
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 30

James Valerie, Gordon Lakes stated that he has the same argument as the last speaker. He was also part of Gordon Lakes East. In 2006 he never received notice that this was going on. He has never been part of the Gordon Lakes POA. The dam was not originally owned by the Gordon Lakes POA. They bought the dam. Residents of the community did not have a voice in that. These arguments appear to be falling on deaf ears and this is unfair.

Dan Adelski, 247 Otterhole Road, West Milford has same concerns as last two speakers. He has always belonged to Gordon Lakes East. This assessment affects about 120 homes and not everyone is going to voluntarily pay this money. He understands liens will be put on properties. The loan is due at a certain time and he asked who will be liable for monies not paid until the liens can be collected.

Motion to close public portion on Gordon Lakes Dam Assessment.

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

Discussion:

Mr Townsend reviewed the method used to determine what properties were part of the assessment. Some properties did receive special considerations including the three whose owners spoke tonight. They were not charged for the same square footage lots as other properties because of their location and proximity to lake. Consideration was also given to vacant lots for which no building permits are outstanding. Highest and best uses determined assessment. Mr. Semrau stated that those lots having subdivision approvals prior to the Highlands Act in 2004 is a positive. One resident spoke stating objections because of DEP setback rules despite his Highlands Act exemptions. He and Brian Townsend discussed this matter back and forth as to how the assessment on these vacant lots were determined. Mr. Townsend stated that once the assessments are set, the Township cannot go back and increase them and the Township cannot make assessments based on administrative remedies. This process is to represent incremental value. Mr. Townsend uses numerous criteria to determine what properties should be included. He delineated the neighborhood to represent a fair picture of the neighborhood and does not limit his research to the original deed. From the audience, one resident objected that he is paying close to \$15,000 in this assessment which will lower the value of his properties. He said that people not part of original subdivision of lake cannot be legally assessed by the town and these people are willing to pursue this legally. They are not part of that lake and that dam. They have paid for the upper lake and lower lake residents have never contributed to that. Mr. Townsend stated that he recognizes that there is a difference of opinion in this matter. He believes that the proximity to the lake is an added value to these properties. Everyone does not always agree with his determinations but he applies consistent methodology.

Another resident from the audience said that people downstream will suffer damage if the dam breaks but they were not assessed. However he lives above the lake and would not be affected by a breach. Mr. Townsend stated that he does not determine benefit based on secondary criteria. Mr. Semrau advised that the value is determined based on market value. From the audience a resident stated that the greatest value is to properties below the dam so he disagrees with the Tax Assessor's viewpoint. Mr. Townsend advised the Council that Mr. Adams did address those comments at public meeting.

Chris Adams, President Civil Dynamics, Engineer of record for Gordon Lakes Dam stated that he advised residents at a prior meeting that responsibility for a dam safety falls on dam owner. They are responsible for maintaining a safe dam. The issue of a downstream property owner gaining benefit, is not germane. Councilman Weisbecker recalled a similar assessment process some years ago. It was finally determined that a dam that is breached will not stabilize property values. A dam that is maintained will increase property values.

A resident from the audience stated that there are 120 houses in this assessment. Where are all those people, he asked. He stated that he did not receive the 2006 notice about this process.

Christian Smith President of the Gordon Lakes Property Owner's Association stated that the Association notified every property owner about their multiple meetings on this subject.

Councilman Jurkovic asked Mr. Smith if the membership in the POA is voluntarily. Mr. Smith answered in the affirmative stating that their membership is open to anyone who is within the proximity of the lake.

Dawn Guthrie Sunset Trail has been on the POA board since 2001. She stated that she personally put notices in people's mail boxes. There were people in attendance at the initial meetings where 50% or

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 30

Mr. Covelli advised that local fire departments are considering moving to the JIF from private insurance markets. He discussed the steps taken to meet with each fire department and to convey information to them. Council President Smolinski asked if sporting organizations can avail of JIF coverage too. Mr. Covelli stated that it is possible but needs more research on an individual basis.

Mr. Covelli reviewed increases in various coverages as outlined in his report, including health care and liability.

Mr. Boyle stated that the Township is looking at an increase of about 14% on health insurance over last year. Councilman Nolan noted that the Township is paying \$155,000 this month for health insurance for active employees and over \$80,000 for retirees. For average house, that represents about \$40 increase to tax bill.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda IV 1

~ Ordinance No. 2010-012 ~

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

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

SECTION 1. Chapter 321, Solid Waste; Recycling, Section 321-3, Storage of Garbage and Refuse, Subsection (G) of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 321-3. *Storage of garbage and refuse.*

- G. (1) Bulk items, such as furniture, mattresses and rugs, will be collected on regular scheduled garbage collection day, with a limit of 1 bulk item, 3 cans and 1 bundle of construction material every garbage collection.
- (2) No one shall attempt to recover or remove any of the RECYCLING items left at curbside intended for bulk pick up, including items intended for metal pick up and recycling without the consent of the Township Recycling Coordinator, as stated in Section 321-21 of this Chapter. Such items left at curbside become the property of the Township of West Milford and therefore, cannot be removed without THE CONSENT OF THE TOWNSHIP OR THE PROPERTY OWNER. Failure to obtain said consent shall result in a violation of this Chapter and shall subject the violator to the penalties provided for in Section 321-11.

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

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

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

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

INTRODUCED: September 15, 2010

This ordinance was introduced on September 15, 2010 and the Notice of Public Hearing was published in the Herald News on September 19, 2010. The Mayor opened the meeting to the public to speak on this ordinance only.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 30

Councilman Weisbecker moved to close public discussion seconded by Councilman Nolan, carried by unanimous roll call vote.

Discussion: The Council indicated that they would like to defer this matter to the new year.

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

Agenda IV 2

~ Ordinance No. 2010-014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF WEST MILFORD, NEW JERSEY TO CABLEVISION OF WARWICK, LLC

WHEREAS, the governing body of the Township of West Milford (hereinafter referred to as the "Township") determined that Cablevision of Warwick, LLC, (hereinafter referred to as "the Company" or "Cablevision") had the technical competence and general fitness to operate a cable television system in the Township, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Township; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about June 15, 2009, Cablevision has sought a renewal of the Franchise; and

WHEREAS, the Township having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests;

WHEREAS, the governing body of the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by Township is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township of West Milford in the County of Passaic, and the State of New Jersey.
- (e) "Company" shall mean Cablevision of Warwick, LLC, ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 30

- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Township hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Township of a cable television system or other communications facility, and for the provision of any communication service over such facilities as may be authorized by federal or State regulatory agencies. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of fifteen (15) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Township and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the Franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Township, as an annual franchise fee, a sum equal to two (2%) percent of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Township. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Township.

Upon written request from the Township, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3)

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 30

basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Township, the Company shall provide to a municipally owned facility, without charge at one designated location, the following: (1) one standard installation; (2) one cable modem; and (3) basic cable modem service for the term of this Ordinance. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Township:

- (a) In the event that the Company or its agents shall disturb any pavement, street surfaces, idewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.
- (b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.
- (c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.
- (d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder. Cablevision will maintain an Umbrella Liability insurance policy in limits of at least five million dollars (\$5,000,000) per occurrence.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

- a) The rates of the Company for cable television services shall be subject to regulation to the extent permitted by federal and State law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the municipality is unable to make full use of the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 30

cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Township creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Town's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

- a) Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Township as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.
- b) The Township agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.
- c) Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.
- d) Cablevision shall provide the Township with a one-time technology grant of ninety thousand dollars (\$90,000.00). Cablevision shall provide an initial grant payment of twenty two thousand and eight hundred dollars (\$22,800.00) within (90) days of the issuance of the Certificate of Approval by the Board of Public Utilities. The remaining grant of sixty-seven thousand and two hundred (\$67,200.00) shall be provided in annual installments of four thousand and eight hundred dollars (\$4,800.00), within (90) days of receipt of the written request by the Township (the "Annual Grant"). The Township may utilize the grant for any cable and/or other telecommunications purposes, provided: (a) such uses are lawful and consistent with the terms of this Ordinance; and (c) if used to purchase communications services, the Township shall seek to purchase such services from the Company or its affiliates, if offered. Cablevision shall not be obligated to make any additional payments beyond year fifteen of the franchise. The Annual Grant shall be payable to the Township within sixty (60) days from receipt of the Township's written request. Notwithstanding the foregoing, should Cablevision apply for a system-wide certification or otherwise convert its municipal consent to a system-wide certification in accordance with N.J.S.A. 48:5A-25.1, it shall be relieved of any payments due and owing after the date of such conversion or award of a system-wide franchise.
- e) Upon written request from the Township, Cablevision will install a fiber access return feed to a municipally designated building, provided it is a standard installation, to allow for the origination of PEG access programming from the Township.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 30

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:
Cablevision Systems Corporation
638 Route 10
Randolph, NJ 07869
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:
Cablevision of Warwick
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Township shall be mailed to:
Township of West Milford
1480 Union Valley Road
West Milford, New Jersey 07480
Attention: Township Clerk

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

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

INTRODUCED: October 20, 2010
ADOPTED: November 10, 2010
EFFECTIVE DATE: November 30, 2010

This Ordinance was introduced on October 20, 2010 and the Notice of Public Hearing was published in the Herald News on October 24, 2010. The Mayor opened the meeting to the public to speak on this ordinance only.

Mr. Semrau advised that Mr. Shaw from Cablevision is here to address any questions after public hearing.

Doris Aaronson, 19 Bearfort Road, West Milford asked if the Council has an estimate of per meeting cost of staff time to process the meetings and get them aired and what Township meetings will be covered in addition to Council, Planning Board and Zoning Board meetings. She asked how much delay would occur between meeting dates and air time. Assuming a 24/7 dedicated channel, who would handle non Township meetings like the Board of Education and Township events, she asked.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 30

Gary Steele, North Glenwood Road, West Milford encouraged the Council not to approve a 15 year contract.

Councilman Weisbecker made a motion, seconded by Councilman Ramaglia and approved by unanimous roll call vote to close the public portion of the meeting.

Gary Shaw, Government Affairs Director for Cablevision out of Oakland addressed the Council. He stated that hopefully volunteers will assume most of the work associated with recording events and meetings. The Township would determine what meetings would be covered and what would be broadcast. A 24/7 channel will be at Township's disposal but it is up to the Township to determine delay time. This is a non-exclusive agreement which does not preclude other providers from coming into town and would provide funding for technology and training. This is a good deal for West Milford.

In response to Councilman Nolan, Mr. Shaw stated that cable companies are moving toward all digital services. Analog will eventually be a thing of the past.

Discussion: Councilman Jurkovic stated that he had a telephone conference with Brian Jenkins, Cablevision and Administrator Boyle to review the workload and ultimately determine that Mr. Jenkins can incorporate this process into his work day. The grant would fund stationary cameras at Town Hall. Filming of events and outside meetings would require the groups to record and provide a disc to Brian Jenkins and the Council will have to discuss specifics and policies at a future date.

Note: certain amendments to this ordinance have been made since its introduction. These changes have been deemed de minimus by the Township Attorney and as such the Council may move to adopt this ordinance as amended. Motion to move ordinance.

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

Agenda No. V
Public Comments

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

Renee Alessio, Hillcrest Drive, Upper Greenwood Lake stated that she is speaking tonight as a resident and she spoke at the hearing last Monday night regarding the Tennessee Gas Pipeline (TGP) expansion as a concerned West Milford resident. The entire Borough of Ringwood and Township of West Milford are in the Highlands Area and their residents rely on sole source aquifers for water. The area contains two valuable reservoirs which serve millions of NJ residents. The forests around these reservoirs are there to protect the water supply. The existing gas pipeline was installed prior to construction of the Monksville reservoir and prior to the Highlands Act. The proposed TGP project would disturb the trees and could have damaging effects. The proposed revenue is a pittance compared to the profits they make. The value of the water is far greater to the entire state. This upgrade is being completed in segments with separate applications for each segment. She questioned why TGP did not apply for this as one project. This review process, including the environmental impact is confusing. TGP parent company, El Paso knows all the loopholes. The only local meeting in New Jersey was held the night before a major election which precluded many elected officials from attending. She stated that she cannot understand why West Milford officials are supporting this. The reason for the new upgrade is to convey greater quantities of gas. There should be more research and safety studies done before this project is approved. We should be researching renewable energy sources not funding larger gas pipelines. She urged people to get comments in before the approaching deadline.

Doris Aaronson, 19 Bearfort Road, West Milford asked if Mr. Boyle has any update on the amount of money West Milford can get for the easements at Wallisch. She suggested that he be instructed to keep records on monies being paid to other municipalities so that we can demand double. She expressed concern that Brian Jenkins will ultimately expend more time than imagined on uploading recordings to a dedicated channel for township meetings and events and since the township gets a 2% franchise fee, some of that money can be used for costs related to maintaining this channel.

Jim Novack, Larchmont Drive, West Milford suggested that we reassess TGP for the existing easements and the private properties that realize revenue from TGP. He asked that the Tax Assessor be instructed to assess them at the highest possible level. Political signs are littering the whole country and they are littering West Milford. The zoning officer should enforce the ordinance governing the size of signs and ensure that the signs are removed sooner than later.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 30

Gary Steele, North Glenwood Road, West Milford stated that he attended school board meeting earlier tonight where they approved an interlocal service agreement with the Township for the turf field at McCormack Field. Under 3d they have absolute veto power over use of the field and he read the paragraph. He stated that this is not good and there are other parts of the agreement are also not good.

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

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

Agenda No. VI

Council Comments

None.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Mayor asked to introduce and move both ordinances as one.

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

Agenda VII 1

~ Ordinance No. 2010-015 ~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 135, "FEES AND COSTS" SECTION 135-17, "FIRE PREVENTION" OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 135, Fees and Costs, Section 135-17, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 135-17. Fire Prevention.

A. A permit shall be obtained from the Fire Official to use, install, conduct processes or carry on operations involving or creating conditions deemed hazardous to life or property as per a list of operations listed in the Uniform Fire Code. The permit fees shall be as specified in the Uniform Fire Code which shall be amended as follows:

- (1) Hot tar roofing permit: \$50 per job.
- (2) Type 1 Permits: \$55**

B. ~~Smoke detector inspection fees pursuant to N.J.S.A. 52:27D-192 et seq.: \$25.~~ **Application for a certificate of smoke detector and carbon monoxide compliance inspection fee as required by N.J.A.C. 5:70-4.19 et seq:**

Certificate of smoke detector and carbon monoxide compliance	Fee
Requested more than 10 business days prior to closing	\$35.00 \$45.00
Requested four to ten business days prior to closing	\$70.00 \$80.00
Requested less than four business days prior to closing	\$125.00 \$135.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 30

~~(1) Smoke detector reinspection fee:~~ **Certificate of smoke detector and carbon monoxide compliance reinspection fee: \$30. \$35.00**

C. Annual **non-life hazard** inspection fees. In addition to the registration fees required pursuant to the Uniform Fire Code, the following additional annual fees shall be required for annual inspections except that the fees established pursuant to this section shall not be assessed against life hazard uses. **The following fees shall also apply to all vacant buildings:**

	Occupancy (square feet)	Fee
	Up to 999	\$35
	1,000 to 4,999	\$60
D.	5,000 to 9,999	\$125
	10,000 to 14,999	\$250
	15,000 and over	\$350

Violation of Fire Lane: \$54.00

E. **Any form of Haunted Amusements (shall include hay mazes, haunted structures, etc.): \$75.00**

F. **Illegal Burning: Not to exceed \$1,000 per offense.**

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

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

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

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

INTRODUCED: October 20, 2010

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for December 15, 2010. Notice of this public hearing shall be published in the Herald News on or about November 14, 2010.

Agenda VII 2

~ Ordinance No. 2010-016 ~

BOND ORDINANCE APPROPRIATING \$1,675,000, AND AUTHORIZING THE ISSUANCE OF \$1,142,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,675,000 including the aggregate sum of \$58,000, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, (i) in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$200,000 received or expected to be received by the Township from the New Jersey Department of Transportation, as a grant-in-aid of financing said improvement or purpose, and (ii) in the case of the improvement or purpose described in paragraph (c) of said Section 3, the sum of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 14 of 30

\$275,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,675,000 appropriations not provided for by application hereunder of said down payments and said grants, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,142,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,142,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) pick up truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$33,000	\$31,100
(b) Construction of a bike path in and by the Township along Westbrook Road from Macopin Road to Ridge Road, together with all structures, appurtenances, landscaping, equipment, work and materials, necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$847,000 appropriation hereby made therefor being inclusive of the amount of \$200,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant in aid of financing said improvement	847,000	616,000
(c) Installation of a new traffic signal at the intersection of Lakeshore Drive and Warwick Turnpike in and by the Township, together with all paving, landscaping, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$388,000 appropriation hereby made therefor being inclusive of the amount of \$275,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	388,000	107,500
(d) Improvement of municipally-owned facilities and grounds in and by the Township, including the rehabilitation of various athletic fields, together with for all the aforesaid all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	27,000	25,500
(e) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the West Milford Fire Company, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications	<u>380,000</u>	<u>361,900</u>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 15 of 30

therefor on file or to be filed in the office of the Township Clerk and hereby approved		
Totals	\$1,675,000	\$1,142,000

Except as otherwise stated in paragraphs (b) and (c) above with respect to the \$475,000 grants-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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

- a. The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- b. The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.17 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 \$1,142,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- d. Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs 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 costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the \$475,000 grants referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraphs (b) and (c) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

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.

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 16 of 30

INTRODUCED: November 10, 2010

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for December 15, 2010. Notice of this public hearing shall be published in the Herald News on or about November 14, 2010.

Mayor Bieri asked to move all resolutions as one.

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

Agenda No. VII 3

~ Resolution No. 2010-384 ~

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2010 was adopted on the 18th day of August 2010 and

WHEREAS, it is desired to amend said adopted capital budget as follows:

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

AMOUNT BUDGETED	:	:	:
Original Budget	:	1,358,000	:
Amendment	:	46,700	:
	:	1,404,700	:

1000
CAPITAL BUDGET (CURRENT YEAR ACTION)
 000

Project	1 Project Number	2 Original Budget	3 Increase This Year	4 2010 Budget Approach	5 Capital Expenditure	6 Capital Expenditure	7 Capital Expenditure	8 Capital Expenditure	9 Total Capital Expenditure
Various Road, Public Use, Streets and Utility Improvements	20001	1,000,000		1,000,000	202,000		202,000	202,000	202,000
Projects of New Equipment	20002	200,000		200,000	4,000	44,700		48,700	48,700
Projects of Equipment	20003	100,000		100,000	1,000			1,000	1,000
Public Improvements	20004	258,000		258,000	280			280	280
Total Project		1,558,000		1,558,000	46,700	46,700	203,000	203,000	203,000

5 YEAR CAPITAL PROGRAM 2010-2014

Anticipated Project Schedule
 and Funding Requirement

Project	2 Project Number	3 Estimated Year Cost	4 Estimate Construction Time	5 Funding amounts by year				
				6 Budget Year 2010	7 Budget Year 2011	8 Budget Year 2012	9 Budget Year 2013	10 Budget Year 2014
Various Road, Public Use, Streets and Utility Improvements	20001	1,000,000	1 Year	1,358,000				
Projects of New Equipment	20002	200,000	1 Year	5,000				
Projects of Equipment	20003	400,000	1 Year	400,000				
Public Improvements	20004	258,000	1 Year	2,000				
Total All Projects		1,858,000		1,858,000				

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Regular
November 10, 2010
7:30 P.M.
Page 17 of 30

6 YEAR CAPITAL PROGRAM 2010-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	1 Budget 2010-2011	2 Current 2010-2011	3 Other Funds	4 Capital Improvement Fund	5 Capital Reserve Fund	6 Special Assessments Fund	7 BONDS AND NOTES						
							General	Highway	Water	School			
Water and Sewer System and Storage Project	1,600,000			500,000									
Production of New Equipment	100,000												
Production of New Equipment	100,000												
Production of New Equipment	100,000												
Production of New Equipment	100,000												
Total All Projects	1,900,000	100,000		500,000									

10
CAPITAL BUDGET (CURRENT YEAR ACTION)
2010

1 Project	2 Invoice Number	3 Current Year 2010	4 Available Balance in 2010	5 2010 Budget Amount	6 Capital Improvement Fund	7 Capital Reserve Fund	8 Special Assessments Fund	9 General Fund	10 Total	11 Fiscal Year
Production of New Equipment	2010-1	100,000	100,000	100,000					100,000	2010
Production of New Equipment	2010-2	100,000	100,000	100,000					100,000	2010
Production of New Equipment	2010-3	100,000	100,000	100,000					100,000	2010
Production of New Equipment	2010-4	100,000	100,000	100,000					100,000	2010
Production of New Equipment	2010-5	100,000	100,000	100,000					100,000	2010
Total All Projects		500,000	500,000	500,000					500,000	

6 YEAR CAPITAL PROGRAM 2010-2015
Anticipated Project Schedule
and Funding Requirements

1 Project	2 Project Number	3 Estimated Cost (\$)	4 Estimated Completion Date	5 Funding Sources (By Year)					
				2010	2011	2012	2013	2014	2015
Construction of Solid Pulp	2010-1	1,600,000	1 Year	1,600,000					
Production of New Equipment	2010-2	100,000	1 Year	100,000					
Production of New Equipment	2010-3	100,000	1 Year	100,000					
Production of New Equipment	2010-4	100,000	1 Year	100,000					
Production of New Equipment	2010-5	100,000	1 Year	100,000					
TOTAL PROJECTS		1,900,000		1,900,000					

Page 2

6 YEAR CAPITAL PROGRAM 2010-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 Project	2 Personal City Dept	3 Current Year 2010	4 Other Funds	5 Capital Improvement Fund	6 Capital Reserve Fund	7 Special Assessments Fund	8 BONDS AND NOTES						
							General	Highway	Water	School			
Construction of Solid Pulp	1,600,000			500,000									
Production of New Equipment	100,000												
Production of New Equipment	100,000												
Production of New Equipment	100,000	100,000											
Production of New Equipment	100,000												
Total All Projects	1,800,000	100,000		500,000									

Be it further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget action adopted by the governing body on the 10th day of November, 2010.

Certified by me

November 10, 2010

A. Marinette Rutaglia, Township Clerk

WEST MILFORD, NEW JERSEY

APPROVED: _____ 2010

DIRECTOR OF LOCAL GOVERNMENT SERVICES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 18 of 30

Agenda No. VII 4

~ Resolution No. 2010-385 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE DRAWDOWN OF GREENWOOD LAKE

WHEREAS, the Township of West Milford has always had great concern for the Greenwood Lake Commission, Marina business owners and homeowners alike in connection with Greenwood Lake; and

WHEREAS, the State Department of Environmental Protection has proposed a draw-down for Greenwood Lake in the fall of 2011 through the winter of 2012; and

WHEREAS, Fred S. Lubnow, Ph.D. of Princeton Hydro has advised the Township that a draw-down of Greenwood Lake has environmental benefits to the residents of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and 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 supports the general concept of a draw-down of Greenwood Lake;
2. The Township of West Milford does not endorse every aspect of the drawdown as it is technical in nature and issues such as access have not been addressed by the NJDEP to those residents of the community.
3. The Township of West Milford requests that the NJDEP continue to provide information and plans regarding the drawdown to residents, businesses and the Township in order to facilitate an effective lowering of Greenwood Lake.

Adopted: November 10, 2010

Agenda No. VII 5

~ Resolution No. 2010-386 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE MATTER KNOWN AS BAIRD v. TOWNSHIP OF WEST MILFORD, SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, PASSAIC COUNTY, DOCKET NO. PAS-L-3456-10, REGARDING PROPERTY KNOWN AS 68 DOCKERTY HOLLOW ROAD

WHEREAS, the Township of West Milford was named in an action entitled Baird v. Township of West Milford, Superior Court of New Jersey, Passaic County Law Division under Docket No. PAS-L-3456-10 wherein the plaintiff challenged the Township's demolition of the property known as 68 Dockerty Hollow Road; and

WHEREAS, the Township has reviewed this matter and the various claims of the plaintiff as well as the costs of litigating the matter; and

WHEREAS, the Administration recommends settlement of this matter for the one-time payment of \$10,000 in exchange for a dismissal with prejudice of said litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the municipal attorney is hereby authorized to take the necessary action to effectuate the settlement in the matter known as Baird v. Township of West Milford, Superior Court of New Jersey, Passaic County Law Division under Docket No. PAS-L-3456-10.

BE IT FURTHER RESOLVED, that the payment of said \$10,000 shall be by the Township's Insurance Carrier.

Adopted: November 10, 2010

Agenda No. VII 6

~ Resolution No. 2010-387~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE MATTER KNOWN AS TOWNSHIP OF WEST MILFORD v. VALLEY RIDGE DEVELOPMENT COMPANY, TAX COURT OF NEW JERSEY,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 19 of 30

DOCKET NO. 009317-2007 FOR PROPERTY KNOWN AS BLOK 8002, LOT 4, 244 DOCKERTY HOLLOW ROAD

WHEREAS, the Township of West Milford initiated a tax appeal in 2007 pertaining to the property known as Block 8002, Lot 4, 244 Dockerty Hollow Road, said appeal being known as Township of West Milford v. Valley Ridge Development Co., bearing Docket Number 009317-2007; and

WHEREAS, the parties have agreed to settle the aforementioned litigation after evaluating the assessed value of said property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township of West Milford agrees to dismiss the tax appeal litigation known as Township of West Milford v. Valley Ridge Development Co., bearing Docket Number 009317-2007 in exchange for a payment of \$16,000 from the property owner in consideration of this settlement.

BE IT FURTHER RESOLVED, that the municipal attorney is authorized to take the necessary action to effectuate this settlement.

Adopted: November 10, 2010

Agenda No. VII 7

~ Resolution No. 2010-388 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A NO-COST TIME EXTENSION AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF PASSAIC AND THE TOWNSHIP OF WEST MILFORD FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the Township of West Milford did apply for and receive funds from the United States Government under Title 1 of the housing and Community Development Act of 1974, as amended; and

WHEREAS, said funds are being administered through the County of Passaic; and.

WHEREAS, the Township of West Milford did request a no-cost time extension on August 12, 2010 which was approved by the Passaic County Board of Chosen Freeholders on August 24, 2010 by virtue of resolution R-10-647.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the Mayor and Township Clerk to execute a No-Cost Time Extension to the Memorandum of Understanding between the County of Passaic and the Township of West Milford for Community Development Block Grant Funds.

Adopted: November 10, 2010

Agenda No. VII 8

~ Resolution No. 2010-389 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING A DONATED VEHICLE FROM THE PASSAIC COUNTY BOARD OF CHOSEN FREEHOLDERS AND THE PASSAIC COUNTY SHERIFF'S OFFICE

WHEREAS, Councilman Michael Ramaglia and the West Milford Police Department did make a request to the Passaic County Sheriff's office seeking the donation of a surplus vehicle owned by Passaic County to the Township of West Milford; and

WHEREAS, based on a recommendation made by acting Sheriff Charles Meyers, by virtue of Resolution R-10-798 the Passaic County Board of Chosen Freeholders approved the transfer of a 2008 Dodge Charger with VIN Number ending in 20158 to the Township of West Milford on October 26, 2010; and.

WHEREAS, Acting Police Chief Gene Chiose has recommended that the Township accept this donation and assume title to same.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the Township Clerk to process all requisite motor vehicle paperwork to transfer title of a 2008 Dodge Charger with VIN Number ending in 20158 and an odometer reading of 39,899 miles from the County of Passaic to the Township of West Milford; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 30

BE IT FURTHER RESOLVED that the Clerk is hereby further instructed to send a copy of this resolution to the Passaic County Board of Chosen Freeholders, the Passaic County Administrator and the Passaic County Sheriff's office to express the appreciation of the Governing Body for their consideration and efforts to convey ownership of this surplus vehicle to the Township of West Milford.

Adopted: November 10, 2010

Agenda No. VII 9

~ Resolution No. 2010-390 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE PASSIAC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND for THE ACQUISITION OF BLOCK 9901 LOT 27.01 IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Department of Community Services and Recreation recommended to the Township Council the submission of an application for and acceptance of funding for the acquisition of Block 9901 Lot 27.01, approximately 31 acres on Wooley Road known as the former Green Valley Park; and

WHEREAS, the application was approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program as follows; and

Project

Bubbling Springs Extension
Wooley Road
Block 9901 Lot 27.01

Total Project Funding: \$750,000.00
County Funds Requested: \$500,000.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the Township advertised a public notice on July 4, 2010 for the public hearing to be held on July 21, 2010 on the application; and

WHEREAS, the public hearing was held on July 21, 2010, at which time public input was solicited on the application; and

WHEREAS, on October 19, 2010 the Passaic County Board of Chosen Freeholders did advise the Township of West Milford that said application was approved and awarded funding in the amount of \$215,000.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that the Township Administrator be and is hereby instructed to arrange for the acceptance of grant funds for the acquisition of Block 9901 Lot 27.01, approximately 31 acres on Wooley Road known as the former Green Valley Park in the amount of \$215,000.

Adopted: November 10, 2010

Agenda No. VII 10

~ Resolution No. 2010-391 ~

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 BIRDSALL SERVICES GROUP INC. FOR ENVIRONMENTAL ENGINEERING SERVICES ASSOCIATED WITH THE WEST MILFORD DPW ON BANKER ROAD IN AN AMOUNT NOT TO EXCEED \$16,800.00

WHEREAS, there exists a need for the Township to retain the services of an experienced, qualified entity or agency to provide consulting services of environmental engineering for the West Milford DPW on Banker Road; and

WHEREAS, as a result, the Township received a proposal from Birdsall Services Group Inc. dated August 26, 2010; and

WHEREAS, the Township wishes to award a contract without competitive bidding to Birdsall Services Group Inc. for the performance of such services; and

WHEREAS, the total amount of the contract shall not exceed \$16,800.00; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 21 of 30

WHEREAS, funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Birdsall Services Group Inc. has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Birdsall Services Group 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 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 awards and authorizes the Mayor and Township Clerk to execute an agreement with Birdsall Services Group Inc. with offices located at 65 Jackson Drive, Cranford, NJ 07016 for environmental engineering services at the West Milford DPW on Banker Road in an amount not to exceed \$16,800.00 and in accordance with his proposal dated August 26, 2010.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$16,800.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.
6. A copy of this resolution shall be provided to the Township Treasurer, and Birdsall Services Group Inc., 65 Jackson Drive, Cranford, NJ 07016 for their information and guidance.

Adopted: November 10, 2010

Agenda No. VII 11

~ Resolution No. 2010-392 ~

RESOLUTION 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 TO MIKE POPOLOSKI, LS OF MAPCO INC. FOR GPS/GIS PROCESSING AND MAPPING SERVICES IN AN AMOUNT NOT TO EXCEED \$5,000

WHEREAS, the Township of West Milford appointed Mike Popoloski of Mapco Inc. to serve as a GPS processing and GIS mapping professional on an as needed basis as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate* on February 17, 2010 in an amount not to exceed \$3,000; and

WHEREAS, the Township has determined that there is a need for additional GPS processing and GIS mapping services and is pleased with the services provided by Mr. Popoloski; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Mike Popoloski, LS of the firm Mapping & Positioning Company, Inc. (MAPCO) will provide GPS/GIS Processing And Mapping Services at a rate of \$80 per hour; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from the 0-01-20-21-480 account in an amount not to exceed \$5,000 in addition to the \$3,000 appropriated in February 2010 without prior written approval from the Township Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 22 of 30

WHEREAS, Mike Popoloski, LS of the firm Mapping & Positioning Company, Inc. (MAPCO) has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm MAPCO from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Administrator has recommended that Mike Popoloski, LS of the firm Mapping & Positioning Company, Inc. (MAPCO) be retained to provide GPS/GIS Processing And Mapping services to the Township of West Milford.

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 Mayor and Township Clerk be and are hereby authorized to execute a contract with Mike Popoloski, LS of the firm Mapping & Positioning Company, Inc. (MAPCO) for professional GPS/GIS Processing And Mapping services in an amount not to exceed \$5,000.
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2010 calendar year.
4. The total fee authorized for this contract shall not exceed \$5,000 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: November 10, 2010

Agenda No. VII 12

~ Resolution No. 2010-393 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A REVISED AGREEMENT BETWEEN THE TOWNSHIP AND THE WEST MILFORD TOWNSHIP BOARD OF EDUCATION FOR THE USE OF THE SYNTHETIC TURF FIELD AT McCORMACK FIELD

WHEREAS, on October 20, 2010, the Mayor and Council adopted Resolution 2010-361 authorizing an Interlocal Services Agreement between the West Milford Board of Education and the Township for the use of McCormack Field; and

WHEREAS, the parties have agreed to revisions to said Interlocal Services Agreement; and

WHEREAS, the Administration recommends that these revisions be incorporated in the said Interlocal Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to enter into a revised Interlocal Services Agreement with the West Milford Board of Education for the use of the synthetic turf field at McCormack Field.

BE IT FURTHER RESOLVED, that this revised Interlocal Services Agreement and Resolution hereby supersedes Resolution 2010-361 which was adopted on October 20, 2010.

Adopted: November 10, 2010

Discussion: Mr. Semrau advised that the changes are those that came from the Board of Education (BOE) and he submitted them to the Director of Community Services & Recreation (CS&R) and Administrator who approved the changes. Priority for use of the field is addressed in other paragraphs so "D" must be taken in context of the entire agreement. Mr. Boyle agreed with this understanding adding that internal policies will warrant that the Township notify the BOE when permits have been issued and to whom they have been issued. Councilman Jurkovic addressed the issue of permitting and use. He said that the agreement must be viewed in its entirety. Discussion ensued as to the term with the Council agreeing 12 years is reasonable. Paragraph 5 and paragraph 13 conflict regarding term of contract and renewal. Mr. Semrau stated that article 5 addresses replacement and article 13 addresses terms without replacement. Councilman Nolan questioned the need to have the entire BOE approve applications for use of the field. Mr. Boyle replied that the actual approval is done administratively. Councilman Jurkovic stated that our code repeatedly says Council reviews applications but in actuality they delegate these tasks to staff.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 23 of 30

Councilman Nolan asked if we have signed Hillcrest lease as yet. Mr. Semrau advised that he has the lease from the BOE and he will be bringing it to the Mayor for signature anon.

Agenda No. VII 13

~ Resolution No. 2010-394 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-020-006 FROM BENJAMIN A. STANZIALE BANKRUPTCY TRUSTEE FOR TRILLICK LLC TO SAAGAR, INC. AS A POCKET LICENSE WITH NO SITED PREMISES

WHEREAS, an application has been received for a Person to Person transfer of 2010 - 2011 Plenary Retail Consumption License No. 1615-33-020-006 presently held by Benjamin A. Stanziale Bankruptcy Trustee for Trillick LLC to SAAGAR, Inc. as a pocket license with no sited premises; and

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

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

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

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the pocket license be transferred with conditions as follows:

Pocket licenses must submit a 12 page Place to Place Transfer Application with detailed sketch of proposed site and a Police Investigation Request to the Township Clerk's Office, and receive inspections of premises and satisfactory recommendations from the following departments: Health Department, Fire Department, Building Department and Police Department prior to siting a license.

In addition, all inactive licenses must be inspected by the Police Department, Health Department and Fire Prevention Department, submit applicable pages of the 12 page application to the Township Clerk's Office, and receive satisfactory recommendations from those departments prior to opening.

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

Adopted: November 10, 2010

Agenda No. VII 14

~ Resolution No. 2010-395 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 10, 2010 for Snow Plowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works and the Township Attorney; and

WHEREAS, the Director of Public Works 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 Township Attorney has rendered an opinion whereby TNL Carting submitted a bid that contained a fatal defect which cannot be cured by the Township specifically the bid proposal

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 24 of 30

submission lacks the executed corporation or partnership ownership statement which is mandatory pursuant to the Local Public Contracts Law; 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, T-15-56-850-294 & 1-01-26-294-364.

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. TNL Carting	2	
3. Ray's Landscaping LLC	1	1 loader
4. Kershaw Construction LLC	1	
5. Nortap Equipment	1	
6. Savage Equipment Co., Inc.	1	2 loaders
7. Joseph A. Padham, Jr.	1	
8. J.D. Ragonese, Jr. Excavating	1	1 tandem, 1 loader, 1 bulldozer, 1 skid steer
9. J.G. & Son Landscaping	3	1 loader
10. P&W Excavating	6	3 tandems, 1 loader
11. GRW Enterprises LLC	1	
12. Lee Excavating Co.	14	2 tandems, 2 loaders
13. Tom Buske & Son Construction, Inc.	10	2 tandems, 1 loader, 1 grader, 2 bulldozers
14. Bruce Corbett Excavating, Inc.	1	1 tandem, 1 loader, 1 bulldozer
15. Decker & Decker Const. Co.	5	2 loaders, 2 bulldozers
16. Lanzo Trucking Co. LLC	2	1 loader
17. W & W Contracting LLC	2	1 bulldozer
18. Longstaff Paving LLC	5	2 loaders
19. Albert Christman, Inc.	2	2 loaders, 2 bulldozers
<u>TOTAL TRUCKS</u>	<u>58</u>	

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

Adopted: November 10, 2010

Discussion: Mr. Semrau advised that this was put out to public bid whereby each entity submitted a bid and a bid bond. There is a bidder, Turco, who has asked if Township would release them from the bid. There is a preliminary decision that is requested. Council has the option to release them from their bid or Council can tell them they want to enforce the bid. The bid bond would pay for the performance of the services. Council can make the decision if they want to release them from their bid. Council has to decide if they want to enforce the bid. Mr. Boyle stated that the DPW Superintendent made a recommendation to release them. Turco realizes the enormity of what they are required to do and they realize they cannot perform. The Council gave consensus to release Turco.

Agenda No. VIII

Consent Agenda

~ Resolution No. 2010-396 ~

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

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

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

Resolutions:

- a. **2010- 397** – Cancel Taxes
- b. **2010- 398** – Refund Overpayments
- c. **2010- 399** – Refund Health Fee
- d. **2010- 400** – Refund Other Liens
- e. **2010- 401** – Refund Other Liens
- f. **2010- 402** – Reinstate Taxes
- g. **2010- 403** – Rescind Refund Resolutions

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 25 of 30

Applications:
 None.

Adopted: November 10, 2010

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilman Nolan abstain on resolution 405 refund to camp vacamas only.
 Motion carried.

Agenda No. VIII a

~ Resolution No. 2010-405 ~

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: TAX EXEMPT

BLOCK/LOT	NAME	AMOUNT	YEAR
9302-1	R. C. Diocese of Paterson	\$1,740.00	2010 2 nd Half
9301-12	R. C. Diocese of Paterson	\$1,240.00	2010 2 nd Half
TOTAL		\$2,980.00	

Adopted: November 10, 2010

Agenda No. VIII b

~ Resolution No. 2010-406 ~

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. Tax Exempt |

Block/Lot	Name	Amount	Year	Reason
2001-7	Walter Frauenknecht 431 S.E. 2 nd Avenue Pompano Beach, Fla. 33060	\$180.45	2010	1
2412-13	BAC Tax Services PO Box 10211 MS:SVW-24 Van Nuys, CA	\$995.94	2010	2
2601-42	James & Tanya Brozowski 221 Pt. Breeze Drive Hewitt, NJ 07421	\$250.00	2010	3
3907-1.01	Royal Tax Lien Services LLC 179 Washington Lane Jenkintown, PA 19046	\$87.93	2010	1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Regular
 November 10, 2010
 7:30 P.M.
 Page 26 of 30

Block/Lot	Name	Amount	Year	Reason
4303-028	Eino & Fred Salo C/O Pam Guilla 1 Morningside Drive Ramsey, NJ 07446	\$72.57	2010	1
5010-14	Peter Walsh & Danielle Kinon 25 Laurel Hollow West Milford, NJ 07480	\$5,470.38	2010	2
5311-2.12	Karma Tadros 2 Richmond Road Ste 212 West Milford, NJ 07480	\$588.89	2010	2
8201-22-Q	Paul VanderVeen 1855 Macopin Road West Milford, NJ 07480	\$130.46	2010	1
12501-41.01	Camp Vacamas Assoc. Inc. 256 Macopin Road West Milford, NJ 07480	\$206.55	2010	6
12901-16	Edwin & Patricia Whitehead 309 High Crest Drive West Milford, NJ 07480	\$568.00	2010	1
13301-9.01	Camp Vacamas Assn. Inc. 256 Macopin Road West Milford, NJ 07480	\$4.00	2010	5
13301-12	Camp Vacamas Assoc. Inc. 256 Macopin Road West Milford, NJ 07480	\$1.00	2010	6
13301-18.01	Camp Vacamas Assn. Inc. 256 Macopin Road West Milford, NJ 07480	\$25.00	2010	6
15401-39	LandSafe Services LLC 1831 Chestnut Street 6 th Floor St. Louis, MO 63103	\$56.94	2010	1
9301-12	R.C. Diocese of Paterson 777 Valley Road Clifton, NJ 07013	\$1,240.00	2010	6
9302-1	R.C. Diocese of Paterson 777 Valley Road Clifton, NJ 07013	\$1,740.00	2010	6
7206-8	BAC Tax Service Corp. MS CA-0-911-01-03 PO Box 10211 Van Nuys, CA 91410-0211	\$3,283.72	2010	1
10101-10	Keith & Lora Bognar 21 Hirth Drive Newfoundland, NJ 07435	\$2,601.05	2010	2
TOTAL		\$17,502.88		

Adopted: November 10, 2010

Agenda No. VIII c

~ Resolution No. 2010-399 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PARTIAL REFUND OF A HEALTH DEPARTMENT FOOD HANDLERS LICENSE FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Health Department, the following fee be partially refunded due to a delay in the opening of the restaurant at 3055 Route 23, Oak Ridge:

FOOD HANDLERS LICENSE FEE REDUCTION		
Applicant	Amount Paid	Amount of Refund
Mr. George Chrzanowski 38 Cherry Tree Terrace Kinnelon, New Jersey 07405	\$225.00	\$58.00

Adopted: November 10, 2010

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 27 of 30

Agenda No. VIII d

~ Resolution No. 2010-400 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
10-124	03/23/2010	09101-001	\$19,090.39	US BANK CUST/SASS MUNI VI DTR TAX LIEN 2 LIBERTY PLACE 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$19,090.39	

Adopted: November 10, 2010

Agenda No. VIII e

~ Resolution No. 2010-401 ~

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:
Refund due to overpayment:		
Rachel (Jr. Dance)	\$155.00	Mark Royer 32 Old Lakeside Road Hewitt, NJ 07421

Adopted: November 10, 2010

Agenda No. VIII f

~ Resolution No. 2010-402 ~

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 of, 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: Insufficient Funds

BLOCK/LOT	NAME	AMOUNT	YEAR
15510-1	Dewayne & Gayle Crane	\$1,515.93	2010
	TOTAL	<u>\$1,515.93</u>	

Adopted: November 10, 2010

Agenda No. VIII g

~ Resolution No. 2010-403 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: November 10, 2010
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 28 of 30

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION NO. 2010-372 IN ITS ENTIRETY, AND CANCELLING THE DUPLICATE REFUND OF A FLU CLINIC FEE IN RESOLUTION NO. 2010-354 AS REFERENCED

WHEREAS, the Clerk's office received duplicate requests for refunds of fees and Escrow amounts and subsequently prepared duplicate Resolutions; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Clerk's Office, Resolution No. 2010-372 adopted October 20, 2010 is hereby rescinded; and

BE IT FURTHER RESOLVED that the below referenced duplicate refund of a Flu Clinic Fee in Resolution No. 2010-354 adopted October 6, 2010 be cancelled.

FLU CLINIC FEE		
Applicants	Receipt No(s)	Amount of Refund
Mr. and Mrs. Raymond Santelli 154 Highcrest Drive West Milford, NJ 07480	8583 and 8584	\$24.00

Adopted: November 10, 2010

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2010-404 ~

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	\$363,922.55
2	Reserve Account	0.00
3	Animal Control Trust	2,234.50
6	Capital.	460,451.90
7	Grants.	10,622.99
8	Refuse.	973.14
9	Refunds.	36,806.27
12	General Ledger.	0.00
16	Heritage Trust.	608.95
14	Open Space Trust	1,360.00
17	Trust	1,889.00
18	Development Escrow.	5,101.30
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$883,970.60
\$Less Refund Resolution		<u>-36,806.27</u>
Actual Bill List		\$847,164.33
Other Pyts,		
Total Expenditures		\$847,164.33

Approved: November 10, 2001

Discussion: Council President Smolinski asked the Administrator about lightning detector. Mr. Boyle stated that this purchase is being charged to capital. Councilman Ramaglia asked for follow up on the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 29 of 30

toner purchase for the museum and Councilwoman Lichtenberg advised that the quantity purchased will last for one full year.

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

Agenda No. X

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

Councilman Ramaglia asked for Council consideration at the next meeting to increase the EDC membership from seven to nine persons.

Councilman Nolan asked Mr. Semrau about dispersing monies to DT Allen for the turf field and asked if payments will be approved by Council. Mr. Semrau stated that he was going to ask in his report for a motion to allow him to release funds after approval from Paul Ferriero, the Township Engineer, if DT Allen achieves a certain completion point. They are seeking payment for work done to date. It is a policy decision and it has been proposed that the release of funds be delegated to him, Paul Ferriero and Administrator Boyle. Councilman Nolan stated that DT Allen is seeking release of a significant sum of money. Mr. Semrau advised that we are telling them to do the work for now and we will work out the release of the funds without it impacting the construction project. Mr. Boyle agreed adding that the only issue may be mobilization costs. Mr. Semrau stated that the Township officials would ensure that payment is made to the supplier of the materials by ensuring that certain proof is obtained. Councilman Nolan stated that tomorrow is Veteran's Day and he urged people to thank the Veterans. He is disappointed that President Obama continues to support Bush policies in Afghanistan. He wished everyone a Happy Thanksgiving.

Councilwoman Lichtenberg read a statement as to why she voted on resolution 2010-390 for the purchase of the Greene property. She listed upcoming community events including operation medicine chest, the Veteran's ceremony tomorrow 11/11 @ 11 and the tree lighting on December 6th.

Councilman Jurkovic thanked our Veterans for all they have done and freedoms they afforded us. He wished everyone a Happy Thanksgiving.

Councilman Weisbecker echoed sentiments expressed about veterans and thanked all Veterans. He stated that he has asked Mr. Semrau a couple of times about the filing of a frivolous suit that caused the Township and BOE money. Mr. Semrau stated that he wrote to the BOE attorney seeking a copy of the check used to file the claim in Paterson. He has been working on tallying up the costs which he will provide to Governing Body. He wished everyone a Happy Thanksgiving and urged people not to let people drive drunk.

Council President Smolinski stated that tomorrow is Veteran's Day and he encouraged everyone to come out to the ceremony at Veteran's Park. We have our freedoms because of our soldiers either pushing a pen in Washington or fighting in Afghanistan. He said to Councilman Nolan that one doesn't have to support the war to support the troops. Council President Smolinski stated that we cannot afford to wait to February or March of next year to begin the budget process. He asked Administrator Boyle to move on this issue by the end of November adding that the Council should start reviewing the budget now. Mr. Boyle advised that he will not be able to provide a full packet at this time. This will be a flat budget and staff will not be asking for increases. Council President Smolinski stated that the High School turf field is being installed as we speak. Thousands of students, athletes, and residents will have a facility to enjoy all the time and this will open new doors for various activities. He thanked everyone involved.

Mayor Bieri stated that earlier today the Hoffington Post recognized Gary Oppenheimer for his work on the Ample Harvest mission. During the election there was a lot of talk about drugs and on behalf of the CASA committee the Township has a list of contact numbers. She urged people who need assistance in one way or another to reach out to them. She asked the Council to consider attendance requirements for those serving on committees. Fred Semrau will look into that. She thanked the Veterans for the sacrifices made and wished everyone a Happy Thanksgiving.

Mr. Semrau stated that the Governing Body approved the release of funds for the Turf Field to DT Allen and he asked for motion to approve a modification to the release of funds. He asked that funds be released to DT Allen by recommendation from Paul Ferriero and approval of Administrator Boyle. This will only happen between now and December 1st when the Council meets again. He asked for a motion to amend the performance guarantee schedule which calls for a 2% retainage and to authorize administrator to release funds based on recommendation from the Township Engineer.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: November 10, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 30 of 30

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

Agenda No. XI

Appointments and Resignations

~ Resolution No. 2010-407 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO RATIFY APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby ratify and make the following appointments to the Township Zoning Board of Adjustment:

<u>Name</u>	<u>Position</u>	<u>Term Expiring</u>
James A. Olivo	Citizen Member 2	December 31, 2011
Russell Curving	Alternate No. 1	December 31, 2011

Adopted: November 10, 2010

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

Agenda No. XII

Executive Session

None.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:41 p.m.

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

Approved: June 1, 2011

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK