**, the Township Clerk has reported a request from the Health Department for a partial refund of a check in the amount of \$115.00 for the submission of an Application for a Retail Food License for Pinecliff Lake Community Club, 1577 Union Valley Road, West Milford, New Jersey, 07480.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the amount of \$115.00 to the aforesaid applicant as shown above.

Adopted: July 26, 2006

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 Agenda No. IX 1c

~ Resolution 2006-273 ~

**RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEES**

**RESOLVED**, that the following Recreational fees upon the report of the Recreation Director be refunded:

| <u>Name &amp; Address</u>                                                      | <u>Reason</u>                                                   | <u>Amount Refunded</u> |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------|
| Cathy Hiester<br>186 Vreeland Road<br>West Milford, NJ 07480                   | Cancellation of Early Drop Off for<br>Bubbling Springs Day Camp | \$55.00                |
| James Fitzgerald<br>512 Warwick Tpk.<br>Hewitt, NJ 07421                       | Cancellation of Bubbling Springs<br>Swim Team                   | \$165.00               |
| Barbara Kwiatek<br>1 Jacobs Road<br>West Milford, NJ 07480                     | Cancellation Bubbling Springs<br>Swim Lessons                   | \$80.00                |
| Christine Adler<br>1443 Union Valley Road<br>Floor 2<br>West Milford, NJ 07480 | Cancellation Bubbling Springs<br>Swim Lessons                   | \$105.00               |
| Catherine Patterson<br>565 Otterhole Road<br>West Milford, NJ 07480            | Cancellation of Lifeguard<br>Training Class                     | \$240.00               |
| Bonnie Cuomo<br>36 Bisset Drive<br>West Milford, NJ 07480                      | Cancellation of Bubbling Springs<br>Day Camp                    | \$195.00               |

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|                                                       |                                              |            |
|-------------------------------------------------------|----------------------------------------------|------------|
| Renee Cascino<br>31 Belford Drive<br>Hewitt, NJ 07421 | Cancellation of Bubbling Springs<br>Day Camp | \$1,225.00 |
|-------------------------------------------------------|----------------------------------------------|------------|

Adopted: July 26, 2006

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 Agenda No. IX 1d

~ Resolution 2006-274 ~

RESOLUTION 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

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
2611-26	Robert J. Free	\$870.00	2006	1
4104-2	G. & B. Welkey	\$603.48	2006	1
	TOTAL	<u>\$1,473.48</u>		

Adopted: July 26, 2006

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 Agenda No. IX 1e

~ Resolution 2006-275 ~

**RESOLUTION 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:

| <b>Certificate No.</b> | <b>Certificate Date</b> | <b>Block/Lot/Qual</b> | <b>Reimbursement Amount</b> | <b>Pay to the Lien Holder</b>                                                                                       |
|------------------------|-------------------------|-----------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------|
| 05-032                 | 30/09/2005              | 02315-002             | \$18,970.78                 | Fidelity Tax LLC<br>P.O. BOX 5707<br>FORT LAUDERDALE, FL 33310                                                      |
| 06-021                 | 04/11/2006              | 02701-028             | \$15,095.32                 | WACHOVIA CUST/SASS5 MUNI V<br>DTR<br>123 S. BROAD ST. PA 1328S<br>TAX LIEN SERVICES GROUP<br>PHILADELPHIA, PA 19109 |
| 06-022                 | 04/11/2006              | 02701-029             | \$271.16                    | CHUN T LI<br>9 MALJIM COURT<br>WAYNE, NJ 07470                                                                      |
| 06-023                 | 04/11/2006              | 02705-002             | \$102.67                    | CHUN T LI<br>9 MALJIM COURT<br>WAYNE, NJ 07470                                                                      |
| 06-026                 | 04/11/2006              | 03013-027             | \$158.20                    | CHUN T LI<br>9 MALJIM COURT<br>WAYNE, NJ 07470                                                                      |
| 06-041                 | 04/11/2006              | 05301-044.04          | \$1,401.02                  | ALMAR<br>2 KIEL AVENUE #202<br>KINNELON, NJ 07405                                                                   |
| 06-059                 | 04/11/2006              | 07801-023.02          | \$13,930.56                 | PAM INVESTORS<br>C/O PATRICK CARABELLESE<br>127 SOUTH WASHINGTON AVE<br>BERGENFIELD, NJ 07621                       |

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|                    |            |           |                    |                                                                              |
|--------------------|------------|-----------|--------------------|------------------------------------------------------------------------------|
| 06-084             | 04/11/2006 | 16307-016 | \$16,598.75        | ROBERT U. DEL VECCHIO;<br>PENSION TRUST<br>PO BOX 196<br>HAWTHORNE, NJ 07507 |
| <b>GRAND TOTAL</b> |            |           | <b>\$66,528.46</b> |                                                                              |

Adopted: July 26, 2006

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 Agenda No. IX 1f

~ Resolution 2006-276 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE BOARDING UP AND CLEAN UP OF AN UNSAFE AND HAZARDOUS STRUCTURE AND PROPERTY AND PROVIDING FOR THE PAYMENT AND COLLECTION OF COSTS**

**WHEREAS**, the Building Standards Board of the Township of West Milford has boarded up and cleaned up a house and property located at 92 Riverside Road (Block 2302, Lot 3), West Milford, New Jersey, as a result of its Unsafe and Hazardous condition; and

**WHEREAS**, Imperial Home Loans, c/o Micah Rolff, Esq., 560 Route 23 North, Pequannock, New Jersey 07440 the owner of these premises, has failed to comply with said order or to appeal the order of the Board within the period permitted by law; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.3 et seq., the Township made necessary repairs and cleanup and has placed the cost of same as a tax lien upon the property; and

**WHEREAS**, the final cost of completing the necessary boarding up and outside cleanup is certified as \$2,875.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the appropriate Township officials are hereby authorized to place a tax lien upon a house and property located at 92 Riverside Road (Block 2302, Lot 3), West Milford, New Jersey in the amount of \$2,875.00 which is certified as the cost of boarding up of and cleanup of same; and

**BE IT FURTHER RESOLVED** that the Township Clerk shall present this Resolution to the Tax Collector who shall proceed to collect the foregoing as provided by law.

Adopted: July 26, 2006

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 Agenda No. IX 1g

~ Resolution 2006-277 ~

**RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE**

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

| <u>Name &amp; Address</u>                                         | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|-------------------------------------------------------------------|------------------------|------------------------|----------------|
| Louis Pagano<br>19 Pinecliff Lake Drive<br>West Milford, NJ 07480 | 14301 / 14.06          | \$ 600.00              | 68             |
| Peak Development Corp.<br>17 Deal Lane<br>Livingston, NJ 07035    | 4101 / 7               | \$ 1,400.00            | 60             |

Adopted: July 26, 2006

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 Agenda No. IX 1h

~ Resolution 2006-280 ~

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

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

**WHEREAS**, on June 14, 2006 the Township Council adopted Resolution 2006-213 A Resolution Of The Township Of West Milford, County Of Passaic And State Of New Jersey Authorizing A Special Event Permit Application To Upper Greenwood Lake Property Owners Association To Hold A Fireworks Display At The Upper Greenwood Lake Launch Area; and

**WHEREAS**, Resolution 2006-213 authorized the Upper Greenwood Lake Property Owners Association To Hold A Fireworks Display on June 24, 2006 with a rain date of September 3, 2006; and

**WHEREAS**, the Upper Greenwood Lake Property Owners Association has requested to change the date(s) of the Fireworks Display to be held August 20, 2006 between 9 p.m. and 10:30 p.m. at the Upper Greenwood Lake launch area with a rain date of September 2, 2006; and

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

**WHEREAS**, the Township is in receipt of the Upper Greenwood Lake Property Owners Association application, along with a Certificate of Insurance, the required \$2,500.00 Bond in the form of a certified check and the Upper Greenwood Lake Property Owners Association has paid in advance for Special Police Officers to work at this event.

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

1. Resolution No. 2006-213 is hereby rescinded and replaced by this Resolution No. 2006-280.
2. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on August 20, 2006 at the Upper Greenwood Lake launch area, with a rain date of September 2, 2006, between the hours of 9 p.m. and 10:30 p.m.

Adopted: July 26, 2006  
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Payment of Bills

Agenda No. X

**~ Resolution 2006-278 ~
 RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

Acct #	Account Name	Amount
1	Current Account.	\$303,008.37
2	Reserve Account	991.00
3	Animal Control Trust	
6	Capital.	117,798.90
7	Grants.	1,906.63
8	Refuse.	87,606.77
9	Refunds.	79,174.52
12	General Ledger.	5,684.00
16	Heritage Trust.	
14	Open Space Trust	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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17	Trust	1,983.00
18	Development Escrow.	4,696.00
19	LOSAP	
20	Special Reserve	
Total		602,849.19
Less Refund Resolution		<u>-79,174.52</u>
Actual Bill List		523,674.67
Other Payments		10,000.00
Less Refund Resolution		
Total Expenditures		533,674.67

Adopted: July 26, 2006

Councilman Nolan made a moved the bill list as presented. Seconded by Councilman Weisbecker.

Discussion: Councilman Nolan noted that there is a scheduled payment to Tilcon and he asked if we have received the expected payment from them. Mr. Semrau advised that the invoice has been sent to Tilcon and we expect payment soon. Administrator Kunze noted that the last check is being held pending receipt of Tilcon's check and that the Council can direct that this one be held also. Council instructed that the checks to Tilcon be written but held until their check is received. Councilman Nolan stated that there are a number of payments on the bill list that are to be paid from escrow accounts. He asked if professionals are supposed to submit these invoices on a monthly basis. Mr. Semrau advised that the invoices should be submitted to the developer's account on a monthly basis to allow them to be contested. Councilman Nolan stated that if someone did work in October, they should not be paid if they are submitting a bill now. Mr. Semrau noted that, if there are not sufficient funds in an escrow account, this would cause a delay. He noted that there are circumstances where bills are sent out late. Councilman Nolan asked the Administrator to check with the Planning Department to determine if such conditions exist and he asked for the Attorney to provide clarification at the next meeting.

Councilman Nolan amended his motion to approve the bill list but hold the Tilcon payment in the amount of \$13,388.65 until the Township of West Milford receives a check from Tilcon in the amount of \$18,787.50.

 Moved: Nolan Seconded: Weisbecker
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
 Voted Nay: None.
 Abstained: None.
 Motion carried.

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato advised that the interviews for a new judge have resumed. He stated that interviews are scheduled for next week and the following week. He noted that a decision will follow shortly thereafter.

Administrator Kunze advised that the staff has worked hard to develop specifications for bear proof garbage cans in conformance with a grant we received last year. The notice is being sent out on Friday, the bid opening will be on August 25th, and we expect delivery some time in November.

Councilman Weisbecker thanked everyone for the wishes and prayers they conveyed to him and his family on his recent loss. He apologized for the fact that he has not been as available as usual in recent times because he had family issues to focus on. He advised that he will not be present at the August 9th workshop meeting because he will be on vacation. He asked the Council to delay any discussion on the Wanaque Valley Regional Sewerage Authority. He recommended that the Council seek input on this subject from people who have been involved in this matter from the start. He recommended speaking with former Mayor Moshman and inviting the Wanaque Valley Regional Sewerage Authority's Chairman to a meeting to discuss this matter.

Councilman Smolinski congratulated Kerry Babcock from West Milford who competed in her first special Olympic event recently. He noted that Kerry learned to swim at Bubbling Springs and has made West Milford very proud. He thanked the Council for restoring funds for emergency services in this year's budget. He noted that West Milford, because of our dedicated volunteers, has the ability to respond to

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emergency calls from our residents and noted that other communities are not so fortunate. He advised that he attended the concert under the stars at Bubbling Springs last night. He stated that it was a wonderful event and asked that the Council consider funding a dance floor at that site during next year's budget process.

Council President Gervens asked the Administrator to research the possibility of funding a sidewalk on Lincoln Avenue to serve the seniors who live in that area. He recommended that the Council authorize testing of the sewerage treatment plants to address this ongoing issue. He asked the Administrator to place this on the agenda for discussion at the workshop meeting.

Councilman Nolan expressed agreement about testing the MUA plants and concurred that it should be discussed at the workshop. He advised that Kristen Koerner, a member of the Heritage Committee, won a volunteer service grant from her employer, Prudential, and consequently the Heritage Committee received a check for \$250. He advised that the museum will be open on Sunday August 10th and September 17th from 1:00 p.m. to 4:00 p.m. He noted that these dates coincide with the monthly blood drive at the first aid squad on Ridge Road. Noting that the budget process was drawn out, he thanked the newest members of the Council, Councilmen Smolinski and Weisbecker. He said that, while they disagree sometimes, these two Councilmen voted with their conscience unlike their predecessors. Referring to recent articles in the papers, he suggested that the Township adopt an ordinance to limit buyouts to retiring employees. Administrator Kunze noted that this is a mandatory negotiating item with the bargaining units. He advised that there is an inherent control on vacation time because current policy only allows employees to carry over one-year's vacation time. With the exception of grandfathered employees and some police exceptions, sick time buyouts are capped at \$15,000.

Councilman Warden stated that on Sunday last he met with some residents who live on Belchers Creek. They shared some concerns with him about odors emanating from the creek. He asked the Administrator to send a DPW employee out to cut back an easement that is overgrown and is causing standing water in backyards on Adelaide Terrace. He noted that tonight the Council received a copy of the MUA's letter to the editor. He stated that he cannot believe the contents of the letter because the flaws in the system are not being addressed. He agreed that the Council should investigate the matter. He stated that he has been involved with the Sheriff's Environmental Crimes Department who have indicated that they would provide resources to help with testing. He asked for the Council to vote on this matter tonight. Mayor DiDonato recommended having this subject placed on the agenda for discussion at the next workshop. He noted that we should look into the matter before involving the Sheriff's Environmental Crime Unit. He asked the Attorney to find out what the terms of such testing would be. Councilman Smolinski stated that he would like to discuss this further at the workshop meeting and asked that the Council also discuss fertilizers at that meeting also. Administrator Kunze replied that we are still awaiting input from the environmental commission. Councilman Nolan advised that he will not be present at the workshop meeting.

Report of Township Clerk

None.

Report of Township Attorney

Mr. Semrau advised that Farrell Field is nearing completion of the remediation project. He noted that he may be seeking action from the Council after the executive session discussion. He advised that he has asked Mr. Murphy, a former Township attorney, to review the Wanaque Valley Regional Sewerage Authority file and will reach out to more individuals to get a better understanding of the history of this relationship with West Milford.

Executive Session

Agenda No. XIV

~ Resolution 2006-279 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 26th day of **July**, 2006, 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):

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- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - ☐ K. Hovnanian v. DEP & Township of West Milford – Superior Court Appellate Division - Docket Nos. A-4407-04T3 & A-6031-04T3
 - ☐ Paff v. Byrnes – Docket No. A-1641-04T1
- () 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 26, 2006

Moved: Nolan Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

The Council reconvened into open session at 10:12 p.m. with all present as before.

Councilman Weisbecker made a motion to authorize the Township Attorney to file for an adjudicatory hearing in the Valley Ridge matter. Seconded by Councilman Nolan.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:16 p.m.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

APPROVED: August 9, 2006

MAYOR DI DONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK