
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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West Milford's appeals exposure and it also takes current economic conditions into account. The result is assessment equity or fair treatment for all. An estimated cost for the revaluation process is approximately \$1 million. The City of Paterson has filed a lawsuit against a number of municipalities including West Milford wherein they are seeking to force the County Tax Board to compel these municipalities to conduct revaluations. At this time, it has not been decided which court will hear this case and thus the matter is stalled at the moment. However, he suggested that West Milford begin preparing for this eventuality. Prior to this litigation, the County Tax Board had a timetable to compel these municipalities to do revaluations on a staggered schedule. However, the litigation has halted the mandates from the County Tax Board. West Milford could petition the County to order a revaluation and he could reach out to other municipalities to determine if there is interest in seeking such orders. West Milford meets all the criteria that the Tax Board looks at when compelling a revaluation including the elevated number of appeals. The last revaluation was done in 1988 and Mr. Townsend believes that newer homes would likely benefit from the revaluation process. However, that is only conjecture, as he has not done a statistical analysis. He stated that West Milford could see reduced costs for the process if they were to engage in it before all the other municipalities began to seek contracts with revaluation companies. He stated that current restrictions on properties could impact property values. The Highlands Act would have an effect on the value of vacant land. The process is a lengthy one.

The revaluation process would have an impact on the Tax Assessor's office. Despite the fact that the Township would engage the services of a company to conduct the revaluation, the Tax Assessor's office oversees the process. They must take ownership of the process despite the fact that the work is outsourced. The workload in his office will increase during this process and overtime may be necessary. There is a significant amount of public relations work involved and his office serves as a buffer. The Governing Body does not play a role in this process and public hearings are mandated. These meetings are conducted and scheduled by the revaluation company. They are also available to meet with residents to glean information and answer questions. The revaluation company looks at properties owned by associations to determine the underlying market value just as they do with all other properties. Generally, properties owned by associations are subject to unique conditions that must be addressed fairly and equitably. In response to Council President Smolinski, Mr. Townsend stated that it is difficult to anticipate how Newark would respond to a revaluation. He acknowledged that they have filed appeals for the watershed properties. He stated that it is premature to guess as to how a revaluation would influence their position. When proceeding with the appeal process, West Milford will be preparing an appraisal of this property which is similar to the revaluation process. It is likely that the appraisals will be close. Comparables are based on other sales and Ringwood has a watershed property and they recently had a revaluation.

Mr. Townsend reviewed the licensing requirements for firms who conduct revaluations and the State regulations which establish minimum requirements. He stated that the Township can engage such services through either professional services or competitive bidding. In his opinion, it is most important to engage the services of the best company because of the indelible need for public outreach and customer service. The estimated cost is based on the number of line items at about \$80 per line item. Mr. Semrau stated that municipalities generally seek proposals by putting forth a request for proposals and the lowest bidder is not always chosen. Municipalities have been known to engage in an interview process so that the right firm gets appointed. Mr. Townsend agreed. Discussion ensued as to the process for preparing for a revaluation, the impact the master plan process may have on the revaluation process and farmland assessments. The Council instructed Mr. Boyle to authorize Mr. Townsend to participate with the Township Planner in the master plan process.

Mr. Townsend recommended that the Council authorize him to approach the Passaic County Tax Board to determine the feasibility of having them order a revaluation. He stated that he is most concerned with assessment equity and a revaluation would accomplish that. A revaluation would likely have a negligible affect on properties that have recently had an appeal determination. The Council requested that Mr. Townsend and Mr. Semrau meet with the County Tax Board and report back to them. They thanked Mr. Townsend for his presentation tonight.

Agenda No. III

Proclamations

None.

Agenda No. IV 1

Unfinished Business, Final Passage of Ordinances

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

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

SECTION 1. Chapter 84, Bicycles, Skateboards and Scooters, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Article II, Mt. Laurel Skate Park, to read as follows:

ARTICLE II Mt. Laurel Skate Park

§ 84-7 Skate Park registration required; fees

- A. Limits of use; permits required. Skating in the Mt. Laurel Skate Park is limited to the operation of skateboards and in-line skates and by persons who have paid the appropriate annual fee as set forth herein and who have completed the annual registration form prepared by the Township Department of Community Services and Recreation. Persons who are under 18 years of age must apply for their permit with their parent or legal guardian.
- B. Permit fees; display of permits.
 - (1) The cost of annual permits shall be as follows:
 - (a) West Milford Township residents: \$2.00
 - (b) Non-residents: \$4.00
 - (2) Permits are valid from January 1 through December 31.
 - (3) Permits must be displayed on helmets at all times.

§ 84-8. Skate Park rules and regulations.

- A. Each skater must have the membership sticker displayed on his or her helmet
- B. The skate park is a skate AT YOUR OWN RISK facility, designed for skateboarding only. Bicycles, scooters and any type of motorized vehicles are not permitted at any time
- C. Skate Park hours are: daily 10:00 AM to dusk. Park will be open from the second Saturday in April to the third Saturday in October (weather permitting)
- D. The park may be closed without notice or due to inclement weather- DO NOT skate when the equipment and/or surfaces are wet, snowy or icy
- E. Safety equipment must be worn at all times – shirt, shoes, helmet, elbow pads and kneepads. All safety equipment must be securely fastened and worn per manufacturer's specifications
- F. Participants must provide their own equipment
- G. There shall be no modifications to the individual skate park ramps and attractions. No outside objects except equipment are allowed within the confines of the park, including bags, knapsacks, backpacks, etc.
- H. Food, glass, beverages, gum, pets and smoking are strictly prohibited
- I. Spectators are welcome outside the confines of the perimeter fence
- J. Boom boxes, radios and personal music devices (iPod, MP3 players, headphones and earphones) are prohibited
- K. No organized events or contests of any kind are allowed in the skate park
- L. All persons using the skate park must abide to all other park rules and regulations
- M. Use of this park is a privilege, not a right. The township expects that all users, guests and spectators, be respectful of others and those in the surrounding area. Profanity, obscene gestures, rowdiness, fighting, intentional damage to the facility will not be tolerated. If an individual skater and/or group of skaters are identified as having not adhered to these rules it will result in loss of privileges to the facility.
- N. Skating is limited to within the fenced skater park area only. There shall be no skating in the parking lots, street, and basketball courts.
- O. All Skate Park participants must be at least seven (7) years old to use the park. Children under age 10 must be accompanied by an adult
- P. Smoking, drugs, alcohol, profanity, vandalism, reckless and/or disruptive behavior in the Skate Park are prohibited
- Q. Report emergencies or injuries immediately to the West Milford Police Department (973) 728-2800 or 911

§ 84-9. Rules and regulations.

The Township Council of the Township of West Milford shall have the power to establish, by resolution, additional rules and regulations for the use and control of the Skate Park. Any such rules and

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regulations shall be posted at the Skate Park and shall have the same force and effect as any other provision of this article, and the violation thereof shall constitute violation of this article.

§ 84-10. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article, or any of the rules and regulations established pursuant hereto, shall be immediately ejected from the Skate Park and be subjected to a verbal warning for the first offense within the calendar year, a fine of \$25 for the second offense committed within the same calendar year, a fine of \$100 for the third offense committed within the same calendar year and a permanent forfeiture of the privilege to use the Skate Park for a fourth offense committed within the same calendar year. In the event the individual who has violated the terms of this Article shall be a minor at the time of such violation(s), the individual's legal guardian shall be the individual who shall be responsible to respond to such violation(s) at the Township Municipal Court. In addition to or in lieu of the aforementioned fines, the Municipal Court may impose a period of community service.

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

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

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

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

INTRODUCED: August 12, 2009
ADOPTED: August 26, 2009
EFFECTIVE DATE: September 15, 2009

Mayor Bieri noted that this Ordinance was introduced on August 12, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Ada Erik, Macopin Road, West Milford stated that the ordinance requires that skaters display their permits on their helmets. She stated that this would indicate that if a party does not have a helmet this would mean that that person does not have a permit.

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

Discussion: Council President Smolinski asked Administrator Boyle if he has arranged for a monitor at this facility. Mr. Boyle directed Council to a memo in their packets from the Director of Community Services & Recreation which conveys that there will be a part time monitor assigned to the skate park when the ordinance becomes effective. In response to a query from Councilman Weisbecker, Mr. Boyle advised that this will not require the hiring of a new person but rather a current staff member will be assigned this task.

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

Agenda No. IV 2

~ Ordinance No. 2009- 017~

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

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

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

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

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

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) utility vehicle for use by the Police Department of the Township and (1) ambulance for use by the First Aid Squad of the Township, together with the reconditioning and rehabilitation of two (2) dump trucks for use by the Department of Public Works of the Township, and all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	\$271,163	\$258,250
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Cahill Cross Road, Adelaide Terrace, Atlantic Court, Belford Drive, Bisset Drive, Burnt Meadow Road, Carolyn Street, Center Street, Daniel Street, Eatontown Road, Gleason Road, Heather Lane, Jefferson Street, Jenkins Road, Joseph Place, Juniata Street, Larsen Road, Lebanon Road, Leslie Road, Lou-Ann Boulevard, Middlesex Court, Millington Avenue, Post Brook Road North & South, Reidy Place, Rockburn Pass, Roger Drive, Rumson Court, Saint George Street, Somerset Place, Sussex Drive, Upper High Crest Drive, Vine Avenue, Linwood Road, Trenton Road, Williams Street and Warren Place, together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$2,677,500 appropriation hereby made therefore being inclusive of the amount of \$301,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement to Cahill Cross Road	2,677,500	2,249,000
(c) Improvement of Union Valley Road and Marshall Hill Road from Park Lane to West Shore Road in and by the Township, by the streetscaping thereof, including paving, landscaping, lighting, structures, equipment, work and materials necessary therefore or incidental	105,000	100,000

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thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved		
(d) Improvement of municipally-owned facilities and grounds in and by the Township, including the Police Department building by the upgrade of the boiler system, the Bubbling Springs swimming facility by the rehabilitation of the septic system, the Bubbling Springs Dam by the rehabilitation thereof, Farrel Field by the upgrade of the athletic fields thereof and the installation of a lightning detection system at various athletic fields, together with for all the aforesaid all structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	180,390	171,800
(e) Acquisition by purchase and installation, as necessary, of new and additional equipment, including one (1) gun striping machine for use by the Department of Public Works of the Township, a diesel exhaust removal system for use by the Apsawa Fire Company of the Township, three (3) thermal imaging cameras for use by the Volunteer Fire Companies, and five (5) knox boxes for use by various offices of the Township, together with all appurtenances, apparatus and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	<u>88,725</u>	<u>84,500</u>
Totals	<u>\$3,322,778</u>	<u>\$2,863,550</u>

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

Section 4. The following additional matters are hereby determined, declared, recited and stated: The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

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

Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

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

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby

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authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

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

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

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

INTRODUCED: July 22, 2009
ADOPTED: August 26, 2009
EFFECTIVE DATE: September 15, 2009

Mayor Bieri noted that this Ordinance was introduced on July 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Jim Novack, Larchmont Drive, West Milford noted that the Township has bonded over \$20 million in the last six months despite the state of the economy at this time.

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

Discussion: Mr. Boyle advised that the \$17 million bonded in April was to fund capital projects that were approved prior to 2008. This ordinance funds all new projects going forward. Most of the \$17 million funds projects that have already been completed and the money has been spent. Councilman Nolan added that the Township has bonded at a favorable rate of interest because of the current economy.

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

Agenda No. IV 3

~ Ordinance No. 2009- 018~

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

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

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

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

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

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

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

INTRODUCED: July 22, 2009
ADOPTED: August 26, 2009
EFFECTIVE DATE: September 15, 2009

Mayor Bieri noted that this Ordinance was introduced on July 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

Mr. Barbieri, Morsetown Road, West Milford asked why the improvements are not spelled out.

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

Discussion: Mr. Boyle advised that the improvements are spelled out in the ordinance. He stated that this funding is not being bonded but these projects are being funded through the municipal capital budget.

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

Agenda No. IV 4

~ Ordinance No. 2009- 019~

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

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

SECTION 1. Chapter 300, Sewers, Section 300-40(A)(2) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 300-40. License to operate.

- A. Requirement for License: On and after (within 2 years of the effective date of this ordinance), no owner or occupant of a property in the Township of West Milford, upon which an individual or non-individual subsurface sewage disposal system is located, shall use or operate the system unless a currently valid license to operate the system has been issued by the Department of Health in accordance with the schedule herein to the owner of the property on which the system is located.
1. The Department of Health or its designee may issue a license to operate and educational information relative to the proper operation and maintenance practices (pursuant to N.J.A.C. 7:9A-3.14) to the owner and occupant of a property upon one or more of the following events:
 - a) Issuance of a certificate of compliance for a new system;
 - b) Issuance of a certificate of compliance for the alteration of a system; or
 - c) Upon the sale or transfer of a premises.

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- d) For all existing individual and non-individual sewerage disposal systems in accordance with the immediate effective date for all systems.
2. All licenses issued pursuant to this section shall be on a form provided by the Township Department of Health. Once issued, a license shall be transferable upon change of ownership or occupancy of the premises for which the license has been issued. A fee as provided in § 300-46 of this ordinance thereof shall accompany each application for a license or renewal.

SECTION 2. Chapter 300, Sewers, Section 300-41(A)(6) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 300-41. Standards on the use of subsurface sewage disposal systems.

- A. General.
1. The subsurface sewage disposal system shall be used only for the disposal of wastes of the type and origin provided for in the approved engineering design. No permanent or temporary connection shall be made to any source of wastes, wastewater or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.
2. Drainage from basement floors, footings or roofs shall not enter the sewage disposal system and shall be diverted away from the area of the disposal field.
3. As set forth in N.J.S.A. 58:10A-17, no person shall use or introduce or cause any other person to use or introduce into any sewage water disposal system any sewage system cleaner containing any restricted chemical material.
4. Disposal of materials containing toxic substances into a subsurface sewage disposal system is prohibited. Materials containing toxic substances include, but are not limited to, waste oil, oil based or acrylic paints, varnishes, photographic solutions, pesticides, insecticides, paint thinners, organic solvents or degreasers and drain openers.
5. Inert or non-biodegradable substances should not be disposed of in the subsurface sewage disposal system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissues and wet-strength paper towels.
6. Plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.
7. Vehicle traffic and vehicular parking shall be kept away from the aspects of the system, unless the system has been specifically designed to support vehicular traffic.

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, 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 5. This Ordinance may be renumbered for purposes of codification.

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

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Mayor Bieri noted that this Ordinance was introduced on July 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

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

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

<u>JOB TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Office of the Municipal Court Confidential and Unaffiliated Employees		
Public Defender (per court session)	\$400	\$400

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

INTRODUCED: July 22, 2009
ADOPTED: August 26, 2009
EFFECTIVE DATE: September 15, 2009

Mayor Bieri noted that this Ordinance was introduced on July 22, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

Agenda No. V

Public Comments

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

Doris Aaronson, 19 Bearfort Road, West Milford stated that she is here tonight to speak on behalf of the Pinecliff Lake Board of Trustees. The Council has discussed the possibility of ceasing the existing policy of providing garbage collection to lake associations as part of the new collection contract. She said that these associations are facing increased costs and may not have the funding to survive additional expenses of this nature. She stated that churches do not pay property taxes while these associations do yet they cannot make a profit. Pinecliff Lake pays \$34,000 in taxes and the cost of garbage collection will likely exceed the meager income realized from renting the facilities. Pinecliff Lake Association is located in a residential zone and the members view the association as an extension of their own homes. They use the facilities as such and therefore the garbage is primarily generated by tax paying residents who use the clubhouse. The Pinecliff Lake Association is a good citizen in West Milford having contributed to the community for many years. They have gone into debt for the past six years due to mandated dam updates and have seen a reduction in membership. Having to pay garbage collection costs may well be a straw that breaks the camel's back making them insolvent. She asked the Council to reconsider this possibility.

Jim Novack, Larchmont Drive, West Milford stated that while he is a member of the Garbage & Recycling Committee that made the aforementioned recommendations, he is speaking as an individual and private citizen tonight. Pinecliff Lake Association, he said, is a private club. As an association like twenty-two others in town, they have facilities that are not available to all West Milford residents. They have the option of renting out their clubhouse for a profit. Some people use the free dumpsters at these facilities without authorization and abuse the system. The taxpayers fund this abuse. The Garbage & Recycling

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- A. Upon any subdivision of land in the Township resulting in a lot or lots other than those delineated on the map or maps, the Township Engineer shall assign a number to each lot resulting from the subdivision, which shall be in proper numerical sequence in relation to the number assigned to other lots fronting on the same street, and he shall record the same upon the map or maps and, within 10 days of the filing of the approval given for such subdivision of land, notify the Tax Assessor.
- B. No subdivision of land, major or minor, requiring approval by the Planning Board shall be approved by it unless a number shall be assigned by the Township Engineer for each building or lot.
- C. If the Township Engineer determines that an error has been made in assigning a number or street address to any building or lot or that a change in the assigned number or street address is in the best interests of the municipality, the Engineer shall advise the Tax Assessor and, upon approval from same, the Engineer shall correct the map, and the Tax Assessor shall correct the number or street address to the appropriate designation.

§ 90-3. Display of numbers.

All buildings within the boundaries of the Township of West Milford shall display their house number in numerals of at least four (4) inches in height pursuant to N.J.A.C. 5:70-3 and Section 505.1 of the New Jersey Uniform Fire Code, in clear view by the front entrance door of their residence. If the residence has a street mailbox, it shall also have the house number displayed on it. All numbers shall be displayed in such a way that they are visible to persons passing by the premises on the abutting street. If a residence is not viewable from the street, numerals conforming to the specifications above shall also be placed at an area located on the property which is visible from the abutting street.

§ 90-4. Issuance of certificate of occupancy.

No certificate of occupancy or smoke detector certifications will be issued by the Building Inspector or Fire Bureau or anyone in his Department for the occupancy of any building unless the provisions of the foregoing section or sections shall have been complied with.

§ 90-5. Enforcement.

The provisions of this Chapter shall be enforced by the Township Zoning Officer or Fire Bureau.

§ 90-6. Violations and penalties.

Property owners found to be in violation of this chapter shall be subject to the following penalties:

- A. First Offense: Property owner shall receive a written warning notice from the Township. Such notice shall allow the property owner one (1) week in which to cure the violation.
- B. Second and Subsequent Offenses: Property owner shall receive a fine of \$75.00 per offense.

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

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

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

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

INTRODUCED: August 26, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for September 23, 2009 and it shall be advertised as required by law.

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Absent: Councilman Schimmenti stepped out of meeting.
Motion carried.

Agenda No. VII 2

~ Ordinance No. 2009- 022 ~

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AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 138, "FERTILIZERS, APPLICATION OF" OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 138, "Fertilizers, Application Of", of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 138-1 Purpose.

The Township of West Milford has determined that the surface water quality of the lakes and streams within the Township is being negatively affected by phosphorous loadings in part by fertilizers entering the waterways from storm water runoff. The purpose of this chapter is to decrease the amount of phosphorous in our waterways by limiting the use of fertilizers, especially the use of fertilizers containing phosphorous within the Township.

§ 138-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. Commercial Farm. The term "commercial farm" shall mean: a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, which has been devoted to such activities for at least two successive years and which, satisfies the criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L. 1964 c. 48 (C.54:4-23.1 et seq.).
- B. Fertilizer. The term "fertilizer" shall mean any fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- C. Impervious Surface. The term "impervious surface" shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
- D. Phosphorous Fertilizer. The term "phosphorous fertilizer" shall mean any fertilizer that contains phosphorous, expressed as P²O₅ with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials or woodashes that have been amended to increase their nutrient content.
- E. Soils Test. The term "soil test" shall mean a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

§ 138-3 Prohibited Conduct.

- A. No person, firm, corporation, franchise or other entity shall do the following:
 - 1. Apply phosphorous fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation application issued by Rutgers Cooperative Research and Extension Service.
 - 2. Deposit leaves or other vegetative material on roads or within any lake or stormwater drainage system.
 - 3. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
 - 4. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
 - 5. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season (March 1 through November 15).
- B. Exceptions.
 - 1. Application of phosphorous fertilizer needed for the establishing of vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et. seq.
 - 2. Application of phosphorous fertilizer needed from the re-establishing or repair of a turf area.

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3. Application of phosphorous fertilizer that delivers liquid or granular fertilizer under the soil's surface, directly to the feeder roots.
 4. Application of phosphorous fertilizer to residential container plantings, flowerbeds, or vegetable gardens.
- C. Buffer Zone.
1. Any fertilizer applications shall not be made within ten (10) feet of any wetland or body of water, lake, stream, pond, storm drainage system or watercourse.

§ 138-4 Commercial Landscapers – Licensure Required.

No person, firm, corporation, franchise or entity shall engage the services of a landscaper or fertilizer applicator to apply fertilizer within West Milford Township, unless such landscaper or applicator is licensed in accordance with this ordinance.

§ 138-5 Commercial Fertilizer Application Licensure.

- A. License Required. No person, firm, corporation or other entity shall engage in the business of fertilizer application within the Township unless a municipal license has been obtained from the West Milford Township Department of Health as provided herein.
- B. Licensing Procedure. Applications for a commercial fertilizer applicator license shall be submitted to the West Milford Township Department of Health. The application shall consist of the following:
- (1) Identification. Name, address, telephone number of applicant and any individuals authorized to represent the applicant, and New Jersey commercial pesticide application license number (if licensed).
 - (2) Fertilizer Formula. A copy of the formula for fertilizer mixtures meeting the limitations of Section 5.26.3(1) to be applied within the Township shall be submitted along with the initial application for a license, and, thereafter, at least thirty days before fertilizer composition changes are implemented.
 - (3) License Fee. The license fee for all commercial landscapers and/or fertilizer applicators shall be \$50.00 which shall be paid annually. The license shall be effective from January 1 until December 31 of the year in which the license was applied for. A separate copy of the license will be issued for each vehicle owned or used by the applicant for an additional fee of \$5.00 per additional vehicle. The license fee shall not be pro-rated.
- C. Conditions of License. Fertilizer application licenses shall be issued subject to the following conditions, which shall be specified on the license form.
- (1) Random Sampling. Commercial fertilizer applicators shall permit the Township to sample any commercial fertilizer mixture to be applied within the Township at any time after issuance of the initial license. The licensee shall pay the cost of such sampling.
 - (2) Possession of License. The commercial fertilizer application license or a copy thereof shall be in the possession of any party employed by the fertilizer applicator when making fertilizer applications within the Township.
- D. Revocation or Suspension of License. All licenses issued under this section shall be deemed to be granted upon the express condition that, in addition to any other sanction or penalty, the Health Officer may:
- (1) After due notice by personal service or certified mail and, after a due process hearing before the Township Administrator and Health Officer, suspend or revoke the license of any person for violating any provision of this section.
 - (2) Suspend temporarily, pending a hearing or notice thereof, any such license when deemed by the Health Officer to be immediately necessary to prevent emergent danger to the public welfare. Any such temporary suspension without a hearing shall be for a period not longer than twenty (20) days.

§ 138-6 Exemptions.

- A. During the initial growing season, newly established turf areas shall be exempt from the provisions of Section 138-3(A) of this ordinance for a period not to exceed three (3) months.
- B. Recreational (public, private and golf course) field owners shall be exempt from the provisions of Section 138-3(A) of this ordinance upon a showing, through a Township-approved testing procedure, that there is a need for phosphorus in excess of the limits herein or other demonstrable necessity.
- C. Commercial farms, as defined in this section, shall be exempt from the provisions of Section 138-3(A) for a period of two (2) years after the enactment of this ordinance.

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§ 138-7 Penalty for Violation.

Any person, firm, corporation or franchise violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine not to exceed \$2,000, imprisonment for a term not to exceed ninety (90) days or by a period of community service not to exceed ninety (90) days or by any combination thereof. Such penalties may be in addition to the revocation or suspension of the license, as provided in Section 5.26.5. Each incident or violation (as measured on a daily basis) shall be considered a separate offense. However, in the case of a violation that is issued to a property owner who is not required to obtain a commercial license, a written warning shall be issued for a first offense.

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

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

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

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

INTRODUCED: August 26, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for September 23, 2009 and it shall be advertised as required by law.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Absent: Councilman Schimmenti stepped out of meeting.
Motion carried.

Agenda No. VII 3

~ Ordinance No. 2009- 023 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 2005-21 CODIFIED AS CHAPTER 305 IN THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST MILFORD ESTABLISHING RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS LIVING WITHIN THE TOWNSHIP

WHEREAS, back in 2005, the Township Council adopted Ordinance No.2005-21 (the "Ordinance") which established residency restrictions for any person subject to the registration requirements set forth in N.J.S.A. 2C:7-1 et seq. ("Megan's Law") living within the Township; and

WHEREAS, the Ordinance was codified under the Township Code as Chapter 305: Sex Offenders; and

WHEREAS, the Ordinance made it unlawful for any registered sex offender to reside within 2,500 feet of any school, park, playground or day-care center in the Township; and

WHEREAS, the Ordinance required any registered sex offender living within a prohibited area to relocate outside the prohibited area within 60 days from the effective date of Chapter 305 or be subject to penalties and fines; and

WHEREAS, on May 7, 2009, the New Jersey Supreme Court issued a ruling in the case of *G.H. v. Township of Galloway*, which invalidates municipal ordinances that establish locational restrictions prohibiting convicted sex offenders from living within designated distances from schools, parks, playgrounds and daycare centers; and

WHEREAS, the Court held that such local ordinances are preempted by state law because they directly conflict with the uniform policies and operational effect of the statewide scheme implemented by Megan's Law, which already prescribes a system for determining where convicted sex offenders can live upon their release; and

WHEREAS, the Township Council has determined that in light of the Court's holding in *G.H. v. Township of Galloway*, it should take action to repeal Ordinance 2005-21 as codified under Chapter 305 of the Township Code; and

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WHEREAS, while the Township is very much in favor of legislation to restrict such residents in the vicinity of critical parts of the community, it must adhere to the Supreme Court's decision and vigorously pursue alternate legislation to address this concern.

NOW THEREFORE BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township hereby repeals Ordinance 2005-21 codified as Chapter 305: Sex Offenders; and

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: August 26, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for September 23, 2009 and it shall be advertised as required by law.

Discussion: Mr. Semrau stated that, in accordance with Council's instructions, he researched the potential of modifying the existing ordinance rather than repealing this in its entirety. However, he stated, he recommends that it be repealed with the language outlining the Council's concerns. He advised that he also prepared a resolution for Council consideration later in the evening. Councilman Jurkovic stated that he would rather see this ordinance remain on the books until it is revised or action is taken on the State bill. Mr. Semrau cautioned against this because he advised that there is potential for a claim that a person is harmed as a result of this ordinance. He tried to insert language which makes it clear that the Council is not in favor of this and plans to adopt legislation expeditiously if the law changes. Councilman Jurkovic stated that it is ironic that a sex offender can allege being harmed by this ordinance in light of the crimes they have committed. It compels one to question who the courts are protecting in these rulings. Council President Smolinski agreed adding that Assembly bill 641 is toothless and filled with exemptions. He considers it to be an insult and expressed disbelief that our State legislators are sponsoring it. He called it better than nothing but closer to nothing than anything he has ever seen. Discussion ensued about possible options for municipalities. The Council asked Administrator Boyle to schedule a workshop discussion at the next meeting about having a resolution sent to the New Jersey League of Municipalities asking them to support the Township's position on this matter.

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

Councilman Nolan made a motion seconded by Councilman Jurkovic to move the following resolutions as one: 2009-305, 2009-306, 2009-307, 2009-308, 2008-309, 2009-310, 2009-311, 2009-312, 2009-314, 2009-315, 2009-329

Agenda No. VII 4

~ Resolution No. 2009-305 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009 CRACKDOWN

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

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol related; and

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

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

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2009 Impaired Driving Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of West Milford declares it's support for the Over the Limit Under Arrest 2009 Crackdown from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of disregard of signs and traffic devices.

Agenda No. VII 5

~ Resolution No. 2009-306 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO MATTHEW GIACOBBE, ESQ., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR LEGAL SERVICES

WHEREAS, the Township of West Milford appointed Matthew Giacobbe, Esq. to serve as Labor Counsel for the Township as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

WHEREAS, by virtue of resolution 2009-038 adopted on January 1, 2009, \$60,000 was appropriated to compensate for these legal services; and

WHEREAS, the Township Administrator has advised that Labor Counsel has been consulting on a significant number of labor issues and is negotiating labor contracts with two bargaining units; and

WHEREAS, the Township Administrator has recommended that the Township Council increase appropriations for Labor Counsel to allow Mr. Giacobbe to continue providing such legal services; and

WHEREAS, Mr. Giacobbe has indicated that he will require additional funding to continue these legal matters at an estimated amount of \$40,000; and

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

WHEREAS, the term of a contract for this service is until December 31, 2009 in accordance with Resolution 2009-038; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 9-01-20-155-202.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to amend the contract with Matthew Giacobbe, Esq. of the firm Scarinci & Hollenbeck LLC for an additional amount not to exceed \$40,000 for a total contract amount not to exceed \$100,000 in the 2009 calendar year; and

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

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

Adopted: August 26, 2009

Discussion: Councilman Nolan asked Administrator Boyle to explain the changes to the labor counsel contract commending him for bringing this before Council prior to having exceeded appropriations. Mr. Boyle advised that there have been a number of labor issues this year in addition to contract negotiations with two bargaining units. Councilman Nolan stated that, while the Council is not happy with having to expend these sums, he understands how this evolved. Mr. Boyle stated that he will make every effort to ensure that there will be no further increases. Council President Smolinski asked if there is a policy in place for contacting professionals. Mr. Boyle stated that staff is only authorized to contact labor counsel with the Administrator's approval. He stated that the time spend on labor issues has been warranted. Because West Milford is a civil service community, assistance is often required with grievances. Mr. Semrau advised that a number of personnel issues have carried over from previous years. Councilman Jurkovic asked the Administrator to provide him with the hourly rates and Council President Smolinski stated that these services should be subjected to competitive contracting to ensure competitive pricing.

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Agenda No. VII 6

~ Resolution No. 2009-307 ~

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 PAUL FERRIERO OF FERRIERO ENGINEERING, TO ASSIST AND COORDINATE THE SPECIFICATIONS AND REQUIREMENTS FOR THE PREPARATION OF THE TOWNSHIP'S WASTEWATER MANAGEMENT PLAN

WHEREAS, the State of New Jersey Department of Environmental Protection (DEP) did mandate that each of the twenty-one counties in the State update the Wastewater Management Plans for each municipality within their jurisdiction; and

WHEREAS, in November 2008 Passaic County notified the State of New Jersey DEP that they would not be complying with this mandate for the sixteen municipalities located within Passaic County; and

WHEREAS, the State of New Jersey DEP subsequently mandated that West Milford update the Township's Wastewater Management Plan and allocated funding to the Township in the amount of \$10,000 to comply with this mandate.

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from 9-01-20-100-450.

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

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Paul Ferriero, PE, PP, CME, LEED AP for professional services to update the Township's Wastewater Management Plan in an amount not to exceed \$10,000.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be until the completion of the work or the exhaustion of funds whichever comes first.
4. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2009

Discussion: Councilman Jurkovic asked for an explanation of this work. Mr. Boyle advised that this resolution would authorize Mr. Ferriero to work on the wastewater management plan up to \$10,000 which is the amount that the DEP has committed to this project. Mr. Semrau provided background as to why this work is being done by the Township rather than the County of Passaic. He stated that much of the data to be used in the wastewater management plan can be taken from Highlands module data which is being compiled to draft the master plan. This will ultimately guide West Milford on how to proceed. There will be coordination with the MUA, Planning and Health Department. This phase of work is simply the prep work and there will be other phases in this process.

Agenda No. VII 7

~ Resolution No. 2009-308 ~

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 PAUL FERRIERO OF FERRIERO ENGINEERING, TO WORK ON OPEN SPACE MATTERS AS DICTATED BY THE TOWNSHIP COUNCIL

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

WHEREAS, the Township Council must perform due diligence prior to expending open space funds on property acquisition; and

WHEREAS, from time to time, such due diligence requires engineering review of certain facets of any given property being considered for open space acquisition; and

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from the Township's Open Space Trust Account.

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

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Paul Ferriero, PE, PP, CME, LEED AP for professional services to perform due diligence at the Council's direction on properties to be considered for open space acquisition.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be until December 31, 2009.
4. The total fee authorized for this contract shall not exceed \$3,000 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2009

Discussion: Councilman Weisbecker asked why it is necessary to have Mr. Ferriero participate on open space matters stating that the Environmental Commission and the Land Use Administrator can perform these functions. Mr. Semrau stated that Mr. Ferriero has experience with the Highlands Act and he was asked to review the Random Woods and CYO projects because of that experience.

Agenda No. VII 8

~ Resolution No. 2009-309 ~

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 PAUL FERRIERO OF FERRIERO ENGINEERING, TO WORK ON MATTERS RELATING TO THE HIGHLANDS ACT AS DICTATED BY THE TOWNSHIP COUNCIL

WHEREAS, the Township of West Milford has applied for and received a \$50,000 grant from the Highlands Council as part of their Conformance Grant Program in recognition of the costs associated with local government efforts to conform to the Highlands Regional Master Plan (RMP); and,

WHEREAS, the Township Council did authorize Charles McGroarty to provide professional services to the Township to fulfill the requirements and obligations of the Highlands Council Conformance Grant; and

WHEREAS, in providing these services, the professional planner, Charles McGroarty, has and may have the need to utilize the services of a professional engineer with certain factions of these projects; and

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

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WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number pending adoption of Chapter 159.

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

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Paul Ferriero, PE, PP, CME, LEED AP for professional services to provide engineering services as dictated by the Township Council to assist Mr. McGroarty in fulfilling the requirements and obligations of the Highlands Council Conformance Grant.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be until the completion of these projects.
4. The total fee authorized for all professional services related to these projects shall not exceed \$50,000 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2009

Agenda No. VII 9

~ Resolution No. 2009-310 ~

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 PENNONI ASSOCIATES, INC. TO PREPARE AN EMERGENCY ACTION PLAN AND CONDUCT REGULAR INSPECTIONS FOR BUBBLING SPRINGS LOWER POND DAM AND TO PREPARE AN OPERATION AND MAINTENANCE MANUAL AND PROVIDE REGULAR INSPECTIONS FOR WESTBROOK PARK DAM IN THE AMOUNT OF \$14,500.00

WHEREAS, the Township of West Milford has a need to retain professional engineering services to provide the Township of West Milford with an emergency action plan for Bubbling Springs Lower Pond Dam, prepare an operation and maintenance manual for Westbrook Park Dam, and conduct regular inspections on the Bubbling Springs Lower Pond Dam and Westbrook Park Dam; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number C-04-06-944-371.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Pennoni Associates Inc. with offices located at 210 Malapardis Road Suite 104, Cedar Knolls, NJ 07927 as a professional engineer with extensive experience with dams for the Township of West Milford in the amount of \$14,500.00 to provide the above referenced professional services.

Adopted: August 26, 2009

Discussion: Councilman Nolan questioned what regular inspections mean. Mr. Boyle advised that the specifics are outlined in the proposal and this covers a one-year period.

Agenda No. VII 10

~ Resolution No. 2009-311 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Carla Summer-Trivisani to acquire by assignment the following tax lien certificate, held by the Township of West Milford:

Table with 4 columns: LIEN CERTIFICATE NO., SALE DATE, BLOCK/LOT, AMOUNT DUE ON CERTIFICATE. Row 1: 08-021, 4-08-008, 1807-006, \$526.75

WHEREAS, the said Carla Summer-Trivisani has paid to the Collector of Taxes the sum of \$526.75 representing the amount due on said Certificate, together with subsequent liens thereon.

BE IT RESOLVED that September 23, 2009, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offer of Carla Summer-Trivisani.

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted: August 26, 2009

Agenda No. VII 11

~ Resolution No. 2009-312 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTNG APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS, N.J.S.A 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF ANY ITEM OF APPROPRIATION FOR EQUAL AMOUNT.

NOW, THEREFORE, BE IT RESOLVED, that the Council Of the Township of West Milford, in the County of Passaic, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$37,000.00 which is now available as a revenue from the State of New Jersey, Division of Archives and Records Management and the State Records Committee, in order to help facilitate the needs for strategic records management, preservation, and storage needs of the county and municipal governments; and

BE IT FURTHER RESOLVED that a like sum of \$37,000.00 be and the same is hereby appropriated under the caption of: PARIS Grant \$37,000.00.

Adopted: August 26, 2009

Agenda No. VII 13

~ Resolution No. 2009-314 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR ROAD RESURFACING PHASE II THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #6, ROAD RESURFACING - CAT. B BITUMINOUS CONCRETE IN PLACE, CAT. C - MILLING IN PLACE, AND CAT. D - RESURFACING PREPARATIONS TO TILCON NEW YORK, INC.

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6, Road Resurfacing - Cat. B Bituminous Concrete In Place, Cat. C - Milling In Place, And Cat. D - Resurfacing Preparations, for the 2009 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Road Resurfacing Phase II in 2009; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract through the Morris County Cooperative Purchasing Council, Contract #6, Road Resurfacing – Cat. B Bituminous Concrete In Place, Cat. C – Milling In Place, And Cat. D – Resurfacing Preparations, for the 2009 year to Tilcon New York, Inc. in an amount not to exceed \$1,600,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from an account to be designated after the adoption of ordinance 2009-017

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

1. The Township Council hereby authorizes the Township Engineer to purchase Road Resurfacing – Cat. B Bituminous Concrete In Place, Cat. C – Milling In Place, And Cat. D – Resurfacing Preparations through the Morris County Cooperative Purchasing Council, Contract #6 awarded to Tilcon New York, Inc. in an amount not to exceed \$1,600,000; and
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2009

Agenda No. VII 14

~ Resolution No. 2009-315 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CONTRACTS FOR 2009 CRACK SEALANT THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT 6, CATEGORY E- TO MICRO PAVE SYSTEMS, INC.

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6, Category E, Crack Sealant to Micro Pave Systems, Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award the contract for 2009 Crack Sealing to Micro Pave Systems, Inc. through the Morris County Cooperative Purchasing Council Contract No. 6, Category E; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 9-01-26-290-624.

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

1. The Township Council hereby authorizes the 2009 Crack Sealing Contract, Category E, through the Morris County Cooperative Purchasing Council contract #6 Cat. E, to Micro Pave Systems, Inc. in an amount not to exceed \$30,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: August 26, 2009

Agenda No. VII 17

~ Resolution No. 2009-329 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ROBERT CZECH TO ACT AS A HEARING OFFICER IN A CONFIDENTIAL PERSONNEL MATTER FOR THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford has a need to engage the services of a hearing officer in a confidential personnel matter; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, Robert Czech has the qualifications and experience necessary to provide such services; and

WHEREAS, Robert Czech is required to complete and submit a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Robert Czech from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number 9-01-20-155-502.

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

1. In consideration for acting in the capacity of hearing officer in a confidential personnel matter for the Township, the Township of West Milford agrees to pay Robert Czech for services provided in an amount not to exceed \$750.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2009

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

Agenda No. VII 12

~ Resolution No. 2009-313 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A FIVE YEAR CONTRACT FOR THE DISPOSAL OF TYPE 10 AND TYPE 13 SOLID WASTE TO WASTE MANAGEMENT OF NEW JERSEY, INC.

TABLED TO LATER IN MEETING

Discussion: Mr. Semrau stated that information has been provided to the Administrator regarding this contract. He asked the Council to table this matter to later in the evening as he would like to discuss this in executive session with Council prior to them taking action. Motion to table to later in the meeting.

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

Agenda No. VII 15

~ Resolution No. 2009-316 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2009 - 2010 LICENSE YEAR WITH CONDITIONS – REFLECTION LAKES INN, INC.

WHEREAS, an application for renewal of Plenary Retail Consumption License No. 1615-33-026-002 for the 2009 - 2010 License year has been received and reviewed; and

WHEREAS, the Mayor and Township Council have 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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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, 2008 - June 30, 2009).
- 4.

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

WHEREAS, the Police Department has recommended that the license be renewed as inactive to the current owners 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:

REFLECTION LAKES INN 1202-04 Union Valley Road West Milford, NJ 07480 1615-33-026-002	<ol style="list-style-type: none"> 1. Adequate signing must be placed on trees surrounding the ¾ acre grove area to the front of the bar utilizing this area for everyday business, self limiting the licensed premise outside perimeter in order to safely manage the premises with the least amount of employees. 2. When this area is utilized for liquor consumption the bar must make one employee available to supervise this area thereby requiring at least two employees on duty. 3. On days of planned events where the entire 5 acres is to be utilized as a licensed premise the owners have agreed to have at a minimum 5 – 6 employees to supervise this open area. The outside area must be adequately supervised in order that under age and intoxicated persons are not served and disagreements between customers are better managed. 4. Inactive licenses must be inspected, submit applicable pages of 12 page application, and receive satisfactory recommendations from the Health Department and Police Department prior to opening.
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Adopted: August 26, 2009

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

Agenda No. VII 16

~ Resolution No. 2009-317 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING AND ENDORSING ASSEMBLY BILL 641 OF THE STATE OF NEW JERSEY 213TH LEGISLATURE

Resolution Defeated by Unanimous Vote

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

Agenda No. VIII

Consent Agenda

~ Resolution No. 2009-318 ~

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

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

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

Resolutions:

- a. **Resolution 2009-319** – Refund Recreation Fees
- b. **Resolution 2009-320** – Refund Escrow Monies
- c. **Resolution 2009-321** – Refund Other Liens
- d. **Resolution 2009-322** – Refund Performance Guarantee
- e. **Resolution 2009-323** – Refund Police Trust Account Monies
- f. **Resolution 2009-324** – Reinstate Taxes
- g. **Resolution 2009-325** – Refund Overpayments

Applications:

- a. **Application** for Off Premise 50/50 Raffle Lic. No. 2009-31 – West Milford Heritage Quilters
- b. **Application** for Off Premise Draw Raffle Lic. No. 2009-32 – Our Lady Queen of Peace HSA
- c. **Application** for On Premise 50/50 Raffle Lic. No. 2009-33 – Our Lady Queen of Peace HSA
- d. **Application** for Tricky Tray Raffle Lic. No. 2009-34 – Our Lady Queen of Peace HSA
- e. **Application** for Bingo License No. 2009-35 – St Joseph Church
- f. **Application** for On Premise 50/50 Raffle License No. 2009-36 – St Joseph Church

Adopted: August 26, 2009

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution 2009 – 319 ~

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

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

PARTICIPANT	AMOUNT	PAYABLE TO:
<i>Refund for Instrument Camp:</i>		
Frances & Courtney	\$ 260.00	Tracey Starace 492 Lakeshore Dr. West Milford, NJ 07480
<i>Refund for princess camp due to low enrollment:</i>		
Morgan	\$85.00	Janet Donus 12 Forge Rd. Hewitt, NJ 074
<i>Refund for preschool class:</i>		
Erin Schweitzer	\$65.00	Iris Schweitzer 8 Bisset Drive West Milford, NJ 07480
<i>Refund for Baseball camp:</i>		
Dylan	\$ 159.00	Donna Bednarski 573 Snake Den Road West Milford, NJ 07480
<i>Refund for Painting workshop cancelled due to low enrollment:</i>		
Kelly	\$70.00	Lorie Carlino 42F Lexington Lane West Milford, NJ 07480
Rachel	\$70.00	Terrence Fossum 17 Olde Hickory Road West Milford, NJ 07480
Maddox	\$70.00	Justine Maiello 18 Dan Jennings Rd. Oak Ridge, NJ 07438
<i>Refund for Day Camp:</i>		
Brittany LeDuc	\$301.25	Jeanine Haschak

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PARTICIPANT	AMOUNT	PAYABLE TO:
		29 Cedar Brook Rd. Hewitt, NJ 07421
Thomas Kilroy	\$200.00	Connie Kilroy 29 Orleans Lane West Milford, NJ 07480
Michael & Dimitri	\$175.00	Claudia Piteris 90 Morris Ave. West Milford, NJ 07480
Kaeli Ryan	\$85.00	Lori Ryan 9 Chris Terrace Ringwood, NJ 07456
Sayah	\$65.00	Teena Sukul 16 Elias Lane Stockholm, NJ 07460
Refund for swim lessons Session 3:		
Ryan and Madison	\$85.00	Wendy Struck 26 Oak Drive Oak Ridge, NJ 07438

Adopted: August 26, 2009

Agenda No. VIII b

~ Resolution No. 2009-320 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township Planning Department, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
John & Gail Collins 30 Sophie Avenue West Milford, NJ 07480	0630-0746	\$750.00	\$41.85

Adopted: August 26, 2009

Agenda No. VIII c

~ Resolution No. 2009-321 ~

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

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

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

Cert. No	Cert. Date	Block/Lot/Qual	Amount	Pay to the Lien Holder
08-022	04/08/2008	01811-003	\$22,205.37	ILENE'S KIDS; LLC ALTOR TITLE ATT. PAUL 145 N. FRANKLIN TPK #324 RAMSEY, NJ 07446
08-107	04/08/2008	14701-003	\$19,471.57	AMERICAN TAX FUNDING LLC P.O. BOX 862658 ORLANDO, FL 32886-2658
08-108	04/08/2008	14701-007	\$22,680.18	AMERICAN TAX FUNDING LLC P.O. BOX 862658 ORLANDO, FL 32886-2658
09-004	03/25/2009	00505-003	\$18,578.02	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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09-005	03/25/2009	00507-002	\$2,867.17	EDISON TAX SERVICE LLC 1290 WALL ST. STE 301 LYNDHURST, NJ 07071
09-010	03/25/2009	01002-001	\$4,653.86	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
09-062	03/25/2009	06002-002.02	\$8,559.58	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
09-088	03/25/2009	07801-049.05	\$13,867.18	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
09-103	03/25/2009	09404-008	\$3,723.02	MICHELE YELDHAM 16 MEADOWVIEW TERRACE RINGWOOD, NJ 07456
Grand Total			\$116,605.95	

Adopted: August 26, 2009

Agenda No. VIII d

~ Resolution No. 2009-322 ~

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

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

Name & Address	Block & Lot	Amount Refunded	Pg. No.
Cynthia Paul & Scott Levy 98 Kitchell Lake Drive West Milford, NJ 07480	4901/18	\$2,000.00	<u>80</u>

Adopted: August 26, 2009

Agenda No. VIII e

~ Resolution No. 2009-323 ~

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

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

Name & Address	Purpose	Amount Refunded
Pinecliff Lake Community Club, Inc. P.O. Box 246 1577 Union Valley Road West Milford, New Jersey 07480	Traffic Control – Family Day	\$5.40

Adopted: August 26, 2009

Agenda No. VIII f

~ Resolution No. 2009-324 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
5315-4.08	A. Miltari	\$1,272.00	2009
12304-11	J. Valent	\$1,516.00	2009
TOTAL		\$2,788.00	

Adopted: August 26, 2009

Agenda No. VIII g

~ Resolution No. 2009-325 ~

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

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
102-20.03	J. & L. Barker 1943A Clinton Road Hewitt, NJ 07421	\$1,599.00	2009	2
102-22	Fahey & Fahey 55 Skyline Drive Ste 208 Ringwood, NJ 07456	\$3,433.00	2009	2
1004-8	Charles Michael Damian, LLC 388 Pompton Avenue Cedar Grove, NJ 07009	\$2,009.00	2009	2
1701-39	S. & A. Schwerner 33 Delaware Road Hewitt, NJ 07421	\$1,657.00	2009	1
2308-5	V. Araujo & S. Ferreira 65 Chatham Road Hewitt, NJ 07421	\$1,859.00	2009	1
2404-8	H. & S. Sands 99 Upper Greenwood Road Hewitt, NJ 07421	\$1,240.80	2009	1
3010-3	J. Blauvelt 27 Gifford Road Hewitt, NJ 07421	\$1,302.00	2009	2
3013.17.01	A. Verde 66 Kushaqua Trail N. Hewitt, NJ 07421	\$24.00	2009	2
3013-17.02	A. Verde 66 Kushaqua Trail N. Hewitt, NJ 07421	\$26.00	2009	2
6404-2.01	McCann's Mini Whs, Etals P.O. Box 389 Hewitt, NJ 07421	\$14,566.00	2009	2
6602-9	R. Tanis 12 John Street West Milford, NJ 07480	\$1,243.00	2009	2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Block/Lot	Name	Amount	Year	Reason
7610-2	Donohue & Nicosia 328 Route 94 Vernon, NJ 07462	\$1,549.00	2009	2
7801-38.08	Laurie J. Emmons 2786 Route 23 North Ste A Stockholm, NJ 07460	\$1,674.00	2009	2
8101-16	Francis Battersby P.O. 370 Oakland, NJ 07436	\$2,249.00	2009	2
8501-7.02	D. & L. Pezza 1833 Trotter Court Wellington, FL 33414	\$3,377.00	2009	1
8501-25	D. Martin 64 Dockerty Hollow Road West Milford, NJ 07480	\$418.00	2009	1
8802-20	M. & D. McCarter 13 Sweetman Lane West Milford, NJ 07480	\$2,366.00	2009	1
9407-6	M. & R. Burns 4 Glenda Drive West Milford, NJ 07480	\$3,169.00	2009	2
9703-19	N. Hammond 85 Hunterdon Place West Milford, NJ 07480	\$2,628.00	2009	2
10603-21	C. Devine & V. Riffard 14 Sanders Court West Milford, NJ 07480	\$2,002.00	2009	2
11106-2	M. & E. Lyle 751 Westbrook Road West Milford, NJ 07480	\$2,352.90	2009	2
12302-2	J. Kaelin 5 Ferndale Road West Milford, NJ 07480	\$1,628.00	2009	2
12307-17	M. & E. Romain 34 Evanstan Avenue West Milford, NJ 07480	\$1,033.00	2009	1
12311-20	G. Hill 21 Setting Sun Tr. West Milford, NJ 07480	\$1,698.00	2009	2
12901-8	T. Demeo 273 High Crest Drive West Milford, NJ 07480	\$270.26	2009	1
12901-40	W. & C. Stanhope 397 High Crest Drive West Milford, NJ 07480	\$2,393.00	2009	1
13001-16	C. Lockenvitz 141 Hearthstone Drive West Milford, NJ 07480	\$5,747.00	2009	1
15502-8	R. & V. Haggerty 12 Circle Boulevard Newfoundland, NJ 07435	\$2,230.00	2009	2
15901-3	E. & G. Panas P.O. Box 410 Oak Ridge, NJ 07438	\$3,567.00	2009	2
10808-11	M. & N. Poremba 16 Seymour Road West Milford, NJ 07480	\$76.10	2009	2
TOTAL		\$69,386.06		

Adopted: August 26, 2009

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2009-326 ~
**RESOLUTION APPROVING THE PAYMENT OF BILLS
 AS AMENDED**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

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

Acct #	Account Name	Amount
1	Current Account	\$164,622.51
2	Reserve Account	30,322.90
3	Animal Control Trust	695.10
6	Capital.	0.00
7	Grants.	3,034.00
8	Refuse.	83,403.07
9	Refunds.	187,597.26
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	1,536.23
18	Development Escrow.	3,872.39
19	LOSAP	93,100.00
20	Special Reserve	0.00
Total		\$568,183.46
Less Refund Resolution		-187,597.26
Actual Bill List		\$380,586.20
REVISED W/O SUNNY BLUE		
Other Payments		2,105.00
Less Refund Resolution		
Total Expenditures		\$382,691.20

Adopted: August 26, 2009

Discussion: Councilman Weisbecker asked Mr. Boyle to look into the payment on page 3 for oil to determine if this was to top-off a tank. Mr. Boyle asked the Council to withhold payment on certain bills pertaining to professional services for Sunny Blue. He stated that the applicant has asked for a meeting to review these invoices as they feel that they are unwarranted. He asked Council to pull check numbers 00115, 00116, 00096, 00094, and 00119. In response to Councilman Jurkovic he advised that the payments to Cable Vision are related to internet service.

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

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Weisbecker stated that there was a letter in the Council's packet about the Warwick Turnpike project. The property is located in Vernon but the owner pays a certain amount of taxes to West Milford and complained that the project ended just before her propertyline. Mr. Boyle stated that he reached out to Vernon in an effort to coordinate this job and extend it into their municipality. Vernon agreed to allow West Milford to continue the project to a certain point, but, citing budget constraints they were unable to continue where West Milford left off. Councilman Weisbecker noted that at certain border points between the two municipalities, some efforts are being duplicated. He asked the Administrator to work with the Vernon Administrator to share these services and thus become more efficient.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Nolan stated that the Administrator has asked the fire companies and first aid squads to provide copies of their insurance policies to the Township. They will be reviewed by our risk manager to determine if there are where savings can be realized. He stated that the Township recently received correspondence from the former DCA Commissioner, Mr. Doria, about COAH obligations. He asked for consensus to have Mr. Semrau research the matter as Mr. Doria's letter contradicts Highlands precedents and recent court rulings. The Council gave consensus to have Mr. Semrau question this with the Highlands Council. Councilman Nolan advised that the State of New York recently passed user fee legislation that would apply to Greenwood Lake only if the State of New Jersey passed similar legislation. He asked for and received consensus to request that representatives of the Greenwood Lake Bi-State Commission address the Council at a future meeting to give an update. Councilman Weisbecker requested that the State legislators be invited to attend that meeting also. Councilman Nolan advised that the Division of Local Government Services sent out an e-mail about next year's CAP which will be 3.5%. Health insurance is exempted and that it is expected that the cost for State health insurance will increase by about 18%. He expressed concern that September is fast approaching and the negotiations with the unions do not appear to have progressed. The Council must have definitive answers to make educated decisions for next year's budget. He encouraged the Township professionals and the unions to move this process along. He commended James Novack and the Garbage & Recycling committee for their recommendations and hard work.

Councilwoman Lichtenberg stated that the Health Department has a number of upcoming details and she urged residents to call them to get details. Family fun night will be held at Bubbling Springs on Friday. She is here on Thursdays from 10 a.m. to noon.

Councilman Jurkovic stated that the master plan will be discussed at tomorrow evening's Planning Board meeting.

Mayor Bieri stated that she has been in office for twenty months and apologized for missing her first meeting on August 12th. She stated that the Township will be having a 9/11 ceremony and information will be posted on the municipal website.

Township Attorney Semrau asked the Administrator to schedule executive session discussion of the Newark Watershed for the next meeting. He will also have a number of ordinances for Council discussion at upcoming workshop meetings including a temporary zoning ordinance. He or a staff member from his office will be attending the September 21st Lakes Committee meeting. He met with staff from the Health Department last week to review outstanding issues and he also met with the Land Use Administrator and her staff to discuss Highlands Act requirements. He will meet with officials from the Highlands Council on September 15th.

Administrator Boyle stated that he and Mayor Bieri will be conducting final interviews for the Westbrook caretaker on August 28th. The Passaic County Open Space Committee will be engaging in site visits on August 25th and a pre-application was submitted to the DEP for a greenhouse gas reduction grant. Bids were taken for the police department renovation on August 21st and the bid tabulation and review are underway. A purchase order has been issued for security cameras for the municipal building and staff is working on finalizing the contract for garbage collection. He will also be attending the Highlands Council meeting on September 15th and the new contract for the live where you work program is due during the week of September 7, 2009.

Agenda No. XI

Appointments and Resignations

~ Resolution No. 2009-327 ~

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

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

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Chris Rosica	Planning Board, Class IV Citizen Member	July 19, 2009
Kelly Love	Municipal Utilities Authority Alternate #1	August 20, 2009
Kerry Goceljak	Planning Board, Alternate Member #2	August 24, 2009

Adopted: August 26, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Council President Smolinski made a motion to appoint Mr. Saade to the MUA, seconded by Councilman Nolan.

Motion to close and confirm.

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

Mayor Bieri appointed Linda Connolly to, Class IV Citizen Member on the Planning Board.

Agenda No. XII

Executive Session

**~ Resolution No. 2009-328 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 26th day of August 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Potential Property Acquisitions – Block 7903, Lots 13, Union Valley Road
 - Potential Property Acquisitions –Block 8001, Lot 1 Random Woods
 - Potential Property Acquisition – Block 9302, Lot 6 – CYO Property
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contract Negotiations - Hillcrest Lease
 - (X) b. (8) Personnel matters.
 - Update from Labor Counsel on Outstanding Personnel Matters & Potential Litigation including Contract Negotiations, Captain David Hardin, Robert Sparkes, Alison McManus, Thomas Steines, Eugene Taffera, Sue Muhaw
 - Solid Waste Contract – Attorney Client Privilege
 - () 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: August 12, 2009

Mayor Bieri advised that Doug Ott, Gillian Hempstead and Chuck Ferraioli will be joining the Council in executive session to discuss the potential property acquisition on Union Valley Road. The Township Labor Attorney, Matt Giacobbe, will join Council in executive session to discuss personnel and potential litigation matters.

The Council went into executive session at 10:07 p.m.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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The Council reconvened in public at 12:24 a.m. on August 27, 2009 with all present as before.

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

Agenda VII 12

~ Resolution No. 2009-313 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A FIVE YEAR CONTRACT FOR THE DISPOSAL OF TYPE 10 AND TYPE 13 SOLID WASTE TO WASTE MANAGEMENT OF NEW JERSEY, INC.

Councilman Nolan made a motion to table this resolution to the September 9, 2009 meeting.

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:25 a.m. on August 27, 2009.

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

Approved: September 23, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK