
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 21

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

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular Meeting was advertised in the Herald News in its issue of January 4, 2009; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

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

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the September 23, 2009 Regular Meeting and October 7, 2009 Executive Session minutes as presented:

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Abstain: Councilman Smolinski abstained on the executive session discussion pertaining to the Hillcrest lease.
Motion carried.

Agenda No. III

Proclamations

National DECA Week – Mayor Bieri invited those DECA students in attendance to join her at the podium. Three students introduced themselves confirming that they were present to accept the proclamation for National DECA week. They advised that, as participants in DECA, they represent business and marketing students from all over the United States. They advised that they will be competing for an international DECA award. Mayor Bieri read the proclamation and presented it to the students while conveying, on behalf of the entire Governing Body, appreciation for their hard work and efforts. The students thanked Mayor Bieri and the Council and urged other students to join their group.

Agenda No. II

Presentations

Animal Welfare – Trap, Neuter, Return (TNR) – Mayor Bieri recused from this discussion and Council President Smolinski assumed the Chair. Michele Lerner of Project TNR addressed the Council on this matter and she distributed literature for their edification. She provided information on the number of feral cats in the United States and more particularly this general region. Traditional methods of either banning feeding or euthanizing these animals are not working and many towns are enacting trap, neuter, return ordinances in an effort to address this escalating problem. She stated that a trap, neuter, return program is more effective, cheaper, more humane, more popular with residents and better for public health. She explained how a TNR program works. Feral cats are trapped and those who are friendly are adopted out. All these cats are neutered and vaccinated and returned to their original locale where they are monitored. The programs have been proven effective because of community involvement and the results are realized immediately. The cost to neuter these cats is significantly less than the cost to euthanize and the program can be run with private funds and volunteer efforts. She reviewed the organizations that support and endorse TNR programs and municipalities that have instituted such programs. She stated that the results have been evident with Morristown realizing a 76% reduction in feral cats in five years and Cape May an 80% reduction in four years. Ms. Lerner reviewed the basic structure of a TNR program addressing oversight, caregiver responsibilities and the role an animal control officer plays in such

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 21

programs. Having reviewed the potential for a TNR program in West Milford with the officers in the Animal Shelter she made the following recommendations to the Council. The West Milford animal shelter would be charged with overseeing this program. The Council should adopt an ordinance authorizing TNR and establishing guidelines for the program. The ordinance should exempt feral colonies managed with TNR from licensing. She then conveyed to Council the most common questions posed about TNR programs and she answered those questions.

Council President Smolinski acknowledged the Township's Health Officer who was in the audience and he asked Mr. Wallace his opinion on this proposed program. Mr. Wallace advised the he has reviewed the program with his staff and his department considers it to be a win/win for West Milford. There will be a cost savings while these colonies see a reduction in numbers. He stated that the Animal Shelter has agreed to run this program without a request for increased funding. Council President Smolinski recognized Bettina Bieri who sought to speak as a member of the West Milford Animal Shelter.

Bettina Bieri, 17 Bearfort Road, West Milford stated that there is a large feral cat population in West Milford and, on behalf of the Animal Shelter, she is asking the Council to schedule a workshop discussion of a possible ordinance to implement a TNR program in the Township. The West Milford Animal Shelter handles approximately 500 cats per year and a significant number of these are feral cats. Colonies have formed in the Township and a TNR ordinance allows caretakers to become involved in the process of addressing this problem. If a TNR ordinance were enacted, a caretaker could feed the cats but they must notify the Animal Shelter of the existence of the colony. This will ultimately minimize the problem, address health risks and reduce the population of feral cats. Cats trapped under the program would be vaccinated against rabies as part of the process which further protects residents.

Jean Breamy, West Milford Animal Shelter President stated that the Animal Shelter supports a TNR program and is prepared to fund the program if the Council enacts legislation to that effect. The Animal Shelter will provide manpower to ensure that this program does not become a burden to the Township and will work with residents to minimize the number of colonies in town.

Councilman Schimmenti asked if elimination of the feral cat population will ultimately have a negative impact on the rodent population. Ms. Lerner replied that it is very difficult to achieve a goal of a zero feral cat population. The program will not have any affect on a persons right to domesticated cats as either pets or to address rodent problems. Cats should be neutered and vaccinated to ensure the health of both the animal and human populations. Ms. Bieri advised that domestic cats can be either indoor or outdoor animals and are healthier when fixed and vaccinated. Discussion ensued about a NJLM article from an opponent of this program. Council gave consensus to have a TNR ordinance scheduled for discussion at the next workshop meeting.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2009-025 ~

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

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

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

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 21

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

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

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

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

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

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

INTRODUCED: September 23, 2009
ADOPTED: October 21, 2009
EFFECTIVE DATE: November 10, 2009

May Bieri advised this ordinance was introduced on September 23, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Schimmenti and approved by unanimous roll call vote.

Motion to adopt ordinance

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

Agenda No. V

Public Comments

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 21

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

Gerry Gardner, Ringwood stated that he has been an engineer for many years and has worked for various clients in West Milford. He stated that he does a lot of work related to the Highlands Act and advised that the Highlands Council issued the second phase of build out reports in August which are available online. In this report, there are no new commercial build out sites identified in West Milford even though there are properties in West Milford, such as Brown's Point, that previously had commercial structures. The owner of Brown's Point wishes to redevelop this site and he pursued a DEP process last year wherein he was seeking a T1 permit which ultimately was not approved. The wastewater management plan is a necessary component for the redevelopment of Brown's Point. He asked the Council to keep the Highlands report in mind when the wastewater management plan is being drafted.

James Foody, 2 Kushaqua Trail North, Hewitt stated that he has been before Council in the past to discuss the question of road ownership. He distributed a letter written by Gail Barth in the Tax Assessor's office wherein questions are asked of Mr. Semrau regarding road ownership in Lakeside because the deed came before the corporation was filed. Ms. Barth believes that a potential mistake occurred when blocks and lots were issued and the roads were placed on the tax maps. He stated that the Lakeside roads were dedicated but not accepted and he cited a court case pertaining to the dedication of roadways in New Jersey. He stated that his home was constructed in 1940 yet Lakeside Corporation was not established until 46 years later. In his opinion, once land is dedicated to a public purpose it remains as such until it is accepted or rejected by the municipality. An owner cannot retract the dedication. He stated that the roads in his community should never have been made private and 46 years of public use constitutes a public roadway. West Milford has been maintaining the roads for years and as a result of his research he believes that West Milford Township owns more roads than they know.

Robert Mazzocchi, 4 Clubhouse Trail, West Milford stated that he has been trying to build a house in West Milford for years. He has obtained Zoning Board approval, DEP permits, a letter of interpretation and a TWA. He purchased the property from the Township and pays \$2,500 in taxes. If he builds the house, his taxes will increase to approximately \$12,000 annually which is a substantial increase in revenue for West Milford. He is determined to succeed despite the roadblocks that have been put in his way. He reviewed the history of the property. He stated that there is another property in West Milford that burned to the ground. The owner obtained approvals to build a three bedroom on that site to replace the former structure despite the fact that the last building had only two bedrooms. He asked how the health department approved a three bedroom building on Milton Court without the property owner seeking a Highlands exemption. He had to apply for a Highlands exemption for his property. He said that he is on the verge of suing West Milford and asked the Township to send a letter to the DEP saying that the Township has no objection to his building a home on his property.

Anthony Patire, 680 Passaic Avenue, Clifton stated that he owns West Milford Lake and is here to ask the Council to adopt a resolution condoning the use of that property as a wetlands mitigation site. The DEP, he said, is determined to breach the dam on this property in the near future. Because it is in the center of town, this property could be an asset to the Township.

Monica Lubera, 27 Davenport Road, Oak Ridge stated that she and many of her neighbors are very concerned about the possible closing of the Davenport Bridge. She stated that such action would pose significant safety issues in emergencies especially when Oak Ridge Road is closed as has happened on a number of occasions. If the Davenport Bridge is closed and Oak Ridge Road is closed there is no means of egress for residents in her area. She has children and emergency services would be unable to reach her under such circumstances in an emergency. She asked Council to keep the bridge open for her and her neighbors.

Ada Erik, Macopin Road, West Milford that the policy whereby West Milford Township pays for employee training without seeking a commitment from those employees must stop. She stated that there are instances where employees obtain training at the expense of West Milford taxpayers and then obtain higher paying positions elsewhere as a result of that training. Additionally, there is a cost to provide coverage of persons who are in school that is also borne by the Township. She stated that people in the private sector are generally compelled to assume their own training costs or make a commitment to their employer that they will reimburse that entity if they leave their employ within a certain period of time. She provided an example whereby police officers were recently trained for emergency medical dispatch yet she took those very classes herself at her own expense and is now certified. West Milford Township must stop this practice as a cost saving measure.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she supports local business and has consistently encouraged residents to shop locally. While campaigning this year and in light of recent discussions to reestablish an economic development commission (EDC) she is speaking tonight to enlighten Council on some comments she heard from local business owners. She stated that business

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 21

owners would like to be afforded opportunities to make presentations at Council meetings which would help promote their business. They would also like to see links on the Township website to their businesses and they would like to advertise on the Township website. Business owners would like to be involved in the process to design the streetscape and they want to provide input on proposed amendments to the sign ordinance. She suggested that the Township work with local business owners to obtain discounts on supplies. She stated that she would like to see a relaxation of regulations governing the operation of bed & breakfast establishments to encourage such a business in West Milford.

Jim Novack, Mount Laurel, West Milford stated that he called the Administrator's office about two weeks ago to have the ALF dumpsters removed. He stated that people have been using these dumpsters illegally and thus taxpayers are assuming the cost. He also objected to the Township having ordered this dumpster because, he stated, most of the garbage was produced by the carnival at Pinecliff Lake. He questioned why the Township paid for an employee to attend a psychology class on the last bill list.

Ed Satkowski, 1087 Union Valley Road, West Milford stated that he has been concerned for some time about the septic ordinance. He understands the reasoning behind the legislation but property owners are responsible for maintaining their septic and benefit from such maintenance. He believes that it is intrusive for this to be legislated and the associated fees are just another tax.

Harry Clark, 24 Risley Road, West Milford stated that he was recently vindicated in court. He has concerns that a candidate for Council, Doris Aaronson, was involved in this matter with her friend and colleagues in the Democratic Party. He worked with her on the cable TV committee and has witnessed how she can be vindictive against those who disagree with her opinions. He stated that Ms. Aaronson has been defaming him despite the fact that she previously commended him for his work on the committee. He stated that when Ms. Aaronson disagreed with other members of the committee, he often had to serve as referee. He alleged that Ms. Aaronson penned politically motivated hate material on line with the intent of ruining him. He said that he was attacked by James Geist which caused him personal, emotional, and financial hardship. Doris Aaronson was a driving force behind the attacks and, he added, James Warden and Bettina Bieri were also involved. He is appalled by the actions of Doris Aaronson and questioned if West Milford wants to elect a person to Council who overreacts to defamatory, false statements. This, he said, reflects a lack of common sense.

Pat Dudzak, 2 Albertine Place, Oak Ridge asked to see a copy of the report condemning the Davenport Bridge.

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

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

Agenda No. VI

Council Comments

Township Attorney Fred Semrau stated that the Township is currently on course to complete all seven phases of the Highlands modules. As the process evolves, there will be public hearings that will provide opportunities for questions. Because Passaic County will not undertake the drafting of the wastewater management plan, the Township is also working on that. The information being compiled to draft the master plan will be utilized for the wastewater management plan. He has met with Mayor Bieri, Administrator Boyle, Paul Ferriero and the Township Planner on this subject. Mr. Ferriero will draft specifications for the wastewater management plan and then Requests for Proposals will be sent out for this project. The Council has given instruction that parcels such as Brown's Point be considered in the wastewater management plan process and that work is being done. While the Township is on schedule, the State of New Jersey has extended deadlines on the Highlands modules.

Mr. Semrau advised that there have been previous discussions and meetings regarding issues raised by Mr. Foody. He requested an opportunity to review the files and update himself of the specifics and advised that he will report back to Council. He stated that municipalities can opt to cease maintaining non-Township roads if they are unable to continue to provide these services. He agreed that Mr. Mazzocchi had to comply with DEP and permitting obligations to obtain approvals for this proposed construction. However, he cannot answer questions about the Health Departments approvals for Milton Court. He stated that he did consult with the Land Use Administrator about a Highlands determination for this project and he did discuss it with members of the Highlands Council. As a result of this research into this specific project, he issued a letter to Ms. Fox advising that it would be proper to issue a construction permit. He advised Council that he has drafted a Highlands determination policy which has been

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 21

distributed to various departments for their review and input. When all comments have been received, he will be bringing this matter to the Council for discussion. Mr. Semrau advised that the DEP is moving rapidly toward decommissioning West Milford Lake. He will ask for Mr. Ferrieo's opinion before presenting a resolution for Council consideration.

Council President Smolinski stated that Morris County is shirking its responsibility to residents located in the area serviced by the Davenport Bridge. He expressed agreement with Ms. Erik about training recalling that West Milford recently paid NJ Transit reimbursement for training an officer who ultimately came to work in the Township. He concurred that employees should guarantee a specific employment to the Township if they receive schooling at taxpayer expense. He asked Administrator Boyle to provide him with a list of employees who have received schooling and the classes paid for. He expressed support for an economic development commission to facilitate the needs of the business community.

Councilman Weisbecker commended Mr. Mazzocchi for his perseverance. He stated that the Council is not shirking responsibility for West Milford Lake advising that he and other Township officials met with Mr. Patire and his professionals to discuss mitigation and other options to preserve the lake. He asked Mr. Boyle for an update on the Davenport Bridge. Mr. Boyle advised that he wrote to the Morris County engineer and received a copy of the report today. There are structural loses and severe issues with the structure which is estimated to cost \$1.2 million to repair. Morris County does not want to undertake this financial burden and the Passaic County engineer has cautioned that the bridge cannot sustain traffic. He advised that it is unsafe for a fire truck to attempt to traverse this bridge. Councilman Weisbecker asked that Mr. Boyle work as an intermediary to have both Morris and Passaic County officials address this matter to serve New Jersey taxpayers and provide for safe access and egress to their properties. He stated that emergency equipment must have access to communities. Councilman Weisbecker agreed with Ms. Erik about employee training and he asked Mr. Boyle to ensure that the ALF dumpsters are picked up post haste. He stated that the Township Council is taking proactive measures to establish an EDC and they have consistently engaged in open dialogue about the streetscape. He stated that all business owners and members of the public are welcome to attend the public hearings and meetings where they can be involved in the process. He stated that Ms. Aaronson's comments seek to divide West Milford and Council has been inclusive of business owners.

Councilman Nolan stated that when Ms. Aaronson spoke he believed that she was being proactive about the economic development commission. She has spoken with various business owners and was simply reporting back to Council. He stated that it is improper for Councilmembers to use the dais for political purposes and chastised Councilman Weisbecker for attacking a member of the public from the dais. It is improper, he said, to behave in this manner and to chastise business owners in the process. Councilman Weisbecker objected stating that he did not chastise business owners.

Mayor Bieri stated that she did meet with various officials recently to discuss specific properties including Brown's Point. She asked the Administrator to prioritize the Davenport Bridge and the comments made by residents. Mr. Boyle stated that Morris County will not assume responsibility for this bridge unless it is restored and they will not consider any options other than repair. They are concerned about liability. Mayor Bieri asked him to ensure that County officials fully understand resident's concerns about access in emergency situations. She stated that it is a shame that this last meeting before election is being used for politically motivated purposes. In her estimation the Council candidate who spoke was merely sharing information with Council and should be allowed to do so without fear of attack. Councilman Weisbecker took issue with Mayor Bieri's comments stating that the Council has been working in harmony both together and with the Mayor.

Agenda No. VII

New Business Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Resolution No. 2009- 371~

NUMBER NOT USED

Agenda No. V II 2

~ Resolution No. 2009- 372~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2009 - 2010 LICENSE YEAR WITH CONDITIONS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 7 of 21

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2009 - 2010 License year have been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the applications 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 applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).
4. Notice of approval from the NJ Attorney General for renewal of License No. 1615-33-020-005 Trillick has been received.

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with conditions as noted below.

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

LICENSE/LICENSEE/T/A	CONDITIONS
LA ROCCA INC. t/a 23 Grill 3219 Rt. 23 Oak Ridge, NJ 07438 1615-33-034-006	<ol style="list-style-type: none"> 1. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to opening. 2. Inactive licenses must be inspected by the Health and Police Departments prior to opening. 3. Inactive licenses must receive satisfactory recommendations prior to opening.
TRILLICK LLC t/a Lakeview Pub and Liquors 1934-36 Greenwood Lake Turnpike Hewitt, NJ 07421 1615-33-020-005	<ol style="list-style-type: none"> 1. The rear door at the Lakeview Pub shall be used only as an emergency exit, that door to be so posted and will be hooked up to the emergency alarm service. 2. No signs advertising the licensed premises will be displayed from the rear of the building or property, or from the lakefront behind and across the roadway from the premises. 3. All floor areas must be kept clear of stacks of Alcoholic Beverages. 4. The stools must be in place around the entire bar in order that it be a working bar as designed. 5. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to opening. 6. Inactive licenses must be inspected by the Health and Police Departments prior to opening. 7. Inactive licenses must receive satisfactory recommendations prior to opening.

Adopted: October 21, 2009

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

Agenda No. VII 3

~ Resolution No. 2009- 373~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN EXTENSION OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-20-005 – TRILLICK LLC t/a LAKEVIEW PUB TO BENJAMIN A. STANZIALE, BANKRUPTCY TRUSTEE

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 21

WHEREAS, an application has been filed for the extension of Plenary Retail Consumption License No. 1615-33-20-005 to, Benjamin A. Stanziale, Bankruptcy Trustee of Trillick LLC, corporate owner of the license; and

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

WHEREAS, the Township of West Milford has received notice from the New Jersey Attorney General Division of A.B.C. that the license may renewed and then transferred to Benjamin A. Stanziale, Bankruptcy Trustee of Trillick LLC

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council does hereby approve, effective October 21, 2009, the extension of the aforesaid Plenary Retail Consumption License to Benjamin A. Stanziale, Bankruptcy Trustee to conduct business under the privileges, terms and conditions of the license as Bankruptcy Trustee for Trillick LLC t/a Lakeview Pub until such time as the license may be transferred in compliance therewith, and directs the Township Clerk to endorse the License Certificate as follows:

"This license is hereby extended, subject to all its terms and conditions to Benjamin A. Stanziale, Bankruptcy Trustee until said license is sold according to Bankruptcy law."

Adopted: October 21, 2009

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

The following resolutions were moved as one 2009-374, 2009-375, 2009-376, 2009-377, 2009-378, 2009-379 and 2009-380.

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

Agenda No. VII 4

~ Resolution No. 2009-374 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNRTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF PERFORMANCE BOND #82035932 TO VERIZON WIRELESS FOR WORK DONE AT MACOPIN VOLUNTEER FIRE COMPANY AND AUTHORIZING THE POSTING OF A MAINTENANCE BOND FOR TWO YEARS

WHEREAS, based on recommendations from the Township Engineer and the Planning Board Landscape Architect, the Township Land Use Administrator has submitted a recommendation that Performance Bond # 82035932 be released to Verizon Wireless in the amount of \$55,600.00; and

WHEREAS, all required landscape and engineering plans have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of Performance Bond #82035932 in the amount of \$55,600.00 posted by Verizon Wireless, 141 Industrial Parkway, Branchburg, New Jersey 08876 for improvements at Macopin Volunteer Fire Company be released subject to the posting of a two year / 15% maintenance bond in the amount of \$8,340.00 for a term of two years. And

BE IT FURTHER RESOLVED, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution.

Adopted: October 21, 2009

Agenda No. VII 5

~ Resolution No. 2009-375 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 21

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY INDICATING THE MUNICIPALITY'S INTENTION TO GRANT MUNICIPAL CONSENT FOLLOWING CONCLUSION OF FRANCHISE RENEWAL NEGOTIATIONS WITH CABLE OPERATOR AND ADOPTION OF ORDINANCE

WHEREAS, the Mayor and Township Council established an advisory committee comprised of citizens from the Township to evaluate the past performance of Cablevision of Warwick, LLC ("Cablevision") and make recommendations to the Governing Body as to the renewal of the franchise (Resolution 2008-395); and

WHEREAS, this advisory committee solicited input from the municipality's residents, reviewed responses, conducted research and formulated a report for the Governing Body; and

WHEREAS, the Township Council has reviewed the report entitled "Report from West Milford Cable TV Committee April 2009" ("April 2009 Report"); and

WHEREAS, the Mayor and Township Council approved the April 2009 Report for distribution and authorized the advisory committee, pursuant to N.J.A.C. 14:18-13.2(c), to immediately issue 1 (one) copy of the completed report to the Township Attorney and the following entities, Office of Cable Television and Cablevision to the attention of those listed below, and to make (1) one copy of the report available for public inspection at the municipal building; and

Karen A. Marlowe(OCTV)

Administrative Analyst 1
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
(973) 648-4969

Gary Shaw (Government Affairs)

Cablevision Government Affairs
Director
Office of Cablevision
40 Potash Road
Oakland, NJ 07436
(201) 651-4010

WHEREAS, a public hearing was held September 23, 2009, 7:30 p.m., for the purpose of evaluating the application of Cablevision, for the renewal of its municipal consent to own, operate, extend, and maintain a cable television and cable communications system in the Township of West Milford; and

WHEREAS, the purpose of this hearing was for the Mayor and Township Council to take public comment from the concerned citizens in the municipality about the application submitted by Cablevision, thereby incorporating the public's oral statements and written statements as part of the record; and

WHEREAS, Gary Shaw, Governmental Affairs Director of Cablevision, gave testimony and responded to questions from the governing body and the public; and

WHEREAS, the Mayor and Township Council have considered the comments and information received at the public hearing, and considered and incorporated the terms of the Cable Television Survey Report by reference; and

WHEREAS, the Mayor and Township Council intend to grant renewal of the franchise following the conclusion of negotiations with Cablevision and adoption of an Ordinance Granting Renewal of Municipal Consent to Cablevision to Operate and Maintain A Cable Television and Communications System in the Township of West Milford; and

WHEREAS, notice of intent is required by law to be given to Cablevision's Government Affairs Director and the Board of Public Utilities, Office of Cablevision at the addresses listed above;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council hereby give notice to Cablevision's Director of Government Affairs and the BPU, Office of Cable Television of its intent to grant renewal of the franchise following the conclusion of negotiations with Cablevision and adoption of an Ordinance Granting Renewal of Municipal Consent to Cablevision to Operate and Maintain A Cable Television and Communications System in the Township of West Milford. A copy of this Resolution will be sent to the respective addresses listed above.

Adopted: October 21, 2009

Agenda No. VII 6

~ Resolution No. 2009-376 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 21

STATE OF NEW JERSEY AWARDING A CONTRACT TO MARK CONSTRUCTION, INC. FOR RENOVATIONS TO THE POLICE DEPARTMENT IN ACCORDANCE WITH BIDS SPECIFICATIONS IN AN AMOUNT NOT TO EXCEED \$83,000

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 21, 2009 for Renovations to the Police Department; and

WHEREAS, a total of eleven (11) bids were received for the project; and

WHEREAS, said bids have been duly reviewed and analyzed by the LAN Associates, the consulting architect, and the Township Attorney; and

WHEREAS, LAN Associates has submitted a written recommendation for the award of a contract to the vendor whose bid has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written and has been deemed the lowest, responsive, responsible bid; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number C-04-07-946-252.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute a contract for renovations to the West Milford Police Department with Mark Construction, Inc. of 25 Montgomery Avenue, Montville, NJ 07045 pursuant the recommendation submitted by LAN Associates and in accordance the bid documents received on August 21, 2009.

BE IT FURTHER RESOLVED that the cost of this work shall not exceed \$83,000 in accordance with the bid documents received on August 21, 2009.

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 21, 2009

Agenda No. VII 7

~ Resolution No. 2009-377 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF A 3-POSITION VESTA PALLAS 9-1-1 SYSTEM IN ACCORDANCE WITH STATE CONTRACT NO. A-69907

WHEREAS, the State of New Jersey has awarded Contract #A69907 to Verizon Select Services, Inc. for the purchase of certain equipment; and

WHEREAS, the Township of West Milford, seeks to purchase and have installed a 3-position Vesta Pallas 9-1-1 System in accordance with the Statement of Work dated 8/24/2009 from Verizon Select Services; and

WHEREAS, The Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account C-04-07-946-252.

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 purchase and installation of a 3-position Vesta Pallas 9-1-1 System in the Township's Police Department in an amount not to exceed \$240,869.17 and in accordance with State Contract #A69907 and the Statement of Work dated 8/24/2009.
2. The Township's Chief Financial Officer has certified the availability of funds for same.

Adopted: October 21, 2009

Agenda No. VII 8

~ Resolution No. 2009-378 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 11 of 21

STATE OF NEW JERSEY AWARDING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 28, 2009 for Snow Plowing Services; and

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 0-01-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for snow plowing services pursuant to the Engineer's recommendation and in accordance with the following outline:

<u>CONTRACTOR</u>	<u>TRUCKS</u>	<u>SPECIAL RATES</u>
1. John Monteleone Enterprises	1	1 tandem, 1 loader
2. Ray's Landscaping LLC	2	1 loader
3. J.G. & Son Landscaping	3	
4. Nortap Equipment	1	
5. P&W Excavating	6	3 tandems, 1 loader
6. Joseph A. Padham, Jr.	1	
7. Savage Equipment Co., Inc.	1	1 loader
8. GRW Enterprises LLC	1	
9. Lee Excavating Co.	13	2 tandems, 2 loader
10. J.D. Ragonese, Jr. Excavating	2	1 tandem, 1 loader, 1 bulldozer, 1 skid
steer		
11. Tom Buske & Son Construction, Inc.	8	2 tandems, 1 loader, 1 grader, 2 bulldozers
12. Bruce Corbett Excavating, Inc.	3	1 tandem, 1 loader, 1 bulldozer
13. Albert Christman, Inc.	2	2 loaders, 2 bulldozers
14. Decker & Decker Const. Co.	5	1 tandem, 2 loaders, 2 bulldozers
15. Lanzo Trucking Co. LLC	2	1 loader
16. Longstaff Paving LLC	4	2 loaders
17. W & W Contracting LLC	2	1 loader, 1 bulldozer
	TOTAL TRUCKS	57

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 21, 2009

Agenda No. VII 9

~ Resolution No. 2009-379 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSIC AND STATE OF NEW JERSEY AUTHORIZING A CONTRACT THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #26 FOR BEAM GUIDE RAIL & SAFETY ENDS INSTALLED TO M.L. RUBERTON CONSTRUCTION COMPANY, INC.

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #26 Beam Guide Rail & Safety Ends Installed to M.L. Ruberton Construction Company, 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 Beam Guide Rail & Safety Ends Installed through the Morris County Cooperative Purchasing Council Contract No. 26; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 21

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers C-04-08-943-624, C-04-09-943-624 and T-15-56-850-291.

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 M.L. Ruberton Construction Company, Inc. in a total amount not to exceed \$75,000 for Beam Guide Rail & Safety Ends Installed under the Morris County Cooperative Purchasing Council Contract #26.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 21, 2009

Agenda No. VII 10

~ Resolution No. 2009-380 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PURCHASE OF TUB GRINDER SERVICES

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

Subject of Bid: Tub Grinder Services
Bid Date Received: September 25, 2009

WHEREAS, seven bids were received as follows:

Atlantic Grinding Services, LLC	\$48,279.00
Grinnell Recycling, Inc.	\$49,812.00
Adamsville Maintenance, Inc.	\$60,900.00
Environmental Renewal LLC	\$63,000.00
Skytop Recycling, Inc.	\$63,000.00
Material Processors, Inc.	\$67,200.00
Reliable Wood Products	\$97,650.00

WHEREAS, the Township Council has also received a recommendation from the Township Engineer concerning the bids received; and

WHEREAS, the Township Engineer has recommended that this bid be awarded to Atlantic Grinding Services, LLC, P.O. Box 826, Franklin Lakes, NJ 07417 the lowest responsible bidder, in an amount not to exceed \$48,279.00, which price is comparatively lower than the prior years' price; and

WHEREAS, the Township Treasurer has certified that funds are available for the proposed expenditure from the following accounts: 0-26-55-500-200.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that a contract is hereby awarded to Atlantic Grinding Services, LLC in accordance with specifications and bid received and on file in the Office of the Township Clerk.

Adopted: October 21, 2009

Agenda No. VII 11

~ Resolution No. 2009-391 ~

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 ENVIROTACTICS, INC. FOR THE PERFORMANCE OF A PHASE I ENVIRONMENTAL SITE ASSESSMENT ASSOCIATED WITH BLOCK 7903, LOT 13 IN AN AMOUNT NOT TO EXCEED \$2,000.00

WHEREAS, there exists a need for professional services to be rendered in the performance of a Phase I Environmental Site Assessment to the Township of West Milford associated with the property identified as Block 7903, Lot 13; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 21

WHEREAS, the Township wishes to retain Envirotactics, Inc. to provide such professional services regarding the above referenced property and in accordance with its proposal for such services dated October 15, 2009, attached hereto; and

WHEREAS, the total amount of the contract shall not exceed \$2,000.00; and

WHEREAS, funds are available for this purpose; 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 Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc. with offices located at 1625 Highway 71, Wall, New Jersey, 07719 to provide professional services regarding the performance of a Phase I Environmental Site Assessment associated with the property identified as Block 7903, Lot 13 in an amount not to exceed \$2,000.00 and in accordance with his proposal dated October 15, 2009.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$2,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Envirotactics, Inc., 1625 Highway 71, Wall, New Jersey, 07719 for their information and guidance.

Adopted: October 21, 2009

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

Consent Agenda

Agenda No. VIII

~ Resolution No. 2009-381 ~

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

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

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

- a. **Resolution 2009-382** – Cancel Taxes
- b. **Resolution 2009-383** – Refund Overpayments
- c. **Resolution 2009-384** – Refund Recreation Fees
- d. **Resolution 2009-385** – Refund Other Liens
- e. **Resolution 2009-386** – Refund SMAC Fees
- f. **Resolution 2009-387** – Refund Soil Log Fee
- g. **Resolution 2009-388** – Reinstate Taxes

Applications:
None.

Adopted: October 21, 2009

Moved: Nolan Seconded: Weisbecker

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 14 of 21

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

The following resolutions were included on the consent agenda.

Agenda No. VIII a

~ Resolution 2009 – 382 ~

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:

REASON: 100% TOTALLY DISABLED VETERAN

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
16704-001	RICHARD WHITE	\$3,267.24	2008 Partial	1
16704-001	RICHARD WHITE	\$7,185.07	2009 Full Year	1
16704-001	RICHARD WHITE	\$3,592.00	2010 First Half	1
	TOTAL	\$14,044.31		

Adopted: October 21, 2009

Agenda No. VIII b

~ Resolution No. 2009-383 ~

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

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

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

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

REASONS:

- | | |
|-------------------------------------|----------------------------------|
| 1. Incorrect Payment | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | 6. 100% Totally Disabled Veteran |

Block/Lot	Name	Amount	Year	Reason
2004-14	Victor Aligo Jr., P.O. Box 217 Bethlehem, PA 18016	\$99.00	2009	1
2004-15	Victor & Sadie Aligo, P.O. Box 217 Bethlehem, PA 18016	\$41.00	2009	1
2402-13	Neil & Stacey Miller, 14 Robert Court Verona, NJ 07044	\$65.00	2009	1
2402-26	Robert & Karen Casamenti, 137 Arnot Place, Paramus, NJ 07652	\$59.20	2009	1
2405-20	Louise Cole, 5464 N W 65 Place Ocala, FL 34482	\$54.33	2009	1
3406-1	T. Buonaiuto & J. Dionne-Buonaiuto 3 Samuels Path, Miller Place, NY 11764	\$30.46	2009	1
5708-21	Thomas & Beverly Keegan 71 Landing Road, Hewitt, NJ 07421	\$30.00	2009	1
7207-12	Anthony Tropa 10 Stafford Place, Towaco, NJ 07082	\$50.00	2009	1
7619-12	Ida Astute Mascheroni, 845 Van Emburgh Ave, Washington Twp., NJ 07675	\$52.00	2009	1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 15 of 21

Block/Lot	Name	Amount	Year	Reason
16704-1	Richard & Sharon White 4 Old Hoop Pole Road, Oak Ridge, NJ 07438	\$3,267.24	2008 2 nd Half	6
16704-1	Richard & Sharon White 4 Old Hoop Pole Road, Oak Ridge, NJ 07438	\$3,458.00	2009 1 st Half	6
16704-1	Richard & Sharon White 4 Old Hoop Pole Road, Oak Ridge, NJ 07438	\$1,891.00	2009 3 rd Qtr	6
16803-6	West Milford Animal Control 1480 Union Valley Rd, West Milford, NJ 07480	\$18.00	2009	1
TOTAL		\$9,115.23		

Adopted: October 21, 2009

Agenda No. VIII c

~ Resolution No. 2009-384 ~

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

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

PARTICIPANT	AMOUNT	MADE PAYABLE TO:
<i>Refund for cancellation of Nature Journaling Camp:</i>		
Dylan Pirro	\$95.00	Kim Pirro 34 Carteret St. West Milford, NJ 07480
Jason Quinones	\$95.00	Maureen Quinones 46 Navajo Trail West Milford, NJ 07480
Rachel DeGraaf	\$95.00	Jennifer DeGraaf 137 Wooley Road West Milford, NJ 07480
Nathan Leinberger	\$95.00	Joyce Leinberger 125 Kitchell Lake Drive West Milford, NJ 07480
<i>Refund for Gymnastic Camp:</i>		
Jake VanOrden	\$29.00	Melissa VanOrden 51 Pinecrest Trail West Milford, NJ 07480
<i>Class cancelled due to lack of enrollment:</i>		
Erica Martin	\$50.00	Laura Martin 502 Ridge Road West Milford, NJ 07480
<i>Refund for Adult Ceramics:</i>		
Renee	\$35.00	Renee Pasek 25 Board Road Hewitt, NJ 07421

Adopted: October 21, 2009

Agenda No. VIII d

~ Resolution No. 2009-385 ~

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Regular
 October 21, 2009
 7:30 P.M.
 Page 16 of 21

Certificate No.	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
05-094	03/09/2005	12001-019	\$146.50	CURTIS HAMPTON, 144 UPPER GREENWOOD ROAD, HEWITT, NJ 07421
06-072	04/11/2006	12001-019	\$95.22	HARMONY FINANCIAL SERVICES, LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
07-011	04/03/2007	01701-059-CELL	\$34,070.09	CRUSADER LIEN SERVICES, 179 WASHINGTON LANE, JENKINTOWN, PA 19046
07-028	04/03/2007	03401-001	\$17,716.15	ALMAR, 2 KIEL AVENUE #202 KINNELON, NJ 07405
07-031	04/03/2007	03503-018.01	\$4,300.79	ALMAR, 2 KIEL AVENUE #202 KINNELON, NJ 07405
07-032	04/03/2007	03503-018.02	\$8,926.86	ALMAR, 2 KIEL AVENUE #202 KINNELON, NJ 07405
07-033	04/03/2007	03503-019	\$648.18	CHUN T. LI, 9 MALJUM COURT WAYNE, NJ 07470
07-070	04/03/2007	12001-019	\$275.52	HARMONY FINANCIAL SERVICES LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
08-031	04/08/2008	02315-002	\$20,600.33	PPTS LOCKBOX, P.O. BOX 5822 NEW YORK, NY 10087-5822
08-048	04/08/2008	04107-004	\$2,966.08	THEODORE JENKINS 1418 CORNELL PLACE UNION, NJ 07083
08-067	04/08/2008	06604-003	\$15,438.08	PPTS LOCKBOX, P.O. BOX 5822 NEW YORK, NY 10087-5822
09-003	03/25/2009	00302-004	\$11,653.69	NONI PROPERTIES LLC, 4 RESTRICK COURT WEST WINDSOR, NJ 08550
09-124	03/25/2009	13809-007	\$8,437.62	U.S. BANK CUSTODIAN FOR PHOENIX 2 LIBERTY PLACE TLSG, 50 SOUTH 16 ST. STE 1950, PHILADELPHIA, PA 19102
			\$125,275.11	

Adopted: October 21, 2009

Agenda No. VIII e

~ Resolution No. 2009-386 ~

RESOLUTION OF THE TOWNSHIP OF WEST MIFLORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF SMAC TEST FEES

WHEREAS, the Nurse Supervisor has recommended refunding the amounts shown below for a canceled SMAC Test in the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to refund the amount indicated below:

Received From	Receipt No.	Amount
Ms. Elaine El Buchtman 59 goldfinch Lane Hewitt, NJ 07421	5190	\$20.00
Denise Loeffel 74 Moore Road Wantage, NJ 07461	8201	\$20.00
Total		\$40.00

Adopted: October 21, 2009

Agenda No. VIII f

~ Resolution No. 2009-387 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 17 of 21

SOIL LOG FEE

WHEREAS, Glory Bracken paid requisite license fees for a Soil Log on Block 505, Lot 21 in the amount of \$90.00; and

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

WHEREAS, Glory Bracken has requested a refund of the soil log fee for Block 505 Lot 21;

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 \$90.00 to Glory Bracken, 23 Spruce Point Trail, Hewitt, NJ 07421 for the above referenced soil log fee.

Adopted: October 21, 2009

Agenda No. VIII g

~ Resolution No. 2009-388 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16901-2	J. Verkerke	\$29.00	2009
10703-17	L. & D. Lipinto	\$2,236.03	2009

Adopted: October 21, 2009

Approval of Expenditures

Agenda No. IX

~ Resolution No. 2009-389 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account.	\$119,940.12
2	Reserve Account	1,680.47
3	Animal Control Trust	50.00
6	Capital.	261,318.22
7	Grants.	7,123.19
8	Refuse.	86,472.10
9	Refunds.	134,634.34
12	General Ledger.	10,209.05
16	Heritage Trust.	100.00
14	Open Space Trust	462.50
17	Trust	2,559.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 21, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 21

18	Development Escrow	112.50
19	LOSAP	0.00
20	Special Reserve	<u>0.00</u>
Total		\$624,661.49
Less Refund Resolution		-134,634.34
Actual Bill List		\$490,027.15
Other Payments		0.00
Less Refund Resolution		
Total Expenditures		\$490,027.15

Approved: October 21, 2009

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

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilwoman Lichtenberg asked that another letter be sent to the County of Passaic expressing the need to expedite the repairs on Clinton Road. Mr. Boyle advised that the Passaic County engineer is hoping to have that project completed in about three weeks but no later than the Thanksgiving weekend. Councilwoman Lichtenberg stated that there will be a barn painting at Apple Acres on Saturday & Sunday. The last farmers market for this year will be held on October 28th. She advised that food pantries are in need of donations and there are drop off boxes in Town Hall and at the Century 21 office in town. The Halloween parade will be held on Saturday at Bubbling Springs, there will be a bonfire bash for teens at the Coffee House on October 30th and there are two flu clinics coming up. The 175th gala at the Elks Lodge will be held on November 7th and tickets are \$35 each. She gave a thumbs up to Ada Erik, Jim Gilligan and the parents and grandparents who helped spread the remainder of the mulch at the Creative Playground this past weekend. She is available to residents at Town Hall on Thursday from 10 am to noon.

Council President Smolinski stated that Holly Stewart of the Suburban Trends is supporting West Milford's position about the referendum question on November's ballot. She wrote in a recent article that she will be voting "no" on the ballot question. He advised that Paul Zarrillo of the Greenwood Lake Bi-State Commission supports the concept of Tennessee Gas Pipeline paying the cost for preserving West Milford Lake. He advised that a letter went out to Assemblyman Jay Webber outlining West Milford's position about open space and funding for watershed communities. Governor Corzine signed a bill about sex offenders which will prohibit sex offenders from serving on or being hired by youth serving organizations.

Councilman Schimmenti advised that he has had a number of complaints about the ordinance pertaining to the use of the compost facilities and the related fees. He asked that the Administrator schedule a discussion of this matter with a view to possible amendments at the next workshop meeting.

Councilman Nolan stated that the insurance committee met yesterday and had presentations from Frank Covelli of Professional Insurance Associates (PIA) and Dave Vozza of the Vozza Agency. Both entities seek to be retained by the Township as Risk Managers in 2010. He advised that the fund pays the brokers commission and the Vozza Agency currently serves the Township in that role. He advised that PIA's presentation did not include any financial incentives for the Township to change and he is pleased that West Milford switched to the Morris JIF which has resulted in savings. The Vozza Agency has done a significant amount of leg work and has been working with staff to ensure compliance with all policies and procedures. Since changing to the Morris County JIF, the Township has seen a reduction in claims and Mr. Vozza has reached out to first aid and fire departments to determine if they can realize similar savings. He advised the insurance committee will convene again in November and will make a subsequent recommendation to Council. Councilman Nolan advised that he, Administrator Boyle and Mayor Bieri met with members of the Greenwood Lake Bi-State Commission before tonight's meeting to discuss a number of issues. Councilman Weisbecker was unable to attend. One key concern broached by the Commission is a lack of funding. In the past, the Council adopted a resolution by a vote of 4-3 to support a user fee for boat owners who use Greenwood Lake. This bill will be considered again by the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 19 of 21

New Jersey legislature in November or December this year and the Commission would like another resolution with, hopefully, unanimous support from the West Milford Township Council. The Commission is also seeking a \$10,000 commitment from the Township rather than an allocation toward weed harvesting.

Mayor Bieri advised that the West Milford Engineering Department was approved for DOT grants for a traffic signal at Warwick Turnpike & Lakeshore Road as well as road work on Otterhole Road. She commended the Engineering staff. She advised that she has had a sidebar added to the website for public comments and questions which will automatically go to the Township Administrator. She thanked everyone who participated in the Autumn Lights Festival which was a great event. She attended and cut the ribbon for the Walgreens grand opening on Friday. The Animal Shelter's walkathon was rained out last Sunday and will be held this Sunday instead. She advised that the Library Board has been hosting meetings to obtain input and feedback from residents about the new library.

Administrator Boyle stated that the State has rejected a request for funding for a phase II signage project. The Land Use Administrator has been studying the need for late night openings in her department and has recommended that it be discontinued. He advised that he will be scheduling meetings for the proposed economic redevelopment commission and meetings for the watershed committee. He advised that Health Officer Bill Wallace will be nominated to be vice-president of the State Health Officers Association this year.

Attorney Semrau advised that he sent a letter to Assemblyman Webber to request his support for legislation outlining a basis for a formula to provide funding to watershed municipalities who realize lost ratables. The intent of such legislation is to provide for tax stabilization and he will follow up with the Assemblyman's assistant.

Clerk Battaglia – advised that November 3rd is Election Day. Polls will be open from 6 a.m. to 8 p.m. and she reviewed the process to allow voters to vote by mail.

Agenda No. XI

Appointments and Resignations

Councilman Nolan nominated Carol Capossela to the Insurance Committee. Councilman Weisbecker made a motion to close and confirm.

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

Agenda No. XII

Executive Session

~ Resolution No. 2009-390 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 21st day of October 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - (X) b. (4) A collective bargaining agreement including negotiations.
- Contract Negotiations - ~~Update on Labor Negotiations~~
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- Potential Property Acquisitions –Block 8001, Lot 1 Random Woods

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 21

- Potential Property Acquisition - Block 9302, Lot 6 - CYO Property
Potential Property Acquisition - Block 2801, Lot 1 - 352 Warwick Turnpike (aka ANJO Property)
() b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
(X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
Potential Litigation - Block 6407, Lot 7 Estate of Emily Weise
Contract Negotiations - Hillcrest Lease
() b. (8) Personnel matters.
() b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: October 21, 2009

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

The Mayor and Council went into Executive Session at 11:10 p.m.
The Mayor & Council reconvened in public at 12:06 a.m. on October 22nd with all present as before.

Agenda No. VII 12.

~ Resolution No. 2009-392 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ADDENDUM TO THE CONTRACT TO ACQUIRE REAL PROPERTY FROM DTAK WEST MILFORD, LLC (RANDOM WOODS PROPERTY)

WHEREAS, the Township Council of the Township of West Milford desires to acquire a portion of a certain tract of land from DTAK West Milford, LLC which is set forth in the contract attached hereto and made a part hereof, and which constitutes a part of Block 8001, Lot 1, also known as Ridge Road (Random Woods) located on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey pursuant to NJSA 40A:12-1 et seq; and

WHEREAS, the Mayor and Township Council of the Township of West Milford have determined that it is in the interest of the Township to acquire the said property for open space purposes; and

WHEREAS, as a result of said desire and interest, the Township did execute a contract with DTAK West Milford, LLC to acquire the aforementioned property subject to certain terms and conditions; and

WHEREAS, in order to further facilitate the completion of the terms and conditions of the contract, the attached addendum (First Amendment to the Contract) has been prepared and is recommended be included as part of the original contract; and

WHEREAS, both the seller's attorney and the Township attorney have reviewed the attached addendum and have agreed to the form and substance of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the attached addendum to the contract for the purchase of the Random Woods Property is hereby found to be acceptable; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the attached addendum and incorporate same into the existing contract.

This resolution shall take effect immediately.

Adopted: October 21, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 21, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 21 of 21

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

Mr. Semrau read the following motion regarding the Hillcrest lease which was moved by Councilman Weisbecker:

Motion to approve in principle the lease terms between the Township and the Board of Education as set forth in the correspondence prior to July 8, 2009 of the Township. The lease shall include the material terms agreed upon between the parties which includes a \$20,000 annual repair cap. Said lease agreement shall not be binding on the Township until a complete, final agreement is brought back to the Mayor & council for final approval.

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

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:10 a.m. on October 22, 2009.

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

Approved: December 2, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK