
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: October 8, 2008
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 6, 2008; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Robert Nolan,
Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.
Absent: Councilman Salvatore Schimmenti
Also Present: Interim Township Administrator/Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the August 6, 2008 Regular Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the August 20, 2008 Workshop Meeting as amended.

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

Agenda No. II

Presentations

None.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1
~ Ordinance 2008-047 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP)

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

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WHEREAS the Township Council of the Township of West Milford has considered the guidelines issues by the Local Finance Board and have determined which positions are eligible for membership into the Defined Contribution Retirement Program (DCRP).

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

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program: Township Administrator, all Township Department Heads that are appointed by the Mayor and Township Council who report directly to the Township Administrator, Municipal Prosecutor and Municipal Court Judge and any Gubernatorial appointees who serve in county or municipal government for a fixed term.
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2: Certified Health Officer; Tax Collector; Chief Financial Officer; Construction Code Official; Qualified Purchasing Agent; Tax Assessor; Registered Municipal Clerk; Licensed Uniform Subcode Inspector and Principal Public Works Manager/Superintendent.
3. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual; (1) was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or (2) has been appointed pursuant to a valid promotional process; or (3) is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or (4) meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.
4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
5. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
6. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
7. This ordinance shall take effect upon its passage and publication as required by law.

Introduced: September 24, 2008
Adopted: October 8, 2008
Effective Date: October 28, 2008

Mayor Bieri advised that this Ordinance was introduced on September 24, 2008 and is scheduled for public hearing tonight. Notice of public Hearing was published in the Herald News on September 28, 2008. She opened the meeting to the public to speak on this issue only.

After comments from the public, Councilman Nolan made a motion, seconded by Councilman Scangarello, to close this public portion of the meeting. Approved by unanimous roll call.

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

Agenda No. IV 2
~ Ordinance 2008 - 048~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING A PORTION OF CHAPTER 470, "SUBDIVISION OF LAND AND SITE PLAN REVIEW", SECTION 470-69, "MANDATORY DEVELOPMENT FEES"

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

SECTION 1. Chapter 470, "Subdivision of Land and Site Plan Review," Section 470-69 "Mandatory Development Fees," Subsection (C), "Non-Residential Development Fees" of the aforesaid Land Development Ordinance for the Township of West Milford is hereby amended to read as follows:

§470-69. Mandatory Development Fees.

- C. Non-Residential Development Fees - Amount: Prior to the issuance of a building permit, all nonresidential developers shall incur a mandatory development fee equal to *two and one-half percent (2 ½ %)* of the total equalized assessed valuation of the non-residential development, provided, however, no development fee shall be required where the total equalized assessed value of the development is less than \$15,000 as established by the Tax Assessor. The mandatory fee shall be calculated as follows: $2 \frac{1}{2} \% \times \text{total equalized assessed value}$.

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 shall take effect upon final passage and approval by COAH in accordance with law.

Introduced: September 24, 2008
Adopted: October 8, 2008
Effective Date: October 28, 2008

Mayor Bieri advised that this Ordinance was introduced on September 24, 2008 and is scheduled for public hearing tonight. Notice of Public Hearing was published in the Herald News on September 28, 2008. She opened the meeting to the public to speak on this issue only.

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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.

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

Agenda No. IV 3
~ Ordinance 2008 - 049 ~

BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$420,000 FOR THE IMPROVEMENT OF GORDON LAKES DAM IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION

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

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been and is hereby authorized as a local improvement to be made or acquired by the Township of West Milford, in the County of Passaic, New Jersey, by the bond ordinance (the "Prior Ordinance") of the Township adopted May 7, 2003 (#2003-20), entitled: "Bond ordinance providing for the improvement of Gordon Lakes Dam in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$800,000 therefore, directing a special assessment of the cost thereof, and authorizing the issuance of \$760,000 bonds or notes of the Township for financing the same". The cost of the improvement described in Section 3(a) of this bond ordinance, estimated in May 2003, at \$800,000 is now estimated at \$1,220,000. By the Prior Ordinance there has been appropriated to payment of the cost of said improvement the sum of \$800,000. It is now necessary for the Township to raise the additional sum of \$420,000 to meet the remainder of said \$1,220,000 estimated cost of said improvement not provided by the appropriation therefore made by the Prior Ordinance.

Section 2. For the said improvement or purpose stated in Section 3(a) of this bond ordinance, and in addition to the sum of \$800,000 heretofore appropriated therefore by the Prior Ordinance, there is hereby appropriated the further sum of \$420,000 including the sum of \$20,000 as an

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additional down payment for said improvement or purpose required by law and now available therefore by virtue of an emergency appropriation of the Township heretofore made by resolution of its governing body adopted on September 24, 2008. Said additional appropriation of \$420,000 shall be financed and met from the said additional down payment, and from the proceeds of negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. a) The improvement authorized by the Prior Ordinance and by this bond ordinance and purpose for the financing of which said obligations are to be issued is the improvement of Gordon Lakes Dam located off of Otterhole Road in and by the Township, and being near the locations designated on the official tax map of the Township as Lots 2 to 16, 17.01, 17.02 and 18 to 23 in Block 12305, Lots 1 to 6 in Block 12306, Lots 1 to 15, 17 to 27, 29 to 38 and 40 to 48 in Block 12307, Lots 1 and 2 in Block 12308, Lots 1 and 3 to 8 in Block 12309, Lots 1 to 4 in Block 12310, Lots 1 to 30 in Block 12311 and Lots 1 and 2 in Block 12312, including the reconstruction and rehabilitation thereof in order to meet safety standards of the New Jersey Department of Environmental Protection, together with all structures, site work, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file in the office of the Township Clerk and heretofore and hereby approved.

b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,160,000 inclusive of the \$760,000 principal amount of bonds or notes of the Township heretofore authorized for said improvement or purpose pursuant to the Prior Ordinance.

c) The estimated cost of said purpose is \$1,220,000 inclusive of the sum of \$800,000 heretofore appropriated for said improvement by the Prior Ordinance.

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

a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a local improvement.

b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$400,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d) An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the additional cost of said improvement and has been included in the foregoing \$420,000 additional estimated cost thereof.

Nothing will be contributed by the Township at large to payment of the additional cost of said improvement or purpose, and the estimated maximum amount of the special assessments to be levied on property specially benefited by said improvement is \$420,000 (which amount is exclusive of the estimated maximum amount of special assessments of \$800,000 authorized to be levied pursuant to the Prior Ordinance), and the number of annual installments in which all such special assessments may be paid is ten (10).

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

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

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

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

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

INTRODUCED: September 24, 2008
ADOPTED: October 8, 2008
EFFECTIVE DATE: October 28, 2008

Mayor Bieri noted that this Ordinance was introduced on September 24, 2008 and is scheduled for public hearing tonight. Notice of Public Hearing was published in the Herald News on September 28, 2008. 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 Scangarello, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. V

Public Comments

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

Doris Aaronson, 19 Bearfort Road – said that she had previously given information to the Council on water at Wooley Road and well yields. She provided additional information this evening and reviewed those documents. She said that the previous Township Planner, Bill Drew gave permits for 2 homes that have not met standards. She asked that the Council brainstorm during executive session about this. She would like an Ordinance that mandates proof of adequate well and septic before approvals are given. She invited the Mayor, Council and all on dais, as well as all in attendance to the October fest being held during the Autumn Lights Festival.

Robert Mazzochi, Warwick Tpke – said that he has been trying to build a home in West Milford for 6 years. He is exempt from the Highlands Act. He has not been successful in getting a meeting with Mayor Bieri. The Health Department has required that he get permits from the Department of Environmental Protection which he has secured. One of the permits he has received is the Treatment Works Approval. He has met with Township Attorney Semrau and then Administrator Kunze. His application went to Vernon, not Ringwood, Passaic County. He has photos of houses that do not have stream encroachment permits. Why do these projects move forward if they do not have this permit. He is being targeted by the Health Department.

Jim Novack, Larchmont Drive – said that the local section of the Bergen Record had an article about money earned from recycling. He expressed that other towns are seeking new contracts. The Township should look at our contract, void it and get better prices. He also said that a committee has yet to be established as promised for recycling and garbage.

Frank Hannan, 83 Krattiger Court – commented that there has been a lot of discussion about the lease for Jungle Habitat. He said that a lot of time has been spent on this. There was a settlement agreement when he and others sued the town in 2003 because the Council ignored the will of the people. The agreement specified that the state shall lease 80 useable acres for passive and active recreation to West Milford for 20 years and one dollar. This should go to Chancery Court. He feels Township Attorney Semrau should look into this.

Andrew Gargano, 45 Apshawa Crossroad – asked to set the record straight. The law suit mentioned by Mr. Hannan did not get Jungle Habitat for West Milford. He and other council members worked with the Department of Environmental Protection to pursue an agreement for Jungle Habitat. It was part of the deal to sell the redevelopment land. He cannot understand why it is taking so long.

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

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

Agenda No. VI

Council Comments

Township Attorney Semrau – said that he was familiar with the Mazzochi applications. He would need to know the addresses of those properties in the photos. He has recommended that Mayor Bier not meet with Mr. Mazzochi because he has had legal representation in this matter. There were issues that wound up in Municipal Court. He met with Mr. Mazzochi's attorney and the Township Administrator at the time to discuss where the application was going. The applicant was appreciative that the Vernon Health Officer was going to look at this application. The application is at the DEP because it is required by law. In this matter the Township is not at fault.

Councilman Weisbecker – asked what the Council can do for Mr. Mazzochi. Township Attorney Semrau replied that when he met with Mr. Mazzochi and his attorney it was agreed to go to the DEP. Mr. Weisbecker said that he would like discussion regarding a Recycling committee be put on the agenda for the next meeting. He said that he never had a meeting with the DEP regarding Jungle Habitat.

Councilman Nolan – in response to comments from Mr. Novack, he said that recycling is the right thing to do. He said that if a subcommittee were to be formed, he would like to be a participant on that committee.

Township Attorney Semrau – spoke regarding Wooley Road and said that it was a matter before the Planning Board. He is gathering information to discuss with the Council during the executive session of the next meeting.

Councilman Scangarello – said that he would like to see a recycling subcommittee established. He read some specifics from a news article. The revenue received has been used for equipment purchase and tax relief. He said that there would be a citizen member of a subcommittee.

Mayor Bieri – thanked Ms. Aaronson for the information about Greene Valley Estates. She and the Council will discuss a recycling subcommittee at the next meeting as well as contract negotiations for garbage pickup.

Township Attorney Semrau – commented regarding the Jungle Habitat lease. He has written to the Department of Environmental Protection two times. Last week he wrote to the Attorney General's office, asking his contact to coordinate bringing this to a conclusion. He was not aware of the 2003 settlement terms that Mr. Hannan had spoken about and will look at it and bring it to the Attorney General office's attention. He is concerned that being too forceful will not bring about desired results. Mayor Bieri suggested going in with sugar and honey vs. an attack mode. Councilman Scangarello commented that the DEP has been repeatedly approached regarding Jungle Habitat and that there are often issues because of changing staff. Councilman Nolan asked if there has been a response from Lisa Jackson. Township Attorney Semrau replied that he has not and that Interim Administrator Battaglia has also written her a letter. He then suggested drafting and sending a Resolution to Governor Corzine. Councilwoman Lichtenberg agreed with this. Interim Administrator Battaglia said that the DEP has returned one phone call regarding the initial letter however, they were unable to be contacted in return.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Resolution 2008 - 363 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING THAT THE COUNCIL ON AFFORDABLE HOUSING (COAH) REVIEW AND APPROVE TOWNSHIP ORDINANCE #2008-048

WHEREAS, the Governing Body of the Township of West Milford petitioned the Council on Affordable Housing (COAH) for substantive certification of its third round Housing Element and Fair Share Plan on December 10, 2007; and

WHEREAS, the third round rules adopted by COAH on May 2, 2008 permit a municipality to adopt a development fee ordinance which increased the development fees for residential development and for non-residential development; and

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WHEREAS, on October 8, 2008, the Township of West Milford adopted Ordinance #2008-048 which amends the previously adopted ordinance to increase the development fees for non-residential development to two and and-half percent (2.5%) of equalized assessed value; and

WHEREAS, the Township of West Milford is preparing its third round Fair Share Plan and intends to file a petition for third round substantive certification on or before the prescribed period; and

WHEREAS, the Township desires COAH to approve Ordinance #2008-048.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey, that the Township of West Milford hereby requests that the COAH review and approve Ordinance #2008-048 adopted by the Township Council of the Township of West Milford on October 8, 2008.

This resolution shall take effect immediately.

Adopted: October 8, 2008

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

Agenda No. VII 2
~ Resolution 2008 - 364~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF ASSEMBLY BILL 2768

WHEREAS, the Township of West Milford, located entirely in the Highlands Preservation Area, has reviewed proposed Assembly Bill 2768, which allows certain Highlands municipalities to designate on gross income tax returns that a portion of gross income tax paid be deposited in a Highlands Fairness Fund; and

WHEREAS, the Mayor and Council have reviewed this legislation and the potential benefit it may provide to the Township of West Milford in the form of potential economic assistance to Highlands municipalities; and

WHEREAS, the Township supports Assembly Bill 2728 and continues to explore and request legislative action to provide such relief to the Township of West Milford that serves as the steward of watershed lands that provide drinking water to over half of the residents of the State of New Jersey.

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 hereby endorses Assembly Bill 2768 as it may provide a source of equity and appropriate economic relief to the Township of West Milford where over 80 square miles of lands are environmentally protected; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby also request that such legislation provide that the Highlands Fairness Fund not in any way be considered an offset against any other source of State aid or funding that is provided to the Township.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor of the

State of New Jersey and the members of the State Legislature.

Adopted: October 8, 2008

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

Mayor Bieri asked for Council consent to move resolutions 365 through 373 as one group. Councilman Weisbecker made a motion seconded by Councilman Scangarello to move all the resolutions as one from 365 through 373.

Agenda No. VII 3
~ Resolution 2008- 365 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH JOHNSON, MURPHY, HUBNER, MCKEON,

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WUBBENHORST & APPELT TO PROVIDE LEGAL SERVICES FO THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST # 26)

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list # 26; and

WHEREAS, Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt, has worked on this matter on behalf of the Township; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 8-01-20-155-502.

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

1. The Township Administrator be and is hereby authorized to execute a contract with Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #26 in an amount not to exceed \$6,000.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. This contract shall expire on December 31, 2008.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: October 8, 2008

Agenda No. VII 4

~ Resolution 2008 – 366 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH STUART B. KLEPESCH TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #28)

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list #28; and

WHEREAS, Stuart B. Klepesch, has agreed to perform legal services for the Township in these matters; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 8-01-20-155-502; and

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

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

1. The Township Administrator be and is hereby authorized to execute a contract with Stuart B. Klepesch for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #28 in an amount not to exceed \$10,000.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. This contract shall expire on December 31, 2008.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: October 8, 2008

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VII 5
~ Resolution 2008 – 367 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO FRED SEMRAU, ESQ., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE NOT TO EXCEED AMOUNT

WHEREAS, the Township of West Milford appointed Fred Semrau, Esq. of the firm Dorsey & Semrau, LLC to serve as Township Attorney for the municipality in 2008 by virtue of resolution 2008-031 adopted on January 2, 2008 in an amount not to exceed \$120,000; and

WHEREAS, the Township's legal costs shall exceed the appropriations for these services before the end of the calendar year.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 8-01-20-155-200.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to amend the contract with Fred Semrau, Esq. of the firm Hawkins, Dorsey & Semrau, LLC for an amount not to exceed \$160,000; and

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

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

Adopted: October 8, 2008

Agenda No. VII 6
~ Resolution 2008-368 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH INTEGRA REALTY RESOURCES FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE RANDOM WOODS PROPERTY

WHEREAS, the Township of West Milford previously authorized the award of a professional services contract Integra Realty Resources for the performance of real estate appraisal work associated with the property designated as Block 8001, Lot 1 (Random Wood property) in an amount not to exceed \$4,000.00, and in accordance with its proposal dated June 15, 2008; and

WHEREAS, subsequent to such authorization and the entering into the professional services contract, it was determined that the professional would need an additional \$2000.00; and

WHEREAS, the Township has reviewed the requested increased amount and has found same to be reasonable and acceptable; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this contract, said funds to be encumbered from the open space trust account.

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 Township of West Milford hereby authorizes an amendment to the professional appraisal services contract for the Random Woods Property with Integra Realty Resources- Northern New Jersey, 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, for the additional amount of \$2,000.00.
2. The revised total fee authorized for this contract shall not exceed \$6,000.00 without the prior written approval of the Township Council.
3. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Integra Realty Resources, 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, for their information and guidance.

Adopted: October 8, 2008

Agenda No. VII 7
~ Resolution 2008-369 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CHARLES MCGROARTY TO PROVIDE PLANNING

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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SERVICES IN ACCORDANCE WITH THE HIGHLANDS INITIAL ASSESSMENT GRANT IN AN AMOUNT NOT TO EXCEED \$15,000

WHEREAS, the Township of West Milford has applied for and received a \$15,000 grant from the Highlands Council as part of their Initial Assessment Grant Program in recognition of the costs associated with local government efforts to conform to the Highlands Regional Master Plan (RMP); and,

WHEREAS, this grant allows West Milford Township to engage professionals to assess the requirements and benefits of Plan Conformance; and.

WHEREAS, West Milford Township needs to

- 1) Assess its existing planning program for consistency with the Highlands RMP;
- 2) Determine what RMP Updates are needed to make the RMP accurate and up-to-date;
- 3) Evaluate the extent of municipal planning program changes necessary to achieve Basic and full Plan Conformance; and,
- 4) Determine the estimated cost to achieve Basic and full Plan Conformance; and,

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Charles McGroarty of Banisch Associates, Inc. with offices located at 111 Main Street, Flemington, New Jersey, 08822 as professional planner for the Township of West Milford in an amount not to exceed \$15,000.00 to fulfill the requirements and obligations of the Highlands Council Initial Assessment Grant.

Adopted: October 8, 2008

Agenda No. VII 8
~ Resolution 2008-370 ~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing A Contract FOR THE REHABILITATION OF GORDON LAKES DAM TO RITACCO
CONSTRUCTION, INC.**

WHEREAS, the Township of West Milford solicited bids on September 5, 2008 for the Rehabilitation of Gordon Lakes Dam; and

WHEREAS, in response to the "Notice to Bidders" the Township received eight (8) bids; and

WHEREAS, Civil Dynamics, Inc. a Professional Engineering firm was contracted on July 16, 2003 for engineering services regarding Gordon Lakes Dam; and

WHEREAS, Civil Dynamics, Inc. has reviewed the eight bids received and recommends award of a contract for this project to the low bidder Ritacco Construction Inc.; and

WHEREAS, the Township Attorney has reviewed the bid submitted by Ritacco Construction Inc. and has found it to be complete; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number C-04-03-990-020 and from an account whose number shall be designated upon final adoption of ordinance 2008-049.

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

1. The Township Council hereby authorizes the award of a contract to Rittaco Construction Inc. in the total amount of \$871,856.00 for the Rehabilitation of Gordon Lake Dam, subject to the Township's Chief Financial Officer certification of the availability of funds for same.

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2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 8, 2008

Agenda No. VII 9
~ Resolution 2008-371 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CIVIL DYNAMICS, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE REHABILITATION OF GORDON LAKES DAM

WHEREAS, Civil Dynamics was engaged by the Township of West Milford in 2003 to design the rehabilitation of Gordon Lakes dam; and

WHEREAS, the Township Council has authorized the award of a contract to Ritacco Construction, Inc. for this project; and

WHEREAS, Civil Dynamics, Inc. has submitted a proposal for construction phase services to provide oversight of the construction work; and

WHEREAS, the Township Engineer has recommended award of a contract to Civil Dynamics, Inc. in accordance with their proposal in an amount not to exceed \$57,280; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number C-04-03-990-020; and

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

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

1. The Township of West Milford hereby authorizes execution of a professional services contract with Civil Dynamics, Inc. for construction oversight of the Rehabilitation of Gordon Lakes Dam Construction project in an amount not to exceed \$57,280.
2. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: October 8, 2008

Agenda No. VII 10
~ Resolution 2008-372 ~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing A Contract THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #6, CATEGORY E FOR 2008 CRACK SEALING TO MICRO PAVE SYSTEMS, INC.

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

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

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award the contract for 2008 Crack Sealing to Micro Pave Systems, Inc; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 8-01-26-290-624.

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

1. The Township Council hereby authorizes the award of a contract to Micro Pave Systems, Inc. in a total amount not to exceed \$25,000.00 for 2008 Crack Sealing under the Morris County Cooperative Purchasing Council Contract #6 Category E.

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2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Agenda No. VII 11
~ Resolution 2008-373 ~
**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing A Contract to Cargill, Inc.
FOR THE PURCHASE OF ROCK SALT**

WHEREAS, the Township of West Milford solicited bids on September 19, 2008 for Rock Salt; and

WHEREAS, in response to the "Notice to Bidders" the Township received five (5) bids; and

WHEREAS, the Township Engineer reviewed the five bids received and recommends award of a contract for the purchase of Rock Salt to the low bidder Cargill, Inc.-Deicing Technology in an amount not to exceed \$578,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 8-01-26-294-363.

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

1. The Township Council hereby authorizes the award of a contract to Cargill, Inc.-Deicing Technology in a total amount not to exceed \$578,000.00 for the Rock Salt, subject to the Township's Chief Financial Officer certification of the availability of funds for same.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 8, 2008

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

Agenda No. VII 12
~ Resolution 2008-374 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-011-003 PETER W. ANOLL T/A LAKESIDE INN FOR THE 2008 - 2009 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS

WHEREAS, the application for renewal of Inactive Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll t/a Lakeside Inn for the 2008 - 2009 License year has been received and reviewed; and

WHEREAS, Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll t/a Lakeside Inn has been inactive since August, 2004 and requires a Special Ruling to Permit Renewal of an Inactive License (N.J.S.A. 33:1-12.39) from the Director, Division of Alcoholic Beverage Control; and

WHEREAS, Plenary Retail Consumption License No. 1615-33-011-003 Peter W. Anoll t/a Lakeside Inn has received Special Ruling from the Director, Division of Alcoholic Beverage Control for license years covering 2007-2008, 2008-2009 and 2009-2010; and

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

WHEREAS, as a result of that review the 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, 2007 - June 30, 2008).

WHEREAS, the Police Department has recommended that the license be renewed as inactive with the following conditions as required by the New Jersey Division of Alcoholic Beverage Control; and

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

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- 2. Licensee must receive a Food Handlers License prior to opening the premises for business.
3. Licensee must receive satisfactory inspection recommendations from the Police Department, Fire Department and Health Department prior to opening the premises for business.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue the license certificate for the Mayor and Township Council of the Township of West Milford following completion of above conditions.

Adopted: October 8, 2008

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

Agenda No. VIII

Consent Agenda

The following resolutions were included in the consent agenda.

~ Resolution 2008 - 375 ~

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

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

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

Resolutions:

- a. Resolution No. 2008 - 376 - Cancellation of Taxes
b. Resolution No. 2008 - 377 - Overpayment Refunds
c. Resolution No. 2008 - 378 - Refund of Overpayments
d. Resolution No. 2008 - 379 - Refund Filming Bond
e. Resolution No. 2008 - 380 - Refund Health Department Fee
f. Resolution No. 2008 - 381 - Reinstatement of Taxes

Applications:

- (a) Application No. 2008-40 for On Premise 50/50 - WM Rotary for November 15, 2008.
(b) Application No. 2008-41 for On Premise 50/50 - Home School Association of Our Lady Queen of Peace Church for November 21, 2008.
(c) Application No. 2008-42 for Off Premise Draw Raffle - HSA Of Our Lady Queen Of Peace Church for November 21, 2008
(d) Application No. 2008-43 for Tricky Tray Raffle - Home School Association of Our Lady Queen of Peace Church for November 21, 2008.
(e) Application No. 2009-02 for Off Premise 50/50 - West Milford Rotary for June 20, 2009.
(f) Application No. 2009-03 for Casino Night Raffle - St. Joseph Church for March 7, 2009.
(g) Application No. 2009-04 for On Premise 50/50 - St. Joseph Church for March 7, 2009.

Adopted: October 8, 2008

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Abstained: Councilwoman Lichtenberg abstain on WM Rotary
Motion carried.

Agenda No. VIII a.

~ Resolution 2008-376 ~

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.

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

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REASON:

- 1. Township Acquired Through Foreclosure Action
- 2. Tax Exempt
- 3. 100% Tax Exempt Veteran

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
8501-20	Township of West Milford	\$350.11	2008 Full Year	1
8501-20	Township of West Milford	\$176.00	2009 First Half	1
8501-22	Township of West Milford	\$158.12	2008 Full Year	1
8501-22	Township of West Milford	\$80.00	2009 First Half	1
8501-23	Township of West Milford	\$186.35	2008 Full Year	1
8501-23	Township of West Milford	\$94.00	2009 First Half	1
8501-24	Township of West Milford	\$276.70	2008 Full Year	1
8501-24	Township of West Milford	\$138.00	2009 First Half	1
8501-28	Township of West Milford	\$276.70	2008 Full Year	1
8501-28	Township of West Milford	\$138.00	2009 First Half	1
8505-1	Township of West Milford	\$158.12	2008 Full Year	1
8505-1	Township of West Milford	\$80.00	2009 First Half	1
8505-6	Township of West Milford	\$158.12	2008 Full Year	1
8505-6	Township of West Milford	\$80.00	2009 First Half	1
8505-7	Township of West Milford	\$186.35	2008 Full Year	1
8505-7	Township of West Milford	\$94.00	2009 First Half	1
8505-16	Township of West Milford	\$158.12	2008 Full Year	1
8505-16	Township of West Milford	\$80.00	2009 First Half	1
8505-17	Township of West Milford	\$158.12	2008 Full Year	1
8505-17	Township of West Milford	\$80.00	2009 First Half	1
8505-18	Township of West Milford	\$112.94	2008 Full Year	1
8505-18	Township of West Milford	\$56.00	2009 First Half	1
8508-2	Township of West Milford	\$169.41	2008 Full Year	1
8508-2	Township of West Milford	\$84.00	2009 First Half	1
8509-1	Township of West Milford	\$3,252.67	2008 Full Year	1
8509-1	Township of West Milford	\$1,626.00	2009 First Half	1
8509-10	Township of West Milford	\$203.29	2008 Full Year	1
8509-10	Township of West Milford	\$102.00	2009 First Half	1
8509-11	Township of West Milford	\$33.88	2008 Full Year	1
8509-11	Township of West Milford	\$16.00	2009 First Half	1
8509-13	Township of West Milford	\$1,620.69	2008 Full Year	1
8509-13	Township of West Milford	\$810.00	2009	1

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BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
			First Half	
8509-14	Township of West Milford	\$197.65	2008 Full Year	1
8509-14	Township of West Milford	\$98.00	2009 First Half	1
8509-34	Township of West Milford	\$293.64	2008 Full Year	1
8509-34	Township of West Milford	\$146.00	2009 First Half	1
8509-37	Township of West Milford	\$321.88	2008 Full Year	1
8509-37	Township of West Milford	\$160.00	2009 First Half	1
8510-5	Township of West Milford	\$208.94	2008 Full Year	1
8510-5	Township of West Milford	\$104.00	2009 First Half	1
8510-9	Township of West Milford	\$1,716.69	2008 Full Year	1
8510-9	Township of West Milford	\$858.00	2009 First Half	1
8601-3	Township of West Milford	\$316.23	2008 Full Year	1
8601-3	Township of West Milford	\$158.00	2009 First Half	1
11102-2	Township of West Milford	\$3,354.32	2008 2 nd Half	1
11102-2	Township of West Milford	\$1,678.00	2009 First Half	1
5301-39	Helping People Help Themselves Corp.	\$7,230.00	2008 First Half	2
17001-17	State of N.J. DEP	\$210.00	2008 First Half	2
5312-2.10	Erich K. Poeschl	\$3,019.97	2008 2 nd Half	3
5312-2.10	Erich K. Poeschl	\$2,014.00	2009 First Half	3
12701-5	Peter & Faith Delaney	\$8,589.09	2008 2 nd Half	3
12701-5	Peter & Faith Delaney	\$4,294.00	2009 First Half	3
6603-11	Michael & Caroline Passaro	\$706.92	2007 4 th Qtr.	3
6603-11	Michael & Caroline Passaro	\$4,092.54	2008 Full Year	3
6603-11	Michael & Caroline Passaro	\$2,046.00	2009 First Half	3
TOTAL		\$52,449.56		

Adopted: October 8, 2008

Agenda No. VIII b.
 ~ Resolution 2008-377~

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

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

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

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

REASONS:

- | | |
|--------------------------|---------------------|
| 1. Incorrect Payment | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. 100% Disabled Veteran | 6. Name Change |

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102/27	CAPALBO, R & R 24 CHARISSA COURT HEWITT, NJ 07421	\$1,000.00	2008	4
401/3	HOLLENBACK, M & M 459 WARWICK TPKE HEWITT, NJ 07421	\$56.47	2008	5
601/8	BEERS, G & P 27 WITTE RD HEWITT, NJ 07421	\$558.96	2008	4
1006/7	BRITTON, B & L 29 HANOVER RD HEWITT, NJ 07421	\$232.95	2008	4
1207/3.01	ROSENBLATT, R & KUPPERMAN, R 41 CARMEL RD HEWITT, NJ 07421	\$282.35	2008	5
1809/1.01	SKYWARD CONST. LLC 308 RIDGE RD WEST MILFORD, NJ 07480	\$770.82	2008	5
1809/1.02	SKYWARD CONST. LLC 308 RIDGE RD WEST MILFORD, NJ 07480	\$799.05	2008	5
1911/5	ASHLEY, R & L 14 ORANGE RD WEST MILFORD, NJ 07480	\$539.29	2008	5
2203/3	HERNEST, L, B, & R 26 MELINDA LANE HEWITT, NJ 07421	\$364.23	2008	5
2303/8	MORANDO, D & J 29 GLADSTONE RD HEWITT, NJ 07421	\$25.41	2008	5
2414/1	KYLE, F & J 342 LAKESHORE DR HEWITT, NJ 07421	\$1,292.31	2008	4
2416/3	WERNER, M & LEONESCU, S & C 14 WENONAH CT HEWITT, NJ 07421	\$1,092.70	2008	5
2603/2	HENKEL, T & M 112 PT BREEZE DR HEWITT, NJ 07421	\$749.43	2008	4
3005/7	DIRIENZI, A 524 MORSE AVE RIDGEFIELD, NJ 07657	\$1,031.77	2008	4
5003/1	ROSICA, C & PETERS, W 6 ROCKBURN PASS WEST MILFORD, NJ 07480	\$745.40	2008	5
5009/8	MCQUAID, A & L 31 MORSETOWN RD WEST MILFORD, NJ 07480	\$160.94	2008	5
5010/11	CFA CUSTOM HOMES INC 144 WESLEY DR WEST MILFORD, NJ 07480	\$987.86	2008	5
5202/11	ALIDINA, S & F 2 IRON HILL PASS WEST MILFORD, NJ 07480	\$350.11	2008	5
5311/1.22	JOHNSTONE, J 2 RICHMOND RD STE. 122 WEST MILFORD, NJ 07480	\$847.05	2008	5
5311/3.07	FITZPATRICK, A 2 RICHMOND ROAD STE 307 WEST MILFORD, NJ 07480	\$282.35	2008	5
5311/3.18	DIBENEDETTO, A 2 RICHMOND RD STE 318 WEST MILFORD, NJ 07480	\$847.05	2008	5
5311/3.19	GUZMAN, B & M 2 RICHMOND RD STE 319 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/2.10	POESCHL, E	\$923.08	2008	3

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Block/Lot	Name	Amount	Year	Reason
	4 RICHMOND RD STE 210 WEST MILFORD, NJ 07480			
5311/3.20	OSTERHOUDT, D. 2 RICHMOND RD STE 320 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/1.06	BIGGER, T & W 4 RICHMOND RD STE 106 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/1.15	NUESCH, A & D 4 RICHMOND RD STE 115 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/2.05	ADAMS, M 4 RICHMOND RD STE 205 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/3.05	SAUM, R & M 4 RICHMOND RD STE 305 WEST MILFORD, NJ 07480	\$705.88	2008	5
5312/3.08	ROTHE, E 4 RICHMOND RD STE 308 WEST MILFORD, NJ 07480	\$705.88	2008	5
5313/2.01	SHROFF, B 21 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,386.34	2008	5
5313/2.02	HODDE, F & P 22 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,298.81	2008	5
5313/2.03	ZIEGNER, R & B 23 LAFAYETTE ST WEST MILFORD, NJ 07480	\$974.11	2008	5
5313/2.04	JOHNSON, K & D 24 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,298.81	2008	5
5313/2.05	JOHNSON, M & S 25 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,307.29	2008	5
5314/4.03	MACHLER, G & P 43 LAFAYETTE ST WEST MILFORD, NJ 07480	\$598.58	2008	5
5314/4.04	LINDNER, H & V 44 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,341.16	2008	5
5314/4.05	DINELLI, S & A 45 LAFAYETTE ST WEST MILFORD, NJ 07480	\$1,321.40	2008	5
5315/3.01	MCCABE, J & E 7301 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5316/1.16	GROSS, M & R 9116 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5316/1.20	BAILOR, D & C 9120 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5316/1.24	PRUS, M 9124 RICHMOND RD WEST MILFORD, NJ 07480	\$282.35	2008	5
5316/2.03	BELJEAN, C 9203 RICHMOND RD WEST MILFORD, NJ 07480	\$847.05	2008	5
5316/2.04	PROMNITZ, W 9204 RICHMOND RD WEST MILFORD, NJ 07480	\$847.05	2008	5
5316/2.26	SANTUCCI, E 9226 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5316/3.11	PUSER, J & S 9311 RICHMOND RD WEST MILFORD, NJ 07480	\$847.05	2008	5
5316/3.14	KARAS, E	\$705.88	2008	5

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	9314 RICHMOND, RD WEST MILFORD, NJ 07480			
5316/3.24	RICHMAN, S 9324 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5317/1.02	GLUCHOSKI, G 6102 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5317/1.09	GOLDBERG, G & M 6109 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5317/3.12	BULLEN, E 6312 RICHMOND RD WEST MILFORD, NJ 07480	\$847.05	2008	5
5317/3.14	BARILE, R 6314 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5317/3.19	WYNNE, J & J 6319 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5317/3.21	DEGRADO, C 6321 RICHMOND RD WEST MILFORD, NJ 07480	\$141.18	2008	5
5317/4.03	GROSSMAN, H 6403 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5318/12.0 2	DAY, C 122 RICHMOND RD WEST MILFORD, NJ 07480	\$923.28	2008	5
5318/12.0 4	COAKLEY, D 124 RICHMOND RD WEST MILFORD, NJ 07480	\$991.05	2008	5
5319/14.0 2	EISSMANN, C & J 142 RICHMOND RD WEST MILFORD, NJ 07480	\$1,044.70	2008	5
5319/14.0 4	CORDARO, C & A 144 RICHMOND RD WEST MILFORD, NJ 07480	\$1,092.69	2008	5
5320/16.0 1	BOGARDUS, G 161 RICHMOND RD WEST MILFORD, NJ 07480	\$1,420.22	2008	5
5320/16.0 2	LIEBER, A & J 162 RICHMOND RD WEST MILFORD, NJ 07480	\$1,386.34	2008	5
5320/16.0 3	CLINTON, K & E 163 RICHMOND RD WEST MILFORD, NJ 07480	\$1,157.64	2008	5
5321/13.0 2	ZALOCKI, A & D 132 RICHMOND RD WEST MILFORD, NJ 07480	\$1,256.46	2008	5
5321/13.0 3	ROTHER, E 133 RICHMOND RD WEST MILFORD, NJ 07480	\$1,256.46	2008	5
5321/13.0 4	ROSS, J & M 134 RICHMOND RD WEST MILFORD, NJ 07480	\$1,304.46	2008	5
5321/13.0 5	DOYLE, D & M 135 RICHMOND RD WEST MILFORD, NJ 07480	\$1,417.40	2008	5
5504/2.01	HALLIWELL, D 1202 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5504/2.16	BALUNIS, B 1216 RICHMOND RD WEST MILFORD, NJ 07480	\$282.35	2008	5
5504/3.16	SPINA, D 1316 RICHMOND RD WEST MILFORD, NJ 07480	\$564.70	2008	5
5504/4.04	BRASILE, A	\$705.88	2008	5

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	1404 RICHMOND RD WEST MILFORD, NJ 07480			
5505/1.02	COX, D & E 5102 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5505/1.07	DELVECCHIO, J & L 5107 RICHMOND RD WEST MILFORD, NJ 07480	\$141.18	2008	5
5505/1.10	ALTIERI, R & D 5110 RICHMOND RD WEST MILFORD, NJ 07480	\$141.18	2008	5
5505/1.11	VARIAN, K 5111 RICHMOND RD WEST MILFORD, NJ 07480	\$282.35	2008	5
5505/2.01	GUILIANO, A 29 WINDING BROOK LANE OAK RIDGE, NJ 07438	\$282.35	2008	5
5505/2.14	JANOSKI, D 5214 RICHMOND RD WEST MILFORD, NJ 07480	\$705.88	2008	5
5505/2.20	TORNOW, A 5220 RICHMOND ROAD WEST MILFORD, NJ 07480	\$847.05	2008	5
5505/3.06	ROEHRICH, K 5306 RICHMOND ROAD WEST MILFORD, NJ 07480	\$423.53	2008	5
5505/3.11	MICHALOV, J & H 5311 RICHMOND ROAD WEST MILFORD, NJ	\$141.18	2008	5
5505/3.14	GILLEN, M 5314 RICHMOND ROAD WEST MILFORD, NJ 07480	\$423.53	2008	5
5505/3.21	KADOUKOFF, A & Y 5321 RICHMOND ROAD WEST MILFORD, NJ 07480	\$282.35	2008	5
5505/4.17	PRECIOSE, F & E 5417 RICHMOND ROAD WEST MILFORD, NJ 07480	\$705.88	2008	5
5506/1.01	JAISLI, J 11 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$570.35	2008	5
5506/1.02	KEMP, M 12 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,298.81	2008	5
5506/1.03	KERAMEDJIAN, J & P 13 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,284.69	2008	5
5506/1.04	GILLIGAN, F & J 14 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$923.29	2008	5
5506/1.05	GRADY, J & A 15 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$979.76	2008	5
5507/3.01	TRIPALDI, M & M 31 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,332.70	2008	5
5507/3.03	WEIGLEIN, F & G 33 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,312.93	2008	5
5507/3.05	GARGIULO, F & B 35 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,279.05	2008	5
5507/3.06	GRIMMELMANN K & J 36 LAFAYETTE STREET WEST MILFORD, NJ 07480	\$1,363.75	2008	5
5606/5	LOMBARDO, S 355 HAMBURG TPK BUTLER, NJ 07405	\$624.00	2008	5
6603/11	PASSARO, M & C	\$1,072.00	2007	3

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	6 MADELYN AVE. WEST MILFORD, NJ 07480			
6603/11	PASSARO, M & C 6 MADELYN AVE. WEST MILFORD, NJ 07480	\$3,053.00	2008	3
7101/7	ANDERSON, T PO BOX 456 HEWITT, NJ 07421	\$625.18	2008	5
7101/13	ANDERSON, T PO BOX 456 HEWITT, NJ 07421	\$1,028.00	2008	5
7601/1.02	MCCANN, N PO BOX 389 HEWITT, NJ 07421	\$1,178.87	2008	5
7903/20	HENRY, J 1 STONE FENCE ROAD WEST MILFORD, NJ 07480	\$22.59	2008	5
8201/20	TOWNSEND, D PO BOX 196 WEST MILFORD, NJ 07480	\$722.82	2008	5
8601/21	LINK, J & P 41 CONTINENTAL ROAD WEST MILFORD, NJ 07480	\$175.06	2008	5
8705/2	MAJOR, T & VANDERBOGART J 140 VREELAND ROAD WEST MILFORD, NJ 07480	\$282.35	2008	5
8901/42	MACK, R & M 130 VREELAND ROAD WEST MILFORD, NJ 07480	\$813.17	2008	5
8903/15	RYAN, M & R 2 BARON ROAD WEST MILFORD, NJ 07480	\$2,000.00	2008	4
9101/47	NOBLE, M & M 33 HOLIDAY LANE WEST MILFORD, NJ 07480	\$1,064.46	2008	5
9406-14	EDIE, M & T 7 GLENDA DRIVE WEST MILFORD, NJ 07480	\$1,669.10	2008	4
9501/19.0 2	AIKEY, C & M 144 WESLEY DRIVE WEST MILFORD, NJ 07480	\$883.76	2008	5
9801/28.0 8	LEONESCU, S & C 37 CHRISTINE COURT WEST MILFORD, NJ 07480	\$1,346.81	2008	5
9801/28.0 9	WERNER, M 23 CHRISTINE COURT WEST MILFORD, NJ 07480	\$1,281.87	2008	5
9901/27- Q	GREENE, K 267 WOOLEY ROAD WEST MILFORD, NJ 07480	\$64.94	2008	5
10103/17	RYMARZOW, M 3 SHERWOOD COURT NEWFOUNDLAND, NJ 07435	\$194.82	2008	5
10502/25. 01	HIBBERT, B & E 27 HANCOCK DRIVE WEST MILFORD, NJ 07480	\$189.18	2008	5
11001/58	SUTO, B & E 24 DUDLEY STREET WEST MILFORD, NJ 07480	\$350.11	2008	5
11501/28	CARAVELLA, A & I 17 HIGHTOP ROAD WEST MILFORD, NJ 07480	\$198.44	2008	4
12001/29	AMICK, M & M 1006 MACOPIN ROAD WEST MILFORD, NJ 07480	\$1,258.83	2008	4
12106/2	FRANZINO, J & L 802 MACOPIN ROAD WEST MILFORD, NJ 07480	\$14.12	2008	5
13003/4	SHADRUFF, B & S	\$618.35	2008	5

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	34 CHIMNEY RIDGE TRAIL WEST MILFORD, NJ 07480			
13203/19	KRUPP, R 363 MACOPIN ROAD WEST MILFORD, NJ 07480	\$409.41	2008	5
13602/7.0 2	P. R. SEUGLING ENTERPRISES LLC 29 CARLOS DRIVE FAIRFIELD, NJ 07004	\$160.94	2008	5
14901/36	DILORENZO, A 149 CLINTON ROAD NEWFOUNDLAND, NJ 07435	\$2,000.00	2008	4
15701/7	LEONARDO, R 149 CLINTON ROAD NEWFOUNDLAND, NJ 07435	\$2,038.57	2008	5
15601/4	TREWEEKE, T & J 126 HAMBURG TPK. BLOOMINGDALE, NJ 07403	\$352.94	2008	5
9102-8	The Estate of Carl J. DeManss Sr. 32 Red Barn Lane West Milford, NJ 07480	\$8,515.21	2008	9102-8
TOTAL		105,129.73		

Adopted: October 8, 2008

Agenda No. VIII c.
 ~ Resolution 2008 - 378 ~

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: Over-billed Accounts due to Reduced Assessments

Block/Lot	Name	Amount	Year
3009-4	Diana Sherwood 20 Gifford Road, Hewitt, NJ 07421	\$677.79	2008
3503-42	Andrew Bove 614 Westbrook Road, Ringwood, NJ 07456	\$120.61	2008
3903-23	Bruce Corbett PO Box 537, West Milford, NJ 07480	\$276.35	2008
3903-24	Greenwood Lake Properties, LLC PO Box 537, West Milford, NJ 07480	\$1,707.06	2008
3903-27.01	Aileen Corbett 65 Ponderosa Place, Hewitt, NJ 07421	\$1,286.35	2008
4701-52	Fredericks Employees/Fuel & Heating PO Box 448, Oak Ridge, NJ 07438	\$265.03	2008
7101-9	Thomas Anderson PO Box 456, Hewitt, NJ 07421	\$550.60	2008
7607-2	Melinda Singer 109 Pinecliff Lake Dr, West Milford, NJ 07480	\$735.67	2008
11601-2	M. Leznik & A. Khatsansky 62 Otterhole Road, West Milford, NJ 07480	\$18.50	2008
11801-1.01	Ripple LLC, C/O Lear 61 Winding Brook Rd, New Rochelle, NY 10804	\$4,284.83	2008
12001-33.02	Ripple LLC, C/O Lear 61 Winding Brook Rd, New Rochelle, NY 10804	\$1,701.88	2008
12001-41.02	Ripple LLC, C/O Lear 61 Winding Brook Rd, New Rochelle, NY 10804	\$1,764.24	2008
13301-28	Fredericks Fuel & Heating Service PO Box 448, Oak Ridge, NJ 07438	\$257.78	2008
TOTAL		\$13,646.69	

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Agenda No. VIII d.
 ~ Ordinance 2008 – 379 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A FILMING PERMIT CASH BOND

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Administrative Secretary the following cash Bond posted for a Filming Permit be refunded:

<u>Name & Address</u>	<u>Receipt No./Check No.</u>	<u>Amount Refunded</u>
All the Kings Horses, LLC 161 6 th Avenue 11 th Floor New York, NY 10013	379940 201	\$1000.00

Adopted: October 8, 2008

Agenda No. VIII e.
 ~ Resolution 2008-380 ~

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

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

<u>Name & Address</u>	<u>Receipt No.</u>	<u>Amount Refunded</u>
Dorothy Cronk 380 Highcrest Drive West Milford, NJ 07480	5441	\$ 20.00

Adopted: October 8, 2008

Agenda No. VIII f.
 ~ Resolution 2008-381 ~

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

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>YEAR</u>
7801-9.01	M. Colondres & J. Burgos	\$550.00	2008

Adopted: October 8, 2008

Agenda No. IX

Approval of Expenditures

~ Resolution 2008-382 ~

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:

<u>Acct #</u>	<u>Account Name</u>	<u>Amount</u>
1	Current Account.	\$604,025.33

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2	Reserve Account	5,219.34
3	Animal Control Trust	1,190.44
6	Capital.	605,990.66
7	Grants.	5,997.00
8	Refuse.	118,779.50
9	Refunds.	118,411.34
12	General Ledger.	5,593.00
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	4,169.41
18	Development Escrow.	1,839.80
19	LOSAP	
20	Special Reserve	
Total		\$1,471,215.82
Less Refund Resolution		(118,411.34)
Actual Bill List		
Other Payments		
Less Refund Resolution		
Total Expenditures		\$1,352,804.48

Approved: October 8, 2008

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

Discussion: Councilman Nolan noted that on Page 14, to Water Leurs for \$1755. Township Attorney Semrau explained that payment is due to a settlement reached in a Government Records Council complaint, due to the release of confidential documents. Councilwoman Lichtenberg commented that when the Township wins a legal dispute, the plaintiff does not pay the legal fees. Councilman Smolinski commented that the person who had brought this lawsuit has cost the Township over \$250,000. Mayor Bieri said that Page 16 the \$6250 to the Municipal Employees Benefits, and she asked that the account numbers be checked and corrected.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Scangarello - spoke regarding Search and Rescue saying that an effort was conducted this past weekend for two 13 year olds. They were found safe and he thanked Search and Rescue as well as all volunteers. He reminded everyone to register to vote. This is a presidential election year and that the deadline is October 14th. March 14th is the last day when the Township had a full time Administrator. Township Clerk Battaglia has picked up this 2nd full time job and it takes a toll. She has been asked about taking this position and has always answered no. He suggested starting to search for an Administrator. The committee that was responsible for the Administrator search was comprised on Councilmen Weisbecker and Smolinski as well as Mayor Bieri. Councilmen Weisbecker and Smolinski have had much experience working with Managers and Administrators. There are a few Administrators out there. He is concerned about the risk of losing a very good Township Clerk. He said that this injustice must stop. The Administrators position should be advertised and another subcommittee formed as soon as possible.

Councilman Weisbecker – said that he appreciates the information regarding the Battle of the Band being held on October 18 at Bubbling Springs. The Township youth will be very happy. He asked what the progress was regarding the Coffee House and Interim Administrator Battaglia said that the contract had been awarded for the roof repairs and barring any unforeseen circumstances, the work should be completed in a timely fashion. He asked if the venue could be moved to another location until the Coffee House was repaired. Ms. Battaglia said that the contractor is only contemplating the roof work being only a three day job. Mr. Weisbecker asked about contacting the PAL just in case there are any delays with the roof work. He said that he would like to resume working on intersections. Ms. Battaglia said that the Township Engineer is extremely busy but that she will speak with him about this. Councilman Weisbecker then spoke about misinformation about him. He is not talking to kids about the Coffee

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House. He has been accused of being harsh with Mayor Bieri. He said that he has disagreed with many Council members and that differences of opinion are good.

Councilman Smolinski – said that he wants to be on a new committee for an Administrator. He would never have agreed to such a long term temporary appointment as in Ms. Battaglia’s case. He respects Ms. Battaglia and said that it is responsible to look for an Administrator. He respected Mayor Bieri’s decision when she commented about other options. No new options have ever materialized. He said that the last round of interviews had narrowed down to two very experienced Administrators, and he was set back at that time when his choice of Administrators was replied to that “he had all the right answers”. This is Township business and not political. In the Council’s packets he expressed concern about being denied a COAH extension. Township Attorney Semrau explained that what was in the packets dealt with the League of Municipalities request. He said that West Milford has specific issues and feels that West Milford should be concerned about tagging onto the Leagues class action. He is proposing a workshop discussion regarding West Milford going out on their own regarding COAH obligations.

Councilman Nolan – reported that he had apologized to Ann Genader before tonight’s meeting for comments at the last meeting. He thanked her for accepting his apology. On October 12th local grocery stores will be participating in a food drive. He reminded everyone that there will be a blood drive on October 19th. He also said that the Highlands 5K run will be held on Saturday, October 11th in conjunction with the Autumn Lights Festival. He said that there was a column in the newspaper AIM and the writer had written a lie. It is a hate column. He added that Mr. O’Shea had emailed the Mayor and Council to ask for comments and read the email. Councilman Nolan provided his comments to the audience. He said that next years Council will be inheriting a disaster. Regarding the Highlands Act, Councilman Weisbecker has asked that Township officials keep track of what the Highlands Act costs West Milford. He in turn asked what it would have cost if the Township didn’t have the Highlands Act because of increased building, additional students, law officers, wells running dry and many more issues. He said that he has no problem with COAH discussion being put on a workshop agenda. Township Planner McGroarty and GIS Specialist Sparkes are doing an available land analysis. This will show that West Milford does not have the availability to participate in the third round COAH obligations.

Councilwoman Lichtenberg – asked Interim Administrator Battaglia about preliminary budgets from Township departments. As time goes on, she said that the impact of the Highlands Act will be evident. She asked Councilman Smolinski who had commented about a potential Administrator candidate having all the right answers because the Mayor’s recollection was that no one had given her a “wow” feeling. Ms. Lichtenberg listed various dates of upcoming events including Autumn Lights Festival. She also reminded everyone of a food drive that will take place in Town Hall, Hillcrest and Century 21 Real Estate office. The Health Department has scheduled dates for flu and pneumonia shots and she listed those dates. She reminded everyone of the date for the Battle of the Bands and the upcoming dog rabies vaccination clinic on October 25th. She is available at Town Hall on Thursdays from 10am-12noon.

Mayor Bieri – reported that this past Sunday there had been a Classic Car show in town and that the proceeds went to the Animal Shelter. The Knights of Columbus will be holding a country dance on October 25th at Queen of Peace. The Animal Shelter will be holding their annual Walk-A-Dog-thon on October 19th. She met with the Passaic County Sheriff and senior citizens at Bald Eagle Village, to address scams. She would like to form a committee with herself, the Interim Administrator, two Council members and 2 Library board members to discuss possible location for a new library. She asked to discuss this at the next workshop meeting. The Township has received from the Department of Community Affairs, a \$20,000 grant for recreation programs for disabled persons. With regards to the cost for compliance with the Highlands Act there are currently being covered by grant money. Additional funds will be available for future steps. COAH is scheduled to give special consideration to communities in the preservation zone. She is trying to set up a meeting with Governor Corzine and representatives of the League of Municipalities to discuss a water user fee. She is aware of Township Clerk Battaglia’s workload. She appreciates the acknowledgements given to her. Regarding hiring a new Administrator, she said that there was a similar situation with hiring a Township Health Officer. The patience was worth it. She is ready to form a new committee to resume the search for an Administrator. The preferred candidates referred to earlier, came with concerns. One filed for retirement and one withdrew the application. She will not settle for anyone less than fully qualified for this position. She reviewed the accomplishments of this Administration. She will continue to search for the right person but she will not settle. She said that last week two Council members addressed lies printed in the newspaper. She spoke about her personal experience with lies spread about her and said that she is not looking for sympathy. She outlined injustices to her and clarified numerous subjects for the audience. She said that when you are in public office, false accusations happen and they are not to be made into political issues. She said that differing opinions are good and respect is always to be paramount.

Interim Township Administrator and Clerk Battaglia – reported that a Resolution is being sent to the League of Municipalities and that one of the requirements is that there is a sponsor and co-sponsor. These people need to be available to attend two meetings. Mayor Bieri said that she will be the sponsor and spokesperson and Councilman Nolan volunteered to be the co-sponsor. Consensus was given by the Council. She passed on appreciation to the Council from the past Guild President regarding their consideration of a possible holiday exchange. Regarding the upcoming election, there have been record

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numbers of voter registrations. The statute requires that registrations be received by October 14th. Poll workers are trained in the event of the need of a provisional ballot.

Township Attorney Semrau – outlined topics for executive session and they were Random Woods, Tennessee Gas Line and New Jersey Transit seeking reimbursement from the Township for an employee who became a police officer after having received training from them.

Agenda No. XI

Appointments and Resignations

~ Resolution 2008-383 ~

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

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

Table with 3 columns: Name, Position, Date Tendered. Rows include William Gervens, William Messmer, and various committee positions.

Adopted: October 8, 2008, 2008

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

Agenda No. XII

Executive Session

~ Resolution 2008 - 384 ~

BE IT RESOLVED by the Township Council of the Township of West Milford on the 8th day of October, 2008, that:

- 1. Prior to the conclusion of this Regular Meeting, the Township Council shall meet in Executive Session...
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).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: October 8, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 26 of 26

Adopted: October 8, 2008

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

The Council went into Executive Session at 9:22 p.m.

The Council returned from Executive Session at 9:48 p.m.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:48 p.m.

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

Approved: November 26, 2008

Respectfully Submitted:
Judy Manning, Part time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK