
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: December 15, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 23

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

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 20, 2009; and January 10, 2010 copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

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

Agenda No. I

Reading of or Approval of Unapproved Minutes

The following meeting minutes were adopted as presented:

June 29, 2010 Special Meeting

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

Agenda No. II

Presentations

1) Eagle Scouts -

Mayor Bieri advised that she had the honor and pleasure of attending all the ceremony for these three Eagle Scouts. Asked all three to join her at the podium and invited family forward; parents joined them. Mayor Bieri stated that all three Scouts did amazing philanthropic projects. Each introduced himself and his respective family. Andrew advised that he built benches in Veteran's Park dedicated to people in military service. Mike's project was at the Greenwood Lake volunteer fire department where he made repairs upstairs. Kevin Gilligan's project was to rebuild the Macopin school greenhouse. Mayor Bieri stated that those were abbreviated editions. Each invested several hundred hours. She commended each Scout and each family noting their dedication to scouting. The parents expressed pride and commended their sons. Mayor Bieri advised that the formal court of honor was a couple of weeks ago when she presented them with plaques. Each name will be added to plaque at town hall.

2) Swearing in of new Police Officers -

Acting Chief Chiosie and new officers joined Mayor Bieri at the podium. Each officer introduced himself and his family. Acting Chief Chiosie stated that all three officers have come from other departments with exemplary records. He read a brief biography of each officer and stated that he and his department welcomes them to West Milford. Mayor Bieri administered the oaths of office. Mayor Bieri stated that the Township has had a hiring freeze as well as salary freezes. In the police department there was significant turnover in recent years necessitating replacements. She welcomed the new officers and thanked all our officers for their patience and understanding and for stepping up to the plate during the shortages. Under the new leadership the department has made significant strides in addressing our drug problem in West Milford.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

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~ 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. 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:

Table with 2 columns: Certificate of smoke detector and carbon monoxide compliance, Fee. Rows include Requested more than 10 business days prior to closing (\$45.00), Requested four to ten business days prior to closing (\$80.00), Requested less than four business days prior to closing (\$135.00).

(1) Certificate of smoke detector and carbon monoxide compliance reinspection fee: \$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:

Table with 2 columns: Occupancy (square feet), Fee. Rows include Up to 999 (\$35), 1,000 to 4,999 (\$60), 5,000 to 9,999 (\$125), 10,000 to 14,999 (\$250), 15,000 and over (\$350).

- D. 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
ADOPTED: December 15, 2010
EFFECTIVE DATE: January 4, 2011

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This Ordinance was introduced on November 10, 2010 and the Notice of Public Hearing was published in the Herald News on November 14, 2010. The Council will open the meeting to the public to speak to this ordinance only.

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

Motion to move the ordinance.

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

Agenda No. IV 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 therefore 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 therefore 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 \$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 therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved | \$33,000 | \$31,100 |

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| (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 therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$847,000 appropriation hereby made therefore 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 therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$388,000 appropriation hereby made therefore 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 therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore 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 therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved | <u>380,000</u> | <u>361,900</u> |
| Totals | <u>\$1,675,000</u> | <u>\$1,142,000</u> |

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 therefore, 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

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or reduction of the authorization of the obligations of the Township authorized therefore 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.

INTRODUCED: November 10, 2010
ADOPTED: December 15, 2010
EFFECTIVE DATE: January 4, 2011

This Ordinance was introduced on November 10, 2010 and the Notice of Public Hearing was published in the Herald News on November 14, 2010. The Council will open the meeting to the public to speak to this ordinance only.

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

Motion to move Ordinance 2010-016.

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

Agenda No. IV 3

~ Ordinance No. 2010-017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ACQUISITION OF VEHICULAR EQUIPMENT BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND APPROPRIATING \$44,750 THEREFORE FROM CAPITAL SURPLUS OF THE TOWNSHIP

BE IT ORDAINED by The Township Council of the Township Of West Milford, in the County Of Passaic, New Jersey, as follows:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$44,750 from moneys available in capital surplus of the Township.

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Section 2. The improvement hereby authorized and the purpose for which said appropriation is made is the acquisition by purchase of new and additional vehicular equipment, including one (1) pickup truck with plow and one (1) utility vehicle for use by the Department of Public Works of the Township, including all necessary and appurtenant equipment, accessories, attachments, work and materials, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. 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 4. This ordinance shall take effect after publication after final adoption, as provided by law.

INTRODUCED: December 1, 2010
ADOPTED: December 15, 2010
EFFECTIVE DATE: January 4, 2011

This Ordinance was introduced on December 10, 2010 and the Notice of Public Hearing was published in the Herald News on December 5, 2010. The Council will open the meeting to the public to speak to this ordinance only.

There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Ramaglia, to close this public portion of the meeting. Approved by unanimous roll call vote. Motion to move Ordinance 2010-017.

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

Agenda No. IV 4

~ Ordinance No. 2010-018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO REZONE CERTAIN PARCELS IN THE TOWNSHIP OF WEST MILFORD FROM THE R-1/PN ZONE DISTRICT TO THE R-4 ZONE DISTRICT AND TO THE LR/LAKESIDE RESIDENTIAL ZONE DISTRICT AND TO AMEND CHAPTER 500 ENTITLED "ZONING", ARTICLE I, ENTITLED "ZONE DISTRICTS AND MAP" TO ESTABLISH A REVISED ZONING MAP TO REFLECT SAID REZONING

WHEREAS, the Township of West Milford has duly adopted land use and zoning regulations in conformance with a Master Plan, consistent with the standards set forth in the Municipal Land Use Law and in particular with regard to N.J.S.A. 40:55D-62; 65; and

WHEREAS, the West Milford Planning Board adopted a report entitled *Periodic Reexamination Report of the Master Plan and Development Regulations*, dated October 28, 2010 and an *Amendment to the Master Plan Land Use Plan Element* dated October 28, 2010; and

WHEREAS, the Planning Board has determined that approximately 410 acres of land currently zoned R-1/PN (Multifamily Residential Planned Neighborhood), a multifamily zone district having a permitted maximum density of four dwelling units per acre, should be rezoned to the R-4, Very Low Density Residential zone district which is contiguous to said areas due to policy and regulatory changes including the decision by the Township of West Milford not to pursue a "Town Center" designation and the adoption of the Highlands Water Protection and Planning Act (P.L. 2004, c.120) placing West Milford entirely within the Highlands Preservation Area and, consequently, infrastructure necessary to support such densities is no longer possible; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-62a) requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

WHEREAS, the Planning Board does recommend to the Township Council that the following properties be rezoned from the R-1/PN (Multifamily Residential) zone district to the R-4 Very Low Density

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Residential zone district: Block 5301, Lot 20; Block 7702, lots 4, 6, 7, 8; Block 8002, Lot 4; and Block 9901, lots 8, 9, 10, 11, 12, 13, 14.01, 14.02, 14.03, 15, 16, 17, 18, 19; and does also recommend that Lot 5 in Block 7702 be rezoned from R-1/PN (Multifamily Residential) to the LR/Lakeside Residential zone district consistent with adjacent properties surrounding Pine Cliff Lake; and

WHEREAS, the Planning Board does further recommend to the Township Council that the Zoning Map for the Township of West Milford be revised to incorporate the proposed zoning changes and that §500-2, "Zoning Map" in Article I, "Zone Districts and Map" of Chapter 500, "Zoning" be amended to reference an updated Zoning Map in accordance with the changes set forth herein; and

WHEREAS, the Township Council of the Township of West Milford concurs with the recommendations put forward by the Planning Board and does find that the proposed changes advance the purposes of the Municipal Land Use Law, in particular N.J.S.A. 40:55D-2, a, c, d, e, f, g, and j.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the following properties in the Township of West Milford shall be rezoned as follows: Block 5301, Lot 20; Block 7702, lots 4, 6, 7, 8; Block 8002, Lot 4; and Block 9901, lots 8, 9, 10, 11, 12, 13, 14.01, 14.02, 14.03, 15, 16, 17, 18, 19 from R-1/PN (Multifamily Residential) to R-4 Very Low Density Residential and Block 7702, Lot 5 from R-1/PN (Multifamily Residential) to LR/Lakeside Residential as depicted on Attachments A and B, appended herein.

BE IT FURTHER ORDAINED, that the West Milford Zoning Ordinance as contained in Chapter 500 of the Township Code shall be amended to establish a current Zoning Map to incorporate the rezoning changes of this Ordinance and that §500-2, entitled "Zoning Map" in Article I of Chapter 500 be revised accordingly.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

Section 1. Chapter 500 "Zoning", § 500-2 "Zoning Map" shall be revised to read as follows:
The GIS Parcel Layer Map, with amendments through December 15, 2010, shall be the Zoning Map of the Township of West Milford.

Section 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of the 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 of 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: December 1, 2010
ADOPTED: December 15, 2010
EFFECTIVE DATE: January 4, 2011

This Ordinance was introduced on December 1, 2010 and the Notice of Public Hearing was published in the Herald News on December 5, 2010. The Council will open the meeting to the public to speak to this ordinance only.

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

Motion to move Ordinance 2010-018.

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.

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Many large corporations, Councilman Jurkovic said, tend to want to be good corporate citizens and he asked that TGP proceed in that manner. He asked TGP to make the change to move the pipe over to preserve the trees. There are many obstacles and he asked TGP to attempt to make the changes without disrupting their plan. He asked them to go back to the company and advise the Federal energy committee that it can't be done, notify the Township. The request does not constitute a drastic change to plan; it could be construed as an infield adjustment.

Daniel Redvik TGP stated that they have been through a lengthy environmental compliance process and this final plan parallels the existing pipeline. He did walk the property to see if anything can be done to save the trees and has determined that they can save one tree. They are an environmentally conscious company to the best of their ability. He will look to see if anything else can be done to save trees. However, they are on a very tight timeline. He advised that the public was notified of this project and there was a comment period. The project was surveyed and staked and the Township was notified. TGP was always willing to go out with Township officials to make adjustments at that time. TGP went to great lengths to insure they involved the Township Administrator in all phases. This is the first time they are hearing of this issue.

Mayor Bieri asked when the property was staked. Mr. Redvik replied that it was done just recently at the request of the Environmental Commission. Mike Lennon, TGP said that the tree to be saved is the one farthest to the left. Discussion ensued about the feasibility of saving more trees and moving the line to accommodate that request.

TGP officials stated that they have agreed to cut and leave on site, for West Milford residents all felled trees to be used for firewood. They were working with the Administrator for further instruction and direction in that regard. TGP would rather stack the wood close to or off the right-of-way to discourage people entering the job site. TGP will make every effort to find a way to save the trees and minimize the impact of construction on West Milford resources. They agreed to walk the entire property prior to construction to minimize the impact along the entire route. They said that they try to do that as good stewards. They asked that consideration be given to the scope of the project and the type of machinery being used.

Mr. Redvik stated that TGP is set on the route and that is what they are asking the Township to review and authorize. TGP has identified one tree that can be saved and will look at the other trees to see if there is any way to minimize or avoid disturbance. Comments can be made to the federal environmental regulatory commission although the comment period is closed they are always open to comments. They would consider any input. Discussion ensued about sending a letter to the commission providing an overview of the circumstances, the history and the value. Mr. Redvik stated that the bureaucratic process to change a plan is lengthy at best. Existing studies would have to be reopened and reviews would be required. Councilman Jurkovic asked Mr. Redvik to determine if it is possible to make the change without it becoming such a lengthy process to get recertification. Mr. Redvik stated that every effort will be made and asked the Council to find a way to move forward at the same time. Councilman Jurkovic stated that the Council will be more favorable on January 5th if this issue is resolved. Mr. Stevens stated that TGP wants to work with the Township but are compelled to a federally dictated schedule and timeline. The natural gas act does provide for eminent domain and TGP would invoke that right only as a last resort. Mayor Bieri noted that the proposed ROW is 75 feet. She stated that for that small stretch where the trees are, can you narrow the width of the project just for that area. Mr. Redvik stated that they will look at that. Dan asked if the Administrator has authorization to work on the easement agreement between now and January 5th. Mr. Semrau stated that the Governing Body had good questions tonight and he asked TGP to give response to those questions. Mr. Redvik stated that they have provided a full scope appraisal report which the Tax Assessor is reviewing from a financial perspective. Mr. Semrau recommended that the Governing Body get all that information and feedback from the Administrator and Assessor for workshop discussion and advised that there may also be a needed executive session discussion. He recommended scheduling this for executive session discussion on January 17th in the hopes of resolving this or determining if there is an impasse. Mr. Redvik advised that TGP must be ready to go by the end of January or early February to meet deadlines. Councilman Ramaglia asked for a project schedule and asked that Mr. Boyle provide that to the newspapers.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Mayor asked to move all resolutions as one. Councilman Jurkovic asked for discussion on Resolution 2010-420.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg, Jurkovic.

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Voted Nay: None.
Motion carried.

Agenda VII 1

~ Resolution No. 2010-417 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BOROUGH OF BLOOMINGDALE FOR REGISTRAR SERVICES

WHEREAS, the Township of West Milford desires to provide registrar services to residents of the municipality and also wishes to maintain all vital statistics records in the Township; and

WHEREAS, the Borough of Bloomingdale employs a Registrar of Vital Statistics and they have agreed to enter into an agreement with the Township of West Milford for their Registrar to provide services to the Township of West Milford on a part-time basis; and

WHEREAS, said agreement outlines the terms and conditions of the services to be provided; and

WHEREAS, the cost for these services is \$16,952 for the 2011 calendar year.

WHEREAS, the Chief Financial Officer certifies that funds are available for this purpose under account #1-01-27-331-200.

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 and Township clerk be and are hereby authorized to execute an inter-local agreement with the Borough of Bloomingdale for Registrar of Vital Statistics services, said agreement to be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately.

Adopted: December 15, 2010

Agenda VII 2

~ Resolution No. 2010-418 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPERSEDING RESOLUTION NO. 2010-395 AWARDDING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford awarded contracts for Snow Plowing Services by Resolution No. 2010-395 adopted on November 10, 2010; and

WHEREAS, the Office of the Township Clerk has received an updated recommendation of award from the Director of Public Works which recommendation shall supersede the prior recommendation and Resolution 2010-395; and

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 Director of Public Works' updated 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. Kershaw Construction LLC | 2 | |
| 3. Nortap Equipment | 1 | |
| 4. Savage Equipment Co., Inc. | 1 | 2 loaders |
| 5. Joseph A. Padham, Jr. | 1 | |
| 6. J.D. Ragonese, Jr. Excavating | 2 | 1 tandem, 1 loader, 1 bulldozer, 1 skid steer |
| 7. J.G. & Son Landscaping | 3 | 1 loader |
| 8. P&W Excavating | 6 | 3 tandems, 1 loader |
| 9. GRW Enterprises LLC | 1 | |
| 10. Lee Excavating Co. | 14 | 2 tandems, 2 loaders |
| 11. Tom Buske & Son Construction, Inc. | 10 | 2 tandems, 1 loader, 1 grader, 2 bulldozers |
| 12. Bruce Corbett Excavating, Inc. | 3 | 1 tandem, 1 loader, 1 bulldozer |
| 13. Decker & Decker Const. Co. | 6 | 2 loaders, 2 bulldozers |
| 14. Lanzo Trucking Co. LLC | 3 | 1 loader |
| 15. W & W Contracting LLC | 3 | 1 bulldozer |

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| | | |
|----------------------------|---|-------------------------|
| 16. Longstaff Paving LLC | 6 | 2 loaders |
| 17. Albert Christman, Inc. | 2 | 2 loaders, 2 bulldozers |

TOTAL TRUCKS 65

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

Adopted: December 15, 2010

Agenda No. VII 3

~ Resolution No. 2010-419 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CHILTON MEMORIAL HOSPITAL FOR THE YEAR 2011

WHEREAS, there exists a need for certain Community Health Education services to the West Milford Health Department; and

WHEREAS, the Township received a proposal to provide these services from Chilton Memorial Hospital; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing the award of a contract be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract, said encumbrances to be taken from account number 1-01-27-330-446.

NOW, THEREFORE, BE IT RESOLVED by the Township of West Milford, New Jersey as follows:

- That the proper Township Officials are hereby authorized and directed to execute a contract in a total amount not to exceed \$7,800.00 for community health education services with:
 CHILTON MEMORIAL HOSPITAL
 97 West Parkway, Pompton Plains, New Jersey 07444
- This contract is awarded without competitive bidding as a "Professional Service" in connection with N.J.S.A. 40A: 11-5 (1) (a).
- That a notice of this action shall be published once in the *Herald News*.

Adopted: December 15, 2010

Agenda No. VII 4

~ Resolution No. 2010-420 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO MATTHEW GIACOBBE, ESQ., SUCH AMENDMENT TO AUTHORIZE A CHANGE ORDER IN THE AMOUNT TO BE APPROPRIATED FOR LEGAL SERVICES

Discussion: The Council expressed concern that the existing contract for the services exceeded appropriations by about \$5,000 and November and December bills have yet to be received. Councilman Jurkovic stated that Mr. Giacobbe is two months behind on billing and already over on appropriations. The Council discussed the means that should be used by professionals to ensure that they stay within the appropriations made for their services. The Council discussed the ramifications of a "no" vote. The Council instructed the Administrator to have Mr. Giacobbe come to a meeting to discuss these matters.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Nolan, Lichtenberg.
 Voted Nay: Weisbecker, Smolinski, Ramaglia, Jurkovic.
 Motion defeated.

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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution No. 2010-421 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO PIERCE MANUFACTURING FOR ONE (1) TANKER/PUMPER FOR WEST MILFORD FIRE DEPARTMENT

WHEREAS, the Township of West Milford solicited bids on November 5, 2010 at 10:00 a.m. for one (1) tanker/pumper for the Fire Department; and

WHEREAS, the Township advertised this bid in accordance with the local public contracts law and also sent that notice to thirteen vendors with six vendors picking up specifications and in response the Township received one (1) bid for from *Pierce Manufacturing, Inc.*; and

WHEREAS, said bid has been duly reviewed and analyzed by the Fire Commissioner and the Township Attorney; and

WHEREAS, the bid received from *Pierce Manufacturing, Inc.* has been found to be substantially 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 Fire Commissioner has submitted a written recommendation for the award of this contract to *Pierce Manufacturing, Inc.*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from 2010 capital appropriations with an account number being designated after the estoppel period for Ordinance 2010-016 has passed; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *Pierce Manufacturing, Inc.* for the purchase one (1) tanker/pumper for West Milford Fire Department.

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

1. The Township Council hereby awards a contract to *Pierce Manufacturing, Inc.* in the amount of \$358,429.00.
2. The Mayor and Municipal Clerk be and are hereby authorized and directed to execute a contract with *Pierce Manufacturing, Inc.* in accordance with its bid for the purchase one (1) tanker/pumper for West Milford Fire Department.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.
5. Notice of the award of this contract shall be published in the official newspaper of the Township within ten (10) days.

Adopted: December 15, 2010

Agenda No. VII 6

~ Resolution No. 2010-422~

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, based on a recommendation made by former Sheriff Jerry Speciale, by virtue of Resolution R-10-348 the Passaic County Board of Chosen Freeholders approved the transfer of a 2001 Ford Expedition with VIN Number ending in 26659 to the Township of West Milford on May 11, 2010; and

WHEREAS, Fire Commissioner Ed Steines 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 2001 Ford Expedition with VIN Number ending in 26659 and an odometer reading of 89,272 miles from the County of Passaic to the Township of West Milford; and

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

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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: December 15, 2010

Agenda No. VII 7

~ Resolution No. 2010-423 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EMPLOYMENT OF PATRICIA DALE AS THE TEMPORARY INTERIM CHIEF FINANCIAL OFFICER FOR A TERM TO EXPIRE ON JANUARY 31, 2011 OR UNTIL A PERMANENT APPOINTMENT IS MADE

WHEREAS, the Township CFO retired on June 30, 2010; and

WHEREAS, the Township Council did approve the Mayor's appointment of Patricia Dale to serve as Township Chief Financial Officer during the interim period for a term to expire on December 31, 2010; and

WHEREAS, the Township is desirous of appointing a temporary interim Township Chief Financial Officer without any rights of holdover to assist the Township while the Township conducts a thorough search for a Township Chief Financial Officer; and

WHEREAS, the Mayor hereby appoints Patricia Dale as the temporary interim Chief Financial Officer for the Township of West Milford for a term to expire on January 31, 2011 or until a permanent appointment is made, whichever comes first, and without any rights of holdover; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township hereby appoints Patricia Dale as the Township's temporary interim Chief Financial Officer without any rights of holdover for a term to expire on January 31, 2011 or until a permanent appointment is made, whichever comes first, and in an amount not to exceed \$4,000.00; and

BE IT FURTHER RESOLVED that notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: December 15, 2010

Agenda No. VII 8

~ Resolution No. 2010-424 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A PERFORMANCE BOND IN THE FORM OF LETTER OF CREDIT NO. 630058629 IN THE AMOUNT OF \$26,572.50 AND A CASH BOND IN THE AMOUNT OF \$2,952.50 TO CHARLES AIKEY FOR FINAL SUBDIVISION AT WESLEY ROAD, BLOCK 9501 LOT 19.02 AND AUTHORIZING THE POSTING OF A PERFORMANCE BOND IN THE AMOUNT OF \$3,630.00 FOR INCOMPLETE PUBLIC IMPROVEMENTS

WHEREAS, based on recommendation of the Township Supervising Engineering Aide the Performance Bond in the form of Letter of Credit No. 630058629 posted for the above referenced project and the Cash Bond in the amount of \$2,952.50 be released to Charles Aikey of CFA Custom Homes subject to the posting of a Performance Bond in the amount of \$3,630.00; and

WHEREAS, inspections for the Performance Bond reduction request have been completed; and

WHEREAS, the Township Supervising Engineering Aide provided a recommendation by memo dated December 7, 2010 for the release of the above referenced bonds subject to the posting of a Performance Bond in the amount of \$3,630.00;

WHEREAS, the Letter of Credit and Cash Bond will be released upon receipt by the Township Clerk of a Performance Bond in the proper amount;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of Letter of Credit No. 630058629 posted for the above referenced project and the Cash Bond in the amount of \$2,952.50 posted by Charles Aikey, CFA Custom Homes, 144 Wesley Drive, West Milford, NJ 07480 for Wesley Road, Block 9501 Lot 19.02; and

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

Adopted: December 15, 2010

Agenda No. VII 9

~ Resolution No. 2010-425 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:A4-58

WHEREAS, there appears to be a surplus in the 2010 appropriation over and above the demand deemed to be necessary for the balance of the year:

| APPROPRIATION | ACCOUNT NUMBER | TRANSFER PROPOSAL |
|-----------------------------|----------------|-------------------|
| Engineering S&W | 01-20-165-100 | \$ 2,000 |
| Elections O.E. | 01-20-146-200 | \$ 1,000 |
| Gas (Natural & Propane) | 01-31-446-200 | \$ 7,100 |
| Treasurer O.E. | 01-20-130-200 | \$ 2,000 |
| Tax Collector S&W | 01-20-145-100 | \$ 10,000 |
| General Services S&W | 01-20-161-100 | \$ 15,800 |
| Autumn Lights O.E. | 01-20-171-471 | \$ 453 |
| Comprehensive Planning O.E. | 01-21-181-200 | \$ 5,000 |
| Bubbling Springs S&W | 01-28-371-100 | \$ 7,100 |
| Vehicle Maint. O.E. | 01-26-315-200 | \$ 5,000 |
| Recreation Programs S&W | 01-23-220-200 | \$ 22,600 |
| Police Patrol S&W | 01-23-240-100 | \$ 10,000 |
| Hillcrest S&W | 01-28-374-101 | \$ 9,947 |
| TOTAL TRANSFERS OUT | | \$ 98,000 |

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2010 budget year.

| | | |
|----------------------------------|---------------|-----------|
| Information Technology S & W | 01-20-140-100 | \$ 1,000 |
| Elections S&W | 01-20-146-100 | \$ 1,000 |
| Assessor S&W | 01-20-150-100 | \$ 10,500 |
| Engineering O.E. | 01-20-165-450 | \$ 2,000 |
| Comprehensive Planning Board S&W | 01-21-181-100 | \$ 200 |
| Building S & W | 01-22-195-100 | \$ 5,000 |
| Special Police S&W | 01-25-244-100 | \$ 4,400 |
| Fire Co. Admin. S&W | 01-25-266-100 | \$ 1,400 |
| Vehicle Maint S&W | 01-26-315-100 | \$ 11,000 |
| Public Health S&W | 01-27-330-100 | \$ 25,400 |
| DPW Snow Removal S&W | 01-26-294-100 | \$ 16,000 |
| Animal Control S&W | 01-27-340-100 | \$ 10,000 |
| Utilities - Street Lighting | 01-31-435-200 | \$ 1,200 |
| Utilities - Telephone | 01-31-440-200 | \$ 900 |

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WHEREAS, the Township Tax Collector of the Township of West Milford sold liens to the municipality; and

WHEREAS, as a result of such tax sale, the Tax Collector has issued Tax Lien Certificates with respect to properties formerly known as:

| BLOCK & LOT | CERTIFICATE NO. | LIEN AMOUNT |
|-------------|-----------------|-------------|
| 504-1 | 10-002 | \$3,067.87 |
| 1816-1 | 09-018 | \$8,020.41 |
| 3401-1 | 10-034 | \$2,857.65 |
| 3503-15 | 10-037 | \$955.30 |
| 3503-18.01 | 10-038 | \$466.89 |
| 3503-18.02 | 10-039 | \$1,451.21 |
| 3503-19 | 10-040 | \$274.63 |
| 3503-30 | 10-041 | \$134.16 |
| 3610-32 | 09-040 | \$1,755.31 |
| 3610-33 | 09-041 | \$1,902.97 |
| 9601-1 | 09-105 | \$1,197.84 |
| 9801-28.05 | 09-110 | \$7,092.27 |
| 9801-28.07 | 09-112 | \$7,104.89 |
| 12210-8.01 | 89-102 | \$2,080.93 |
| 14601-5.01 | 10-137 | \$1,196.60 |
| 14601-5.02 | 10-138 | \$1,195.99 |
| 14601-5.03 | 10-139 | \$1,185.86 |
| 14601-5.04 | 10-140 | \$1,235.90 |
| 16901-4 | 10-151 | \$2,719.14 |

WHEREAS, the outstanding lien has been redeemed and the amount has been paid to the Tax Collector to satisfy the obligation; and

WHEREAS, the Tax Collector recommends that these Tax Lien Certificates be executed for cancellation of record and recorded with the Passaic County Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey that the Mayor is hereby authorized to execute the cancellation of West Milford Tax Lien Certificates and the Township Attorney may then forward same with the Passaic County Clerk for cancellation of record.

Adopted: December 15, 2010

Agenda No. VIII b

~ Resolution No. 2010-428 ~

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:** 1) 100% DISABLED VETERAN
 2) TAX EXEMPT

| BLOCK/LOT | NAME | AMOUNT | YEAR | REASON |
|-----------|--------------------------|------------|------------------------------|--------|
| 3610-3 | Albert Alfieri | \$594.75 | 2009 2 nd qtr. | 1 |
| 3610-3 | Albert Alfieri | \$1,905.89 | 2009 2 nd Half | 1 |
| 3610-3 | Albert Alfieri | \$3,843.07 | 2010 Full Year | 1 |
| 3610-3 | Albert Alfieri | \$1,922.00 | 2011 1 st Half | 1 |
| 13301-12 | Camp Vacamas Assoc. Inc. | \$2.00 | 2010 1 st Half | 2 |

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| 13301-18.01 | Camp Vacamas Assoc. Inc. | \$50.00 | 2010 1 st Half | 2 |
| 13301-9.01 | Camp Vacamas Assoc. Inc. | \$8.00 | 2010 1 st Half | 2 |
| Grand Total | | \$8,325.71 | | |

Adopted: December 15, 2010

Agenda No. VIII c

~ Resolution No. 2010-429 ~

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 | 6. 100% Disabled Veteran |
| | 7. Tax Exempt |

| Block/Lot | Name | Amount | Year | Reason |
|------------|------------------------------------------------------------------------------|------------|------|--------|
| 2407-1 | Catherine Caputo 374 Lakeshore Drive Hewitt, NJ 07421 | \$250.00 | 2010 | 3 |
| 4013-3 | Daniel & Jeanne Dawson 67 Wanaque Road Hewitt, NJ 07421 | \$250.00 | 2010 | 3 |
| 4301-37 | Bernhard & Elizabeth Bartsch 33 Forest Lake Drive Hewitt, NJ 07421 | \$2,700.42 | 2010 | 2 |
| 5311-2.21 | Shirley Pearlman 2 Richmond Road Suite 221 West Milford, NJ 07480 | \$250.00 | 2010 | 3 |
| 5317-3.06 | The Herman Law Firm 22 Riverview Drive Ste 102 Wayne, NJ 07470 | \$86.50 | 2010 | 2 |
| 5405-2 | Robert Jacobsen 6 Lozier Court West Milford, NJ 07480 | \$1,911.92 | 2010 | 2 |
| 6701-7.09 | MJD Realty, LLC 1900 Union Valley Road Hewitt, NJ 07421 | \$1,190.34 | 2010 | 2 |
| 6701-7.10 | MJD Realty, LLC 1900 Union Valley Road Hewitt, NJ 07421 | \$574.59 | 2010 | 2 |
| 6701-7.11 | MJD Realty, LLC 1900 Union Valley Road West Milford, NJ 07480 | \$989.18 | 2010 | 2 |
| 7508-8 | Stephen & Lisa Watson 19 Bushwick Lane West Milford, NJ 07480 | \$1,437.70 | 2010 | 2 |
| 7801-50.01 | Joseph Michael 50 A Beacon Hill Road West Milford, NJ 07480 | \$2,142.00 | 2010 | 2 |
| 8101-41 | Max Title Agency, LLC 23 Vreeland Road Ste. 150 Florham Park, NJ 07932 | \$1,891.40 | 2010 | 2 |
| 8704-24.02 | Charles Scaglione 207 Ridge Road West Milford, NJ 07480 | \$3,051.51 | 2010 | 2 |
| 9501-45 | Frank & Arlene Cialkowski | \$2,696.07 | 2010 | 2 |

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| Block/Lot | Name | Amount | Year | Reason |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------|--------|
| | 29 Bissett Drive West Milford, NJ 07480 | | | |
| 12210-2 | Thomas Garrison 27 Poplar Grove Terrace West Milford, NJ 07480 | \$250.00 | 2010 | 3 |
| 13203-7 | Philip & Ingrid Casey 21 Struble Lane West Milford, NJ 07480 | \$250.00 | 2010 | 3 |
| 13301-9.01 | Camp Vacamas Assn. Inc. 256 Macopin Road West Milford, NJ 07480 | \$4.00 | 2010 | 7 |
| 13301-12 | Camp Vacamas Assn. Inc. 256 Macopin Road West Milford, NJ 07480 | \$1.00 | 2010 | 7 |
| 13301-18.01 | Camp Vacamas Assn. Inc. 256 Macopin Road West Milford, NJ 07480 | \$25.00 | 2010 | 7 |
| 13805-5 | Lisa Gonzalez 8 Highland Avenue West Milford, NJ 07480 | \$1,107.13 | 2010 | 2 |
| 9703-5.03 | US Bank Cust/Sass Muni VI dtr. Tax Lien Management 2 Liberty Place 50 South 16 th Street Ste 1950 Philadelphia, PA 19102 | \$2,568.31 | 2010 | 2 |
| 1803-1 | Leonard & Millie Brooks P.O. Box 533 West Milford, NJ 07480 | \$1,139.46 | 2011 | 1 |
| 5302-2 | Leonard & Millie Brooks P.O. Box 533 West Milford, NJ 07480 | \$2,245.00 | 2011 | 1 |
| 3610-3 | Albert & Carol Alfieri 44 Tintle Avenue West Milford, NJ 07480 | \$6,343.71 | 2010 | 6 |
| 13203-2 | Heck, Anne & Maurice Alfred P.O. Box 230 Hasbrouck Heights, NJ 07604 | \$4,857.76 | 2011 | 1 |
| TOTAL | | 38,213.00 | | |

Adopted: December 15, 2010

Agenda No. VIII d

~ Resolution No. 2010-430 ~

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:

| Cert. No. | Certificate Date | Block/Lot | Reimburse Amount | Lienholder |
|-----------|------------------|---------------|------------------|---------------------------------------------------------------------------------------------------|
| 08-058 | 04/08/2008 | 05501-008 | \$42,966.11 | Crusader Lien Services 179 Washington Lane Jenkintown, Pa 19046 |
| 10-017 | 03/23/2010 | 01810-008 | \$15,052.70 | Lawrence & Helen Earl Family TR. LLC 933 Millbrook Road P.O. Box 42 Stillwater, NJ 07875 |
| 10-066 | 03/23/2010 | 06002- 039.02 | \$74,872.10 | Royal Tax Lien Services LLC 179 Washington Lane Jenkintown, Pa 19046 |

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|--------------------|------------|--------------|---------------------|-----------------------------------------------------------------------------------------------------------------|
| 10-067 | 03/23/2010 | 06303-004 | \$43,204.27 | Royal Tax Lien Services LLC 179 Washington Lane Jenkintown, Pa 19046 |
| 10-075 | 03/23/2010 | 07213-002 | \$34,000.05 | Us Bank Cust/Sass Muni Vi Dtr Tax Lien 2 Liberty Place 50 So. 16th St. Ste 1950 Philadelphia, Pa 19102 |
| 10-099 | 03/23/2010 | 09703-005.03 | \$29,896.98 | Us Bank Cust/Sass Muni Vi Dtr Tax Lien 2 Liberty Place 50 So. 16th St. Ste 1950 Philadelphia, Pa 19102 |
| 10-135 | 03/23/2010 | 14202-001 | \$41,775.64 | Us Bank Cust/Sass Muni Vi Dtr Tax Lien 2 Liberty Place 50 So. 16th St. Ste 1950 Philadelphia, Pa 19102 |
| 10-141 | 03/23/2010 | 14701-050 | \$18,815.21 | Us Bank Cust/Sass Muni Vi Dtr Tax Lien 2 Liberty Place 50 So. 16th St. Ste 1950 Philadelphia, Pa 19102 |
| Grand Total | | | \$300,583.06 | |

Adopted: December 15, 2010

Agenda No. VIII e

~ Resolution No. 2010-431 ~

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 |
|----------------------------|---------|---------------------------------------------------------|
| Kids In The Kitchen | | |
| Sean | \$50.00 | Matt Fagan 1 Lindy's Drive West Milford, NJ 07480 |

Adopted: December 15, 2010

Agenda No. VIII f

~ Resolution No. 2010-432 ~

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 |
|--------------|-----------------------|--------------------|------|
| 2606-7 | Suzanne Haller | \$1,273.54 | 2010 |
| 103-5 | Steve & Lynda Naccara | \$2,556.77 | 2010 |
| 7903-12 | Michael Hoek | \$3,259.49 | 2010 |
| 4301-34 | Jean Higinson | \$2,062.04 | 2010 |
| 9201-17 | Karl & Diane Jones | \$2,348.41 | 2010 |
| TOTAL | | \$11,500.25 | |

Adopted: December 15, 2010

Agenda No. VIII g

~ Resolution No. 2010-433 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: December 15, 2010
 Time of Meeting: 7:30 P.M.
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
 STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE
 YEAR 2011**

WHEREAS, applications have been made by licensees for the renewal of various Township Licenses and Permits for the year 2011; and

WHEREAS, reports of recommendation have been received from various Township Departments recommending the issuance of said license as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2011 Licenses as listed below:

| 2011 FIREARMS RANGE PERMIT | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------|
| Permit No. | Applicant Name - Address | T/A |
| 2011-1 | Matthew VanKirk, Sec'y 32 Rabbit Run Newfoundland, N.J. 07435 | Meadowbrook Rifle & Pistol Club 88 Van Orden Road, West Milford |
| 2011 TAXI/LIMO OWNER & DRIVER LICENSES | | |
| Limousine Owner License No. | Applicant Name- Address | T/A |
| 2011 - 1 | Michael Hale 9 Gladstone Road Hewitt, NJ 07421 | Fortress Limo |
| 2011 - 2 | Alexander Neymark 48B Beacon Hill Rd West Milford, NJ 07480 | Alex Limo Inc. |
| Limousine Driver License No. | Applicant Name - Address | T/A |
| 2011 - 1 | Michael Hale 9 Gladstone Road Hewitt, NJ 07421 | Fortress Limo |
| 2011 - 2 | Alexander Neymark 48B Beacon Hill Rd West Milford, NJ 07480 | Alex Limo Inc. |
| 2011 PEDDLER LICENSES | | |
| <i>Licenses subject to a satisfactory Health Department Inspection</i> | | |
| Peddler License No. | Applicant Name/Address | T/A |
| 2011-1 | Orlando V. Cardaci 43 Adelaide Terrace West Milford, NJ 07480 | Cardaci Enterprises Inc. |
| 2011-2 | Joseph Reynolds 918 Deer Run Stillwater, NJ | Schwans Home Service, Inc. |
| 2011 AMUSEMENT GAME LICENSES | | |
| Amusement Game License No. | Applicant Name | T/A – Address |
| 2011 - 1 | Tracey Bennett | Big Johns Pub 49 Old Rt. 23, Newfoundland |
| 2011 - 2 | John Fuchs | Honky's Oak Ridge Pub & Liquors 62 Oak Ridge Rd, Newfoundland |
| 2011 – 3 w/Conditions | Robert Filippo | Lake Shore Inn 399 Lake Shore Drive, Hewitt |
| 2011 POOL TABLE LICENSES | | |
| Pool Table License No. | Applicant Name | T/A - Address |
| 2011 – 1 | Gerald R. Plunkett | American Legion Post 289 177 Lincoln Ave, West Milford |
| 2011 - 2 | Tracey Bennett | Big Johns Pub 49 Old Rt. 23, Newfoundland |
| 2011 – 3 w/Conditions | Robert Filippo | Lake Shore Inn 399 Lake Shore Drive, Hewitt |
| DEALER IN SECONDHAND PRECIOUS METAL LICENSES | | |
| License No. | Applicant Name | T/A - Address |

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: December 15, 2010
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Councilman Jurkovic stated that he met with the facilities assessment committee the other night where they discussed the Johner building. The estimate of \$1.5 million may be problematic and a number of issues were discussed. The Committee did ask for further consideration to scaling the plans back. They also discussed the potential for poll barn on the Crosswind property. They also discussed the library and concerns expressed about that building mirror the problems with Johner building. They will discuss that further and report back. He wished everyone happy holidays.

Councilman Weisbecker noted that WVT closing out more stations and asked if they will be renewing cable contract. Mr. Boyle stated that he will revisit this again. Councilman Weisbecker asked for a future discussion about seeking reimbursement for the monies lost and wasted as a result of the lawsuit filed by Mr. Foody to stall the installation of the turf field. He thanked Councilwoman Lichtenberg and Councilman Nolan for their time on Council. He wished them both the best of luck. He wished everyone happy holidays urging people not to drink and drive.

Council President Smolinski thanked Administrator Boyle for getting the survey on S turns and thanked Acting Chief Chiosie for getting it out. There were concerns not mentioned. He stated that he would like to reach out to the police department to get more information to insert in a resolution. He thanked Councilwoman Lichtenberg and Councilman Nolan for their dedication and time spent volunteering in various organizations. He wished them the best. Happy holidays to all. Shout out to service people whether home or abroad and help those less fortunate.

Councilman Ramaglia stated that during the first budget meeting last week he asked for regular budget updates on line items going forward. He wished everyone happy safe holidays.

Councilman Nolan asked that bill list be posted on township website. Mr. Boyle stated he will try to have that done for the January 5th meeting. He noted that the people from TGP were here mentioned eminent domain saying that this has come full circle. It was about five years ago that K Hovnanian threatened that if a development agreement was not signed they would invoke eminent domain. He urged the Council not to be bullied by these people. The trees have historic significance. The deadline is their problem not ours. He stated that the MUA is looking to increase rates 16% despite the fact that no notice was sent out before the bills. There also should have been better notification of their December 21st meeting being held at Hillcrest. There was an increase last year and another significant one this year. These increases are significant. He will be there to object to the increase. He asked them to look closely at lost revenue from scrap metal. He thanked the voters of West Milford. It has been an honor & privilege to serve on Council. He stated that he came prepared to every meeting. He thanked Mr. Boyle for the past two years noting that he has been professional and helpful. Prior to that, the Township Administrator was Richard Kunze who was also professional. He thanked the Township Attorney, Fred Semrau with whom he spoke this afternoon. Councilman Nolan thinks he does a top notch job and that the Township would be hard pressed to find someone better. He is also a great human being. The same thing applies to Township Clerk he said. He thanked all the department heads and the press noting that it is not always easy to sit out there and listen to this. He said that he has enjoyed working with mayor over past three years and urged her to continue doing what she has been doing. He has been on Council for six years. He thanked James Warden who sat next to him for three years and Marilyn Lichtenberg beside whom he has sat for the past three years. He said that it has been wonderful to work with her; she does not have a bad bone in her body and is just a nice person. He also thanked his wife Eileen for indulging him. Now he will have more time with his grandkids. One chapter closes; a new one begins. He wished everyone a healthy & happy 2011.

Councilwoman Lichtenberg stated that she echoes the sentiments of Councilman Nolan. She stated that she is hoping the Council will consider her requests to serve on three committees. She will continue to volunteer. She listed some upcoming local events. She stated that she is glad the bill lists will be posted on line because she supports transparency.

Mayor Bieri thanked Councilwoman Lichtenberg and Councilman Nolan for their years of service. She commended them for their level of integrity and dedication and expressed hope that they to continue to serve West Milford residents. She wished them luck adding that she will miss their presence on dais. She wished everyone the best in 2011.

Administrator Boyle stated that the 2010 road resurfacing is suspended until spring. BOE had redlined changes to the turf field agreement and he will schedule it for workshop discussion. The field is installed and he is now working on the punch list. Township staff applied for an energy efficiency grant without matching funds. Passaic County officials have asked for input on their 2011 road program and Eric Miller will be responding. There is a pre-design meeting for the Crescent Road bridge on December 13th.

Township Attorney Semrau stated that the cleanup at Apple Acres has been completed and filings submitted to DEP. The Township has grant for this acquisition. He will come back with information as to

