
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: September 3, 2008
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() 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: September 3, 2008

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

Reconvened from Executive Session to Regular Meeting at 8:00 pm.

Agenda No. III

Presentations

Introduction of Recently Hired Department Heads

Mayor Bieri explained to the Council and public that tonight, three new department heads would be introduced. Due to rumors within the Township, fears and uncertainties have been brought about because of vacancies. She said that these introductions would put concerns to rest. The changes have been positive and they are all bi-partisan choices.

Ron Svrcek, Fire Marshal – thanked everyone for having him present. He gave a brief overview of himself. He was recently employed as a State Inspector for the State of New Jersey and outlined his duties there. He was also a member of an Emergency Response Team and worked with investigators across the state. He has experience in Fire Safety. He is excited to be working in West Milford. His intentions are to further the fire safety programs and to strengthen emergency preparedness in the Township. He welcomed any questions and suggestions.

William Wallace, Health Officer – thanked Mayor Bieri and the Council members for this opportunity. He explained that his background has been a consultant in the private industry. As an Industrial Hygienist, he was involved with environmental safety. He was recruited by the City of New York to work in their Department of Health. He said that he is looking forward to the challenges in West Milford and gave his expectations for the Health Department.

Keith Knudsen, Community Services and Recreation – thanked the Mayor and Council for his appointment. He gave an overview of his experience with Randolph Township. He explained the expectation that he has for his department and said that he has an open door policy. He said that he takes his responsibilities and position seriously.

Mayor Bieri commended the new hires for blending in well. She said that the Township now employs an Assistant Prosecutor, Planner and in the process of hiring a new Land Use Administrator. She invited the new employees for a photo opportunity.

Agenda No. IV

Proclamations

None.

Agenda No. V

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1
~ Resolution 2008 - 320 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE AMENDMENTS TO THE 2008 BUDGET AS INTRODUCED

TABLED TO THE SEPTEMBER 10, 2008 TOWN COUNCIL WORKSHOP MEETING

Motion to close public portion.

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

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Motion to Table Resolution to the September 10, 2008 Workshop Meeting

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

Agenda No. V 2.
Resolution No. 2008 – 321
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING THE ADOPTION OF THE
2008 MUNICIPAL BUDGET AS AMENDED

TABLED TO THE SEPTEMBER 10, 2008 TOWN COUNCIL WORKSHOP MEETING

Motion to Table Resolution to the September 10, 2008 Workshop Meeting

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

Agenda No. V 3.
~ Ordinance 2008 - 040 ~
BOND ORDINANCE APPROPRIATING \$3,342,360, AND AUTHORIZING THE ISSUANCE OF
\$3,175,242 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 in the County of Passaic, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$3,342,360 including the aggregate sum of \$167,118, 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 \$300,000 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 \$3,342,360 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 \$3,175,242 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 \$3,175,242 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:

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	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including two (2) dump trucks with plows and sanders for use by the Department of Public Works of the Township, one (1) pick-up truck for use by the Parks and Recreation Department of the Township and (1) ambulance for use by the First Aid Squad of the Township, together with the reconditioning and rehabilitation of existing ambulances as necessary 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	\$402,360	\$382,242
(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, Warwick Turnpike, Ardena Road, Bearfort Road, Buck Mountain Court, Burnt Meadow Road, Circle Drive, Cozy Lake Road, Delaware Road, Gold Lane, Longview Road, Mallory Road, Mountain Circle East, Mountain Circle North, Mountain Circle South, Mountain Circle West, Oak Drive, Papscoe Road, Paradise Road, Reigler Road, Risley Road, Silver Lane, Upper High Crest Road and Wooley Road, 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 \$2,609,250 appropriation hereby made therefore being inclusive of the amount of \$300,000 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 Warwick Turnpike	2,609,250	2,478,787
(c) Improvement of municipally-owned facilities and grounds in and by the Township, including the Department of Public Works Building by the renovation of the roof thereof and various athletic fields (including Farrell Field) by the rehabilitation thereof, 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	68,250	64,837
(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including computer and communication equipment for use by the Administration and Police Departments of the Township, together with all appurtenances, 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	68,250	64,838
(e) Acquisition by purchase and installation, as necessary, of new and additional equipment, for use by the Administration and/or Finance Department of the Township, fuel maintenance and security equipment for use by the Department of Public Works of the Township, sixty (60) breathing air apparatus with masks and three (3) thermal imaging cameras for use by the Volunteer Fire Companies, one (1) generator for use by the Office of Emergency Management of the Township, and an archive file system and furniture for use by the Police Department 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.	194,250	184,538
TOTALS	\$3,342,360	\$3,175,242

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IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose.

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

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

b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.27 years.

c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,175,242, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d) Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under 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 \$300,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (b) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefore by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

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

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

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

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

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Introduced: August 6, 2007
Adopted: September 3, 2008
Effective Date: September 23, 2008

This Ordinance was introduced on August 6, 2008 and the Notice of Public Hearing was published in the Herald News on August 10, 2008. The Council will open the meeting to the public to speak to this ordinance only.

No further comments from the public Councilman Weisbecker moved seconded by Councilman Nolan to close the public comments portion of the meeting.

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

Motion to move ordinance.

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

Agenda No. V 4.

~ Ordinance 2008 - 041 ~

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 \$89,413 THEREFOR 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 \$89,413 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 equipment; for the Volunteer Fire Companies of the Township, acquisition by purchase of various fire fighting equipment; for the Parks and Recreation Department of the Township, acquisition by purchase of furniture; for the Police Department of the Township, acquisition by purchase of body armor; for the First Aid Squads of the Township, acquisition by purchase of sanitary equipment, 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: August 6, 2007
Adopted: September 3, 2008
Effective Date: September 23, 2008

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This Ordinance was introduced on August 6, 2008 and the Notice of Public Hearing was published in the Herald News on August 10, 2008. The Council will open the meeting to the public to speak to this ordinance only.

Councilman Weisbecker moved seconded by Councilman Nolan to close the public comments portion of the meeting.

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

Motion to move ordinance.

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

Agenda No. V 5.
~ Ordinance 2008 - 042 ~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 226, NOISE, OF THE REVISED GENERAL ORDINANCES

TABLED TO THE NOVEMBER 26, 2008 TOWN COUNCIL WORKSHOP MEETING

This Ordinance was introduced on August 6, 2008 and the Notice of Public Hearing was published in the Herald News on August 10, 2008. The Council will open the meeting to the public to speak to this ordinance only.

Dale Meadows, Otterhole Road – expressed that the Township needs a noise ordinance. Many people operate commercial businesses in residential zones. He has been subjected to noise from a neighbor's wood chipper.

Wayne Gotleib, 20 So. Ridgefield Road – asked why the ordinance was silent about vehicles being used on frozen lakes in the wintertime. He said that such activity is extremely disturbing because sound travels on open lakes. He said the local police have never made a serious effort to enforce laws regarding vehicles on lakes.

No further comments from the public Councilman Weisbecker moved seconded by Councilman Smolinski to close the public comments portion of the meeting.

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

Motion to move ordinance.

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

Discussion: Councilman Nolan said that he agrees with the public comments. The Ordinance needs reworking and should be more understandable. Township Attorney Semrau said that this ordinance is already on the books. The only change allows for the Police Department to be the enforcement agent. Councilman Nolan said that gardening equipment should also be included. Township Attorney Semrau said that it may also need review by the Health Officer. Councilman Weisbecker said that he would like a cost analysis for the meters and training course.

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Motion to table ordinance to November 26, 2008 Workshop Meeting.

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

Agenda No. V 6.

~ Ordinance 2007-043 ~

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

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges;

Table with 3 columns: JOB TITLE, MINIMUM, MAXIMUM. Row 1: Department and Office Heads, \$50,000, \$80,000. Row 2: Land Use Administrator, \$50,000, \$80,000.

- 1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. BENEFITS: Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild and the Township of West Milford and any employment agreement consistent with applicable law.
3. OVERTIME: If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head, in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.
5. 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.

Introduced: August 6, 2008
Adopted: September 3, 2008
Effective Date: September 23, 2008

This Ordinance was introduced on August 6, 2008 and the Notice of Public Hearing was published in the Herald News on August 10, 2008. The Council will open the meeting to the public to speak to this ordinance only.

No further comments from the public Councilman Weisbecker moved seconded by Councilman Smolinski to close the public comments portion of the meeting.

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

Motion to move ordinance

Moved: Weisbecker Seconded: Nolan

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

Agenda No. VI

Public Comments

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

Peter DeSimone, E. Park Drive – stated that the Township took over roads and that catch basins have not been cleaned out. He said that the basins need cleaning out because they are overflowing and depositing silt into Gordon Lakes.

Eleanor Decker, Lincoln Hill Village – stated that she has petitioned for a sidewalk to go from Lincoln Hill Village to Shop Rite. She has given the petition to Mayor Bieri. She said that she has written a letter to the Passaic County Freeholders and provided Mayor Bieri with a copy of the letter.

Doris Aaronson, 19 Bearfort Road - advised the Mayor and Council that there will be a beefsteak at Queen of Peace Church for Danny Gilligan. She provided fliers for distribution. She hopes that the Council will approve the boat fee Resolution and supports the Ordinance. She said that there had been an article in the newspaper about the owner of West Milford Lake. She hopes that the Township will meet with him and partner with him to restore West Milford Lake as a lake. The Council is planning to discuss the Septic Ordinance. Many West Milford homes are only summer residences. Perhaps the Ordinance can address properties of this nature.

Dale Meadows, Otterhole Road – said that he likes the idea of the Township mandating pumping of septics. He said that another town has done zone based pumping to help lower costs to property owners. The Township does not appear to have a definitive fence ordinance and is desperately in need of one.

Doris Osterhoudt, Richmond Road – explained that the Lincoln Hill Village units are rented based on income. The project was funded through grants for low and affordable housing. She said that the Lincoln Hill Village building is close to the road because of limitations due to an endangered species.

Steve Feigel, Otterhole Road – said that he is a NJ Bass Anglers representative. He does not support the fees for boats using Greenwood Lake. He said that it would negatively affect tournaments and the fishermen. He does not view this as an improvement to the lake.

Bob Fund, Greenwood Small Craft Marina, 240 Lakeside Road – said that he opposes the dock fees for Greenwood Lake. It is detrimental to all businesses. The marinas in New Jersey are not in favor of this legislation.

Martin O'Shea, 10 Lakeshore Road E., Stockholm – said that he has spent a long time looking into the financing and the building of the Lincoln Hill Village. Mayor Wenzel gave \$150,000 of COAH dollars to this project without Council consent. COAH money is tax dollars. There are many negatives associated with this building. The Board of Education appraised that property and determined that the entire Wallisch property had 2 2-acre buildable lots that are not contiguous. The entire Wallisch property is misunderstood. He said that the Township cannot do anything with the Wallisch property because there is not clear ownership.

Steve DeFeo, 672 Jersey Ave, Greenwood Lake, NY and Eric Hastings, 1541 Greenwood Lake Turnpike – stated that they are asking Council to pass the Resolution supporting the user fee for Greenwood Lake. This has been controversial due to a New York State law about dock fees. The New York legislation pertains to Lake George. The Commission has agreed not to have dock fees. They will ask the State legislation to remove dock fees from the State legislation. They would like to see the Council pass a Resolution at this meeting.

Mayor Bieri opened the meeting to questions from the Council:

Councilman Weisbecker objected to the dock fees and said that New York State should remove the language first. Councilman Nolan said that a new bill could move forward without dock fees. Councilman Smolinski stated that you cannot compare Lake George to Greenwood Lake and that to support this legislation, the Council could be interpreted as supporting this legislation. He spoke with many people who do not support this and have expressed concerns. Councilman Weisbecker stated that all three bordering towns should adopt resolutions that preclude dock fees. Councilman Nolan asked if the Township Resolution could be revised for next weeks meeting. Councilwoman Lichtenberg asked if the Commission had a budget on how the funds would be used. Mr. Hastings replied that he opposes using the fees for salaries and wants to keep the Commission a volunteer organization. Councilwoman

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Lichtenberg said that the Township resolution should state that the commission is to remain volunteer and the money be used for the benefit of the lake. Mr. DeFeo clarified that some of the funds would be needed for management work but other work that has been performed from other sources of funding would remain so. They have discussed grants. Councilman Weisbecker asked if Mr. DeFeo and Mr. Hastings could have a draft budget to the Council in the packets on Friday.

Diane Fund, owner, Greenwood Small Craft Marina – said that she opposes the fees. She feels that it would require marinas to close at night. Many fishermen go out at night and there is concern that they would be fined.

Steve DeFeo – encouraged everyone to read the legislation. There is no reference to fines in the legislation.

Andrew Gargano, Apshawa Crossroad – said that he has worked with the new Township Planner over the past few weeks. He is a great planner. He and Keith Knudsen are both from Mount Olive. He commended Mayor and Bieri for doing a good job with the new hires. It is not fair that Mayor Bieri gets the blame that the budget is not adopted. It is the Council that has failed. They should have sliced it as Councilman Nolan has consistently said. Greenwood Lake is a lovely lake and it needs to be maintained. The boat user fee is a positive start. He asked Councilman Weisbecker and his running mate to have a candidate's debate.

James Warden, 199 Highcrest Drive – said that when he sat on the Township Council, Greenwood Lake was a political topic. He and former Councilman Gervens worked on the weed harvesting agreement. Other Council members sabotaged it. Greenwood Lake is dying. If Greenwood Lake does not get help there will be no fishing and no customers for marinas. The Bi-State Commission has not asked Council to pass a boat user fee. They are asking for a Resolution of support. Greenwood Lake is the jewel of the highlands. If the Council can't pass a meaningless Resolution, why don't you adopt an Ordinance to fund the lake and keep it alive? He said that it was amazing that the budget was defeated and the real story is that nothing has been done.

Blanche DeSimone, 24 E. Park Drive – stated that the Council should keep the promises of Councils past and keep the basins clean on East Park Drive.

Jim Foody, 2 Kashaqua Trail N., Hewitt – stated that private roads in West Milford are having a negative effect on Greenwood Lake. He has spoken with Township Attorney Semrau regarding this and implores the Council to do something. He revisited all of the issues in his private community.

Jim Novack, Larchmont Drive – asked Township Attorney Semrau to explain Executive Session discussion. He thanked that council for the anticipated adoption of a Resolution to recycle metal. The Township should solicit more bids.

Councilman Nolan moved seconded by Councilman Weisbecker to close the public comments portion of the meeting.

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

Agenda No. VII

Council Comments

Councilman Weisbecker – encouraged the residents of Gordon Lakes to participate in Lake Community meetings that take place the third Wednesday of every month. He commented that the Township only has one vacuum truck and that perhaps Interim Administrator Battaglia would ask Township Engineer McFadden about catch basins. He agreed to the idea of a candidate's debate that was suggested by Mr. Gargano. He responded to Mr. DeFeo and Mr. Hastings by saying that he supports Greenwood Lake. In the past he has helped to get a free weed harvester to use on south end of Greenwood Lake. He said that he agreed with Mr. Foody about private roads contributing to the problems in the lake. He asked Interim Administrator Battaglia to follow up with Township Engineer McFadden and get a report from him. Ms. Battaglia replied that she will defer to Township Attorney Semrau because research is necessary. It will take time and need allocation of resources. She will list this for a future workshop meeting. Councilman Weisbecker stated that he is concerned that catch basins are being installed and this is bad for the lake. Mr. Semrau replied that this particular instance may not be within the jurisdiction of the municipality but rather the state. Resolutions are never of a nonsense nature. It is the voice of the Township sending an opinion that may affect state law. He believes that Resolutions should be done right.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Nolan – said that West Milford has been awarded \$120,581.00 from the Community Development Block Grant for side walk construction. It will be voted on on September 9 by the Freeholders. The Township can apply again next year. The County believes this project is worth the money. The Township will have to contribute additional money to this. Redevelopment money might be used. He thanked Mrs. Decker for her persistence. The Council is charged with adopting a budget and approving the payment of funds. He asked that the Council candidates debate budget.

Councilman Smolinski – thanked Mrs. Decker for her work on aiding the sidewalk project. He said that accusations have been made that the Council has not addressed salaries in the Township budget. The Council did address these issues during this process. The negotiation of the Guild contract resulted in savings to the municipality. Four employees will retire in 2009. This will result in a savings to the Township. Councilman Nolan defended his comments in the newspaper. He said that the bulk of the budget is salaries and benefits and the Council did not send out one rice notice. He said that this is a dis-service to the taxpayers.

Councilwoman Lichtenberg – said that she takes exception to the term “dishonest” used to describe the budget. New years predictions are assumptions. She has some assumptions also. She has a proposed Ordinance to bring additional revenue into the Township. She said that the Council has worked very hard on this budget.

Mayor Bieri – said that she is working with Township Attorney Semrau on West Milford Lake. She stated that dock fees are the controversy in the Greenwood Lake Fee Resolution. She said to remove the “sixth” whereas. The Council will decide. Greenwood Lake is a big asset to West Milford. Those funding it should be those enjoying it. She said that she is not in favor of either budget. Prior Council members and she have asked for renegotiations and cuts. One cannot assume that those eligible to retire will retire. This is a bad assumption. 75% of over head expenses are salary related costs. This was never discussed by the Council. Some of these matters cannot be resolved in a timely fashion. The Townships benefits are unreasonable when compared to the “real world”. We are depleting surplus and fund balances. She said that she is encouraged by the number of people who spoke from the public this evening and welcomes their thoughts and ideas.

James Warden, 199 High Crest Drive – requested to speak to the Council on a Point of Order. Council consensus was denied.

Township Attorney Semrau – said that Mr. Novack had asked a question regarding Executive Session. He said that if there is a possible investigation into a violation of law, it cannot be disclosed publically. He has had communication with the Attorney who represents the owner of West Milford Lake.

Agenda No. VIII

New Business, Introduction or Ordinances, Resolutions

The following items were acted upon by the Town Council:

Agenda No. VIII 1

~ Ordinance 2008 - 044 ~

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

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

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

WHEREAS, the Township of West Milford accepted a portion of said roadway for public use as set forth in ordinance 2008-032.

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

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

1. The Township of West Milford formally accepts the entire length of Magnolia Road, from the easterly sideline of Warwick Turnpike in an easterly direction for the entire length of said road, for use as a public road.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Introduced: September 3, 2008
Adopted:
Effective Date:

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for September 24, 2008. Notice of the public hearing shall be published in the Herald News on or about September 7, 2008.

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

Agenda No. VIII 2
~ Ordinance 2008 - 045~

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MAGNOLIA ROAD IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$235,000 THEREFOR, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$175,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE SAME

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a local improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$235,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$60,000 as the down payment for said improvement or purpose required by law 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.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$235,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$175,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$175,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3.

- a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of Magnolia Road in and by the Township for its entire length by the construction or reconstruction therein of a new roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), and being adjacent to those properties identified on the official Tax Map of the Township as Lots 5 and 6 in Block 1803, Lots 5 and 6 in Block 1804, Lots 4 and 5 in Block 1805, Lots 4 to 8 in Block 1806 and Lots 1 to 14 in Block 1807, including all drainage improvements, curb construction and reconstruction, structures, site work, equipment, work and materials necessary therefore or incidental thereto, all as shown and in accordance with the plans and specifications on file or to be filed in the office of the Township Clerk and hereby approved.

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- b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$175,000.
- c) The estimated cost of said purpose is \$235,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of the said \$60,000 down payment for said purpose.

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

- a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a local improvement.
- b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.
- c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$175,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- d) An aggregate amount not exceeding \$25,000 for interest on said obligations, costs of issuing said obligations 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 cost of said improvement and is included in the foregoing estimate thereof.
- e) Nothing will be contributed by the Township at large to payment of the cost of said improvement or purpose, and the estimated maximum amount of the special assessments to be levied on property specially benefited by said improvement is \$235,800, and the number of annual installments in which all such special assessments may be paid is ten (10).

Section 5. The cost of said local improvement shall be paid by special assessments which shall be levied in accordance with law on property specially benefited thereby, as nearly as may be in proportion to and not in excess of the peculiar benefit, advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of said local improvement. The owner of any land upon which any such assessment shall have been made may pay such assessment in the number of equal annual installments hereinabove determined, all as may be provided in accordance with law and with legal interest on the unpaid balance of the assessment.

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

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

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

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

Introduced: September 3, 2008
Adopted:

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Effective Date:

Mayor Bieri advised that this Ordinance is being introduced tonight. The public hearing is set for the Regular Meeting of the Township Council scheduled for September 24, 2008. Notice of this public hearing shall be published in the Herald News on or about September 7, 2008.

Public Discussion

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

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

Agenda No. VIII 3
~ Resolution No. 2008- 322 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER #1 IN A CONTRACT BETWEEN THE TOWNSHIP AND OWL CONTRACTING (WARWICK TURNPIKE SECTION 9 – MAGNOLIA ROAD)

WHEREAS, the Township of West Milford and Owl Contracting, 36 Berkshire Road, Kenvil, NJ 07847 entered into a Contract for Warwick Turnpike Section 9 – Magnolia Road in June, 2008; and

WHEREAS, the original Contract amount was \$875,875.00; and

WHEREAS, the contractor has agreed to extend the contract unit prices to include the remainder of Magnolia Road excluding rock excavation items providing final drawing are provided no later than August 22nd; and

WHEREAS, at the August 6th Regular Council Meeting the Township Council directed that improvement and assessment of the remaining portion of Magnolia Road proceed as a change order to the Warwick Turnpike Section 9 Contract; and

WHEREAS, the Township Attorney has confirmed that the scope of the project may be expanded to include the remainder of Magnolia Road providing that the change order does not exceed 20% of the original contract amount; and

WHEREAS, the preliminary cost estimate to complete the remainder of Magnolia Road is \$175,000.00; and

WHEREAS, the change order indicates the following;

Table with 2 columns: Description and Amount. Rows include: Amount of Original Contract (\$ 875,875.00), Amount of This Change Order (\$ 175,000.00), Adjusted Amount based on This Change Order (\$ 1,050,875.00), Total Percentage Increase (19.98%).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that Change Order #1 to a Contract between the Township of West Milford and Owl Contracting for Warwick Turnpike Section 9 is hereby approved in the amount of \$175,000.00.

Adopted: September 3, 2008

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

Discussion: Councilman Nolan asked if the Council can adopt a Resolution for a contract without adopting the Ordinance. Township Attorney Semrau acknowledged that it is okay to do so because it is conditioned upon the Ordinance being adopted.

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Agenda No. VIII 4

~ Resolution Ordinance 2008 – 323 ~

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 ROBERT BEINFELD, ESQ., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR LEGAL SERVICES

WHEREAS, the Township of West Milford appointed Robert Beinfield, Esq. of the firm Hawkins, Delafield & Wood, LLC to serve as bond counsel for the municipality in 2008 by virtue of resolution 2008-126 adopted on March 26, 2008 in an amount not to exceed \$6,820.79; and

WHEREAS, at the August 6th Regular Council Meeting the Township Council directed that improvement and assessment of the remaining portion of Magnolia Road proceed as a change order to the Warwick Turnpike Section 9 Contract; and

WHEREAS said improvements to Magnolia Road require the preparation of a bond ordinance for this purpose; and

WHEREAS, the preparation of said ordinance costs \$500 in accordance with Mr. Beinfield's contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number from various capital accounts under "Section 20" of the State of New Jersey Local Bond Law.

NOW THEREFORE, BE IT RESOLVED that the Mayor and 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 Robert Beinfield, Esq. of the firm Hawkins, Delafield & Wood, LLC for an amount not to exceed \$7,320.79; 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: September 3, 2008

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

Agenda No. VII 5

~ Resolution 2008-324~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING LEGISLATION A-2649 GRANTING AUTHORITY TO THE GREENWOOD LAKE COMMISSION TO ESTABLISH AN ANNUAL PERMIT AND ASSESS A FEE FOR BOATS OR VESSELS UTILIZING GREENWOOD LAKE

TABLED TO THE SEPTEMBER 10, 2008 TOWNSHIP COUNCIL WORKSHOP MEETING

Motion to table to September 10, 2008 Workshop meeting.

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

Agenda No. VIII 6

~ Resolution 2008-325~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the execution of a Contract for Road Materials through the 2008 Morris County Cooperative Purchasing Council, Contract #9, to Tilcon ny, inc.

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

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WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #9, Crushed Stone, Gravel and Sand, for the 2008 year to Tilcon NY, 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, due to the extensive amount road materials used in drainage projects and shoulder work associated with paving programs and our intent to continue this work through December, the Township of West Milford execute an additional contract for Road Materials through the Morris County Cooperative Purchasing Council, Contract #9, in an amount not to exceed \$40,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from accounts numbered C-04-05-943-624;

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 Mayor to execute the Road Materials contract, in an amount not to exceed \$40,000, through the Morris County Cooperative Purchasing Council, Contract #9, awarded to Tilcon NY, Inc.
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: September 3, 2008

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

Agenda No. VIII 7
~ Resolution 2008-326~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing THE execution of A CONTRACT for the marketing of recyclable scrap metal to teplitz**

WHEREAS, The Township Council of the Township of West Milford instructed the Township Engineer to solicit Proposals (RFPs) for the marketing of recyclable scrap metal; and

WHEREAS, in response to this Request for Proposals the Township received proposals from three vendors; and

WHEREAS, the Township Engineer has reviewed said proposals and has recommended award of a contract to Teplitz for the marketing of recyclable scrap metal for \$209 per gross ton; and

WHEREAS, the term of this contract shall be from October 1, 2008 through December 31, 2009.

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 Mayor and Township Clerk to execute a contract with Teplitz for the marketing of recyclable scrap metal in accordance with their proposal for same.
2. The term of this contract shall be from October 1, 2008 through December 31, 2009
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 3, 2008

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

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Consent Agenda

~ Resolution 2008-327~

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

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

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

Resolutions:

- a. **Resolution 2008-328** – Refund Other Liens
- b. **Resolution 2008-329** – Refund Recreation Fees
- c. **Resolution 2008-330** – Refund Of A Marriage Ceremony Fee
- d. **Resolution 2008-331** – Reinstatement Of Taxes
- e. **Resolution 2008-332** – Refund Of Overpayments
- f. **Resolution 2008-333** - Refund Of A Health Department Vaccine Fee

Applications:

- (a) **Application for On Premise 50/50 Raffle** – West Milford Police Athletic League for October 24, 2008.
- (b) **Application for Tricky Tray Raffle** – West Milford Police Athletic League for October 24, 2008.
- (c) **Application for Off Premise 50/50 Raffle** – West Milford High School Soccer Booster Club for November 11, 2008.
- (d) **Application for On Premise 50/50 Raffle** – West Milford Midget Football Association for October 4, 2008.

Adopted: September 3, 2008

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

Agenda No. IX a.

~ Resolution 2008-328~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
06-040	04/11/2006	05301-020	\$154,468.76	ALMAR 2 KIEL AVENUE #202 KINNELON, NJ 07405
06-043	04/11/2006	05405-008	\$12,743.13	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
08-001	04/08/2008	00102-027	\$82,288.18	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
08-017	04/08/2008	01006-007	\$4,272.13	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
08-083	04/08/2008	09901-022	\$30,229.67	CRUSADER LIEN SERVICES 179 WASHINGTON LANE JENKINTOWN, PA 19046
08-091	04/08/2008	12001-029	\$14,673.77	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288

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Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
				MORRISTOWN, NJ 07962
		Grand Total	\$298,675.64	

Adopted: September 3, 2008

Agenda No. IX b.
 ~ Resolution 2008-329~

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

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

Name & Address	Reason	Amount Refunded
Thomas Kilroy 29 Orleans Lane West Milford, NJ 07480	Refund for withdrawal of enrollment in Bubbling Springs Day Camp	\$105.00
David Dauber 1614-0 Union Valley Road West Milford, NJ 07480	Refund for withdrawal of enrollment of Junior Archaeology Camp	\$111.00
Marianne Stillman 8 Paterson Road Hewitt, NJ 07421	Refund for withdrawal of enrollment of Junior Archaeology Camp	\$110.00
Scott Kindler 73 Goldfinch Lane Hewitt, NJ 07421	Refund for withdrawal of enrollment of Junior Archaeology Camp	\$110.00
Melanie McGill 55 Alvin Road West Milford, NJ 07480	Refund for withdrawal of enrollment of Junior Field Hockey Camp	\$130.00

Adopted: September 3, 2008

Agenda No. IX c.
 ~ Resolution 2008-330~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A MARRIAGE CEREMONY FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Registrar of Vital Statistics the following fee for a Marriage Ceremony to be performed by the Mayor be refunded:

<u>Name & Address</u>	<u>Receipt No.</u>	<u>Amount Refunded</u>
Mr. & Mrs. Matthew Gangi 1891 Macopin Road West Milford, NJ 07480	3908	\$100.00

Adopted: September 3, 2008

Agenda No. IX d.
 ~ Resolution 2008 - 331 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
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BLOCK/LOT	NAME	AMOUNT	YEAR
9102-4	A. Fanari & JM Anari	\$4,000.00	2008
11101-17	T. & D. Kopko	\$2,465.00	2008
14113-52	C. & L. Kostenko	\$2,269.00	2008
7105-8	J. & F. Osborne	\$1,674.00	2008
10302-3	K. Springstead	\$2,443.00	2008
3611-8	G. Bolka	\$3,055.00	2008
TOTAL		\$13,707.00	

Adopted: September 3, 2008

Agenda No. IX e.
 ~ Resolution 2008- 332~

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
206-5	O. & E. De La Torre 1844 Clinton Road Hewitt, NJ 07421	\$2,100.00	2008	2
1005-8	Martone & Associates LLC 2500 Lemoine Avenue Ft. Lee, NJ 07024	\$1,805.00	2008	2
1202-8	F. Raymond & D. Heddy 21 Barnegat Road Hewitt, NJ 07421	\$1,931.00	2008	2
1811-3	W. & M. DeFreese 27 Cedarbrook Road Hewitt, NJ 07421	\$1,250.00	2007	4
1901-7	T. Cassella 86 Bayonne Drive Hewitt, NJ 07421	\$1,000.00	2008	1
3512-9	O. Shiffman 36 E. 36 th Street New York, NY 10016	\$3,924.00	2008	2
4201-31	Mont-Rosier Chretien C/O V. Chretien 41-20 46 th Street Sunnyside, NY 11104	\$1,504.00	2008	2
5617-5	Francis Battersby, Esq. PO Box 370 Oakland, NJ 07463	\$1,357.00	2008	2
7401-9	Robert Minogue Esq. 620 Newark Pompton Turnpike PO Box 354 Pompton Plains, NJ 07444	\$1,318.00	2008	2
7501-2	Deborah Zachar 15 Binnacle Ave. West Milford, NJ 07480	\$2,436.00	2008	2
7801-7.08	Drew Murray Esq. 230 Parkway Ste 3A Pompton Plains, NJ 07444	\$1,646.00	2008	2
8201-22	P. Vander Veen 1855 Macopin Road West Milford, NJ 07480	\$5,910.00	2008	2
9102-8	K. & A. DeManss 32 Red Barn Lane	\$8,515.21	2008	1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Block/Lot	Name	Amount	Year	Reason
	West Milford, NJ 07480			
9406-30	Nicosia & Cirligiano Esq. 328 Route 94 Vernon, NJ 07462	\$2,751.00	2008	2
9501-12	V. Lanza PO Box 746 Ringwood, NJ 07456	\$2,230.00	2008	2
9801-15.01	McGivney & Kluger Atty. 191 Woodport Road Ste 210 B Sparta, NJ 07871	\$3,870.00	2008	2
10502-20	Azrak & Associates LLC 627 Newark Pompton Turnpike Pompton Plains, NJ 07444	\$1,711.00	2008	2
10704-7	T. & E. Germann 11 Plumridge Road West Milford, NJ 07480	\$1,200.00	2007	4
12801-4	Donnelly, Warner & Breur, Esq. 1615 Hamburg Turnpike Wayne, NJ 07470	\$2,151.00	2008	2
13203-10	J. & K. Kovalicky 34 Struble Lane West Milford, NJ 07480	\$1,483.47	2007	4
13701-5	Dominick Giordano, Esq. 165 Prospect Street Passaic, NJ 07055	\$2,003.00	2008	2
15803-12	ABZ Holding Company, LLC 52 Oak Ridge Road Newfoundland, NJ 07435	\$628.00	2008	1
16804-15	R. & S. Schneider 18 Crest Hill Drive Oak Ridge, NJ 07480	\$2,500.00	2008	2
16808-6	A. & P. Buonforte 111 Greendale Drive Oak Ridge, NJ 07438	\$2,049.18	2007	4
17101-8	L. Hooper PO Box 744 Oak Ridge, NJ 07438	\$42.83	2007	4
17201-13	S. Brownlee 89 Cherry Ridge Road Hewitt, NJ 07421	\$1,469.00	2008	2
17401-9	Sass Muni V, LLC 1185 6 th Street 18 th Floor New York, NY 10036	\$1,765.38	2008	1
TOTAL		\$60,550.07		

Adopted: September 3, 2008

Agenda No. IX f.
 ~ Resolution 2008-333~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT VACCINE FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Nurse Supervisor, the following Vaccine fee be refunded:

<u>Name & Address</u>	<u>Receipt No.</u>	<u>Amount Refunded</u>
Elaine Cornelissen 11 Locust Ct. West Milford, NJ 07480	5885	\$ 154.00

Adopted: September 3, 2008

 Agenda No. X

Approval of Expenditures
 None.

Agenda No. XI

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Reports of Administrator, Mayor and Council Members

Councilman Smolinski – advised that on September 4 there will be a fundraiser for the Petrowski Family at the Brownstone Restaurant in Paterson. He also announced the West Milford Veterans Picnic at Bubbling Springs. At the September 24 Council meeting Veterans are being acknowledged. He welcomed home from Iraq, Lt. Brett Stender, US Marines. He was a year 2000 West Milford High School graduate.

Councilman Nolan – reported that Freeholder Duffy believes that the County will give \$10,000 towards Greenwood Lake weed harvesting. He will continue to get updates from Mr. Duffy. He said that on Greenwood Lake Turnpike, “deadmans curve” is 98.3% complete. He listed items that remain to be completed and advised that total completion should be by October 15. He handed to the Township Clerk a proposed Ordinance requiring a contribution disclosure statement in any Planning Board and Zoning Board applications. He asked that the topic be scheduled for a future work shop meeting. He explained that the franchise agreement between West Milford and Cablevision is up in 2010. He suggested that it be scheduled for workshop meeting soon. He affirmed that the Council should replace Fred Knapp, Esq. who is a labor attorney for the Township. He read a letter from Interim Administrator Battaglia to Mr. Knapp. He stated that an OPRA request was made for use of force records. They were denied because the Government Records Commission had issued a previous ruling. There are 566 municipalities in New Jersey. The request could have been filed in any municipality, but it was filed in West Milford. The plaintiffs attorney is seeking \$19347.00 in attorney fees. Mr. Gutman, the plaintiffs attorney said that the lawsuit set judicial precedent. This was a test case. Councilman Nolan said that there is notice in the Council packets from NJLM that they will endorse legislation. Three years ago, a Water Use Surcharge Resolution was adopted. He suggests requesting support again. He suggested to also revise COAH regulations as they affect West Milford. He asked that this be discussed at the next Workshop Meeting.

Councilwoman Lichtenberg – asked Mayor Bieri if the county was requested to have reflective paint on Greenwood Lake Turnpike. She reminded everyone of a fundraiser for Danny Gilligan on 10/11 and reminded the public that she is available at Town Hall every Thursday from 10am-12.

Councilman Weisbecker – reviewed the recycling report and recycling income to the Township. He thanked Mr. Novack for all of his work and acknowledged that the income will increase to the Township due to his hard work.

Mayor Bieri – expressed that she sits on the Library Board. A new Library Director, Debbie Maynard, has been hired. She and Library Board President Doug Ott have visited the Ringwood Library. The Library programs have been successful and their audit was successful. She has met with Lakeland Bank and negotiated a new contract that was approved by the Council, earning a higher rate and have a minimum interest rate regardless of prime. She publicly thanked Lakeland Bank for renegotiating with the Township. One August 15th she went to a meeting with the Governor and other mayors. She addressed issues that pertain to all of West Milford. She is the only mayor from 100% preservation community. She provided an overview of her statements. She acknowledged that the Council worked to accept a one year lease with the Board of Education. Long-term feasible alternatives have been found that fulfill the needs of the departments and organizations that currently work from Hillcrest School.

Interim Administrator Battaglia – said that she wished to convey to Mayor Bieri and Council that there has been a meeting with the Autumn Lights Festival committee and have determined, based upon comments of business owners, concerns with regards to road closures in 2007. This year, Union Valley Road will be closed from the light at Union Valley Road and Marshall Hill Road to Bearfort Road. Vendors will be on the road. She expressed that there will be a 9-11 memorial ceremony at 7:30pm. Past protocol has been followed and she thanked all who have helped. She said that she will advertise in the newspapers and on the Township website as soon as possible. She reported that she has gone to the County for a presentation on the Township’s Random Woods application for Passaic County Open Space funding. Regarding a possible Resolution, she said that Township Finance Director Magnotti may have to extend the tax quarter due to delays on the County level. Freeholder Duffy has advised her that he has received the Townships request for legislation regarding Township functions being moved to the County level. He will send a formal letter and appear before Council at a later date. Township Engineer McFadden has advised that yesterday Ashbrook Road was paved, a portion of Otterhole Road was paved today. Ridge Road is due to begin paving by the end of next week and milling and paving work on Warwick Tpke will begin at the end of this week. Regarding tree trimming, based on the Council’s request she contacted Mr. DeNova at the county level and has gotten instantaneous response. With regards to maintenance of the 9-11 monument she has advised the Beautification and Recycling Committee that the maintenance will be done by Town Hall.

Township Attorney Fred Semrau – stated that Eagle Ridge project has been a subject of litigation since 1985. He reviewed the specifics. Last Monday he and Tom Geminario argued before Court and the Judge ruled in favor of West Milford. The approval is no longer protected. He suggests to Mayor Bieri and Council that they consider having the Planner, Planning Board and the Land Use Master Plan sub-committee research possible rezoning. Council consensus was given to Mr. Semrau to discuss this with Planner McGroarty. Mr. Semrau said regarding Valley Ridge that a decision has been handed down from the Appellate Division. It ruled against overturning previous decisions of the Superior Court. He has sent

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a request for documents in the context of a tax appeal on behalf of the Township. Valley Ridge filed under TCR with DEP last year to overturn a the loss of their Highlands exemption Valley Ridge is not included in the new Township Affordable Housing plan.

Agenda No. XII

Appointments and Resignations

Library Board – Citizen 2 member

The Mayor with Council consent appointed Nancy Gridley to Citizen 2 Member on the Library Board of Trustees.

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

Planning Board – Alternate 2 Member

The Council appointed Kerry Goceljak to Alternate 2 Member on the Planning Board.

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

Building Standards Board – Citizen 2 and Alternate #2 Members

The Administrator appointed Mark E. Noble as Citizen 2 and Brian Canova as Alternate #2 members on the Building Standards Board.

Agenda No. XIII

EXECUTIVE SESSION

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:43 p.m.

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

Approved: November 5, 2008

Respectfully Submitted:
Judy Manning, Part Time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK