
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: October 04, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 14

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

Adequate Notice Statement

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski, Robert Nolan, James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Township Attorney Fred Semrau.

Reading of or Approval of Unapproved Minutes

None.

Presentation

None.

Proclamations

Mayor DiDonato invited Marta Wojtowicz and Jennifer Springstead to join him at the podium to accept this proclamation. Each of the young ladies introduced herself and explained that DECA is a marketing club that prepares students for future careers in marketing and business. The stated that membership increases business knowledge and encourages entrepreneurship. Mayor DiDonato read the proclamation and commended all those involved in DECA for the wonderful work they do.

- Proclamation -

WEST MILFORD CELEBRATES NATIONAL DECA WEEK

WHEREAS, the Township of West Milford supports DECA, the Distributive Education Clubs of America – Marketing/DECA, and its education in planning for the field of marketing and distribution, thereby promoting occupational competence; and

WHEREAS, DECA also contributes to promoting appreciation for the responsibilities of citizenship in a highly competitive system; and

WHEREAS, every citizen is entitled to a freedom of choice which allows them to provide for him or herself the opportunity to participate in the free enterprise system; and

WHEREAS, the democratic philosophies of private enterprise and competition, and the freedom of this nation to pursue these philosophies, allows for the fullest development of our individual abilities; and

WHEREAS, that by doing our best to live according to these high principles we, in the Township of West Milford, believe that we will be of greater service both to ourselves and to mankind.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the week of October 8 through October 13, 2006 as **DECA WEEK IN THE TOWNSHIP OF WEST MILFORD** and urge all citizens and business owners to promote the importance of Distributive Education in our Township.

Unfinished Business, Final Passage of Ordinances

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None.

Public Comments

Mayor DiDonato opened the meeting to the public.

Dr. Sal Schimmenti, 72 Vreeland, West Milford commended the Council for honoring the young people in our town who make West Milford proud when they travel to other towns. He noted that the Council should mirror the example these young people set for us and show pride in West Milford. He shared a story about how he helped teach local boy scouts about our government process and how that had a positive impact on those kids. He stated that they were proud to meet our Mayor and that they respect the leaders in our community. He encouraged the Council to work toward earning that respect and to continue to honor our kids.

There being no more speakers, the Council closed the public portion of the meeting.

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

Council Comments

None.

New Business, Introduction of Ordinances, Resolutions

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

Agenda No. VIII 1

~ Resolution 2006-326 ~

GROUP AFFIDAVIT OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD CERTIFYING TO THE ANNUAL AUDIT FOR THE YEAR ENDING DECEMBER 31, 2005

BE IT RESOLVED that the Township Council of the Township of West Milford hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution which includes the required affidavit to said Board to show evidence of said compliance.

**GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
} SS.
COUNTY OF PASSAIC

We, the members of the governing body of the Township of West Milford, County of Passaic, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Council of the Township of West Milford.
2. In the performance of our duties, and pursuant to the local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Township Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2005.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

_____(L.S.)

_____(L.S.)

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_____(L.S.) _____(L.S.)
_____(L.S.) _____(L.S.)
_____(L.S.)

Adopted: October 4, 2006

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

Agenda No. VIII 2

~ Resolution 2006-327 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2005 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Township of West Milford has by Resolution accepted the 2005 audit as prepared and presented by the Township Auditors, and

WHEREAS, Arthur Magnotti, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2005 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: October 4, 2006

Adopted this 4th day of

Findings # 1

1. Description: All cash receipts should be recorded in the cash receipts ledger book by the Planning and Board of Adjustment department.
2. Analysis: Staff turnover and unforeseen leave of absence creating temporary staffing shortfalls, did not allow for daily cash postings.
3. Corrective Action: The new replacement employee in the Finance Office has been trained to assure monthly ledger reconciliations. These findings have been addressed with the Planning Department to assure daily posting is recorded.
4. Implementation Date: October 2006.

Findings # 2

1. Description: All monies are deposited within forty-eight (48) hours
2. Analysis: Some departments have been overwhelmed with unforeseen projects creating occasional missed days of bank deposits.
3. Corrective Action: Warnings will be conveyed to all affected departments via memorandum and staff meeting to assure all bank deposits are made in accordance with state regulations.
4. Implementation Date: October 2006.

Findings # 3

1. Description: Recycling department maintain cash receipts ledger.
2. Analysis: Amounts were immaterial to exercise any observances at the time.
3. Corrective Action: Finance Department will implement cash receipts system and train appropriate personnel
4. Implementation Date: October 2006

Findings # 4

1. Description: The recycling department turns over all cash receipts to the Finance Department.
2. Analysis: Amounts were immaterial to exercise any observances at the time

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3. Corrective Action: Warnings will be conveyed to all affected departments via memorandum and staff meeting to assure all bank deposits are made in accordance with state regulations.
4. Implementation Date: October 2006.

Findings #5

- 1 Description: A complete inventory of fixed assets be available for audit.
2. Analysis: Not cost effective at the time, however a limited inventory has been kept but not fully compliant with state regulations. We are currently exploring ways to provide a full fixed asset system.
3. Corrective Action: Proposals for an outside service providing the correctives action for the aforementioned comment is being considered for early 2007..
4. Implementation Date: Early 2007

Findings #6

- 1 Description: A complete list of fixed assets additions and deletions are maintained..
2. Analysis: See comment in findings # 5.
3. Corrective Action: See comment in findings # 5
4. Implementation Date: Early 2007.

Findings #7

- 1 Description: Old outstanding checks be reissued or voided.
2. Analysis: Resulting from vendors not cashing assigned checks for the past several years.
3. Corrective Action: Will review these items with staff and adjust same for year end 2006.
4. Implementation Date: December 2006

Findings # 8

1. Description: Cash deficits in ordinances over five years old be funded in future year's budgets
2. Analysis: Will require a five-year span in order to fully fund prior year's ordinances.
3. Corrective Action: Will continue appropriating funding for 2007 (\$39,000 funded for 2006)
4. Implementation Date: 2007

Findings # 9

1. Description: All individual escrow balances that exceed \$5,000 be maintained in a separate bank account.
2. Analysis: Control of this on-going project was recently assigned to the Finance Department from Planning.
2. Corrective Action: Currently arranging implementation of an escrow accounting program with our banker in accordance with all applicable state regulations.
3. Implementation Date: October 2006

Findings #10

1. Description: Old escrow and trust reserve balances be cancelled.
2. Analysis: None
3. Corrective ction: Will review these items with staff and adjust same for year end 2006.
4. Implementation Date: December 2006

Findings #11

1. Description: Old grant receivables and reserve balances be reviewed and collected, spent, or cancelled.
2. Analysis: None.
3. Corrective Action: Will review these items with staff and adjust same for year end 2006.
4. Implementation Date: December 2006

Findings #12

1. Description: The Collector's surety bond is increased to meet state statute requirements.
2. Analysis: Bond amount is based on a percentage of the total tax levy once the tax levy is stuck towards the end of the year.
3. Corrective Action: An increase in the bond will be made at the beginning of the year based on an estimated tax levy increase.
4. Implementation Date: January 2007

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

Agenda No. VIII 3

~ Resolution 2006-328 ~

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

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

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

SECTION 1: NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of West Milford, in the County of Passaic, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$7,335.00 which item is now available as a revenue from the State of New Jersey, Department of Health and Senior Services In order to facilitate Pandemic Influenza Preparedness; and

SECTION 2: BE IT FURTHER RESOLVED that a like sum of \$7,335.00 be and the same is hereby appropriated under the caption of: Grant, Pandemic Influenza Preparedness 7,335.00.

Adopted: October 4, 2006

Discussion: Councilman Nolan asked why this subject was not discussed at the last workshop meeting. Mr. Kunze advised that we have already received these grant funds as approved by Council. This resolution simply authorizes that the funds be put in the budget.

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

Agenda No. VIII 4

~ Resolution 2006-329 ~

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH PIERCE MANUFACTURING FOR ONE (1) HEAVY RESCUE TRUCK WITH PUMP FOR THE GREENWOOD FOREST FIRE DEPARTMENT #3

WHEREAS, the Township Council of the Township of West Milford authorized execution of a contract with Pierce Manufacturing for the Purchase of one (1) Heavy Rescue Truck with Pump for the Greenwood Forest Fire Department #3, and

WHEREAS, the Township executed the contract selecting payment option "B" which required payment of \$122,496.00 (25%) at chassis start 90 days before completion of apparatus which option would have afforded the Township a credit of \$4,936.00 on the final invoice; and

WHEREAS, an opportunity for a greater credit on the final invoice has been presented to the Township as follows:

If payment in the amount of \$194,621.00 for the fire apparatus chassis is received by October 12, 2006, the Township will receive a credit of \$7,539.00 on the final invoice.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that they hereby authorize the Township Administrator to amend the Contract with Pierce Manufacturing and execute a purchase order in the amount of \$194,621.00 to realize a credit of \$7,539.00 on the final invoice for one (1) Heavy Rescue Truck with Pump for the Greenwood Forest Fire Department #3.

Adopted: October 4, 2006

Discussion: Councilman Nolan asked why this had not been discussed at the last workshop. Administrator Kunze advised that we received the invoice several weeks ago and noted that it was not in conformance with the terms of the contract. Efforts to speak with someone on this subject at Pierce Manufacturing were protracted, there are time constraints associated with the savings, and thus he is asking for action from the Council tonight. Councilman Nolan expressed concern about the company's financial health and questioned why they would offer these savings to us at this time. Mr. Kunze advised

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that there is nothing to indicate that Pierce is in financial trouble although such an offer may be linked to their cash flow. Mr. Semrau noted that we have a performance bond on file for this contract.

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

Agenda No. VIII 5

~ Resolution 2006-330 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-035-006 FOR THE 2006 - 2007 LICENSE YEAR WITH CONDITIONS

WHEREAS, an application for renewal of Plenary Retail Consumption License No. 1615-33-035-006 Filippo Enterprises LLC for the 2006 - 2007 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).
4. Special Ruling to Permit Renewal of Inactive License Pursuant to N.J.S.A. 33:1-12.39 has been received from Anne Milgram Acting Attorney General of New Jersey for License No. 1615-33-035-006.

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

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

WHEREAS, the Zoning Official has recommended that there be further conditions on this license prior to the premise receiving a Certificate of Occupancy, building permits, footing permits or a foundation permit ie: West Milford Planning Board approval; and

WHEREAS, the Health Department has recommended that the Plenary Retail Consumption License be renewed to the current owner upon receipt of a Retail Food Establishment License.

WHEREAS, the Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

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

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<u>LICENSE/LICENSEE/T/A</u>	<u>CONDITIONS</u>
FILIPPO ENTERPRISES LLC 399 Lakeshore Drive Hewitt, NJ 07421 1615-33-035-006	1. Premises must be inspected and approved by the Police Department before opening. 2. Licensee must receive approval of the West Milford Planning Board to operate premise. 3. Approval of the Zoning Official, including a Certificate of Occupancy. 4. Food Handlers License must be current before issuance of License. 5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

Adopted: October 4, 2006

Discussion: Councilman Nolan asked who applies for a special ruling from the state and why it is done. Clerk Battaglia explained that licensees apply for such rulings for a host of reasons and most rulings are simply routine in certain circumstances. This license will remain inactive, all the conditions will continue to apply, until the licensee meets all the aforementioned conditions.

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

Agenda No. VIII 6

~ Resolution 2006-331 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-004-006 FROM DAR-KIM ENTERPRISES LLC LOCATED AT 551 WARWICK TURNPIKE, HEWITT, NEW JERSEY TO OLD SCHOOL PUB LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2006 - 2007 Plenary Retail Consumption License No. 1615-33-004-006 presently held by Dar-Kim Enterprises LLC at 551 Warwick Turnpike, Hewitt to Old School Pub LLC , Inc. for premises at the same location; and

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

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

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

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

1. Applicant must provide the Township Clerk with proof of Closing on the License prior to issuance of the License Certificate.
2. Food Handlers License must be current before issuance of License Certificate.
3. Premises outlined on the drawing submitted at transfer of license application which excludes the use of the basement as a storage area for alcoholic beverages be continued.
4. Front porch must have a railing and gate which physically separates it from non-licensed areas.
5. Written notice must be posted instructing patrons that they can not leave the licensed portion of the premises with alcoholic beverages.

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

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Discussion: Clerk Battaglia advised the Council that the police department had updated their recommendations of this premises and on the premises being addressed in the next resolution by adding conditions 4 and 5.

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

Agenda No. VIII 7

~ Resolution 2006-332 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-028-004 RICHARD FARHAT T/A PIONEER TAVERN FOR PREMISES LOCATED AT 352 WARWICK TPK., HEWITT, NJ WITH CONDITIONS

WHEREAS, an application has been received for a Place to Place transfer of 2006 - 2007 Plenary Retail Consumption License No. 1615-33-028-004 presently held by Richard Farhat t/a Pioneer Tavern to premises located at 352 Warwick Turnpike; and

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

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

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

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

1. Food Handlers License must be current before issuance of License Certificate.
2. A formal site plan application must be submitted to the Township for review and approval by the Planning Board before premises can be occupied.
3. Side patio must have a railing and gate which physically separates it from non-licensed areas.
4. Written notice must be posted instructing patrons that they cannot leave the licensed portion of the premises with alcoholic beverages.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer and hold the license as inactive per conditions referenced above and receipt of recommendations of approval from the Health and Planning Departments.

Adopted: October 4, 2006

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

Agenda No. VIII 8

~ Resolution 2006-333 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A NEW MOTOR VEHICLE JUNKYARD LICENSE FOR THE 2006 LICENSE YEAR TO WEST MILFORD AUTO RECYCLERS, INC. BLOCK 13602 LOT 7.01, - 1894 ROUTE 23 NORTH

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WHEREAS, an application for a new Motor Vehicle Junkyard license for the 2006 License year for Concourse Auto Recyclers, LLC for premises located at 1894 Route 23 North (Block 13602, Lot 7.01) has been received and reviewed; and

WHEREAS, as a result of that review it has been determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to local governmental laws and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford do hereby authorize the issuance of a new Motor Vehicle Junkyard License to Concourse Auto Recyclers, LLC 2006 license year;

BE IT FURTHER RESOLVED that the Township Clerk is directed to issue the license certificate for the Mayor and Township Council of the Township of West Milford.

Adopted: October 4, 2006

Discussion: Councilman Nolan expressed concern that we are issuing this license so late in the year noting that the license is for 2006. Clerk Battaglia explained that there were circumstances at this particular premises wherein it changed hands this year and the new owners had other issues to contend with before they could obtain this license. She advised that the owners realize that they will have to renew next year.

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

Agenda No. VIII 9

~ Resolution 2006-341 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE 2005 TAX APPEAL INVOLVING BLOCK 806, LOT 7

WHEREAS, the Township has filed an appeal of the 2005 real property tax assessment of Block 806, Lot 7, for property located on Shadyside Road in the Township of West Milford; and

WHEREAS, said property is owned by J.M. and A.J. Petracca; and

WHEREAS, the Township Tax Assessor and municipal attorney have reviewed this appeal and have determined that it is not in the Township's financial best interest to proceed with same which has an assessed value for the 2005 tax year in the amount of \$1,700.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey, that the Township Attorney is hereby authorized to withdraw the appeal known as the appeal known as Township of West Milford v. J.M. and A.J. Petracca, Tax Court of New Jersey, Docket No. 005864-2005.

BE IT FURTHER RESOLVED, that all municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

Adopted: October 4, 2006

Discussion: Mr. Semrau advised that the Tax Assessor and the Appraiser agree that it is not logical to proceed with this action in tax court. This resolution allows the attorney to file for dismissal because it would cost the Township more to proceed in this matter.

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

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Agenda No. IX 1

~ Resolution 2006-334 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

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

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

Resolutions:

- a. Resolution 2006-335 – Authorizing Refund Of Overpayment Of Amusement Game License Fee
- b. Resolution 2006-336 - Authorizing Reimbursement From Police Department Trust Fund
- c. Resolution 2006-337 - Authorizing Refund Of Soil Log Fee
- d. Resolution 2006-338 - Authorizing Refund Of Other Liens
- e. Resolution 2006-339 - Authorizing Refund Of Overpayments

Applications:

- a. Application No. 2006-34 for On Premise 50/50 License by Our Lady Queen of Peace Home School Association for November 17, 2006.
- b. Application No. 2006-35 for On Premise 50/50 License by Our Lady Queen of Peace Home School Association for December 3, 2006.
- c. Application No. 2007-01 for On Premise 50/50 License by Our Lady Queen of Peace Home School Association for January 20, 2007.
- d. Application No. 2007-02 for On Premise 50/50 License by Our Lady Queen of Peace Home School Association for February 3, 2007.
- e. Application No. 2006-36 for Tricky Tray License by Our Lady Queen of Peace Home School Association for November 17, 2006.
- f. Application No. 2006-37 for Off Premise Draw Raffle License by Our Lady Queen of Peace Home School Association for November 17, 2006.
- g. Application No. 2006-38 for Off Premise Draw Raffle License by Our Lady Queen of Peace Home School Association for December 3, 2006.
- h. Application for Social Affair Permit by Our Lady Queen of Peace – Knights of Columbus 6139 for October 28, 2006.

Adopted: October 4, 2006

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

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

Agenda No. IX 1a

~ Resolution 2006-335 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF AMUSEMENT GAME LICENSE FEE

WHEREAS, Richard Castronova dba Valley View of 1612 Union Valley Road, West Milford, NJ 07480 paid requisite application fees for a 2006 Amusement Game License to the Township's Clerk Department; and

WHEREAS, the licensee's payment included a payment of \$50.00 for the operation of a Juke Box on the licensed premises; and

WHEREAS, the Township of West Milford does not issue licenses for the operation of Juke Boxes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$50.00 to Richard Castronova, d/b/a Valley View Pub of 1612 Union Valley Road, West Milford, NJ 07480 to refund the aforementioned license fee.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: October 4, 2006

Agenda No. IX 1b

~ Resolution 2006-336 ~

**RESOLUTION AUTHORIZING REIMBURSEMENT FROM
POLICE DEPARTMENT TRUST FUND**

WHEREAS, Nancy Banta of Banta Farms, 1566 Union Valley Road was required by the West Milford Police to post escrow for Traffic Detail for a Frontier Show on Labor Day Weekend; and

WHEREAS, the amount posted was in excess of what was required; and

WHEREAS, the Chief of Police has requested that Nancy Banta receive a refund of \$366.71 from Trust Account #T-15-56-240-003;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$366.71 to Nancy Banta, 1566 Union Valley Road, West Milford, New Jersey 07480.

Adopted: October 4, 2006

Agenda No. IX 1c

~ Resolution 2006-337 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF
SOIL LOG FEE**

WHEREAS, Ballester & Associates paid requisite license fees for a Soil Log on Block 6504, Lot 13 in the amount of \$100.00; and

WHEREAS, the soil log was canceled and will not be rescheduled; and

WHEREAS, Ballester & Associates has requested a refund of the soil log fee for Block 6504 Lot 13;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$100.00 to Ballester & Associates, 1811 Union Valley Road, West Milford, NJ 07480 for the above referenced soil log fee.

Adopted: October 4, 2006

Agenda No. IX 1d

~ Resolution 2006-338 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
04-076	04/05/2004	12305-017.01	\$928.07	BRENDA MELSTEIN 227 BEARFORT ROAD WEST MILFORD, NJ 07480
06-015	04/11/2006	02202-001.08	\$4,795.77	FIDELITY TAX LLC.

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				P.O. BOX 5707 FORT LAUDERDALE, FL 33310
06-057	04/11/2006	07508-001	\$139.31	FIDELITY TAX LLC. HARMONY FINANCIAL SERVICES LLC 759 BLOOMFIELD AVENUE #2 WEST CALDWELL, NJ 07006
06-085	04/11/2006	16604-002	\$21,171.90	FIDELITY TAX LLC P.O. BOX 5707 FORT LAUDERDALE, FL 33310
Grand Total			\$27,035.05	

Adopted: October 4, 2006

 Agenda No. IX 1e

~ Resolution 2006-339 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1811-6	Rafael & Priscilla Martinez 15 Cedarbrook Road Hewitt, NJ 07421	\$1,138.40	2006	1
4201-8	Thomas J. Vittor 5 Vermeer Court Suffern, NY 10901	\$23.20	2006	1
4303-28	Fred & Eino Salo C/O Pam Guilla 1 Morningside Drive Ramsey, NY 07446	\$50.00	2006	1
6303-16	First National Bank C/O Wachovia Bank R.E. Tax Dept. PO Box 36246 Charlotte, NC 28236	\$9,489.00	2006	2
14113-38	Jan E. & Anna Krol 2 Cross Oak Lane West Milford, NJ 07480	\$886.36	2006	1
TOTAL		\$11,586.96		

Adopted: October 4, 2006

Payment of Bills

None.

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato remembered meeting the boy scouts that Dr. Schimmenti referred to and recalled that it was a great time. He had no further report.

Administrator Kunze reminded everyone that the Autumn Lights Festival is scheduled for this Saturday throughout town. The weather prediction is good. He noted that Councilman Warden had asked him to

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provide an update on the Greenwood Lake drawdown. He advised that it was scheduled to start this week but has been delayed as a result of a permit issue with New York state. The drawdown is expected to begin within a month and to be complete by Thanksgiving. The lake should be refilled by February.

Councilman Weisbecker stated that the lakes committee met with the planning director to review mapping about the FAR ordinance. They have requested another meeting. They reviewed the fertilizer ordinance and questioned why numbers were changed, why there are no fines for individual homeowners, the reference to leaves in storm drains has been removed and the distance to street drainage systems has been changed. Mr. Semrau will review their comments. He advised that the beautification and recycling committee is considering a way to present different intersections in town to make them more attractive. They are researching the possibility of having local landscapers become responsible for intersections and then competing with each other to make them focal points in the community. He stated that the energy committee met with Honeywell, the Administrator signed the letter authorizing their audit, and memos have gone out to relative departments with a return date for the information at the end of the month. The audit of energy usage will assist the township in getting a handle of the extensive energy costs. He referred the Council to a resolution from Hawthorne endorsing the state's gang ordinance. He asked that this be placed on a future workshop for Council consideration. He also asked that the Council consider adopting a resolution in opposition to the New Jersey Hospital Sick Tax at the next workshop noting that Hawthorne's opposing resolution was in the Council packets.

Councilman Smolinski stated that Lincoln Park High School is hosting a seminar on gangs that is being sponsored by the Passaic County Sheriff's office. He stated that Governor Corzine is going to Paramus tonight to host a Question & Answer session. He and Councilman Scangarello made reservations to attend, but, because of the conflict with tonight's meeting they sent other residents to the session in their stead. Those residents are poised to ask questions pertinent to West Milford including the water tax. Hopefully, they will be acknowledged and answered. He advised that, at a recent visit to Chester, Governor Corzine did acknowledge the Highlands Council and he also noted that clean water is vital to New Jersey's economy. Councilman Smolinski stated that clean water is vital to our economy.

Councilman Nolan stated that the telecommunications committee has met three times, the last meeting being last night. He expects that they will have a report and recommendations some time in December. He advised that he attended the planning board meeting on September 28th where planning board members put forth reasons for denial of the Valley Ridge application. He acknowledged James O'Bryant for the leadership he clearly displayed. He noted that he had requested copies of some bills on the August bill list because some Weiner Lesniak bills on that list were generated in January or March. The Administrator advised that he will get those invoices to him. Councilman Nolan asked for the status of the third installment of the Percepture bill. Administrator Kunze advised that it is not due until we received the second issue which is due next year. Councilman Nolan stated that if he learned one thing from the Valley Ridge application it is that the Council must pass an ordinance placing expiration time frames on environmental impact studies. He asked that this subject be placed on a workshop agenda for discussion. He noted that there was a memo in the Council packets from Chief Costello saying that the Township could not continue to staff a resource officers in the schools. Councilman Nolan noted that there have been recent fatal incidents at schools that have been reported in the news. He recommended that West Milford reconsider and asked the Administrator to speak with Chief Costello and with the school's superintendent.

Councilman Warden stated that the draw down on Greenwood Lake has been postponed and is now scheduled for October 15th. He advised that the committee has completed the interview and selection process for a Township Judge. The committee, comprised of Mayor DiDonato and Councilmen Scangarello and Warden, interviewed over a dozen candidates. Councilman Warden stated that he is satisfied with the selection made which will be announced by the Mayor and reiterated that he has no problem recommending that candidate for the job. He thanked James O'Bryant for the leadership he displayed on the planning board. He noted that, if it were not for the Highlands Act, West Milford would have about 600 new town homes, higher taxes, and a need for a new high school.

Councilman Scangarello stated Passaic County recently awarded grant money to municipalities for recycling. West Milford ranked 5th out of 16 municipalities with a grant in the amount of \$20,162. He reminded everyone that the Clerk's office will be open until 9:00 p.m. on October 17th, which is the last day to register to vote in the upcoming election. He further advised that absentee ballots applications are available to those who need them.

Report of Township Attorney

Mr. Semrau noted that Hovnanian recently sent letters out to residents in the vicinity of Eagle Ridge asking to use their wells for testing. West Milford notified the DEP that the Township has concerns about the letter. The DEP has corresponded with a recommendation that Hovnanian rescind the letter and work with the township. They cannot stop or guide Hovnanian but they have made recommendations.

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Appointments, Resignations, Terminations

Agenda No. XII a

~ Resolution 2006-340 ~

**RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD
TOURISM COMMISSION**

Mayor's appointments to the Tourism Commission with Council consent:

Robert Nicholson, 20 Hyde Road, Stockholm to Tourism Commission Citizen Member to fill the unexpired term of David Watson Hallowell, said term to expire on December 31, 2007.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment to the Tourism Commission as follows:

Robert Nicholson, Citizen Member – Term expires December 31, 2007

Adopted: October 4, 2006

Discussion: Councilman Nolan, noting that this is a Mayor's appointment, stated that he would like to meet candidates before voting consent to their respective appointments and Councilman Weisbecker concurred. Councilman Smolinski noted that the candidate submitted a resume that contained contact information for those Council persons who wished to pose any questions.

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

Mayor DiDonato announced that he is recommending Terence Corcoran be appointed Municipal Judge. He instructed the Township Attorney to draft an appointing resolution for the next meeting.

Executive Session

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:20 p.m.

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

APPROVED:

JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK