
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: September 15, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 21

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

Adequate Notice Statement

Mayor Bieri read the following statement:
Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 20, 2009; and January 10, 2010 copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Robert Nolan, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau

Agenda No. I

Reading of or Approval of Unapproved Minutes

The following meeting minutes were adopted as presented:

April 28, 2010 Special Meeting

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

Agenda No. II

Presentations

Certificates of Recognition: Girl Scouts Silver Awards

Amanda Baez, Stephanie Buechel, Colleen Connors, Nicole Haarklau, Kala Osborne.

Mayor Bieri asked Councilwoman Lichtenberg to join her at the podium to make the presentation because the awards are being made on behalf of the Rotary Club of which Mrs. Lichtenberg is a member. Mayor Bieri invited each of the young ladies individually to the podium and read the certificates of recognition which were presented by Councilwoman Lichtenberg. Councilwoman Lichtenberg advised that the girls worked on the Rotary gazebo at Bubbling Springs during June and July. She read the certificates of recognition from the Rotary. Each girl earned a girl scout silver award as a result of this work. The girls said that the work was fun and rewarding.

Beautification Day

Mayor Bieri advised that David Stires is here to make a brief presentation about the 2nd annual beautification day. He was joined by members of the Beautification Committee. Ada Erik introduced the new sweatshirts and advised that Beautification Day is coming on September 25th. Dave, asked everyone to come out and participate. There will be not picnic after this event which is generally the case for the Spring cleanup. The intent is to clean up before the Autumn Lights Festival.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

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Agenda IV 1

~ Ordinance No. 2010-008 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING CHIMNEY RIDGE TRAIL CONTAINED IN THE FIELDSTONE ESTATES SUBDIVISION FOR USE AS A PUBLIC ROAD

WHEREAS, there exists a certain roadway within the Fieldstone Estates Subdivision, namely Chimney Ridge Trail, which said roadway is wholly contained within the boundaries of the Township of West Milford; and

WHEREAS, the Township Engineer has inspected said roadway and has found same to be acceptable for Township acceptance; and

WHEREAS, the Township of West Milford does hereby determine to accept 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 Chimney Ridge Trail contained in the Fieldstone Estates subdivision for use as a public road.
2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of 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: August 18, 2010
ADOPTED: September 15, 2010
EFFECTIVE DATE: October 5, 2010

This ordinance was introduced on August 18, 2010 and the Notice of Public Hearing was published in the Herald News on August 22, 2010.

The Mayor opened the meeting to the public to speak on this ordinance only.

Councilman Weisbecker moved to close public discussion seconded by Councilwoman Lichtenberg and carried by unanimous roll call vote.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, 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.

Lou Signorino, 3 Redbarn Lane, West Milford stated that he has been approached by people in neighboring communities about alternative energy sources. He asked the Council to look into the possibilities.

Ed Rosone, 192 Vreeland Road, West Milford read a statement about the rising drug problems in town. This is a common issue. People are scared and feel that there is nowhere to turn for help. He urged the Council to ask that the police department be more accessible in this regard. Perhaps establish a hot line. He worked as a DARE officer for years and believes that our youth is a precious resource that must be protected. He asked that this be made a priority.

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Ada Erik, Macopin Road, West Milford stated that she is speaking as a private citizen. There is a problem with illegal dumping in West Milford. People have taken vehicle information but cannot identify the drivers; however, the courts will not issue summonses unless the complainant can identify the driver. It is her opinion that the owner of the vehicle is ultimately responsible for the manner in which that vehicle is used. She stated that she tried to file a complaint about reckless driving and was told that she must be able to identify the driver. This makes people feel that they should not bother. If someone borrows another persons car, the owner is ultimately responsible. She questioned why the court would demand that the complainant identify the driver.

James Novack, Larchmont Drive, West Milford passed out a copy of a thumbs down article from the local paper complaining about the recently installed window at the violations office of the West Milford Court. This window was installed in violation of ADA standards and Federal law. The window should be 34 inches off the ground to comply with ADA. The Construction Official said that he attempted to have the law complied with but the Court Administrator refused. The Land Use Administrator confirmed that she was aware of this but washed their hands because the court administrator did not want to comply with the law. So, he said, the court administrator, construction official, township administrator, and land use administrator knowingly and willfully violated the law. He intends to file a complaint through the ADA committee tomorrow which will ultimately go to the Attorney General's office. He wants the four officials to pay out of their own pocket to have this rectified and inspected by the State. He asked why Township Officials and licensed professionals can willingly violate the law. How can these officials issue violations to businesses when they won't comply themselves.

Richard Randazzo, 278 Wooley Road, West Milford stated that he favors purchasing land for open space. However, he has concerns about using the proposed Wooley Road property for ball fields because there have been environmental issues at the site. He said that a sufficient water supply must be determined and the water and soil quality must be tested. This property has three buildings that cannot be sold because they are uninhabitable. The land across the street is wetlands. This property is not worth anything although he heard a proposal of \$500,000.

Geoffrey Syme, 865 Union Valley Road, West Milford stated that the intersection of Camden and Union Valley Road should be approved and addressed. He understands that there is money in a Township account from the sale of the redevelopment land. He asked that this money be used rather than sit idle in an account.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she attended the BOE meeting last night and three Councilmen were also there, Smolinski, Nolan and Jurkovic. Certain comments made at that meeting were problematic. Mr. Gottlieb stated that the turf field is a free gift to the BOE and it belongs to them. They can lock the property and not allow access to Township recreation groups. She hopes that the Council will ensure that there is a deeded easement regarding the use of this facility by the Township. Mr. Foody stated that we should not move forward without a use and maintenance agreement. There has been an acrimonious relationship between these entities for years so a clear deeded use is needed. John Aiello also stated that he was not voting to move forward in light of concerns expressed by Mr. Foody. She stated that in the past there were sewage problems at the site of the turf field and she distributed information about sewage issues at the site.

There being no more comments from the public Councilman Weisbecker moved to close the public portion of the meeting.

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

Agenda No. VI

Council Comments

Councilman Jurkovic recalled that the ADA committee did discuss the court window and he subsequently discussed it with the Administrator and has been assured that the problem will be resolved. It is not productive to look to place blame and chastise. It is better to educate and make people aware of issues facing those with disabilities. It would be more productive to educate and correct the problem. Mr. Boyle stated that he met with Mr. Novack today and he advised him that he will resolve the problem and assume responsibility. This evolved because the court was not in compliance with AOC rules and they had to install safety glass to protect court personnel. The county provided us with free bullet proof shield which was installed by Township personnel and there were space issues. Councilman Jurkovic asked for a status report and follow up for next ADA meeting.

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Administrator Boyle stated that the police department is very aware of drug issues in town. CASA is very involved and he encouraged parents to become involved in CASA. Additionally he commended Acting Chief Chiose who is working on providing school programs. Mayor Bieri stated that during his first week in office she met with Acting Chief Chiose to discuss a renewed focus on the drug problem in town. She has been asking for this for some time and believes that there is a definitive direction within the police department to make this a priority. Councilwoman Lichtenberg stated that there was a CASA meeting on Monday where Chief Chiose did speak about these initiatives.

Councilman Weisbecker asked Mr. Semrau what the standard is for identifying drivers. Mr. Semrau stated that he cannot speculate the different ways to identify a driver or how police investigate such matters. However, in municipal court, one must identify the driver in such matters and the complainant can be subject to malicious prosecution. Identifying the driver is a key component. Councilman Weisbecker asked Administrator Boyle to determine if there are environmental issues at the Greene property. Mr. Boyle advised that the Township will be engaging professionals to conduct an environmental study before purchasing. Councilman Nolan agreed adding that we should not expend those funds until we get a commitment of funding from Passaic County Open Space. Councilman Weisbecker stated that the curve at Camden and Union Valley Road makes for an unsafe intersection and he lamented that the County is not in favor of expending funds to correct these issues. He stated that the Board of Education and the Council have been getting along better than they have for many years and he agreed that there is a drug problem in town.

Councilman Nolan stated that in addition to CASA and police enforcement, the Council should focus on getting the coffee house open and operational to provide a safe haven for kids who are not involved in sports or other organized activities. He stated that the Council has established a committee to discuss the 2011 budget. Watershed aid, equating to \$750,000, was pulled this year and then was restored and he expressed concern that the State may demand that we use the redevelopment money to make up the shortfall. He stated that he did hear Mr. Gottlieb's comments about the turf field and although he was technically correct, he should be reminded that it is all taxpayer funds. We do not have an agreement in place at this time for use and maintenance of the field. Mr. Semrau stated that the Board of Education and the Council adopted resolutions committing to maintenance and use and there is clearly an intent to have an agreement in place. The Director of CS&R was heading this endeavor and Mr. Semrau sent some legal comments on the draft. It is now in the hands of Mr. Knudsen and Mr. Boyle who shall bring forth a resolution to be adopted by the governing body. Mr. Boyle stated that there was a draft agreement which will be on the October workshop agenda as well as a renewal agreement for all other fields. There are also some standing mutual understandings for use of the fields in the interim. Councilman Jurkovic stated that there was an outstanding amount of misinformation conveyed at the BOE meeting last night. It is wrong, he said, to spread misinformation adding that some of the comments made by Mr. Gottlieb are being taken out of context. Everyone is trying to do the right thing and accusations about motivations or lack of due diligence are unwarranted. Mr. Semrau stated that from the Township's perspective all permits and approvals are in order. More permits may be needed during construction, but at this time, all Township permits are in place. He asked the Planning Board attorney about Planning Board approval. The Township had correct jurisdiction and the planning board took appropriate action. No approval is necessary. He spoke with Judge Brogan's law chambers and confirmed that the Township has not been served with papers and no injunction is in place. The Township has not been named in any complaint. There has been no court action or impediment except the threat of litigation. He sent a letter to the prospective complainant to advise that the Township may seek to recoup any related costs if there is such litigation. The governing body wanted to construct ball fields and even at one time even a library or community center. He, Mayor Bieri and Paul Ferriero went to the DEP and the Highlands Council and learned that it would take years to get approvals. There were numerous consultations with DT Allen and various changes to the conditions in the contract. One recurring issue was to determine a closing date. The governing body was adamant that the Township must get a field. DT Allen agreed to construct a ball field and ultimately the purchase price was reduced to \$2,250,000 with a ball field. The closing was effectuated and taxes paid. Mayor Bieri advised that the field committee had their first meeting on this subject on July 8th, she took notes, transcribed them when she got home and sent them to the Administrator to establish the basis for the agreements and resolutions for both the governing body and the BOE. She reviewed some of the terms. Council President Smolinski stated that we have a field use agreement with the BOE for two decades. Various organizations have expended their own funds to improve and maintain all the facilities, both municipal and BOE. This is a home run for this Township. He commended the professionals at last night's meeting who corrected the misinformation disseminated. The issue now is timing; when to install the field.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

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Mayor asked to move all ordinances for introduction as one.

Mayor Bieri advised that these ordinances are being introduced tonight. Second reading and public hearing for these ordinances is scheduled for October 6, 2010 and it shall be advertised as required by law.

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

Agenda VII 1

~ Ordinance No. 2010-009 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEDICATION OF A DRAINAGE EASEMENT FROM LOUIS CRITELLI AS FURTHER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE

WHEREAS, the Township of West Milford has storm drain outlet pipes located on a portion of property designated as Block 6002, Lot 3 and otherwise identified as 542 Morsetown Road which requires a drainage easement from the owner of said property; and

WHEREAS, the Township Engineer advises that a twenty-five (25) foot wide easement is necessary for proper drainage and free flow of storm water over the aforesaid property; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said drainage easement; and

WHEREAS, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the right to access and encroach upon said easement with the owner bearing the responsibility to maintain said easement in good, clean and structurally sound manner; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedication of the within drainage easement 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 Township Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The drainage easement set forth in the easement of dedication, on file with the Township Clerk, being part of Block 6002 Lot 3, is hereby accepted as and for a public drainage easement.
2. The Township Attorney is authorized and directed to accept the Drainage Easement and to record same for the benefit of the Township.
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 15, 2010

Agenda VII 2

~ Ordinance No. 2010-010 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE PERMANENT EASEMENT FROM THE GREENBROOK PROPERTY OWNERS ASSOCIATION AS FURTHER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE

WHEREAS, Greenbrook Property Owners Association is the owner of certain property in the Township known as Block 6704, Lot 9, West Milford, New Jersey, ("Greenbrook's property"); and

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WHEREAS, the Township is currently about to undertake an extensive project to construct, reconstruct, and maintain certain stormwater improvements with some of those improvements taking place on a portion of Block 6704, Lot 9; and

WHEREAS, with the construction and maintenance taking place on a portion of Greenbrook's property it is necessary that the Township receive permanent authorization from the property owner to access that portion of property in order to conduct such required activities; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said easement; and

WHEREAS, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the permanent right to access and encroach upon said easement in order to properly maintain the stormwater improvements; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedication of the within easement 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 Township Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The permanent easement set forth in the easement of dedication, on file with the Township Clerk, being part of Block 6704 Lot 9, is hereby accepted.
2. The Township Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Township.
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 15, 2010

Agenda VII 3

~ Ordinance No. 2010-011 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 332, STREETS AND SIDEWALKS, ARTICLE V, SNOW AND ICE REMOVAL FROM SIDEWALKS, 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 332, Streets and Sidewalks, Article V, Snow and Ice Removal from Sidewalks, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

ARTICLE V Snow and Ice Removal from Sidewalks

§ 332-35 Duty of owner, occupant or tenant.

The owner of commercial premises abutting or bordering upon any street in the Township shall remove all snow and ice from the abutting sidewalks of such streets, or in the case of ice, which may also be so frozen as to make removal impractical, shall cause the same to be fairly covered with sand or de-icing material, within 12 hours after the conclusion of the storm.

§ 332-36 Depositing of snow or ice on streets or sidewalks prohibited; handicapped parking

- A. No person shall throw, place or deposit any snow or ice into or upon any street in the Township, it being the intent purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulated within the private property belonging to such person, upon the sidewalks or streets of the Township.

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- B. Handicapped parking spaces. No person, firm, corporation or partnership or the owner, tenant, lessee or occupant of any premises having parking spaces reserved for handicapped drivers or any contractor employed for the removal of snow and ice shall block access to parking spaces reserved for handicapped drivers by the plowing, piling or placement of snow and ice in such reserved spaces.

§ 332-37 Enforcement of article.

- A. Any resident of the township, all members of the department of police, all special officers, all members of the department of public works and the Zoning Officer are authorized to file complaints for violations of this article and shall be considered the "Enforcement Official" as further set forth in this Article.
- B. Investigation and enforcement of this article will normally occur after the storm event. Complaints must be issued within 30 days of the violation.

§ 332-38. Removal by Township; payment.

- A. In case any such owner of any commercial premises abutting or bordering on any street in the Township of West Milford shall fail to remove such ice and snow from such sidewalks as provided in § 332-35 of this Article, the Enforcement Official or such other officer of the Township as the Township Council may have designated may cause said ice and snow to be removed from said sidewalk by township employees or contractors, and the cost and expense incurred or paid for such removal shall be certified by the Enforcement Official and submitted to the Township Council of the Township of West Milford, and, upon approval of said amount by the Township Council, the same shall be certified to the Tax Collector and shall thereupon become and be a lien upon said premises as of the date of such certification by the Township Council and shall be added to, recorded and collected with and in the same manner as real estate taxes assessed and levied upon said premises.
- B. The cost and expense of removal of such ice and snow provided for in this section shall be separate and distinct from any fines and court costs which may be imposed and collected under § 332-38 of this Article.

§ 332-39 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be liable for a penalty as set forth in Chapter 1, Article III, General Penalty, of the Township Code.

§ 332-40 Exceptions.

The regulations set forth under § 332-35 of this Article shall not be applicable when the National Weather Service, Governor or the Mayor has declared a snow emergency throughout the Township.

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: September 15, 2010

Agenda VII 4

~ Ordinance No. 2010-012 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 321, SOLID WASTE; RECYCLING, SECTION 321-3, STORAGE OF GARBAGE AND REFUSE, OF THE REVISED GENERAL ORDINANCES

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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 321, Solid Waste; Recycling, Section 321-3, Storage of Garbage and Refuse, Subsection (G) of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 321-3. Storage of garbage and refuse.

G. (1) Bulk items, such as furniture, mattresses and rugs, will be collected on regular scheduled garbage collection day, with a limit of **1** bulk item ,3 cans and 1 bundle of construction material every garbage collection.

(2) No one shall attempt to recover or remove any of the items left at curbside intended for bulk pick up, including items intended for metal pick up and recycling without the consent of the Township Recycling Coordinator, as stated in Section 321-21 of this Chapter. Such items left at curbside become the property of the Township of West Milford and therefore, cannot be removed without said consent. Failure to obtain said consent shall result in a violation of this Chapter and shall subject the violator to the penalties provided for in Section 321-11.

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: September 15, 2010

Agenda VII 5

~ Ordinance No. 2010-013 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REPEALING CHAPTER 256, SECTION 13, "FIREWORKS AND EXPLOSIVES", OF THE REVISED GENERAL ORDINANCES

WHEREAS the Administrative Office of the Courts has advised that Chapter 256, Section 13, "Fireworks and Explosives", of the Township Code is preempted by State law rendering this local legislation ineffective and unenforceable; and

WHEREAS enforcement standards for such an activity is in no way relaxed or impeded as same is governed by State law.

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 256-13, Fireworks and Explosives, of the aforesaid Revised General Ordinances is hereby repealed.

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

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

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

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

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Agenda No. VII 6

Mayor Bieri asked to move all resolutions as one group.

The Mayor and Council took action on the following resolutions as one group, 2010-324, 2010-325, 2010-326, 2010-327, 2010-328, 2010-329, 2010-330, 2010-331, 2010-332, 2010-266.

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

~ Resolution No. 2010-324 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEWJERSEY AMENDING THE SOLID WASTE BUDGET

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford, Passaic County that the following amendments to the approved budget of 2010 be made:

	(Weisbecker	((
	(Smolinski	((
RECORDED VOTE	(Ramaglia	NAYES (None	ABSTAIN (None
(Insert Last Names)	(Nolan	((
	(Lichtenberg	((
	(Jurkovic		

SOLID WASTE COLLECTION DISTRICT BUDGET		
	From	To
REVENUES FROM SOLID WASTE COLLECTION DISTRICT		
Amount to be Raised by Taxation for Support of Solid Waste Collection District	\$1,956,376.00	\$1,906,376.00
TOTAL - SOLID WASTE COLLECTION DISTRICT REVENUES	\$2,200,552.00	\$2,150,552.00
APPROPRIATIONS FOR SOLID WASTE COLLECTION DISTRICT		
Operating:		
Contractual Services	\$1,146,302.00	\$1,121,302.00
Disposal Fees	\$775,000.00	\$750,000.00
TOTAL - SOLID WASTE COLLECTION DISTRICT APPROPRIATIONS	\$2,200,552.00	\$2,150,552.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Solid Waste Budget so amended.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 15th day of September, 2010.

IT IS HEREBY CERTIFIED that the Adopted Budget Amendment annexed hereto and hereby made a part of the 2010 Budget is a copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Adopted: September 15, 2010

Agenda No. VII 7

~ Resolution No. 2010-325 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING THE ADOPTION OF THE 2010 MUNICIPAL SOLID WASTE BUDGET AS AMENDED

SECTION 2 - UPON ADOPTION FOR YEAR 2010

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
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(Only to be included in the Budget as Finally Adopted)

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

(a) \$ 1,906,376.00 (Item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

RECORDED VOTE	Ayes	{ Weisbecker	Nays	{	Absent	{
(Insert Last name)		{ Smolinski		{		{
		{ Ramaglia		{ None		{
		{ Nolan		{		{ None
		{ Lichtenberg		{		{
		{ Jurkovic		{		{

SUMMARY OF REVENUES AND APPROPRIATIONS	
1. General Revenues	
Surplus Anticipated	100,000.00
Miscellaneous Revenues Anticipated	144,176.00
2. AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT	1,906,376.00
TOTAL REVENUES	
	2,150,552.00
3. General Appropriations	
Operations	2,150,552.00
Deferred Charges	
Statutory Expenditures	
Judgement	
Deficit in Operations in Prior Years	
Surplus (General Budget)	
TOTAL APPROPRIATIONS	
	2,150,552.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 18th day of August 2010. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2010 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: September 15, 2010

Agenda No. VII 8

~ Resolution No. 2010-326 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CANCELLING CAPITAL ORDINANCES AND TRANSFERRING BALANCES TO THE GENERAL CAPITAL FUND BALANCE

WHEREAS balances exist in various capital ordinances; and

WHEREAS it has been determined that these projects are completed; and

WHEREAS the Mayor and Council wishes to cancel said ordinances.

NOW, THEREFORE BE IT RESOLVED THAT the amount of \$535,373.70 be cancelled and a like sum of authorized debt be cancelled; and the balances of funded debt be transferred to the General Capital fund balance by the Mayor and Council of the Township of West Milford that the following capital ordinances be and are hereby cancelled:

Ordinance Number	Description	Balance to be Cancelled Funded	Balance to be Cancelled Unfunded
2003-37	Tennis Courts Recreation	\$8,421.61	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Ordinance Number	Description	Balance to be Cancelled Funded	Balance to be Cancelled Unfunded
2003-24	Skating Complex	\$100,000.00	
2004-7	DPW Depot UGL Fence	\$9,380.00	
2004-7	DPW Convault Diesel Tank System	\$50,000.00	
2004-7	Bubbling Springs	\$18,545.00	
2004-7	Westbrook Park	\$1,589.95	
2004-7	Mt Laurel Park Renovations	\$1,557.74	
2004-7	Museum Renovations	\$10,000.00	
2005-12	Defibrillators	\$27,435.51	
2005-12	Road Resurfacing	\$218.00	
2006-017	Fuel Mgmt Security System	\$50,000.00	
2006-017	Vibratory Roller	\$2,500.00	
2006-017	Wood Chipper	\$3,862.70	
2008-040	Warwick Turnpike Rehab.	\$32,927.63	\$75,000.00
Capital Reserves	Finance Equipment	\$3,117.27	
Capital Reserves	Recreation Capital	\$2,861.30	
Capital Reserves	Fire Emergency Equip	\$12,314.86	
Capital Reserves	Improvement to Public Property	\$8,625.00	
1992-17	Sidewalks, Various	\$2,627.76	
2000-08	Emergency Management Generators	\$587.45	
2000-08	Traffic Light UVR/MHR	\$16,041.92	\$390.00
2000-08	Heritage Museum Impv.	\$4,548.50	
2001-21	Buildings & Grounds ADA	\$0.17	
2001-21	Pavilion Roof Westbrook	\$3,066.22	
2001-21	Westbrook Park Resurfacing	\$4,209.00	
2001-21	Hillcrest Rear Security	\$34,400.00	
2001-21	Mt Laurel Tennis Ct Rehab	\$47,500.00	
2009-18	Potable Light Tower	\$2,802.11	
2009-18	Beach Wheelchair	\$35.00	
2009-18	Audio Recording Upgrades	\$ 809.00	
		<u>\$459,983.70</u>	<u>\$75,390.00</u>

Adopted: September 15, 2010

Agenda No. VII 9

~ Resolution No. 2010-327 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO REQUEST THE INSERTION OF AN ITEM OF REVENUE IN THE 2010 BUDGET

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, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2010 Budget to include an amount as revenue,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2010 in the sum of \$60,000 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Passaic County Open Space and Farmland Preservation Trust Fund

BE IT FURTHER RESOLVED that a like sum of \$60,000 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from CAPS
Public and Private Programs Offset by Revenue
Passaic County Open Space and Farmland Preservation Trust Fund \$60,000

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted: September 15, 2010

Agenda No. VII 10

~ Resolution No. 2010-328 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT WITH WHITE ENVIRONMENTAL SERVICES FOR THE PREPARATION OF A TRAILS MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$10,000

WHEREAS, the Township of West Milford did receive ANJEC grant funding for the preparation of a Trails Master Plan in the Township; and

WHEREAS, the Environmental Commission has recommended that the Township engage the services of White Environmental Services for this purpose in accordance with their proposal dated August 13, 2010; 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 shall not exceed twelve months; and

WHEREAS, White Environmental Services 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 him 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 pursuant to N.J.A.C. 5:30-5.4.

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 enter into a contract with White Environmental Services as described herein, in accordance with their proposal dated August 13, 2010 and in accordance with the provisions of the related ANJEC grant; 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 15, 2010

Agenda No. VII 11

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution No. 2010-329 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE ACCESS AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT RELATIVE TO THE 319H GRANT STORMWATER PROJECT

WHEREAS, Greenbrook is the owner of certain property in the Township known as Block 6704, Lot 9, West Milford, New Jersey, ("Greenbrook's property"); and

WHEREAS, the Township is currently about to undertake an extensive project to construct, reconstruct, and maintain certain stormwater improvements with some of those improvements taking place on a portion of Block 6704, Lot 9; and

WHEREAS, with the construction and maintenance taking place on a portion of Greenbrook's property it is necessary that the Township receive authorization from the property owner to access the property from the Lot 9 driveway and parking area to conduct such construction and maintenance activities; and

WHEREAS, in addition to the grant of access from the Lot 9 driveway, the Township is also in need to obtain a Temporary Construction Easement from the Association in order to excavate and place the manufactured treatment device (MTD) on the subject property; and

WHEREAS, the Greenbrook Property Owners Association agrees to a grant the Township of West Milford and its employees access to the property through the Lot 9 driveway and parking area to conduct its construction and maintenance activities which associated with the stormwater retrofits project and to grant the Township the Temporary Construction Easement in order for the Township to properly excavate and place the manufactured treatment device (MTD) on the subject property; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedication of the within Temporary Construction Easement as set forth herein as well as the Access Agreement for the benefit of the Township of West Milford and the public in general.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into the Temporary Construction Easement and Access Agreement, on file with the Township Clerk, with the Greenbrook Property Owners Association pursuant to the terms and conditions as stated in the Easement and Access Agreement.

Adopted: September 15, 2010

Agenda No. VII 12

~ Resolution No. 2010-330 ~

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2011 Alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$36,095.00 from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$9,023.75 which is assumed by CASA, and an in-kind match of \$21,071.25; and

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

Adopted: September 15, 2010

Agenda No. VII 13

~ Resolution No. 2010-331 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ESTABLISHING A GREEN TEAM COMMITTEE

WHEREAS, the Town Council of the Township of West Milford strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Town Council of the Township of West Milford wishes to build a model government which benefits our residents now and into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, it is expected that implementing sustainability programs and projects will result in improved public health, improved environmental health, cost savings, preservation of property values, and quality of life benefits; and

WHEREAS, The Town Council of the Township of West Milford wishes to focus attention on "Green" issues, by the establishment of a Green Team Advisory Committee; and

WHEREAS, The Township of West Milford has an established Environmental Commission that has successfully pursued objectives related to achieving water quality, open space planning, storm water management goals, and wetland protection, in collaboration with the West Milford Town Council; and

NOW THEREFORE BE IT RESOLVED, by the West Milford Township Council that we hereby appoint the West Milford Environmental Commission as the West Milford Township's Green Team to work in collaboration with the Town Council, through the long standing established protocols, to assist the Township Council and township officials in implementing programs and projects in the Township's decision making, purchasing and operations;

BE IT FURTHER RESOLVED, by the West Milford Township Council that we direct the West Milford Environmental Commission to establish a sustainability subcommittee that will be charged with the preparation of a "Sustainable West Milford" Planning Guide, which will be a "living" document subject to changes and updates by the Environmental Commissions and Town Council and which will incorporate public input, to assist the Town Council and township officials in implementing the concepts of sustainability through programs and projects; and

BE IT FINALLY RESOLVED, by the West Milford Township Council that the Mission, Goals and Objectives for the West Milford Environmental Commission as the West Milford Green Team Advisory Committee are established as follows:

Mission

The West Milford Environmental Commission as the West Milford Green Team will advise the Town Council on ways to establish programs, projects and municipal operations with "Green" initiatives which are economically and environmentally sound through research and evaluation to assist in the analysis, development, and implementation of sustainability programs and projects and directs the West Milford Environmental Commission to report to the Township Council on a regular basis.

Goals

Submit a report and recommendations to the Town Council by January 31, 2011 to include

1. The proposed "Sustainable West Milford" Planning Guide which shall include:
 - a. Research and analyses of green initiatives which make practical environmental and financial sense
 - b. Proposed sustainability programs and projects through participation of all employees to solicit ideas on green initiatives
 - c. Develop strategies for sustainable green initiatives in municipal operations

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Adopted: September 15, 2010

Agenda No. VII 14

~ Resolution No. 2010-332 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE EXTENSION OF LICENSE NO. 1615-33-034-005 LA ROCCA, INC. TO EXECUTOR

WHEREAS, an application for has been filed for the extension of Plenary Retail Consumption License 1615-33-034-005 to the Executor of the Estate of Girolamo G. Patti, corporate owner of the license; and

WHEREAS, the submitted application form is complete in all respects, including proof of appointment to act as Executor;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford does hereby approve, effective September 15, 2010, the extension of the aforesaid Plenary Retail Consumption License to Candice Clark to conduct business under the privileges, terms, and conditions of the license as Executor of the Estate of Girolamo G. Patti, for the benefit of the Estate until such time as the will is probated and the license may be transferred in compliance therewith and directs the Township Clerk to endorse the License Certificate as follows: "This license is hereby extended, subject to all its terms and conditions to Candice Clark, Executor, until June 30, 2011".

Adopted: September 15, 2010

Agenda No. VII 15

~ Resolution No. 2010-266 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-019-001 MURAPPAUL CORPORATION TO HPLAY WEST MILFORD LIQUORS, LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application for the person to person transfer of Plenary Retail Consumption License 1615-33-019-001 the Murappaul Corporation to HPLAY West Milford Liquors, LLC for premises at the same location has been received and reviewed; and

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

WHEREAS, as a result of that review the Mayor and Township Council have determined as follows:

- 1 The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2009 - June 30, 2010).

WHEREAS, the Police Department has recommended that the license be transferred with all current conditions.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is authorized to endorse the transfer and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

LICENSE/LICENSEE/T/A	CONDITIONS
HPLAY WEST MILFORD LIQUORS, LLC 3025 Rt. 23, Oak Ridge, NJ 07438 1615-33-020-001	1. The owner is to consider parking limitations when scheduling advertised special events. 2. Occupant Loads must be adhered to.

Adopted: September 15, 2010

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Consent Agenda

~ Resolution No. 2010-333 ~

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.

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

Resolutions:

- a. **2010-334** – Canvasser License
- b. **2010-335** – Overpayment Refunds
- c. **2010-336** – Refund Police Department Fees
- d. **2010-337** – Refund Other Liens
- e. **2010-338** – Refund Recreation Fees
- f. **2010-339** – Reinstate Taxes

Applications:

- a. **Application for the Extension of Licensed Premises** by Valley View Pub for October 9, 2010 with a rain date of October 16, 2010 with conditions.

Adopted: September 15, 2010

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

Agenda No. VIII a

~ Resolution No. 2010-334 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A CANVASSER LICENSE FOR LICENSE YEAR 2010

WHEREAS, an application has been made for a new Canvasser License for the year 2010; and

WHEREAS, the Police Department has recommended the issuance of said license with a condition;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of the 2010 Canvasser License as listed below:

2010 CANVASSER LICENSE		
LICENSE NO.	APPLICANT NAME - ADDRESS - T/A	CONDITION
2010 – 3	Aaron DeGroat Ramapough Mountain Indians Inc. 189 Stag Hill Road Mahwah, New Jersey 07430	Ramapough Mountain Indians Inc. must contact police headquarters on the days they intend to be canvassing to report the location(s) and types of vehicles being driven.

Adopted: September 15, 2010

Agenda No. VIII b

~ Resolution No. 2010-335 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

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

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

REASONS:

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

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
2305-5	DeMarco, J. & DeMarco D. 912 Belmont Avenue North Haledon, NJ 07508	\$1,848.00	2010	2
TOTAL		\$1,848.00		

Adopted: September 15, 2010

Agenda No. VIII c

~ Resolution No. 2010-336 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Acting Police Chief, the following fee be refunded:

Name & Address	Reason	Amount Refunded
Public Service Electric & Gas Company P.O. Box 330 Newark, NJ 07101	Duplicate Fee Paid	\$1,263.35

Adopted: September 15, 2010

Agenda No. VIII d

~ Resolution No. 2010-337 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
08-053	04/08/2008	04401-018	\$34,863.07	EDISON TAX SERVICE LLC 1290 WALL ST. STE 301 LYNDHURST, NJ 07071
09-125	03/25/2009	13909-001	\$22,032.92	CRUSADER LIEN SERVICES 179 WASHINGTON LANE JENKINTOWN, PA 19046
10-013	03/23/2010	01701-025	\$163.29	MARCOS A. SUAREZ; JR 28 WINSLOW TERRACE FAIRLAWN, NJ 07410
10-025	03/23/2010	02601-033	\$7,267.89	US BANK CUST/SASS MUNI VI DTR

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				TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-052	03/23/2010	04010-005	\$461.92	US BANK CUST FOR CCTS CAPITAL LLC, 2 LIBERTY PLACE 50 SOUTH 16 ST. ST 1950 PHILADELPHIA, PA 19102
10-061	03/23/2010	05715-002	\$5,342.28	US BANK CUST FOR CCTS CAPITAL LLC, 2 LIBERTY PLACE 50 SOUTH 16 ST. ST 1950 PHILADELPHIA, PA 19102
10-073	03/23/2010	07208-005	\$6,059.86	US BANK CUST FOR CCTS CAPITAL LLC, 2 LIBERTY PLACE 50 SOUTH 16 ST. ST 1950 PHILADELPHIA, PA 19102
10-117	03/23/2010	12206-001	\$746.88	MARCOS A. SUAREZ; JR 28 WINSLOW TERRACE FAIRLAWN, NJ 07410
10-131	03/23/2010	13909-001	\$5,742.11	US BANK CUST FOR CCTS CAPITAL LLC, 2 LIBERTY PLACE 50 SOUTH 16 ST. ST 1950 PHILADELPHIA, PA 19102
Grand Total			\$82,680.22	

Adopted: September 15, 2010

Agenda No. VIII e

~ Resolution No. 2010-338 ~

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	MADE PAYABLE TO:
<i>Refund due to medical:</i>		
Megan (Art Class)	\$20.00	Dawn Barnes 57G Bunker Hill Road West Milford, NJ 07480
Emma (Art Class)	\$20.00	Carla Morgan 9 Bradley Court Hewitt, NJ 07421

Adopted: September 15, 2010

Agenda No. VIII f

~ Resolution No. 2010-339 ~

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
13301-13	Sunil Trivedi	\$1,998.00	2010
11301-9	Winifred Christman	\$1,900.00	2010
3503-54	W. & E. Popowski	\$1,878.00	2010

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7606-2	P. Paulson	\$2,513.00	2010
3701-5	Laurel Ave. Assoc.	\$1,523.00	2010
4404-7	Steven Colella	\$1,471.00	2010
TOTAL		\$11,283.00	

Adopted: September 15, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010-340 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account.	\$64,837.07
2	Reserve Account	0.00
3	Animal Control Trust	8,938.00
6	Capital.	110,607.95
7	Grants.	0.00
8	Refuse.	0.00
9	Refunds.	84,568.22
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	611.85
18	Development Escrow.	1,320.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$270,883.09
\$Less Refund Resolution		84,568.22
Actual Bill List		\$186,314.87
Other Pyts,Ck# 43255 Ascape Landscape		795.40
Total Expenditures		\$187,110.27

Approved: September 15, 2010

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

Agenda No. X

Reports of Mayor, Administrator, Council Members, Attorney and Clerk

Councilman Jurkovic stated that the Facilities Assessment Committee (FAC) met with the consulting firm who gave the estimate for rehabilitation of Johner building. The committee went through the proposed budget and recommend substantial cuts. They asked that the consultant visit the site and give actual estimates based on site conditions. Several thousand dollars can be cut. This may be a good project for the redevelopment money. This project may address many of the ADA concerns associated with our existing building and the exorbitant costs to bring these buildings into compliance. Mayor Bieri had asked

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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about using the library building instead of Johner. Councilman Jurkovic stated that at the FAC meeting attendance was low so he asked that discussion of the library be deferred to the next FAC meeting. He has participated in two budget processes thus far during which the council met with department heads and there was little discussion about ideas and suggestions. When rice notices went out many employees had great suggestions which led him to question why these things are not brought forward in a more productive manner. He urged employees to bring these recommendations to the Mayor or Administrator to be conveyed to Council. The Council received a letter from a police officer addressed to Administrator Boyle asking for an opportunity to speak with Council about issues in the police department. He thought it appropriate to have this discussion with the finance committee. Mr. Semrau advised that this has become a personnel matter and asked that there be no further discussion regarding this matter. There is a memo sent out by the Attorney about how that request is inappropriate.

Council President Smolinski stated that he is pleased that the Council supports turf field.

Councilman Nolan stated that there will be a revaluation next year. Earlier this year he asked about people living in houses without certificates of occupancy. He asked if the revaluation process will uncover these conditions. Mr. Boyle stated the answer is no. The process of revaluation is to inspect the property, not look at permit and application processes as a cross reference. Mr. Semrau concurred that is correct but added that the revaluation will provide a mechanism to check differences between the property cards and improvements made without permits. Councilwoman Lichtenberg suggested that residents should check their property cards prior to the revaluation. She recommends that when the revaluation is completed the Council should adopt an ordinance for certificates of occupancy upon resale. Councilman Nolan stated that the insurance committee will meet later this month with both insurance brokers and the meeting is open to the public. He will report to Council at October 6th workshop. The Council gets a number of reports one of which is from the tax collector. Through July 2009 they had collected \$47,605 and this year have since collected 5.5% more. This may be an indication that the economy is starting to improve.

Councilwoman Lichtenberg noted that people with in-ground oil tanks should know that there are grants to help them remove the oil tank. There is a grant for incomes below \$250,000. Go to newtanksnja.org. She announced that this coming Friday is constitution day. There will be a blood drive on September 19th and Beautification Day is 9/25. The health department will be offering a flu clinic on September 30th, the annual Autumn Lights Festival is on October 9th and the museum will host a reminiscence series on the same day. She stated that the local food pantries need food. She advised that she is available to residents on Thursdays from 10 am until noon at Town Hall.

Mayor Bieri advised that the Passaic County Clerks office will be at town hall on October 8th from 5-7 p.m. for passport services. The State groundwater protection committee is having a groundwater summit that may be of interest to local residents. She asked Mr. Boyle to send at least one representative. She stated that it has come to her attention that senior advisory committee asked for a security system at Hillcrest. The committee is still interviewing for a CFO and researching a possible interlocal with Bloomingdale. West Milford currently has 40 uniformed officers in police department and the Police Department is proceeding with the hiring process for two new officers. In the interim, the Township received a resignation due to a family relocation and there is another pending retirement. The Council gave consensus to proceed with the hiring process. Mayor Bieri advised that she will attend the New Jersey Conference of Mayors in Princeton on Friday and is hoping to return with information to share with the Council. Next Friday she will attend a seminar in New Brunswick to address management challenges and opportunities in light of the economic crisis.

Administrator Boyle stated that he and members of his staff will make a presentation to the Passaic County open space committee. He reviewed recent bids received and provided an update of the search for a CFO and an Engineer. He advised that there will be an Alzheimer's workshop on Oct 13th at Hillcrest. Mr. Boyle gave an update on capital projects and the status of road projects. He advised that Bill Wallace will serve as Administrator from 9/25 to 10/2 while he is away.

Mr. Semrau stated that the Department of Community Affairs is sending a questionnaire that is due by October 1st. One question asks if the governing body has rules about meeting attendance. State statute has rules and requirements and he asked for a motion to adopt the state law about attendance at meetings. Specifically, if an elected or appointed official misses eight consecutive meetings without being excused that person is in violation.

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