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

Minutes of: Township Council Regular  
Date of Meeting: September 23, 2009  
Time of Meeting: 7:30 P.M.  
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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 January 4, 2009; 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 Phillip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, 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, Dominick DiYanni, Esq., Caroline McGuire, Esq.

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt the August 26, 2009 Regular Meeting and Executive Session minutes as presented:

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

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Agenda No. II

**Presentations**

Mr. DiYanni of the firm Dorsey Semrau assumed legal counsel's seat.

**Master Plan** – Mayor Bieri introduced the Township Planner, Chuck McGroarty who addressed the Council from the podium. He provided Council with a status report of the various modules in the master plan process as well as a build out report which conveys what is in store for West Milford. He directed the Council to the summary on page 5 of the build out report and to page 12 which concludes that the sum total of predicted residential build-outs in West Milford is 19 units. This number may be somewhat low using current calculations but he is still reviewing exemptions which may impact the number. The Highlands Act requires a build out analysis to be used in determining COAH obligations and the Township's prior obligations were 98 units. The current anticipated total growth, not COAH units but total units, is 19. Previously, the deadline for the submission of the build out analysis to COAH was December 2009. That deadline has now been extended to June 2010 with abbreviated information due this year. He will continue to review exemptions and determine how West Milford's final numbers may be impacted by those.

He advised that module 4 of the process, the environmental resource inventory is done. The intent of this module is to provide a uniform approach to environmental issues for all municipalities. The draft was compiled using models provided by the Highlands Council and it was submitted to the Highlands Council on schedule. Neither the Council nor the Planning Board will be required to take any formal action this year. The sixth module is a model ordinance which will implement the policies and objectives of the master plan. The draft was released this past summer and subsequently, the Highlands Council met with municipalities. During those meetings, questions and objections were raised and as a result the ordinance is being revised. The seventh module was released today and he expects that the Planning Board will begin working on that tomorrow evening. He will report back to Council throughout this process.

He is here tonight, primarily to speak about module 5 which is known as the model master plan element. This is a mini-master plan containing several elements of the master plan and the model was provided by the Highlands Council. He has been and will continue working on this module with input and assistance from the Planning Board. He has identified sections that do not relate to West Milford which have been removed in their entirety. The Planning Board had one public meeting in August and this module will be continually discussed at the Planning Board as the process evolves. This is not scheduled for adoption in

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2009. Work is also being done on the language in the proposed legislation although the sections dealing with policies and objectives of the Highlands master plan cannot be changed. West Milford is on schedule.

Councilman Nolan stated that earlier this year the Planning Board denied an application because the related DEP permit had expired. The applicant took the matter to court and West Milford had to pay the associated legal fees because the master plan has not been adopted. West Milford, he said, is enforcing the DEP rules and yet bearing the burden. Mr. McGroarty stated that he is unfamiliar with this matter. However, West Milford does have a master plan; the Township has not adopted an ordinance that updates the master plan to conform with the regional master plan. As a preservation municipality, West Milford is also regulated by the New Jersey administrative code pertaining to DEP rules. As an example, septic systems in the preservation area are limited to one system per 88 acres. In response to a query from Councilman Nolan regarding Brownfield sites, Mr. McGroarty advised that these sites can become a resource in the preservation area. Contaminated sites qualify as a redevelopment area which provides an opportunity to restore the property to productive use. Councilman Nolan asked Mr. McGroarty how his fees for this work are being funded. Mr. McGroarty advised that his fees are being charged to a grant the municipality received for these services. The work also includes the housing element and fair share plan.

The Council asked Mr. McGroarty to address questions posed by Mr. Semrau via memorandum. Mr. McGroarty advised that there are two ordinances that deal with septic system maintenance and the one adopted by West Milford is touted as a model ordinance by the Highlands Council. The second ordinance is one that addresses potential contaminated sources management. There is a model ordinance in draft form. When the new draft comes out he will scrutinize it because it will have a significant impact especially in West Milford. He stated that the HUC (hydro geologic unit calculation) is used to identify sub watersheds which do not apply in West Milford. These sub watersheds are more common and relevant in the planning areas. Septic densities in West Milford are based on DEP regulations. The calculations for 19 units is the starting point and he will continue working from there to ensure that exempt properties and exemptions are factored in which will then lead him to work on the housing element and fair share plan. The Township still has to deal with prior obligations from previous rounds and he has proposed a strategy to the Planning Board to deal with that. The fourth question raised by Mr. Semrau deals with properties that have prior approvals and future plans for re-zoning. The new densities that would be created will present the Planning Board and Council with choices for what they wish to see in certain areas of town. If proposed developments are not consistent with the Highlands master plan, they will not proceed. It will be necessary to bring zoning requirements into conformance with the regional master plan. Mr. McGroarty stated that he will certainly be available to meet with the Environmental Commission on planning and mapping issues if that is the will of the Council.

Council President Smolinski referenced that, at the last Planning Board meeting, Mr. McGroarty discussed substandard lots (primarily in lake communities) with the Board. The protection area in lake zones is 1,000 feet from the banks. He asked how that would affect lots in that zone. Mr. McGroarty stated that he cannot answer that definitively at this time. He distributed a list of Highlands exemptions to the Council. The exemptions include those included in the Highlands Act as well as those that are components of DEP rules and regulations. A vacant lot in the lake zone that pre-exists the Highlands Act is probably exempt and such a lot would likely be exempt from the policy of lake management requirements that would go into effect. However, each application would have to be reviewed on its own merits and there is no one definitive answer for all. If there is undeveloped land around the lake that doesn't meet these qualifications it will be subject to these conditions.

Councilman Weisbecker asked for further clarifications regarding the build-out. Mr. McGroarty stated that West Milford will reach build-out at an additional 19 units but there are caveats associated with this estimate. He is trying to determine what exemptions are out there to create a better housing element and fair share plan. He stressed the importance of the number being as accurate as possible. Underlying zoning is a pivotal component in ensuring that a new structure in a lake community can function with a subsurface septic system. The Zoning Board could have input in this process although there is no mandate. Councilman Weisbecker asked about downzoning. Mr. McGroarty stated that densities under the new plan must conform with policies and DEP rules. Land Use regulations control development and current zoning may not be consistent with the Highlands. Density that would calculate greater growth may need change. The redevelopment process will remain under the control of the municipality.

Councilwoman Lichtenberg asked if consideration is being given to conservation/commercial zones in town. Mr. McGroarty stated that he would have to review existing zones to determine if they would qualify for such re-zoning.

Councilman Jurkovic thanked Mr. McGroarty, commending him for both the quality of work and his communication skills. He asked about the potential 19 units that can be built and Mr. McGroarty stated

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that the 19 units is estimated town wide with a calculation that in the preservation zone one septic is allowed per 90 acres which equates to 1 unit per 90 acres of available land. Councilman Jurkovic asked Mr. McGroarty's opinion about the wisdom of utilizing open space funding to purchase fill-in small lots rather than larger lots. Mr. McGroarty acknowledged that this is a new concept for him and one that he has not considered before. It would appear to make a lot of sense and is certainly an interesting idea. Using that money would maximize the effects of acquiring the exempt properties. Also, property owners would be more likely to receive market value for their property. Naturally, it would be a policy decision of the Council but one that is an interesting approach that focuses on properties that would otherwise go under the radar. Councilman Jurkovic recognized that a municipality cannot spot zone but he added that this process affords an opportunity to re-zone certain areas to have them be in compliance with the Highlands Act. Among the many roles assigned to the Township is the need to generate revenue to offset costs. There are a number of properties in West Milford that have conservation easements or, as open space, may be underproductive for revenue generation. He asked if it is possible to zone these areas to increase the value of the property by expanding upon or changing its utility. Zoning for green and energy uses should be considered. Wind turbines and zoning for wind power is considered an inherent value use under the Highlands Act. He asked if Mr. McGroarty could work with the Tax Assessor to ascertain if there are properties in town that could be zoned for such uses. Councilman Jurkovic cited an example whereby there is a 16,000 tract of land that, under current zoning laws, can only be as a water source. This limits its taxable value. If that land were to be zoned for wind turbines and water turbines its taxable value would be increased because it has other uses. He asked Mr. McGroarty to look into this and give his professional opinion on that potential.

Councilman Jurkovic asked what the Council's role is in this process. Mr. McGroarty stated that the Council plays a critical role primarily because they will be charged with adopting resolutions to proceed with the process and next year will be asked to adopt ordinances to implement the master plan which will be adopted by the Planning Board. The housing element will be, in its entirety, the responsibility of the Council. The master plan, approved by the Planning Board, sets the goals and policies for land use and all related elements. The council implements the policies by adopting ordinances. He encouraged the Council to submit recommendations to the Planning Board so that the master plan incorporates the overall goals of the Governing Body. Councilman Nolan asked how COAH impacts the process and interacts with the policies. Mr. McGroarty stated that the Highlands Council did not deal with exemptions. He will review all the exemptions and create a fair share plan to anticipate those which will provide more accurate COAH numbers. He stated that it is important to neither overstate nor understate those numbers. As long as the municipality remains under the jurisdiction of COAH, the Township is not subject to builder remedy lawsuits. Contingencies will be built in to the fair share plan. Mayor Bieri stated that years ago lots were determined to be either buildable or non-buildable. Nowadays, references are made to undersized lots that require variances. She asked if building must be allowed on undersized lots. Mr. McGroarty stated that each application must be reviewed individually and based on its own merits. The impact to the community must be a factor in these considerations. A municipality must have good, valid reasons to deny applications and expert testimony is generally needed.

Caroline McGuire of the firm Dorsey Semrau assumed legal counsel's seat.

Public Hearing Cable TV Franchise Renewal – Mayor Bieri recognized each member of the Cable TV Committee for their diligence throughout this process and for compiling a complete and detailed report. She deferred to Ms. McGuire. Ms. McGuire invited Gary Shaw, the Director of Government Affairs for Cablevision and invited him to the podium.

Mr. Shaw thanked the Council for hosting this public hearing tonight. He provided a brief overview of Cablevision's history advising that they have launched more products than ever during the past ten years. He advised that questions about rates and programming are outside the renewal process but he welcomed any comments from the public. He stated that cable companies are required to broadcast certain programs by law. Councilman Jurkovic thanked Mr. Shaw for working with the Committee on which he also served as Council liaison. Since the Committee met with Mr. Shaw there have been changes in local programming. Without a box, customers are unable to get reception for any channel above channel 40. This is very relevant to the community, even here at Town Hall, because the local broadcast channel, that which broadcasts the Council meetings, is on a channel in the 70s. This would appear to defeat the purpose of having a local channel dedicated to the community. Mr. Shaw stated that there have been some changes lately whereby about 20 to 25 channels have been migrated from analog to a digital channel line up. The digital channel line up requires a digital cable box to allow access to those channels. As has been happening throughout the industry, cable providers are moving away from the analog world. He explained the difference between analog and digital. Councilman Jurkovic stated that this now requires that a customer must now, in essence, pay extra for every television in their house. Mr. Shaw stated that some newer television sets have digital cards which allow access. He recognized that this is a difficult change for some and Cablevision offered free introductory boxes for up to one year.

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While he is sympathetic to the burden of additional fees he asked residents to recognize that Cablevision must seek to be competitive in the industry. He stated that about 90% of Cablevision customers have a digital box in their home and Cablevision is constantly seeking to provide more programming and more channels.

Mayor Bieri stated that she recently met with Mr. Shaw and other Cablevision representatives where she conveyed many of the comments she has heard from their customers about the service they receive. While Cablevision may say that they migrated channels, in layman terms for the customer, this means that many channels have been taken away. She believes that 100% of Cablevision customers were affected by this rather than the 10% claimed by Cablevision. The constant changing of the packets offered does not help the customer. Councilman Nolan agreed comparing these actions to the actions of telephone companies in bygone years where the rented phones to customers for exorbitant prices. He asked why Cablevision customers cannot purchase their digital box and save on rental fees. Mr. Shaw advised that such an option is not available at this time. He said that all cable companies offer a leasing program for boxes which protects the customer because if the box breaks, the cable company is responsible. Councilman Weisbecker stated that he is a former Cablevision customer who changed providers because of consistent problems and his concerns about the company policies that are not responsive to complaints and problems. Nonetheless, he commended Mr. Shaw for his attendance tonight and asked if Cablevision would consider increasing the senior discount. Mr. Shaw replied that the BPU oversees senior discounts and that this could be a subject of negotiations later in the process. Councilman Schimmenti recommended that remote controls be improved for ease and convenience. Mr. Shaw advised that the FCC is attempting to have TV manufacturers work with providers to develop universal standards for remote controls. This is proving difficult, as the market is international, not domestic. Council President Smolinski asked for information about the rate increase process noting that a 30-day window to contest rates increases does not appear sufficient. Mr. Shaw advised that basic service is regulated by the BPU while other packets offered are not. He advised that Cablevision would be willing to negotiate a longer comment period for rate increases.

Mayor Bieri opened the meeting to the public to allow public comments relative to the Cablevision renewal franchise. She asked the public to remember that Mr. Shaw does not make the rules.

Doris Aaronson, 19 Bearfort Road, West Milford advised that she served as Chair of the Cable TV Franchise Renewal Committee. The committee concluded that the services provided are not very good especially when compared against the \$5 million profit generated in West Milford. She stated that any new agreement should incorporate financial penalties for Cablevision for future poor performance. 250 residents responded to the survey. 82% responded that the cost for cablevision is not worth the service being received. 78% replied that the broadcast quality was less than excellent. 97% responded that the public meetings broadcast by Cablevision are of inferior quality when compared to other program offerings. 73% found that Cablevision's repair service is problematic. 83% were dissatisfied with response to billing problems. She directed Council to the report which documents some complaints. There were a high number of complaints about the local access channel which is not dedicated to West Milford. The TV committee suggests that the Council obtain a grant from Cablevision to purchase video cameras to improve broadcast quality and be used to record West Milford events and meetings. The committee did not support the idea of a fixed camera and the related personnel needs. She discussed options for possible scheduling options to allow for local events to be a focal point on the local public access channel. She asked that a committee be established to oversee performance and monitor such.

Ada Erik, Macopin Road, West Milford stated that she also worked on the committee and is a former subscriber to Cablevision. When she first subscribed for basic service, she loved it. She had access to the discovery and history channels. Suddenly those channels disappeared and there was another subsequent downgrading. Consequently, she has opted to go with Verizon and is getting a better package for almost the same amount she paid for basic cable service with Cablevision.

Mitchell Dvoskin, 414 Macopin Road, West Milford stated that, in his opinion, Cablevision's service is below abysmal. At his residence, he experiences regular interruptions in service and the policy whereby customers receive a credit for more than four hours of outage is worthless. Such a policy should be cumulative in a given month to motivate the company to fix the problems. The repair service is also abysmal. The customer service people are either incompetent or incapable and it is impossible to have a problem resolved. Cablevision always requires that the customer be home when they send out a technician. Each time he has taken time off from work because of cable problems, the problem has always been in the Cablevision lines. Their DVR software has not been tested and their last product undid all prior recording settings he had programmed. WNJN is not broadcasting in high definition and Cablevision does not broadcast Council meetings in high definition either. They are cutting off the left and right sides of the pictures yet not broadcasting in high definition. WLIW can be watched in Ringwood and Lake Hopatcong but he cannot receive that channel even though he is in that mandatory

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broadcasting area. He stated that he reviewed the report in the library where he noted that Cablevision plans to broadcast more alerts. He asked that they not do this because emergency alerts should be confined to life-threatening situations. Otherwise, such alerts are just annoying to the viewer. He stated that viewers in West Milford lost access to family channels because they were moved from analog to digital and Cablevision encrypted them. He stated that Cablevision does not have to encrypt those programs which would allow access to those viewers who have newer televisions that can accommodate a cable card. He asked that Cablevision offer a multi-room DVR to allow customers to use their service on more than one television.

Mike Winslow, 70 Ridge Road, West Milford has been a West Milford resident since 1984. He stated that he has certain expectations for the cable service for which he pays Cablevision. His expectations have not been met. He had a problem with Cablevision that lasted for over one year. When the cable franchise was last negotiated, there was no Internet or phone service provided by the cable company. While the purpose of this meeting is not to discuss service other than cable. However, West Milford residents deserve to get what they pay for. He converted from dish network and Verizon telephone to Cablevision to realize a savings of about \$100 which lasted about one year. The price then went up and in August 2008 he came to realize that his problems with cable service, Internet service and phone service are all related. They are not always reported as outages because it is not always realized that they are indeed interconnected. Cablevision uses criteria to determine if there is an outage in any given area and this criteria requires a certain number of calls to report such outages to qualify the service interruption as an outage. The good news is that his cable modem has now been functioning for 36 days without interruption and that is a record. He has maintained a record of how often he has had service interruption. He works from home and the impact is more severe for him. Cablevision often records problems as single subscriber problems when they are actually outages during hours when most people are not home. Therefore, the problems are more widespread than recorded. He reviewed the process when he experiences non-major outages which have an impact on his ability to communicate despite the fact that they are not recorded as an outage. He and other customers are often relieved that they do not have to speak with Cablevision representatives. He reviewed negative experiences he had from August 2008 to August 2009 with Cablevision service. The cable company insisted that his problems were isolated despite the fact that the outages were throughout his neighborhood. Cablevision must look at up time and maintain honest records. Mr. Winslow asked to direct a question to Mr. Shaw. He asked questions pertaining to non-required channels, encrypting and migrating. Mr. Shaw advised that he is unable to answer the questions which are of a technical nature and not within his area of expertise. He stated that many channels are encrypted for security reasons.

Marilyn Schultz, 18 Laurel Hollow, West Milford has been experiencing problems similar to those already documented here. On May 10<sup>th</sup> she received a call from Cablevision stating that they detected noise in her lines and they asked for her permission to have a technician go to her home to address that problem. They came to her house on May 10<sup>th</sup>, did a service call and worked downstairs. That evening she lost twenty-seven channels. She reviewed the channels she lost that evening. She does not get the public access channel, the local programming channel or the government channel on sets that are HD but don't have the digital box from Cablevision. On the brochure distributed by Cablevision it says that broadcast basic service is \$12.60 per month and they list several channels that are included in that packet. However, 15 of those channels listed as basic service require a digital cable box at an additional cost of \$6.51 per month. That is 15 channels out of 20 and does not include the high definition channels. According to their own literature, a subscription to basic service is required for all TV services, yet one must get a premium package to get a digital cable box. She had a lot of channels and now she does not. Commercials are always very loud for commercials but the volume must be at high levels for programs. The people who work at the local cable office are very nice. The replacement cost for a digital box is \$110. She asked why customers cannot just purchase the box. Councilman Jurkovic asked for clarification. He recalled Ms. Schultz reading from Cablevision's literature that basic broadcast service costs \$12.60 per month but to get all the channels for that service one must have a box that costs \$6.51 per month but one must pay for a premium package to get the box. Ms. Schultz confirmed that to be what she was reading from the brochure. She offered the brochure to Mr. Shaw. Mr. Shaw stated that there may be some confusion about the content of the brochure and he stated that basic service does not require a box. Mayor Bieri asked Mr. Shaw if what he is saying is that one can get basic broadcast service without the box but to get access to a number of the channels offered in basic broadcast service, one needs the box. She said that if a box is required to view those channels, Cablevision should remove them from the broadcast basic service line-up or provide customers with a box for free. Councilman Jurkovic asked Mr. Shaw to convey to his company that this advertising is misleading to customers noting that the advertisement is reasonably misleading.

Wayne Gottlieb, 20 South Richfield Road, West Milford is speaking tonight with authorization from the Board of Education (BOE) to speak on their behalf. The BOE is currently a provider of public access content to the system. The monthly regular meeting of the BOE is currently recorded and broadcast on

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the local channel. The scheduling of this broadcast is unpredictable at best and the sound quality is generally quite poor. The BOE now meets three times every month and they request and would like to have all BOE meetings recorded and broadcast at least once on a predictable schedule. Each of the meetings is important and it is in the public's interest to see the committee and workshop meetings in addition to the regular meetings.

Gary Oppenheimer, 24 Clover Road, West Milford compared the Cablevision fees to those of airlines noting that when he is charged for baggage, it is effectively increasing airfares. Removing channels from the lineup is increasing the cost of service because customers are getting lesser product for the same price. It would be like buying a car without the tires; not good business. If Cablevision plans to continue encrypting to downgrade service, they should downgrade cost proportionally. He receives channels in which he has no interest. He gets QVC, religious channels and Spanish channels all of which are of no use to him personally. Perhaps an "a la carte" approach would serve customers better. The business model presented by Cablevision has the look and feel of a monopoly in West Milford. From a corporate perspective Cablevision is seeking a profit, from a consumer perspective it would appear that all efforts are being made to squeeze the customers. He urged Cablevision to assign more value to their customer base.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that the other camera in the room tonight broadcasts on-line at [www.municipaltv.tv](http://www.municipaltv.tv). The public access programming on Cablevision is worse than their other service. He was here tonight at 6:40 p.m. and for the first time every, on the same night that Mr. Shaw appears before the Council, technicians were present to check the sound system. It would appear that this is rather coincidental given that residents have repeatedly and consistently complained about sound quality of these meetings yet Cablevision sends someone out to check on that at a time when the contract is up for renewal. He commended James Warden who records all the Council meetings for [www.municipaltv.tv](http://www.municipaltv.tv) which is available 24-hours a day on-line without sound or quality issues. Mr. Warden produces these meetings with a small unobtrusive camera that does not require special accommodations for sound. He stated that he finds it difficult to understand why Cablevision cannot produce such quality programming. Public information and transparency in government is critical. It is important that residents can witness their government in action. The Council should demand that these meetings be the subject of quality recording and broadcasting and be available on a channel that does not require a box as is now the case. All zoning board, planning board, council and BOE meetings should be recorded and broadcast more frequently. The current quality of these broadcasts is deplorable, one cannot hear. He asked why the town is not seeking competitive bids for these services to provide better quality and more service to residents. Cablevision has not done a good job and with the declining quality rates have consistently increased considerably. Asked Council to hold off on any renewal until Cablevision steps up to the plate and provides better service. A financial penalty for lack of service is logical.

Clara Jozwiak, 2 Richmond Road, West Milford stated that she has had many issues with Cablevision on a number of occasions and has called their offices many times. One time, the experience was so stressful, she thought she would have a heart attack. She experienced such difficulty communicating with the person who took her call he could not comprehend what her needs were. When they come to her complex, Bald Eagle Commons, the technicians do not know how to gain access to the buildings. She has had appointments where she and her husband have remained home all day. On one such occasion she finally called the main office at 4:30 to be told that the technician was there earlier but nobody was home. When a neighbor in an adjoining apartment moved away, Cablevision disconnected her service rather than her neighbors and it took three days to have her service restored despite the fact that she had no fault in the problem. She relayed the specifics about another experience whereby the technician could not resolve a problem but her husband was guided through a process the next day by telephone and rectified the problem. The culmination of repetitive small problems that are not addressed properly results in dissatisfaction with the service as a whole. There are often instances where communication is very difficult because of language barriers. She stated that she has lost the ability to record programs when she changed to a more expensive package.

John Lauritano, Brady Street, West Milford asked when the free box program was offered to customers. Around June 1<sup>st</sup> he had to speak to about five people before he found someone who knew about the free box program. Other customer service representatives neither mentioned the program nor knew specifics about it. If this was a requirement, why was the staff uninformed about the details. Mr. Shaw advised that notices were sent out to customers by mail and included in billing notices.

James Warden, 199 Highcrest Drive, West Milford has been in television for many years. He became involved in cable in the 1970s when he taped Council meetings in Wayne. Those Wayne meetings are now produced in a very professional manner. He stated that the FCC initiated a requirement that all cable companies provide free boxes when certain programming was converted from analog to digital.

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These boxes are distinctly different from the boxes leased through a cable provider to provide access to premium channels. The free boxes compelled by the FCC allow for viewers to receive broadcast channels 2 through 13 which are now digital. Cablevision has consistently dwindled analog channels down so they can provide other channels such as high definition channels. They monitor subscriptions and they purposely separate channels into packages for maximum return. Public access channels became part of franchise deals many years ago and that was true in West Milford until recently when Cablevision took channel 78 and used that bandwidth to provide other channels. The Council must now consider entering into an agreement with Cablevision or not despite the fact that during the past year Cablevision has eliminated the ability of many residents to view Council and other public meetings because they removed that channel from their basic offerings. He suggested that Cablevision could, as a show of good faith, provide a public access channel to all West Milford customers at no additional cost. He also found it curious that Cablevision technicians were here tonight to correct audio problems despite the consistent problems with these broadcasts for many years.

Jim Novack, Larchmont Drive, West Milford used to subscribe to Cablevision and like Councilman Weisbecker changed to Warwick Cable who provides excellent service. He asked for a legal opinion as to what will happen if the Council opts not to renew with Cablevision. He stated that for some time now there have been a significant number of Cablevision trucks every day in West Milford at various locations throughout town. For 9½ years Cablevision could barely find West Milford and now that the contract is about to expire, they are here en masse.

Gillian Hempstead, 27 North Glenwood Road, West Milford has heard loud expressions of public sentiment here tonight. Based on that, perhaps the Council should consider a renewal term of less than ten years which may prevent the apparent sentiment that for nine of the ten years customers are ignored.

Mike Winslow, 70 Ridge Road, West Milford asked to be heard for a second time stating that he had a very brief comment to make. He stated that if service is out for more than four hours Cablevision is supposed to issue a credit to the affected customers. However, the system is set up to cheat the customers. A customer must call to request a service call and then must call back after the service call to request a credit. If the result of the service call has not been properly reflected and updated in the computer system the request for a credit will be denied.

Councilman Weisbecker made a motion to close this public portion of the meeting.

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

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Ms. Maguire of the firm Dorsey & Semrau, Township Attorneys, advised that this is a non-exclusive agreement which means that it does not preclude West Milford from negotiating with other companies. Councilman Nolan asked Mr. Shaw if technicians used by Cablevision are employed by the company or if they are hired under contract. Mr. Shaw advised that Cablevision uses both in-house technicians as well as subcontractors. Their preference is to use in-house personnel but it is not always practicable. Mr. Shaw agreed that this is a non-exclusive contract but he surmised that it may prove very difficult to find another company that will come into West Milford and construct the infrastructure necessary to provide the services. Additionally, the Township would have to prove to the BPU that Cablevision did a poor job using statistics and facts to support such claims. Cablevision also has a right to apply for a direct certification. When Cablevision assumed ownership of this company they inherited a local plant which was below standard at that time. They have invested significantly into that plant and made a number of upgrades. Those trucks seen throughout town are actively upgrading much of the infrastructure and lines. As a result, the incidents of outages is greatly reduced although many homes still operate with antiquated wiring. Correcting such problems will be a time consuming effort one home at a time. Such matters can be generally be cured through service calls. West Milford is subject to oft-times harsh weather conditions as every resident knows and this impacts service some times resulting in service outages.

Mr. Shaw advised that he has met with the committee and discussed providing funding for equipment and a dedicated channel which would allow for meetings to be aired as often as the municipality dictates. Such a channel would be dedicated to West Milford 24 hours a day, seven days a week. Cablevision is not in the business of covering all meetings; they simply do not have the manpower to provide such services. However, they have not ruled out providing funding for equipment and a dedicated channel which would then leave programming and recording up to the Township. He publically apologized for the quality of audio that has plagued these meetings and he will work with the Township Administrator to resolve that ongoing issue. He stated that there are many factors that determine the placement of channels on the program dial. He asked consumers to understand that there are certain channels and programs that cable companies must carry by law. These companies are also obliged to fulfill their

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

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various contractual obligations and the digital issues are a constant challenge. He expressed the utmost respect for a consumer's right to choose and to switch to other providers. He also recognized that cable providers must balance their decisions to provide quality service while remaining competitive. He stated that cable companies are subject to consequences for poor performance. They do post a performance bond and the BPU most certainly holds these companies accountable. If warranted, the BPU has the authority to impose penalties and cable companies are required to report to them regularly. The outage credit policy is set by law at six hours and Cablevision has reduced that to four for their customers. They have established a monitoring system to track when any particular node goes down. He stated that the problems with the DVR software have been resolved. While some customers do not wish to receive more emergency alerts, these alerts are triggered by the State police and are not within the discretion of the cable providers. He stated that there are universal complaints about the volume of commercials and this is how those commercials are delivered. Mr. Shaw stated that it is Cablevision's policy to have a technical call prior to arriving at a home for a service call. If there is no one present when they arrive, they are supposed to call again. This is the established company protocol and he will relay the experiences documented here tonight. He looks forward to continued negotiations with West Milford and throughout that process he expressed hope that many of the issues broached here tonight will be addressed. He urged customers to call to report problems and make programming suggestions. He stated that if West Milford opts for a dedicated channel, the Township would be responsible for scheduling and for overseeing the channel. The Township would assume ownership of a dedicated channel.

Councilman Weisbecker asked if Cablevision employees are subject to background checks. Mr. Shaw answered in the affirmative and advised that subcontractors are also subject to a full background check. He urged residents to ask for identification advising that all employees and subcontractors carry identification. The Mayor and Council thanked Mr. Shaw and Ms. Maguire for their work with the committee and for attending tonight's meeting to address resident's concerns.

Mr. Semrau of the firm Dorsey & Semrau assumed legal counsel's chair and Mayor Bieri asked Council to consider those agenda items that pertain to the library before proceeding further. The Council agreed.

**Unfinished Business, Final Passage of Ordinances**

The following items were moved to this portion of the meeting by Mayor Bieri with the consent of the Council: Resolution 2009-339, Ordinance 2009-024 and Resolution 2009-340.

Agenda No. IV 4

**~ Resolution No. 2009- 339~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND THE WEST MILFORD TOWNSHIP FREE PUBLIC LIBRARY**

**WHEREAS**, the West Milford Township Free Public Library seeks to acquire land known as 1470 Union Valley Road for the sole purpose of constructing a new library facility on said site; and

**WHEREAS**, the owner of said property and the Township have proposed a contract for the sale of the real property and agreement which is on file in the Township Clerk's office; and

**WHEREAS**, the purchase price of said property is \$500,000 and by law the premises must be in the name of the Township of West Milford; and

**WHEREAS**, the West Milford Free Public Library has demonstrated that they have sufficient resources available to fund this entire transaction on behalf of the residents of the Township of West Milford; and

**WHEREAS**, the Library will also fund the construction of a future home site of the West Milford Free Public Library on the property known as 1470 Union Valley Road and will need the Township's assistance and cooperation to facilitate this transaction; and

**WHEREAS**, the parties have proposed a Joint Agreement so that the funding, acquisition and development of a site for the future home of the West Milford Township Free Public Library shall be borne solely using West Milford Township Library funding and/or reserves; and

**WHEREAS**, as part of the Agreement, the Library will, upon completing the construction of its new site, vacate its rights and interests to its present location at 1490 Union Valley Road and such land and property shall be that of the sole right of the Township of West Milford; and

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

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**WHEREAS**, the Mayor and Council seek to facilitate the construction of a new Free Public Library for the residents of the Township provided all associated costs shall not result in any additional tax consequences to the taxpayers of West Milford.

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

1. The Mayor is hereby authorized to execute an Agreement between the Township of West Milford and the West Milford Township Free Public Library which specifies the responsibilities of the parties in connection with the acquisition, development and maintenance of the premises known as 1470 Union Valley Road, also known as Block 7903, Lot 13.
2. That all of the responsibilities of the Township of West Milford as set forth in the Agreement and any cost associated therein shall be reimbursed by the West Milford Township Free Public Library.
3. That a copy of the Agreement be recorded as a matter of public record with respect to the premises known as 1470 Union Valley Road.

Adopted: September 23, 2009

Discussion: Council President Smolinski asked if taxes on this property will be waived. Mayor Bieri replied that the property owner will continue to pay taxes until the closing.

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

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Agenda No. IV 5

~ Ordinance No. 2009- 024~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF THE PROPERTY DESIGNATED AS BLOCK 7903, LOT 13 IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

**WHEREAS**, Edna Finn has agreed to convey BLOCK 7903, LOT 13 to the Township for the use of the Board of Trustees of the West Milford Township Library as a site for the construction of a new public library in consideration of the payment of \$500,000; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for the above stated purpose.

**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:

**SECTION 1.** The Township of West Milford hereby authorizes the acquisition of BLOCK 7903, LOT 13 for the above mentioned purpose for the total sum of \$500,000, with said costs to be funded by the West Milford Township Library, County of Passaic, State of New Jersey.

**SECTION 2.** The said land to be conveyed to the Township of West Milford is described on Schedule A which is attached hereto and made a part hereof.

**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.

**SECTION 5.** 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 6.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 7.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED: September 9, 2009

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

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ADOPTED: September 23, 2009  
EFFECTIVE DATE: October 13, 2009

Mayor Bieri noted that this Ordinance was introduced on September 9, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Nolan to close this public portion of the meeting. Approved by unanimous roll call vote. Motion to adopt ordinance 2009-024

Discussion: Council President Smolinski asked what the next steps will be. Mayor Bieri advised that the Library Board has begun the process of meeting with Engineers and the Highlands Council. They will continue that process to obtain necessary permits.

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

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Agenda No. IV 6

~ Resolution No. 2009- 340~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT TO ACQUIRE REAL PROPERTY FROM EDNA FINN AS AMENDED**

**WHEREAS**, the Township Council of the Township of West Milford desires to acquire a certain tract of land from Edna Finn which is set forth in the contract attached hereto and made a part hereof, and which constitutes the entirety of Block 7903, Lot 13, on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey pursuant to N.J.S.A. 40A:12-1 et seq; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for the use of the Board of Trustees of the West Milford Township Library as a site for the construction of a new public library.

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

1. The Mayor and Township Clerk are hereby authorized and directed to sign the contract, to acquire Block 7903, Lot 13 on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey and as shown in the contract attached hereto and made a part hereof. The contract is contingent upon the Township Council approving, by Ordinance, the purchase of the property.
2. The Township Administrator and Township Attorney are hereby authorized to approve non-substantive changes to this contract without seeking Council approval for same.
3. This resolution shall take effect immediately.

Adopted: September 23, 2009

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

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Mayor Bieri commended the Council for their cooperation with this property acquisition and she thanked the members of the Library Board of Trustees for their hard work and dedication to this project.

Agenda No. III

**Proclamations**  
None.

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 1

~ Ordinance No. 2009-021 ~

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

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**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 90, BUILDINGS, NUMBERING OF, OF THE REVISED GENERAL ORDINANCES AS AMENDED TO EXTEND THE EFFECTIVE DATE TO 30 DAYS FROM ADOPTION**

**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 90, Buildings, Numbering Of, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§ 90-1. Adoption of House Numbering Map.**

The Tax Maps of the Township of West Milford shall serve as the House Numbering Maps, a copy of which are on file with the Township Engineer. These maps are hereby made part of this chapter and are hereby adopted and approved. The number shown thereon for each building and lot is hereby assigned to that building or lot.

**§ 90-2. Assignment of numbers; corrections.**

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

**§ 90-3. Display of numbers.**

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

**§ 90-4. Issuance of certificate of occupancy.**

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

**§ 90-5. Enforcement.**

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

**§ 90-6. Violations and penalties.**

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

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

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

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

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

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

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

INTRODUCED: August 26, 2009  
ADOPTED: September 23, 2009  
EFFECTIVE DATE: October 23, 2009

Mayor Bieri noted that this Ordinance was introduced on August 26, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

Motion to adopt and amend Ordinance 2009-021 with an effective date of 30 days from today.

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

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Agenda No. IV 2

~ Ordinance No. 2009- 022~

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

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

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

**§ 138-1 Purpose.**

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

**§ 138-2 Definitions.**

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

- A. Commercial Farm. The term "commercial farm" shall mean: a farm management unit of no less than five acres producing agricultural or horticultural products worth **\$2,500** or more annually, which has been devoted to such activities for at least two successive years and which, satisfies the criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L. 1964 c. 48 (C.54:4-23.1 et seq.).
- B. Fertilizer. The term "fertilizer" shall mean any fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- C. Impervious Surface. The term "impervious surface" shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
- D. Phosphorous Fertilizer. The term "phosphorous fertilizer" shall mean any fertilizer that contains phosphorous, expressed as P<sup>2</sup>O<sub>5</sub> with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials or woodashes that have been amended to increase their nutrient content.

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

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- E. Soils Test. The term "soil test" shall mean a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

**§ 138-3 Prohibited Conduct.**

- A. No person, firm, corporation, franchise or other entity shall do the following:
  - 1. Apply phosphorous fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation application issued by Rutgers Cooperative Research and Extension Service.
  - 2. Deposit leaves or other vegetative material on roads or within any lake or stormwater drainage system.
  - 3. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
  - 4. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
  - 5. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season (March 1 through November 15).
- B. Exceptions.
  - 1. Application of phosphorous fertilizer needed for the establishing of vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et. seq.
  - 2. Application of phosphorous fertilizer needed from the re-establishing or repair of a turf area.
  - 3. Application of phosphorous fertilizer that delivers liquid or granular fertilizer under the soil's surface, directly to the feeder roots.
  - 4. Application of phosphorous fertilizer to residential container plantings, flowerbeds, or vegetable gardens.
- C. Buffer Zone.
  - 1. Any fertilizer applications shall not be made within ten (10) feet of any wetland or body of water, lake, stream, pond, storm drainage system or watercourse.

**§ 138-4 Commercial Landscapers – Licensure Required.**

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

**§ 138-5 Commercial Fertilizer Application Licensure.**

- A. License Required. No person, firm, corporation or other entity shall engage in the business of fertilizer application within the Township unless a municipal license has been obtained from the West Milford Township Department of Health as provided herein.
- B. Licensing Procedure. Applications for a commercial fertilizer applicator license shall be submitted to the West Milford Township Department of Health. The application shall consist of the following:
  - 1. Identification. Name, address, telephone number of applicant and any individuals authorized to represent the applicant, and New Jersey commercial pesticide application license number (if licensed).
  - 2. Fertilizer Formula. A copy of the formula for fertilizer mixtures meeting the limitations of Section 138-2 D to be applied within the Township shall be submitted along with the initial application for a license, and, thereafter, at least thirty days before fertilizer composition changes are implemented.
  - 3. License Fee. The license fee for all commercial landscapers and/or fertilizer applicators shall be \$50.00 which shall be paid annually. The license shall be effective from January 1 until December 31 of the year in which the license was applied for. A separate copy of the license will be issued for each vehicle owned or used by the applicant for an additional fee of \$5.00 per additional vehicle. The license fee shall not be pro-rated.
- C. Conditions of License. Fertilizer application licenses shall be issued subject to the following conditions, which shall be specified on the license form.
  - 1. Random Sampling. Commercial fertilizer applicators shall permit the Township to sample any commercial fertilizer mixture to be applied within the Township at any time after issuance of the initial license. The licensee shall pay the cost of such sampling.

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- 2. Possession of License. The commercial fertilizer application license or a copy thereof shall be in the possession of any party employed by the fertilizer applicator when making fertilizer applications within the Township.
- D. Revocation or Suspension of License. All licenses issued under this section shall be deemed to be granted upon the express condition that, in addition to any other sanction or penalty, the Health Officer may:
  - 1. After due notice by personal service or certified mail and, after a due process hearing before the Township Administrator and Health Officer, suspend or revoke the license of any person for violating any provision of this section.
  - 2. Suspend temporarily, pending a hearing or notice thereof, any such license when deemed by the Health Officer to be immediately necessary to prevent emergent danger to the public welfare. Any such temporary suspension without a hearing shall be for a period not longer than twenty (20) days.

**§ 138-6 Exemptions.**

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

**§ 138-7 Penalty for Violation.**

Any person, firm, corporation or franchise violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine not to exceed \$2,000, imprisonment for a term not to exceed ninety (90) days or by a period of community service not to exceed ninety (90) days or by any combination thereof. Such penalties may be in addition to the revocation or suspension of the license, as provided in Section 138-5 D. Each incident or violation (as measured on a daily basis) shall be considered a separate offense. However, in the case of a violation that is issued to a property owner who is not required to obtain a commercial license, a written warning shall be issued for a first offense.

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

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

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

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

INTRODUCED: August 26, 2009  
ADOPTED: September 23, 2009  
EFFECTIVE DATE: October 13, 2009

Mayor Bieri noted that this Ordinance was introduced on August 26, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

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

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Agenda No. IV 3

~ Ordinance No. 2009- 023~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 2005-21 CODIFIED AS CHAPTER 305 IN THE TOWNSHIP**

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

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**CODE OF THE TOWNSHIP OF WEST MILFORD ESTABLISHING RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS LIVING WITHIN THE TOWNSHIP**

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED: August 26, 2009  
ADOPTED: September 23, 2009  
EFFECTIVE DATE: October 13, 2009

Mayor Bieri noted that this Ordinance was introduced on August 26, 2009 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only.

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

Discussion: Councilwoman Lichtenberg acknowledged that the Township Attorney, Mr. Semrau, outlined all the reasons the Council must take this action tonight. She has read Megan's Law and is saddened that it would appear that the courts place greater emphasis on privacy issues than on protection for children. While she respects the decisions of the courts, the legislature must act to amend Megan's Law to provide for residency limitations that would apply to every town. Mr. Semrau stated that the New Jersey League of Municipalities (NJLM) is actively seeking such changes and he will monitor the process and report back as soon as such changes are made. Councilman Jurkovic expressed appreciation for the concerns voiced by Mr. Semrau and for his sage advise to the Council. However, he will vote "no" to repealing this ordinance because we must take a stand to protect our children. He wants this legislation to remain in place until such time as the legislature makes the changes in the State statutes. Councilman Weisbecker asked Mr. Semrau to explain the potential impact of a "no" vote to the

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

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Township. Mr. Semrau stated that such a vote could subject the Township to claims for civil damages and violations of constitutional rights. He recommended that the Council vote to repeal this ordinance and he stated that the NJLM has made similar recommendations to all municipalities who have such ordinances on their books. Repealing this ordinance will not provide additional rights to violators. Councilman Jurkovic stated that he would rather see someone sue thereby subjecting themselves to a form of notoriety that would disclose that that person has violated the rights of children.

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

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Agenda No. V

**Public Comments**

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

Doris Aaronson, 19 Bearfort Road, West Milford asked Council to consider not having a dedicated channel but rather negotiating to have more West Milford related issues on the current public access channel. West Milford should have about 50% of exposure on that existing channel. She advised that West Milford Pharmacy will be offering flu shots which are free to medicare recipients. She urged residents to call for an appointment.

Andrew Gargano, Apschawa Crossroad, West Milford thanked the Governing Body for the momentus decision to acquire the Finn property for the library.

Mike Ramaglia, Bunker Hill Road, West Milford asked if an Economic Development Commission has been formed and if not, why not.

Jim Novack, Larchmont Drive, West Milford gave a thumbs up to Mayor Bieri for being instrumental in having signs removed from Union Valley Road for the 175<sup>th</sup> parade. He stated that he has heard a number of complaints about the parade not the least of which was that there was no free food as promised at the end of the route. What food was available was too expensive and at least the marchers should have been provided with some free sustenance. He said that taxpayers funded a dumpster for a private organization to get rid of garbage for an event that was comprised of for-profit vendors. The parade route should have ended at the Wallisch estate which is Township owned. He urged the Council to be more diligent in the future. He asked why five DPW workers installed benches at Walgreens which is privately owned.

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

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

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Agenda No. VI

**Council Comments**

Council President Smolinski asked for a future workshop discussion about an economic development commission and tourism. Mr. Boyle advised that this was discussed earlier in the year when he sought feedback from the community which clearly conveyed that there was no interest. Council President Smolinski asked that it be revisited.

Councilman Schimmenti asked if certified health care providers are giving the shots at West Milford Pharmacy to which Ms. Aaronson answered in the affirmative from the audience. Councilman Schimmenti stated that the benches at Walgreens were donated by the West Milford Rotary and he heard residents express appreciation for their existence along the parade route.

Councilman Weisbecker stated that the Presbyterrian Church was selling hot dogs and hamburgers at the parade and not a for-profit organization as was previously stated.

Councilwoman Lichtenberg stated that the benches were donated by the Rotary and they are accepting requests and plan to donate more.

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Councilman Weisbecker stated that the EDC's charter was eliminated in 2000 or 2001. Supports the concept of an EDC and looks forward to that workshop discussion.

Mayor Bieri stated that when she spoke with Gary Shaw of Cablevision she understood that if the Township were to have a dedicated 24-hour channel the Township would have to assume all related responsibility and cost. She would rather an option that provides equal and fair coverage. She thanked the Library Board and Council for their support of the Finn property acquisition.

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

Agenda No. VII 1

~ Ordinance No. 2009-025 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY VACATING A CERTAIN PORTION OF SHADY LANE**

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

**WHEREAS**, a request to vacate a certain portion of Shady Lane has been made with said portion being more fully described in the Metes & Bounds Description, attached hereto as **Exhibit A**; and

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

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

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

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

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

1. The public rights and interests in a certain portion of Shady Lane, as more fully described in **Exhibit A** referred to and attached herein is hereby vacated, abandoned and released.
2. By virtue of such release of such dedication, the land, as a matter of law, becomes the property of the respective contiguous land owners.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.
5. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the aforementioned Lot(s) and Block(s). This is the notice required by N.J.S.A. 40:67-19 and 40:49-6.
6. The Township Clerk shall within sixty (60) days after such ordinance becomes effective, file a copy of said ordinance together with a copy of proof of publication thereof with the Clerk of Passaic County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A.40:67-21.
7. As a condition of this vacation becoming effective, the owner of the underlying land as described herein shall first improve Shady Lane paving in accordance with Township standards between Belmont Drive and the beginning of the vacated portion" (approximately 200'). R.S.I.S. standards call for a minimum road width of 18' and paving of a 4" thick base course and an 1-1/2" thick surface course. This condition shall be deemed satisfied upon the approval of the Township Engineer or his/her designee; and

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

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

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

INTRODUCED: September 23, 2009

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for October 21, 2009 and it shall be advertised as required by law.

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

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Moved: Weisbecker Seconded: Lichtenberg  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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The following resolutions were moved as one 2009-341 and 2009-342.

Agenda No. VII 2

**~ Resolution No. 2009-341 ~**

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

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

LIEN CERTIFICATE NO.	SALE DATE	BLOCK/LOT	AMOUNT DUE ON CERTIFICATE
08-021	4-08-008	1807-006	\$526.75

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

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

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

Adopted: September 23, 2009

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Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 3

**~ Resolution No. 2009-342 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,**



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

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Adopted: September 9, 2009

Agenda No. VII 5

**~ Resolution No. 2009-344 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PURCHASE OF ONE 2010 FORD F450 DIESEL, TYPE I, CLASS II, 4X4 AMBULANCE OR EQUAL**

**WHEREAS**, the Township Council has received a tabulation of bids received for the following:

Subject of Bid: One 2010 Ford F450 Diesel, Type I, Class II, 4x4 Ambulance Or Equal  
Bid Date Received: August 28, 2009

**WHEREAS**, the Township Council has determined, based on a request from the Police Department, not to trade in the 2002 E350 Ford Braun Chief Ambulance, which was an option on the bid specifications.

**WHEREAS**, two bids were received as follows:

Ambulance Network	\$197,131.00
P.L. Custom Body & Equipment Co. Inc.	\$197,110.00

**WHEREAS**, the Township Council has also received a recommendation from the West Milford First Aid Squad concerning the bids received; and

**WHEREAS**, the West Milford First Aid Squad's rig committee, having reviewed the bids, advised that Ambulance Network submitted a bid containing 23 exceptions to the specification and failed to comply with instructions as to required format and content of the bid proposal; and

**WHEREAS**, the West Milford First Aid Squad's rig committee, has recommended that this bid be awarded to P.L. Custom Body & Equipment Co. Inc., 2201 Atlantic Avenue, Manasquan, NJ 08736, the lowest responsible, responsive, bidder, in an amount not to exceed \$197,110; and

**WHEREAS**, the Township Treasurer has certified that funds are available for the proposed expenditure from the following accounts: C-04-08-940-260 and C-04-09-940-260.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that a contract is hereby awarded to P.L. Custom Body & Equipment Co. Inc. in accordance with specifications and bid received and on file in the Office of the Township Clerk.

**BE IT FURTHER RESOLVED** that the Township shall take possession of the 2002 E350 Ford Braun Chief Ambulance from the First Aid Squad when they receive the new ambulance and said E350 vehicle shall be utilized by the police department.

Adopted: September 23, 2009

Agenda No. VII 6

**~ Resolution No. 2009-345 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ICE CONTROL AGGREGATES THROUGH NORTH CHURCH GRAVEL, INC.**

**WHEREAS**, the Township of West Milford solicited bids on August 28, 2009 for Ice Control Aggregates; and

**WHEREAS**, in response to the "Notice to Bidders" advertised and sent to ten prospective bidders and bid service companies the Township received three (3) bids; and

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

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to North Church Gravel, Inc., 216 North Church Rd., Franklin, NJ 07416; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 9-01-26-294-348; and

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**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to North Church Gravel, Inc.

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

1. The Township Council hereby awards a contract North Church Gravel, Inc. for Ice Control Aggregates in an amount not to exceed \$150,195.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with North Church Gravel, Inc. in accordance with its bid for Ice Control Aggregates.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: September 23, 2009

Agenda No. VII 7

~ Resolution No. 2009-346 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSIAC, STAT OF NEW JERSEY AUTHORIZING THE PURCHASE OF ROCK SALT THROUGH CARGILL, INC. – DEICING TECHNOLOGY**

**WHEREAS**, the Township of West Milford solicited bids on August 28, 2009 for Rock Salt; and

**WHEREAS**, in response to the "Notice to Bidders" advertised and sent to eleven prospective bidders and bid service companies the Township received three (3) bids; and

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

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Cargill, Inc. – Deicing Technology, 24950 Country Club Blvd., Suite 450, North Olmsted, Ohio 44070; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 9-01-26-294-363; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Cargill, Inc. – Deicing Technology for Rock Salt.

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

1. The Township Council hereby awards a contract to Cargill, Inc. – Deicing Technology for Rock Salt in an amount not to exceed \$556,750.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Cargill, Inc. – Deicing Technology in accordance with its bid for Rock Salt.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: September 23, 2009

**Consent Agenda**

Agenda No. VIII

~ Resolution No. 2009-347 ~

**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:

- a. **Resolution 2009-348** – Cancel Check

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- b. Resolution 2009-349 - Cancel Taxes
c. Resolution 2009-350 - Refund Overpayments
d. Resolution 2009-351 - Refund Tax Appeal Overpayments
e. Resolution 2009-352 - Refund Recreation Fees
f. Resolution 2009-353 - Refund Escrow Funds
g. Resolution 2009-354 - Refund Health Department Fee
h. Resolution 2009-355 - Refund Other Liens
i. Resolution 2009-356 - Reinstatement of Taxes

Applications:

- a. Application for Extension of Premises with Conditions - Valley View Pub for October 10, 2009
b. Application for Off Premise 50/50 Raffle License No. 2009-41 by West Milford High School PTSO for May 19, 2010.
c. Application for Off Premise 50/50 Raffle License No. 2009-42 by West Milford High School PTSO for December 10, 2009.

Adopted: September 23, 2009

Discussion: Councilman Nolan stated that resolution 2009-349 authorizes the cancellation of taxes equating to almost \$62,000. Most of the properties are owned by the Township. Mr. Semrau stated that these are probably foreclosures and Councilman Nolan asked Administrator Boyle to follow up with the CFO to determine if this has been accounted for in the budget. Councilman Nolan stated that resolution 2009-350 should not be part of a consent agenda and asked that in the future resolutions of this nature require a separate vote.

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

The following resolutions were included on the consent agenda.

Agenda No. VII a

~ Resolution 2009 - 348 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CHECK

WHEREAS, there appears on the tax records the check as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of this check due to reasons listed below.

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

REASON: 1. STALE DATE CHECK

Table with 4 columns: BLOCK/LOT, NAME, AMOUNT, YEAR. Row 1: 4107-4, Theodore Jenkins (Ck # 036503), \$2,966.08, 2008. Row 2: TOTAL, \$2,966.08.

Adopted: September 23, 2009

Agenda No. VIII b

~ Resolution No. 2009-349 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

**REASON: 1. TOWNSHIP OWNED PROPERTIES      2. 100% TOTALLY DISABLED VETERAN**

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
1502-3	Martin & JoAnn Perrone	\$7,647.93	2009 Full Year	2
1502-3	Martin & JoAnne Perrone	\$3,824.00	2010 1 <sup>st</sup> Half	2
4301-14	Araldo & Gemma Luccioni	\$8,161.59	2009 Full Year	2
4301-14	Araldo & Gemma Luccioni	\$4,080.00	2010 1 <sup>st</sup> Half	2
11102-2	Township of West Milford	\$3,480.25	2009 2 <sup>nd</sup> Half	1
11102-2	Township of West Milford	\$1,740.00	2010 1 <sup>st</sup> Half	1
8601-5	Township of West Milford	\$407.00	2009 2 <sup>nd</sup> Qtr.	1
8601-5	Township of West Milford	\$873.39	2009 2 <sup>nd</sup> Half	1
8601-5	Township of West Milford	\$844.00	2010 1st Half	1
8601-6	Township of West Milford	\$28.00	2009 2 <sup>nd</sup> Qtr.	1
8601-6	Township of West Milford	\$61.18	2009 2 <sup>nd</sup> Half	1
8601-6	Township of West Milford	\$58.00	2010 1 <sup>st</sup> Half	1
5301-34	Township of West Milford	\$107.07	2009 2 <sup>nd</sup> Half	1
5301-34	Township of West Milford	\$102.00	2010 1 <sup>st</sup> Half	1
5301-38	Township of West Milford	\$87.91	2009 2 <sup>nd</sup> Half	1
5301-38	Township of West Milford	\$84.00	2010 1 <sup>st</sup> Half	1
11601-7.03	Township of West Milford	\$943.30	2009 2 <sup>nd</sup> Half	1
11601-7.03	Township of West Milford	\$472.00	2010 1 <sup>st</sup> Half	1
811-2	Township of West Milford	\$380.84	2009 2 <sup>nd</sup> Half	1
811-2	Township of West Milford	\$190.00	2010 1 <sup>st</sup> Half	1
1608-5	Township of West Milford	\$216.78	2009 2 <sup>nd</sup> Half	1
1608-5	Township of West Milford	\$108.00	2010 First Half	1
1611-8	Township of West Milford	\$673.79	2009 2 <sup>nd</sup> Half	1
1611-8	Township of West Milford	\$336.00	2010 1 <sup>st</sup> Half	1
1701-63	Township of West Milford	\$410.13	2009 2 <sup>nd</sup> Half	1
1701-63	Township of West Milford	\$206.00	2010 1 <sup>st</sup> Half	1
10301-15	Township of West Milford	\$826.12	2009 2 <sup>nd</sup> Half	1
10301-15	Township of West Milford	\$414.00	2010 1 <sup>st</sup> Half	1
2012-12	Township of West Milford	\$1,324.13	2009 2 <sup>nd</sup> Half	1
2012-12	Township of West Milford	\$662.00	2010 1 <sup>st</sup> Half	1
3605-10	Township of West Milford	\$1,939.33	2009 2 <sup>nd</sup> Half	1
3605-10	Township of West Milford	\$970.00	2010 1 <sup>st</sup> Half	1
1605-1.03	Township of West Milford	\$2,331.88	2009 2 <sup>nd</sup> Half	1
1605-1.03	Township of West Milford	\$1,166.00	2010 1 <sup>st</sup> Half	1
1814-10	Township of West Milford	\$1,324.13	2009 2 <sup>nd</sup> Half	1
1814-10	Township of West Milford	\$662.00	2010 1 <sup>st</sup> Half	1
11601-8	Township of West Milford	\$749.95	2009 2 <sup>nd</sup> Half	1
11601-8	Township of West Milford	\$374.00	2010 1 <sup>st</sup> Half	1
407-4	Township of West Milford	\$2,085.80	2009 2 <sup>nd</sup> Half	1
407-4	Township of West Milford	\$1,042.00	2010 1 <sup>st</sup> Half	1
1808-11	Township of West Milford	\$1,611.23	2009 2 <sup>nd</sup> Half	1
1808-11	Township of West Milford	\$806.00	2010 1 <sup>st</sup> Half	1
2005-7	Township of West Milford	\$251.94	2009 2 <sup>nd</sup> Half	1
2005-7	Township of West Milford	\$126.00	2010 1 <sup>st</sup> Half	1
2101-4.03	Township of West Milford	\$2,449.06	2009 2 <sup>nd</sup> Half	1
2101-4.03	Township of West Milford	\$1,224.00	2010 1 <sup>st</sup> Half	1
3503-31	Township of West Milford	\$2,753.73	2009 2 <sup>nd</sup> Half	1
3503-31	Township of West Milford	\$1,376.00	2010 1 <sup>st</sup> Half	1
<b>TOTAL</b>		<b>\$61,992.46</b>		

Adopted: September 23, 2009

Agenda No. VIII c

~ Resolution No. 2009-350 ~

**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

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**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                | 5. Tax Appeal            |
| 2. Duplicate Payment                | 6. 100% Disabled Veteran |
| 3. Senior Citizen/Veteran Deduction | 7. Over-billed Account   |
| 4. Homestead Rebate                 |                          |

Block/Lot	Name	Amount	Year	Reason
505-17	Gustave & Edna Steinberg 15 Stuyvesant Oval New York, NY 10009	\$431.79	2009	1
1502-3	Martin & Joann Perrone 7 Alps Road Hewitt, NJ 07421	\$3,682.00	2009	6
2511-3	James & Linda LaPlaca 70 Plauderville Avenue Garfield, NJ 07026	\$89.95	2009	7
2701-18	Gary & Patricia Gallucci 8 Hilton Court Hewitt, NJ 07421	\$150.33	2009	7
5011-5	Plymouth Park Tax Service PPTS Lockbox Box 5822 New York, NY 10087-5822	\$2,340.68	2009	1
6701-7.10	Frank Fiesta P.O. Box 97 Scotch Plains, NJ 07076	\$300.00	2009	1
6701-7.11	Plymouth Park Tax Service PPTS Lockbox P.O. Box 5822 New York, NY 10087-5822	\$369.12	2009	1
9901-10	Apple Valley Estates 505 Knollwood Road Ridgewood, NJ 07450	\$2,284.81	2009	5
9901-11	Apple Valley Estates 505 Knollwood Road Ridgewood, NJ 07450	\$1,530.11	2009	5
9901-12	Apple Valley Estates 505 Knollwood Road Ridgewood, NJ 07450	\$6,609.82	2009	5
10204-8	Elizabeth Fretterd 1088 Macopin Road West Milford, NJ 07480	\$2,440.00	2009	2
11501-28	Lien Times, LLC Tom Scala 203 Stephens Road West Milford, NJ 07480	\$1,185.19	2009	1
11701-6.01	Robert & Kathleen Maconi 17 Lake Isle Drive West Milford, NJ 07480	\$211.55	2009	1
14402-2	Frederick Vlaminck 1117 Macopin Road West Milford, NJ 07480	\$3,298.00	2009	2
16305-1	Eunice Martin 4 Gold Lane Oak Ridge, NJ 07438	\$51.10	2009	1
16005-15	Lien Times, LLC Tom Scala 203 Stephens Road West Milford, NJ 07480	\$2,151.66	2009	2
4801-6	Scott & Eileen Frew	\$2,872.16	2009	2

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Block/Lot	Name	Amount	Year	Reason
	33 Skyview Road West Milford, NJ 07480			
	<b>TOTAL</b>	<b>\$29,998.27</b>		

Adopted: September 23, 2009

Agenda No. VIII d

~ Resolution No. 2009-351 ~

**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:

**REASON: Tax Appeals**

Block/Lot	Name	Amount	Year
<b>Sheet 1</b>			
402-14	White Mountain Realty Group 110 Stillwater Road Barnegat, NJ 08005	\$1,572.91	2009
3501-3	A & C, C/O Jack Levkovitz 750 Westbrook Road West Milford, NJ 07480	\$115.05	2009
10602-61	Richard Slifer 62 Schofield Road West Milford, NJ 07480	\$134.79	2009
<b>Sheet 2</b>			
102-20.01	Robert & Shannon Kidd 1935 Clinton Road Hewitt, NJ 07421	\$130.58	2009
6404-1.02	Mark Lindsay 5 Lakeside Road Hewitt, NJ 07421	\$606.71	2009
<b>Sheet 5</b>			
1101-16	Tregidgo Associates C/O Charles Tregidgo 12-68 4 <sup>th</sup> Street Fairlawn, NJ 07410	\$588.83	2009
<b>Sheet 6</b>			
11106-17	William Tierney 3 White Road Ringwood, NJ 07456	\$562.51	2009
<b>Sheet 7</b>			
5311-1.02	Irene Doherty 2 Richmond Road Suite 102 West Milford, NJ 07480	\$124.60	2009
5311-1.09	Charles & Arlene Bertram P.O. Box 281 Hewitt, NJ 07421	\$927.22	2009
5311-1.16	Lea Mueller 2 Richmond Road Ste 116 West Milford, NJ 07480	\$154.60	2009
5311-1.27	K. & Cary C, & Petro D. Garner 2 Richmond Road Ste 127 West Milford, NJ 07480	\$403.44	2009
5311-2.02	Helen Ullman 2 Richmond Road Ste 202 West Milford, NJ 07480	\$46.60	2009
5311-2.04	James & Pauline Fogerty	\$86.22	2009

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<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>
	2 Richmond Road Ste 204 West Milford, NJ 07480		
5311-2.09	James & John & Paris, Jeanna Schweppe 2 Richmond Road Ste 209 West Milford, NJ 07480	\$24.22	2009
5311-2.19	Robert Boltz 2 Richmond Road Ste 219 West Milford, NJ 07480	\$965.60	2009
5311-2.20	Florence & Richard Gomm 41 Castle Rd. Box 453 Hewitt, NJ 07421	\$1,027.60	2009
5311-2.27	Lucille Haskins 2 Richmond Road Ste 227 West Milford, NJ 07480	\$108.60	2009
5311-3.08	Albert & Katherine Visconti 2 Richmond Road Ste 308 West Milford, NJ 07480	\$154.60	2009
5311-3.17	Michael & Carol Bianco 2 Richmond Road Ste 317 West Milford, NJ 07480	\$149.22	2009
5312-1.04	Rosemary Cappola 4 Richmond Road Ste 104 West Milford, NJ 07480	\$149.22	2009
5312-1.05	Kathleen Heaney 4 Richmond Road Ste 105 West Milford, NJ 07480	\$136.60	2009
5312-1.10	Donald & Elsie Schweitzer 4 Richmond Road Ste 110 West Milford, NJ 07480	\$217.60	2009
5312-1.13	Heussinger, E-(Liss, Marion-Liferight 4 Richmond Road Ste 113 West Milford, NJ 07480	\$192.21	2009
5312-1.14	Joseph & Theresa Heisler 4 Richmond Road Ste 114 West Milford, NJ 07480	\$154.60	2009
5312-1.17	Francis Florenzie 4 Richmond Road Ste 117 West Milford, NJ 07480	\$43.44	2009
5312-1.18	Marie Caselnova 4 Richmond Road Ste 118 West Milford, NJ 07480	\$1,021.22	2009
5312-1.20	Donald & Eileen Schott 4 Richmond Road Ste 120 West Milford, NJ 07480	\$92.60	2009
5312-2.01	Orville Langan 4 Richmond Road Ste 201 West Milford, NJ 07480	\$342.60	2009
5312-2.02	Mary Konefal 4202 Richmond Road West Milford, NJ 07480	\$92.60	2009
5312-2.03	Jessie Ehrmann 4 Richmond Road Ste 203 West Milford, NJ 07480	\$86.22	2009
5312-2.04	Jack Bandazian 4 Richmond Road Ste 204 West Milford, NJ 07480	\$149.22	2009
5312-2.08	Olga Reyes 4 Richmond Road Ste 208 West Milford, NJ 07480	\$128.44	2009
5312-2.09	Christine Hilton 4 Richmond Road Ste 209 West Milford, NJ 07480	\$274.22	2009
<b>Sheet 8</b>			
5312-2.17	Helen Hunter 4 Richmond Road Ste 217 West Milford, NJ 07480	\$86.22	2009

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<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>
5312-2.18	Clara Vidale 4 Richmond Road Ste 218 West Milford, NJ 07480	\$149.22	2009
5312-3.04	Alice Boyajian 36 Faner Road Studio #224 Midland Park, NJ 07432	\$86.22	2009
5312-3.14	Leo & Helen Morabito 1201 Norfolk Road Apt. 3P Mahwah, NJ 07430	\$217.60	2009
5312-3.18	Bruce Mitchell & A. Zeline 4 Clayton Road Hewitt, NJ 07421	\$24.22	2009
5315-1.02	Nancy Weibel 7102 Richmond Road West Milford, NJ 07480	\$54.22	2009
5315-1.03	Rita Donnelly 7103 Richmond Road West Milford, NJ 07480	\$185.60	2009
5315-2.03	Madeline Bulgarini 7203 Richmond Road West Milford, NJ 07480	\$149.22	2009
5315-2.04	Joseph Corvelli & Deborah Shahin 7204 Richmond Road West Milford, NJ 07480	\$959.22	2009
5315-2.11	Frances Corallo 7211 Richmond Road West Milford, NJ 07480	\$24.22	2009
5315-2.20	W.J. Gaechter Trustee Gaechter Family 30 Ryerson Avenue Bloomingdale, NJ 07403	\$896.22	2009
5315-3.04	Jean Gregg 7304 Richmond Road West Milford, NJ 07480	\$149.22	2009
5315-3.05	Thomas & Marilyn Tracey 7305 Richmond Road West Milford, NJ 07480	\$202.79	2009
5315-3.12	Louise Simpson 7312 Richmond Road West Milford, NJ 07480	\$149.22	2009
5315-3.19	Eugene & Melina Battaglia 7319 Richmond Road West Milford, NJ 07480	\$24.22	2009
5315-3.22	Christine Rocco Gallagher 7322 Richmond Road West Milford, NJ 07480	\$24.22	2009
5315-3.24	Betty Lou Buechner 7324 Richmond Road West Milford, NJ 07480	\$896.22	2009
5315-4.04	Susan Van Wart 7404 Richmond Road West Milford, NJ 07480	\$24.22	2009
5315-4.10	Eleanor Dill 7410 Richmond Road West Milford, NJ 07480	\$3.44	2009
5315-4.14	Josephine & Pasquale Falzarano 7414 Richmond Road West Milford, NJ 07480	\$86.22	2009
5315-4.16	Jeffrey Peck 2 Colonial Oaks Drive Oak Ridge, NJ 07438	\$149.22	2009
5315-4.18	Ian Smith 7418 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-1.01	Howard & Margery Messler 9101 Richmond Road West Milford, NJ 07480	\$247.60	2009

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<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>
5316-1.02	Frances Marcellus 9102 Richmond Road West Milford, NJ 07480	\$314.44	2009
5316-1.08	Lillian Cangialosi 9108 Richmond Road West Milford, NJ 07480	\$86.22	2009
5316-1.10	Gloria Pskowski 9110 Richmond Road West Milford, NJ 07480	\$336.22	2009
5316-1.11	Arnold DeBlank 10 Broach Way Hillsboro, NJ 08844	\$927.22	2009
5316-1.12	Sandra Pinchefsky 9112 Richmond Road West Milford, NJ 07480	\$244.01	2009
<b>Sheet 9</b>			
5316-1.13	Philip P. Bendish Income Only Trust 9113 Richmond Road West Milford, NJ 07480	\$179.22	2009
5316-1.15	Irene Zeedyk 9115 Richmond Road West Milford, NJ 07480	\$116.22	2009
5316-1.19	Laura Babcock 9119 Richmond Road West Milford, NJ 07480	\$54.22	2009
5316-1.22	John J. Bilinski 9122 Richmond Road West Milford, NJ 07480	\$92.60	2009
5316-2.01	Anna E. Hanofee 9201 Richmond Road West Milford, NJ 07480	\$154.60	2009
5316-2.06	John & Patricia Nittolo 9206 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-2.07	Kathleen Catinia-Smith 9207 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-2.08	Donna Lavornia 9208 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-2.11	Theresa Carleo 9211 Richmond Road West Milford, NJ 07480	\$86.22	2009
5316-2.13	Lorraine Church 9213 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-2.15	Ralph & Irene Betancourt 9215 Richmond Road West Milford, NJ 07480	\$149.22	2009
5316-2.19	Ann L. Lake 9219 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-2.20	Marion Diamond 9220 Richmond Road West Milford, NJ 07480	\$154.60	2009
5316-2.22	Lois E. Stark 9222 Richmond Road West Milford, NJ 07480	\$279.60	2009
5316-3.01	Barry W. Muller 9301 Richmond Road West Milford, NJ 07480	\$92.60	2009
5316-3.02	Barbara Ostrowski 9302 Richmond Road West Milford, NJ 07480	\$92.60	2009
5316-3.03	Gregory Ziolo 9303 Richmond Road	\$947.89	2009

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	West Milford, NJ 07480		
5316-3.04	Doris E. Galvin 9304 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-3.05	Donna O'Connell 9305 Richmond Road West Milford, NJ 07480	\$42.98	2009
5316-3.08	Patrick & Susan Fitzsimons 9308 Richmond Road West Milford, NJ 07480	\$24.33	2009
5316-3.09	Joann Blanco 9309 Richmond Road West Milford, NJ 07480	\$274.22	2009
5316-3.10	Donald & Sarah Bautz 9310 Richmond Road West Milford, NJ 07480	\$217.60	2009
5316-3.13	Marilyn Meier 9313 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-3.15	Anthony & Eleanor Difidi 9315 Richmond Road West Milford, NJ 07480	\$24.22	2009
5316-3.17	Robert & Cecilia Ciocca 9317 Richmond Road West Milford, NJ 07480	\$226.83	2009
5316-3.18	John & Myrtle Delaat 9318 Richmond Road West Milford, NJ 07480	\$149.22	2009
5316-3.19	Doris M. Colborn 9319 Richmond Road West Milford, NJ 07480	\$149.22	2009
5317-1.01	Doris Dujardin 6101 Richmond Road West Milford, NJ 07480	\$185.60	2009
5317-1.04	Walter Beryl 6104 Richmond Road West Milford, NJ 07480	\$116.22	2009
5317-1.14	Donna Dolan 6114 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-1.15	Eleanor Saccente 6115 Richmond Road West Milford, NJ 07480	\$134.22	2009
<b>Sheet 10</b>			
5317-1.17	Carl & Heidi Vaccarella 6117 Richmond Road West Milford, NJ 07480	\$134.22	2009
5317-1.19	David & Myriam Thelemaque 6119 Richmond Road West Milford, NJ 07480	\$261.60	2009
5317-2.02	Ruth Vanderwal 6202 Richmond Road West Milford, NJ 07480	\$342.60	2009
5317-2.06	Raymond Farrell 6206 Richmond Road West Milford, NJ 07480	\$3.44	2009
5317-2.08	Audrey T. Logush 6208 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-2.09	Eloisa Capote 6209 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-2.10	Evelyn Moneuse 6210 Richmond Road West Milford, NJ 07480	\$217.60	2009
5317-2.20	Flora Spellman	\$149.22	2009

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	6220 Richmond Road West Milford, NJ 07480		
5317-2.21	J. Link & B. Margaret Lauder (Trust) 6221 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-2.22	The DWB 2005 Irrevocable Trust 637 Wyckoff Avenue #241 Wyckoff, NJ 07481	\$24.22	2009
5317-2.23	Charles & Katie Turner 6223 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-3.01	Geraldine McDonnell 6301 Richmond Road West Milford, NJ 07480	\$92.60	2009
5317-3.02	John Brodersen & Stephen Carlucci 6302 Richmond Road West Milford, NJ 07480	\$154.60	2009
5317-3.03	Juan Perez 6303 Richmond Road West Milford, NJ 07480	\$896.22	2009
5317-3.04	Anny Kloss 6304 Richmond Road West Milford, NJ 07480	\$24.22	2009
5317-3.05	Gloria Affel 6 Richmond Road Ste 305 West Milford, NJ 07480	\$24.22	2009
5317-3.07	Lucille Cattau 6307 Richmond Road West Milford, NJ 07480	\$24.22	2009
5317-3.08	Rosanne Chiappone 6308 Richmond Road West Milford, NJ 07480	\$24.22	2009
5317-3.09	Robert & Carol Vesota 118 Slawson Road Weston, VT 05161	\$959.22	2009
5317-3.16	Victor Del Rio 6316 Richmond Road West Milford, NJ 07480	\$314.44	2009
5317-3.20	John & Jane O'Shea 6320 Richmond Road West Milford, NJ 07480	\$86.22	2009
5317-3.22	David Tarlowe 6322 Richmond Road West Milford, NJ 07480	\$24.22	2009
5317-4.08	Lillian Pepe 6 Richmond Road Ste 408 West Milford, NJ 07480	\$404.60	2009
5317-4.09	Fernandez Purificacion 6409 Richmond Road West Milford, NJ 07480	\$149.22	2009
5317-4.12	Barbara Carcich 6412 Richmond Road West Milford, NJ 07480	\$92.60	2009
5504-1.09	Richard & Eugene Luccarelli 33 Lone Pine Lane West Milford, NJ 07480	\$896.22	2009
5504-2.04	Donald Kiernan 1204 Richmond Road West Milford, NJ 07480	\$86.22	2009
5504-2.06	Marilyn Dondero C/O Dorothy Van Dine 1206 Richmond Road West Milford, NJ 07480	\$92.60	2009
5504-2.09	Earl & Judith Moore 1209 Richmond Road West Milford, NJ 07480	\$149.22	2009

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5504-2.11	Diana, R. & Diana, M. & Diana, C C/O Diana O. 1211Richmond Road West Milford, NJ 07480	\$62.60	2009
<b>Sheet 11</b>			
5504-2.14	Teri Gallagher 1214 Richmond Road West Milford, NJ 07480	\$896.22	2009
5504-2.15	Elsie Powers 1215 Richmond Road West Milford, NJ 07480	\$3.44	2009
5504-3.09	Irma Kruse 1309 Richmond Road West Milford, NJ 07480	86.22	2009
5504-3.10	Mary Ruddy 1310 Richmond Road West Milford, NJ 07480	\$154.60	2009
5504-3.13	Marion Scavuzzo 1313 Richmond Road West Milford, NJ 07480	\$149.22	2009
5504-4.09	Patricia Bellarmino 1409 Richmond Road West Milford, NJ 07480	\$24.22	2009
5504-4.12	Grace Cobb 1412 Richmond Road West Milford, NJ 07480	\$154.60	2009
5505-1.03	Richard Navarro 5103 Richmond Road West Milford, NJ 07480	\$341.44	2009
5505-1.04	James & Lisa Grahame 25 Pond View Drive West Milford, NJ 07480	\$54.22	2009
5505-1.05	Mary Licitra 5105 Richmond Road West Milford, NJ 07480	\$927.22	2009
5505-1.08	S. Craper & J. & D.M. Chelstowski Trustee 5108 Richmond Road West Milford, NJ 07480	\$116.22	2009
5505-2.02	Charles & Dorothy Nakoniecz 5202 Richmond Road West Milford, NJ 07480	\$154.60	2009
5505-2.03	Irene Cipoletti Trustee 5203 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-2.05	Frances Haslbeck 5205 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-2.06	Caterina Vitiello 5206 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-2.07	Arthur & Marian Van Dolan 5207 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-2.08	Ettore & Assunta Siniscalchi 5208 Richmond Raod West Milford, NJ 07480	\$86.22	2009
5505-2.09	Thelma Kogan 5209 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-2.15	Florence Blanchfield 5215 Richmond Road West Milford, NJ 07480	\$896.22	2009
5505-2.16	Mary Ellen Jenkins 5216 Richmond Road West Milford, NJ 07480	\$314.44	2009
5505-2.18	Joseph & Rosalie Intrabartola	\$92.60	2009

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	5218 Richmond Road West Milford, NJ 07480		
5505-2.19	Ruth Hartshorn 5219 Richmond Road West Milford, NJ 07480	\$3.44	2009
5505-2.22	Anna Fili 5222 Richmond Road West Milford, NJ 07480	\$149.22	2009
5505-3.05	Hanisko & Noland Evelyn 5305 Richmond Road West Milford, NJ 07480	\$149.22	2009
5505-3.07	Mary Hamady 5307 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-3.09	Joseph & Mary Morris 5309 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-3.13	George & Joann Perillo 5313 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-3.16	Kamal Mansukhani 5316 Richmond Road West Milford, NJ 07480	\$154.60	2009
5505-3.17	Christine Furia 5317 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-3.18	Cornelia DeVries 5318 Richmond Road West Milford, NJ 07480	\$86.22	2009
5505-3.19	Carol Chesney 5319 Richmond Road West Milford, NJ 07480	\$24.22	2009
<b>Sheet 12</b>			
5505-3.23	Regina Riedel 8 Lozier Court West Milford, NJ 07480	\$965.60	2009
5505-3.24	Vincent & Jessie McCann 5324 Richmond Road West Milford, NJ 07480	\$965.60	2009
5505-4.07	Dorothy Mayo C/O G. Torsiello 2 Princess Lane Jefferson, NJ 07438	\$594.69	2009
5505-4.08	David & Dorothy Van Dyke 5408 Richmond Road West Milford, NJ 07480	\$154.60	2009
5505-4.09	Helen Haviland 5409 Richmond Road West Milford, NJ 07480	\$149.22	2009
5505-4.18	Louis & Joann Bolcato 760 Waterford Drive Apt. 303 Naples, FL 34113	\$24.22	2009
<b>Sheet 13</b>			
5311-1.03	Wayne Fontanazza & Linda Grinnik 2 Richmond Road Ste 103 West Milford, NJ 07480	\$287.67	2009
5311-1.06	Antoinette Anzalone 2 Richmond Road Ste 106 West Milford, NJ 07480	\$2.05	2009
5311-1.15	J. & S. Mc Evoy & G. & S Grasso C/O S. Mc Evoy 50 Northwood Drive West Milford, NJ 07480	\$184.79	2009
5311-1.20	Nordan & Donna Murphy 2 Richmond Road Ste 120 West Milford, NJ 07480	\$597.17	2009

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5311-1.28	C. Montesano & B. & G. Digiacinto 2 Richmond Road Ste 128 West Milford, NJ 07480	\$162.79	2009
5311-2.01	Edward & Clara Jozwiak 2 Richmond Road Ste 201 West Milford, NJ 07480	\$19.05	2009
5311-2.07	Paul & Georgina Westra 2 Richmond Road Ste 207 West Milford, NJ 07480	\$258.65	2009
5311-2.10	Neil Sinclair 40 Oakland Avenue Warwick, NY 10990	\$154.60	2009
5311-2.14	Eleanor Walsh 2 Richmond Road Ste 214 West Milford, NJ 07480	\$265.79	2009
5311-2.15	J. Plotts –Trustee of Income Trust 2 Richmond Road Ste 215 West Milford, NJ 07480	\$287.79	2009
5311-2.25	D. & L. & T. & G. Chichester C/O M. Chichester 2 Richmond Road Ste 225 West Milford, NJ 07480	\$64.05	2009
5311-2.26	Robert & Linda Toscano 2 Richmond Road Ste 226 West Milford, NJ 07480	\$146.65	2009
5311-3.01	Arthur & Jean Dempsey 8340 Luray Drive Port Richey, FL 34668	\$140.79	2009
5311-3.05	Elizabeth A. O'Neill 2 Richmond Road Ste 305 West Milford, NJ 07480	\$212.65	2009
5311-3.11	Peter & Katherine Falco 2 Richmond Road Ste 311 West Milford, NJ 07480	\$965.60	2009
5311-3.12	Harold & May Rose Blumberg 2312 Richmond Road West Milford, NJ 07480	\$203.67	2009
5311-3.13	Richard Grumbach & Angela Mancini 2 Richmond Road Ste 313 West Milford, NJ 07480	\$265.67	2009
5311-3.15	D. Gryzmolowicz L. Cannarella & D. Stanton 2 Richmond Road Ste 315 West Milford, NJ 07480	\$154.60	2009
5311-3.16	Ruth Wiedmann McCrystal 2 Richmond Road Unit 316 West Milford, NJ 07480	\$140.79	2009
5311-3.21	Ross Bertrand & Kim Young 2 Richmond Road Ste 321 West Milford, NJ 07480	\$202.79	2009
5311-3.22	Joseph & Elizabeth Degange 2 Richmond Road Ste 322 West Milford, NJ 07480	\$162.79	2009
5312-1.02	Marjorie G. Wilbur 4102 Richmond Road West Milford, NJ 07480	\$92.60	2009
5312-1.09	L. & J. Plombino & Camille Cerria 89 Old Oak Road Warwick, NY 10990	\$54.05	2009
5312-2.16	Robert & Janet Normandia 4 Richmond Road Ste 216 West Milford, NJ 07480	\$124.60	2009
5312-3.10	Mary & Orlando Renna 4 Richmond Road Ste 310 West Milford, NJ 07480	\$92.60	2009
5312-3.16	Catherine Cerbasi	\$92.60	2009

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	4 Richmond Road Ste 316 West Milford, NJ 07480		
<b>Sheet 14</b>			
5314-4.02	Barbara Marshall 42 Lafayette Street West Milford, NJ 07480	\$252.62	2009
5315-1.04	Nicholas & Naomi Jean Rizzi 7104 Richmond Road West Milford, NJ 07480	\$66.06	2009
5315-1.05	Agnes Fino & Gloria Scherer 7105 Richmond Road West Milford, NJ 07480	\$157.05	2009
5315-1.06	Agostino & Georgette Aufiero 7106 Richmond Road West Milford, NJ 07480	\$91.67	2009
5315-1.09	Barbara Jae 7109 Richmond Road West Milford, NJ 07480	\$60.60	2009
5315-1.10	Thomas & Mary Ann Terracino 7110 Richmond Road West Milford, NJ 07480	\$175.79	2009
5315-2.05	Mary Patricia Schwarz 7205 Richmond Road West Milford, NJ 07480	\$92.60	2009
5315-2.06	Susan Walenta Hunt 7206 Richmond Road West Milford, NJ 07480	\$92.60	2009
5315-2.07	Jean Bachmann 7207 Richmond Road West Milford, NJ 07480	\$687.79	2009
5315-2.12	D. Hinkle, A Long, G. Long, B. Dreyfus 7212 Richmond Road West Milford, NJ 07480	\$202.79	2009
5315-2.15	Wendel & Joan Pfefferkhorn 7215 Richmond Road West Milford, NJ 07480	\$24.68	2009
5315-2.18	Eleanor & Darius Mooney 7218 Richmond Road West Milford, NJ 07480	\$154.60	2009
5315-2.19	Pauline Hawkins 7219 Richmond Road West Milford, NJ 07480	\$217.65	2009
5315-2.21	Ruth L. Earl 7221 Richmond Road West Milford, NJ 07480	\$140.67	2009
5315-2.25	Moira Ingram 7225 Richmond Road West Milford, NJ 07480	\$166.79	2009
05315-2.26	Judith A. Lain 7226 Richmond Road West Milford, NJ 07480	\$92.60	2009
5315-3.06	Barbara Elmers 7306 Richmond Road West Milford, NJ 07480	\$154.60	2009
5315-3.07	Shirley Archer 7307 Richmond Road West Milford, NJ 07480	\$749.79	2009
5315-3.08	William Chapman 7308 Richmond Road West Milford, NJ 07480	\$279.60	2009
5315-3.09	B. Martinque, D. Capaci, & R. Boehm 7309 Richmond Road West Milford, NJ 07480	\$92.60	2009
5315-3.11	Margot & Gerhard Meudt 7311 Richmond Road West Milford, NJ 07480	\$2.05	2009

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5315-3.15	Catherine Mulligan 7315 Richmond Road West Milford, NJ 07480	\$24.68	2009
5315-3.18	Evalyn Novotny 7318 Richmond Road West Milford, NJ 07480	\$154.60	2009
5315-3.23	Bruce & Marion Dixson 7323 Richmond Road West Milford, NJ 07480	\$182.67	2009
5315-3.25	Margaret Conway 7325 Richmond Road West Milford, NJ 07480	\$965.60	2009
5315-3.26	Elizabeth Marshall 7326 Richmond Road West Milford, NJ 07480	\$965.60	2009
5315-4.01	Gunther Hofmann 7401 Richmond Road West Milford, NJ 07480	\$140.79	2009
5315-4.05	Helen Maier 7405 Richmond Road West Milford, NJ 07480	\$140.79	2009
5315-4.06	R Cone & E. Makulinski P.O. Box 2382 Wayne, NJ 07474	\$965.60	2009
<b>Sheet 15</b>			
5315-4.08	Anne Militari 7408 Richmond Road West Milford, NJ 07480	\$92.60	2009
05315-4.09	Francis & Edward Purtill 7409 Richmond Road West Milford, NJ 07480	\$24.68	2009
5315-4.12	Lawrence Biss 7412 Richmond Road West Milford, NJ 07480	\$154.60	2009
5315-4.15	Ruth Kocher 7415 Richmond Road West Milford, NJ 07480	\$2.05	2009
5315-4.17	Rosemary Gerson 7417 Richmond Road West Milford, NJ 07480	\$119.67	2009
5315-4.19	Clarence LaSalandra 7419 Richmond Road West Milford, NJ 07480	\$154.60	2009
5315-4.21	Arthur & Josephine Battaglia 7421 Richmond Road West Milford, NJ 07480	\$265.79	2009
5315-4.22	Edmund & Claire Naumann 7422 Richmond Road West Milford, NJ 07480	\$202.79	2009
5315-4.23	Joan Amlung 7423 Richmond Road West Milford, NJ 07480	\$202.79	2009
5315-4.24	Florence & Theodore Harris 1 Brendenwood Drive Apt. 281 Voorhees, NJ 08043	\$202.79	2009
5316-1.03	Gail Custer 9103 Richmond Road West Milford, NJ 07480	\$140.67	2009
5316-1.07	Forrest & Rosalyn DeHoff 559 Bedford Road Tarrytown, NY 10591	\$19.05	2009
5316-1.17	Dorothy Rilliet 9117 Richmond Road West Milford, NJ 07480	\$1,265.15	2009
5316-1.18	Edmond & Susan Nolan 9118 Richmond Road	\$203.67	2009

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	West Milford, NJ 07480		
5316-1.23	Gertrude & Joseph Russo 9123 Richmond Road West Milford, NJ 07480	\$166.79	2009
5316-1.25	Antonio & Sandra Torre 9125 Richmond Road West Milford, NJ 07480	\$166.79	2009
5316-2.02	Arnold & Phyllis Steinberg 9202 Richmond Road West Milford, NJ 07480	\$92.60	2009
5316-2.17	Laura Rivela 872 Warwick Turnpike Hewitt, NJ 07421	\$965.60	2009
5316-2.21	Kingsley & Edith White 9221 Richmond Road West Milford, NJ 07480	\$140.79	2009
5316-2.25	Charles & Rosemary McCormick 9225 Richmond Road West Milford, NJ 07480	\$140.79	2009
5316-3.20	Donald & Sadako Tompkins 9320 Richmond Road West Milford, NJ 07480	\$127.05	2009
5316-3.21	Joseph P. Cancro 9321 Richmond Road West Milford, NJ 07480	\$140.79	2009
5316-3.23	Josephine Abramowitz 9323 Richmond Road West Milford, NJ 07480	\$140.79	2009
5316-3.26	Rosemarie Cone P.O. Box 2382 Wayne, NJ 07474	\$140.79	2009
5317-1.08	M. Kenny & A. Whritenour-Kenny 6-13 Conger Place Fair Lawn, NJ 07410	\$166.79	2009
<b>Sheet 16</b>			
5317-2.12	Lillian McGovern 6212 Richmond Road West Milford, NJ 07480	\$140.79	2009
5317-2.14	Robert & Joseph Norton 6214 Richmond Road West Milford, NJ 07480	\$140.79	2009
5317-2.25	Beverly Riderstoff 6225 Richmond Road West Milford, NJ 07480	\$92.60	2009
5317-2.26	Margaret Knorr 6226 Richmond Road West Milford, NJ 07480	\$965.60	2009
5317-3.11	Audrey Keady 6311 Richmond Road West Milford, NJ 07480	\$140.79	2009
5317-3.17	Theodore Berg 6317 Richmond Road West Milford, NJ 07480	\$24.68	2009
05317-3.18	Jay Asper P.O. Box 64 Digman's Ferry PA 18328	\$92.60	2009
5317-4.01	Patricia Braddock 52 Waters Edge Drive Little Egg Harbor, NJ 08087	\$226.60	2009
05317-4.06	Concetta & Epaulda Talucci 6404 Richmond Road West Milford, NJ 07480	\$2.05	2009
5317-4.11	J. Nelson, D. Leskanic & J. Mcallister 6411 Richmond Road West Milford, NJ 07480	\$149.68	2009
5318-12.01	Elliott Case & Judith Kammerer	\$276.34	2009

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	121 Richmond Road West Milford, NJ 07480		
5319-14.01	Michael J. Ducey 141 Richmond Road West Milford, NJ 07180	\$336.17	2009
5320-16.04	Lois Valle 164 Richmond Road West Milford, NJ 07480	\$391.56	2009
5321-13.01	Margaret Browne 131 Richmond Road West Milford, NJ 07480	\$336.17	2009
5504-1.03	Dorothea Talucci 1103 Richmond Road West Milford, NJ 07480	\$244.67	2009
5504-1.11	Eugene Lefferts 1111 Richmond Raod West Milford, NJ 07480	\$265.79	2009
5504-1.13	Betty Weisblum 1113 Richmond Raod West Milford, NJ 07480	\$202.79	2009
<b>Sheet 17</b>			
5504-3.01	Paul & Carolyn Peterson 1301 Richmond Road West Milford, NJ 07480	\$452.79	2009
5504-4.01	John & Rose Flintrop 1401 Richmond Road West Milford, NJ 07480	\$119.67	2009
5504-4.02	Elizabeth Ann Tragno 1402 Richmond Road West Milford, NJ 07480	\$202.79	2009
5504-4.03	Martha & John Shirlaw 1403 Richmond Road West Milford, NJ 07480	\$182.67	2009
5504-4.13	Gerald & Donna Benovitz 1413 Richmond Road West Milford, NJ 07480	\$127.05	2009
5505-1.01	Gloria Rickert 5101 Richmond Road West Milford, NJ 07480	\$995.60	2009
5505-1.06	William & Shanley Wenzel 5106 Richmond Road West Milford, NJ 07480	\$228.79	2009
5505-1.09	Robert & Phyllis Fortunato (Trustee) 5109 Richmond Road West Milford, NJ 07480	\$19.05	2009
5505-2.25	Isobell Fatcher P.O. Box 1068 Pocono Pines, PA 18350	\$92.60	2009
5505-3.01	Agnes Hart 5301 Richmond Road West Milford, NJ 07480	\$217.60	2009
5505-3.02	Ronald & Carol Machuga 5302 Richmond Road West Milford, NJ 07480	\$92.60	2009
5505-3.22	Mildred & Donald Post 23 Louis Circle Drums, PA 18222	\$182.67	2009
5505-4.01	Harold & Doris Markman 5401 Richmond Road West Milford, NJ 07480	\$140.79	2009
5505-4.03	Norbert McDermott 5403 Richmond Road West Milford, NJ 07480	\$31.79	2009
<b>Sheet 18</b>			
5317-2.13	Christopher Richards 6231 Richmond Road	\$146.65	2009

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Block/Lot	Name	Amount	Year
	West Milford, NJ 07480		
5505-3.04	Amster & Rosensweig Trust Account 33 Harrison Avenue P.O. Box 1 Waldwick, NJ 07463	\$119.68	2009
5902-1	Christopher & Kristen Warfield 196 Mountain Circle West West Milford, NJ 07480	\$307.85	2009
5902-1	Michael Piasecki 31 Gwyneth Road West Milford, NJ 07480	\$275.13	2009
	<b>TOTAL</b>	<b>\$62,808.08</b>	

Adopted: September 23, 2009

Agenda No. VIII e

**~ Resolution No. 2009-352 ~**

**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
Mitch Williams - Day Camp, Session 3	\$215.00	Ana Williams 22 Terrace Road West Milford, NJ 07480
Thomas Kilroy – Day Camp Meal Plan	\$38.50	Constance Kilroy 29 Orleans Lane West Milford, NJ 07480

Adopted: September 23, 2009

Agenda No. VIII f

**~ Resolution No. 2009-353 ~**

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

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

Name & Address	Application No.	Amount of Escrow	Amount Refunded
Claudine Chiaromonte & Karen Kemp 22 Seymour Drive West Milford, NJ 07480	0930-0824	\$750.00	\$151.08

Adopted: September 23, 2009

Agenda No. VIII g

**~ Resolution No. 2009-354 ~**

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

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township Health Department REHS, the following Licensing fee be refunded:

Name & Address	License No.	Amount Refunded
High Crest Lake Lodge Inc. P.O. Box 210 Butler, NJ 07405	2008-14 Voided \$150.00 2009-107 \$ 40.00	\$110.00

Adopted: September 23, 2009

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Agenda No. VIII h

**~ Resolution No. 2009-355 ~**

**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
98-160	04/09/1998	16908-003	\$2,013.01	JOHN DI TOSTO 30 KENNEBEC STREET CLIFTON, NJ 07013
07-078	04/03/2007	14113-013	\$25,288.60	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
07-079	04/03/2007	16005-015	\$28,628.03	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
08-112	04/08/2008	15508-010	\$3,283.75	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621
09-016	03/25/2009	01612-005	\$20,142.71	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TLSE 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
09-021	03/25/2009	02018-001	\$16,733.51	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TLSE 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
09-074	03/25/2009	06714-007	\$947.27	33 SOMERSET ST. LLC 7 RIVEREDGE DRIVE FAIRFIELD, NJ 07004
			<b>\$97,036.88</b>	

Adopted: September 23, 2009

Agenda No. VIII I

**~ Resolution No. 2009-356 ~**

**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
611-1	S. Stracci	\$ 6.00	2009
4701-31	W. Neill	\$ 2,484.00	2009
8603-8	K. & J. Swajger	\$ 3,273.00	2009
7206-10	J. & R. Pugliese	\$ 2,320.00	2009
3011-2	M. Shenkman	\$ 1,228.00	2009
10803-7	R. Cheeseman	\$ 1,419.00	2009

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706-3	Barnett, Barnett, Roman, Harder	\$ ,447.53	2009
15701-37	Paradise Space Center	\$ 22,915.00	2009
7701-20.02	T. & J. Metcalf	\$ 4,808.00	2009
7701-20.02 Qfarm	T. & J. Metcalf	\$ 16.00	2009
8706-4	J. & L. Gleeson	\$ 2,418.24	2009
12311-013	K. Bale	\$ 1,492.00	2009
<b>TOTAL</b>		<b>\$ 43,826.77</b>	

Adopted: September 23, 2009

**Approval of Expenditures**

Agenda No. IX

~ Resolution No. 2009-357 ~

**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. . . . .	\$527,456.11
2	Reserve Account . . . . .	237.30
3	Animal Control Trust	2,254.00
6	Capital. . . . .	586,169.82
7	Grants. . . . .	2,879.63
8	Refuse. . . . .	203,099.55
9	Refunds. . . . .	190,096.73
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	387.50
17	Trust . . . . .	7,462.84
18	Development Escrow. . . . .	2,890.84
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$1,522,934.32
\$Less Refund Resolution		-190,096.73
<b>Actual Bill List</b>		<b>\$1,332,837.59</b>
Other Payments		0.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$1,332,837.59</b>

Approved: September 23, 2009

Discussion: Councilman Nolan asked Mr. Boyle if the Township ever received an invoice from the consultant hired to work on the defeated school budget in April. Mr. Boyle replied in the negative saying that the Council asked for a detailed invoice and such has not been received. Councilman Nolan stated that there is an \$11,000 payment to Labor Counsel on this bill list and he expressed concern about the amount of time being devoted to police department issues. Mr. Boyle stated that these costs are related to continuous filing of grievances. Councilman Nolan stated that, in his five years on Council, he has never seen the bills escalate like this. He asked why there are so many issues in the police department and what can be done to control these costs. Council President Smolinski stated that these labor costs are out of control.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Abstain: Councilman Nolan abstained from the Valley Health invoices only.  
Abstain: Councilman Jurkovic abstained from payments to Mr. Glatt only.  
Motion carried.

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Agenda No. X

**Reports of Administrator, Mayor and Council Members**

Councilman Nolan stated that Martin O'Shea filed a motion to enforce litigants rights and the result of his filing reminds him of the age-old advice, be careful what you wish for .... Knowing that Councilman Jurkovic has more to say on this matter, he will defer to him on that subject. He noted that the Council was copied on a letter to Mr. Patire who owns West Milford Lake. The letter refers to the potential of an assessment program to fund the repair of the dam and he asked why the Township would become involved in assessing residents to assist Mr. Patire. Mr. Boyle stated that he attended a meeting with Mr. Patire wherein the Township agreed to look at whether or not there are residents who would form an association for that lake. Mr. Semrau stated that the Township agreed not to get involved in acquiring this property. At one time, the DEP indicated that if the Township owned the property the State would fund the dam decommissioning. They have since reversed that decision. The Council discussed this matter in executive session and a subsequent meeting was held with Mr. Patire to ensure that the Township has reviewed all options and exhausted all means to benefit the residents of West Milford. The Administrator agreed to review a possible assessment program so that Mr. Patire could fully understand the scope of his obligation. At the meeting it appeared that Mr. Patire still believes there is potential at this site for mitigation projects and the Township advised him that he would be responsible for all related work. Councilman Nolan stated that the Council was copied on an email about potentially closing Farrell Field this weekend to accommodate the air show at the airport and he asked for an explanation. Mr. Boyle advised that such measures would be taken for safety reasons. Chief Costello has agreed with this course of action. Councilman Nolan stated that while reviewing the Chief's quarterly report he noticed a reference to an outside prefabricated shelter to store communications equipment. He stated that the communications project never included such a structure but rather all the components were supposed to be housed in this building. He asked when this and related funding was approved by Council. Mr. Boyle advised that this has not occurred as yet. He stated that the ordinance to fund the communications project allows for such discretion and the shelter is necessary to locate the equipment. Councilman Nolan recalled that a consultant was hired for this project and this outside shelter was never approved. Councilman Weisbecker agreed and stated that this project was discussed at length and a shelter was never discussed. He stated that the renovation was slated to include all necessary storage and no additional funds were to be spent without Council approval. He stated that he does not agree with this storage shed and the failure to report to Council. Mayor Bieri stated that she has been seeking additional information about this structure. Councilman Weisbecker stated that this would indicate that the consultant was not diligent in his duties.

Councilwoman Lichtenberg stated that the Autumn Lights Festival will be held on October 10<sup>th</sup>. She gave a thumbs up to Alison Cosgrove and Samantha Williams for their work on the equine therapy program. She asked the newspapers to provide information on the house numbering ordinance for local residents and advised that she is available at Town Hall every Thursday from 10 a.m. to noon.

Councilman Jurkovic stated that he cannot agree more with statements made earlier by Andy Gargano about transparency in government. By the same token, the public's right to access must be balanced by government's ability to produce. There have been a number of laws on this matter that have been challenged over the years. Since 2004, West Milford has been stigmatized as a Township that does not support transparency in government and he has never believed that to be true. In 2004, a court order was issued that set certain time parameters for production of minutes. The production of minutes involves a number of steps. For example, it is likely that the Council will be here until 2 a.m. this morning. Staff reports to work in the morning and begins the task of following up on the events of the meeting and the process to produce minutes. A strict time frame for such matters is not always reasonable and because of the court order West Milford was stigmatized and we have been operating under this perception for five years. He commended Mr. Semrau for his recent court victory brought to bear by Martin O'Shea. Judge Brogan rescinded the 2004 order which allows West Milford to operate as every other town does. The Judge noted the efforts the town goes through to get information to the public in as timely a fashion possible. Mr. O'Shea complained despite the fact that draft minutes were available and a recording of the meeting immediately available. That was not good enough for Mr. O'Shea. West Milford, he said, supports transparency in government and is aware of the practical issues that are part of the process.

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Councilman Weisbecker stated that he had a great time at the 175<sup>th</sup> anniversary parade and he commended the committee for all their hard work. He asked Mr. Boyle to have the exit sign in the Council chambers repaired.

Council President Smolinski stated that he was very impressed with the West Milford Highlander and Macopin School bands at the parade and he echoed Councilman Weisbecker's kudos to the 175<sup>th</sup> anniversary committee. The floats were fantastic, Evergreen Farms donated their facility for the picnic and the Presbyterian Church provided the foot. He advised that in response to Council queries, he has learned that the cost for garbage collection for churches is approximately \$5,000 which is a minimal impact based on the cost of the entire contract. He asked the Township Administrator to ensure that the Environmental Commission is apprised of any issues involving water and/or the environment.

Mayor Bieri stated that Martin O'Shea always appears to publish his victories but consistently fails to do likewise when he loses. Judge Brogan opined that he sees no court or law that requires that minutes be produced as ordered by Judge Passero and he commended the Township on having recordings immediately available. She thanked the staff in various departments for their professional and timely response to the water outage at Bald Eagle Commons.

Administrator Boyle stated that the Health Department has received an \$80,000 grant for H1N1 flu vaccinations and he commended the Health Officer, Bill Wallace, for his work on this grant. He stated that the architect for the Johner Building has submitted a proposal of \$2,250 to draft the bid specifications. He will be presenting Council with a resolution to authorize this agreement. He will also be seeking Council approval to purchase a chipper under state contract. He asked for and received Council consensus to continue to include churches in the garbage collection contract. He advised that the Health Department has reviewed all Mr. Lanza's applications. He commended the police department for two significant drug arrests in the past two weeks and advised that Chief Costello will be attending the October 7<sup>th</sup> meeting to discuss continuing with the MICCOM contract for emergency dispatch calls. Councilman Nolan expressed concern that the Council is not receiving copies of press releases until after the news is in the papers.

Attorney Semrau advised that he has drafted a resolution opposing the open space ballot question. The Council gave directions for a number of elected and appointed officials throughout the State to be copied on the resolution. Councilman Jurkovic commended Mr. Semrau for drafting a quality resolution expressing the will of the Council.

**~ Resolution No. 2009-359 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING THE BOND REFERENDUM OF THE STATE OF NEW JERSEY "GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009" IN THE AMOUNT OF \$400,000,000 FOR GREEN ACRES FUNDING UNTIL SPECIFIC STANDARDS FOR THE SPENDING OF SUCH FUNDS ARE ESTABLISHED**

**WHEREAS**, the Township of West Milford, one of the largest land size municipalities in the State, which is over 80 square miles in size, contains over 50% of lands which are owned by the State of New Jersey or by the Newark Watershed; and

**WHEREAS**, the Township of West Milford is located in the Highlands Preservation Area, which calls for the most stringent development rules and regulations in the State of New Jersey; and

**WHEREAS**, the State of New Jersey seeks to issue a bond in the amount of \$400,000,000 to provide for the acquisition of lands for open space recreation and lands that protect water supplies; and

**WHEREAS**, the Township of West Milford recognizes the value of open space and supports the theory of open space acquisition; and

**WHEREAS**, in the past there have been significant acquisitions of land made with such Green Acres funds which have had an adverse, financial impact on the Township of West Milford; and

**WHEREAS**, the Newark Watershed, which consists of approximately 30 square miles within the Township, has been the subject of significant Green Acres acquisitions; and

**WHEREAS**, since 1994 the State of New Jersey has funded conservation easement acquisitions of the Newark Watershed properties in the amount of \$25,000,000; and

**WHEREAS**, the acquisition of Newark Watershed lands with Green Acres funding depletes the tax base for the Township without changing the use or benefit of such watershed protected lands; and

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

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**WHEREAS**, the resulting tax burden has fallen upon the tax paying citizens of West Milford who have sacrificed much to preserve and protect the water supply; and

**WHEREAS**, the Township of West Milford, despite the loss of revenue and escalating costs, must continue to provide municipal services; and

**WHEREAS**, the combination of reduced ratables and escalating costs combined with Highlands restrictions and protections is an overwhelming burden to the residents and taxpayers of West Milford; and

**WHEREAS**, it has become apparent that the funding of certain open space transactions pertaining to the Newark Watershed are of no benefit to the residents of the Township of West Milford and, in fact, cause financial detriment to the tax rolls of the Township and such tax burden is then the responsibility of the taxpayers of the Township of West Milford; and

**WHEREAS**, the Township would be in favor of such funding by the State of New Jersey, provided that the following provisions were placed upon the funding:

1. Prior to the State of New Jersey acquiring lands, the governing body of the municipality in which the lands are located shall be placed on notice and a public hearing is held to consider the acquisition of such lands.
2. Green Acres funding should generally not be utilized to acquire lands that are already owned and restricted by another public entity, owned by the State of New Jersey or a political subdivision thereof.
3. In the event Green Acres funding is utilized to acquire lands that are owned by another public entity, then the Township should receive permanent compensation from the State of New Jersey for the entire loss of tax ratables that the acquisition caused; and

**WHEREAS**, without such conditions, the Bond Act does not promote effective open space planning.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township of West Milford does hereby oppose the Bond Act until such time as appropriate conditions and responsible planning conditions and controls are set forth in such Act.

**BE IT FURTHER RESOLVED** that without such appropriate conditions in the Bond Act, municipalities will not have the right or say as to acquisitions of open space in their own community and such acquisitions can interfere with the economics and planning goals and objectives of a municipality.

Adopted: September 23, 2009

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Moved: Jurkovic Seconded: Lichtenberg  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Agenda No. XI

**Appointments and Resignations**  
None.

Agenda No. XII

**Executive Session**

~ Resolution No. 2009-358 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 23<sup>rd</sup> day of September 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):  
( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.  
( ) b. (2) A matter in which the release of information would impair a right to receive

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

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- funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
    - Potential Property Acquisitions –Block 8001, Lot 1 Random Woods
    - Potential Property Acquisition – Block 9302, Lot 6 – CYO Property
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Contract Negotiations - Hillcrest Lease
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: September 23, 2009

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

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Mayor and Council went into Executive Session at 12:59 a.m. on September 24, 2009.  
The Mayor & Council reconvened in public at 1:22 a.m. on September 24, 2009 with all present as before.

The Council reviewed a memo from Mr. Semrau enumerating topics discussed by the Council throughout the year that the Council may wish to consider for NJLM resolutions at the 94<sup>th</sup> conference in November. The Council instructed the Township Attorney to draft resolutions on three topics and the Township Administrator to schedule those resolutions for discussion and action at the next meeting.

Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 1:25 a.m. on September 24, 2009.

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

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Approved: October 21, 2009

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK