
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: December 16, 2009
Time of Meeting: 7:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

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

Pledge of Allegiance

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

Roll Call

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

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the November 4, 2009 Workshop Meeting minutes as presented:

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

Agenda No. II

Presentations

Mayor Bieri acknowledged Senator Joseph Pennachio who was in attendance in the audience and invited him to address the Council. Senator Pennachio stated that he is here tonight to recognize outgoing Councilman Salvatore Schimmenti who has served West Milford for years. He is also serving as an envoy bringing greetings from Assemblymen DeCroce and Webber. He thanked Councilman Schimmenti for his years of devotion to West Milford and for using his talents to expand upon the community in which he lives thereby making it better. While serving in elected office is often a thankless task, he is here to voice the appreciation felt by many. He wished Dr. Schimmenti success in all his future endeavors.

Eagle Scout Richard Poplaski

Mayor Bieri invited Richard Poplaski to join her at the podium to be recognized for attaining the rank of Eagle Scout. Mr. Poplaski thanked the Council for affording him time at this meeting saying that the path to Eagle Scout has been long and filled with positive memories. He thanked his friends and family for their support and help. His project comprised of installing a stairway on the hill at the PAL facility. This was a lengthy and arduous project comprising over 260 man-hours. He thanked those who donated materials and assisted him in the insane planning process. He stated that he joined the Boy Scouts in second grade and is currently scheduled to enlist in the United States Air Force.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2009-026 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 71, ALLOWING FOR A TRAP, NEUTER, RETURN PROGRAM FOR FERAL CATS

BE IT ORDAINED by the Mayor and Council of the Township of West Milford as follows:

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SECTION 1. § 71-7 is hereby amended to insert the underlined language:
Feral cats managed by the West Milford Animal Shelter Society pursuant to Chapter 71, Article III are not stray animals and shall not be subject to the provisions of this ordinance.

SECTION 2. § 71-16 is hereby amended to insert the following provision:
Exemption. The provisions of this section, § 71-16, do not apply to feral cat colonies managed by the West Milford Animal Shelter Society in accordance with the provisions of Chapter 71, Article III.

SECTION 3. Article III, entitled "Feral Cat Trap-Neuter-Return Program," is hereby established and inserted into the West Milford Township Code in §71 thus:

§71-29 Definitions.

For the purpose of this Article, the following terms shall have the meaning set forth in this provision. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Animal Control Officer means any person employed or appointed by the Township who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a cat.

Ear tipping means straight-line cutting of the tip of the left ear of a cat by a licensed veterinarian while the cat is anesthetized.

Feral Cat means a cat who is completely or substantially unsocialized to humans. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are (i) born in the wild, (ii) offspring of tame or feral cats and not socialized, or (iii) formerly tame cats who have been abandoned and have reverted to an untamed state.

Feral Cat colony means an individual feral cat or a group of cats who congregate together outside as a unit. Any non-feral cats who congregate with a multiple-cat colony shall be deemed part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Sponsor means the West Milford Animal Shelter Society.

Stray Cat means a cat who is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by the owner.

Suitable Shelter means shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

Tame cat means a cat who is socialized to humans and is appropriate as a companion for humans.

TNR means, Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear-tipped and returned to the location where they congregate.

Township means Township of West Milford in the County of Passaic.

§71-30 Feral Cat colonies.

Feral Cat colonies shall be permitted and Caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Ordinance.

§71-31 Sponsorship of Colony TNR Programs.

- A. The West Milford Animal Shelter Society is approved as Sponsor.
- B. It shall be the duty of the sponsor to:

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1. Obtain and maintain liability insurance for all TNR-related activating, naming West Milford Township as an additional insured, and agree in writing to hold the Township of West Milford harmless against any and all liability resulting from the actions or failures to act of sponsors, trappers and caregivers;
2. Review and approve of colony caregivers;
3. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
4. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spray/neuter records of cats in the sponsor's colonies; and
5. report annually to the Township on the following:
number of colonies in the Township;
total number of cats in colonies;
number of cats and kittens spayed and neutered pursuant to the TNR program; and
number of cats and kittens placed in permanent homes.
Be responsible for any cost associated with the program.

§71-32 Feral Cat Caregiver requirements.

- A. Caregivers are responsible for the following:
1. registering the Feral Cat colony with the Sponsor;
 2. taking steps to vaccinate the colony population for rabies and update the vaccinations whenever possible; taking steps to get all cats in the colony population spayed/neutered by a licensed veterinarian;
 3. providing the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated, spayed/neutered, and ear tipped; providing food, water and, if feasible, suitable shelter for colony cats;
 4. observing the colony cats and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
 5. obtaining the approval of the owner of any property to which the Caregiver requires access to provide colony care;
 6. in the event that kittens are born to a colony cat, taking steps to remove the kittens from the colony after they have been weaned, and place the kittens in homes, foster homes, or with animal shelters, rescue organizations or veterinary offices for the purpose of subsequent permanent placement;
 7. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats who died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition, and the number of cats and kittens placed in permanent homes as companion cats; and
 8. obtaining proper medical attention for any colony cat who appears to require it.

§71-33 Exemptions from restrictive ordinances

The following Ordinances of the Township of West Milford shall not apply to feral cat colonies managed by the TNR Program or to any person or organization that is providing care for a feral cat colony and is taking steps to trap and sterilize the animals:

§71-7 Impounding grounds; notice; destruction

§71-16 Licensing and registration of cats

§71-34 Disposition of Colony Cats.

An Animal Control Officer who has trapped a cat whose left ear has been tipped shall release the cat unless the cat is injured or sick and requires medical attention. If the cat requires medical attention, the Animal Control Officer shall bring the cat to the Sponsor. If the Animal Control Officer releases the cat, the Animal Control Officer shall contact the Sponsor and provide the Sponsor with a description of the cat, the location where the cat was trapped, and the complaint which caused the Animal Control Officer to set the trap.

§71-35 Ordinance Enforcement.

The Township shall have the following rights:

- a. the right to seize or remove cats from a colony who have not been vaccinated against rabies and who are demonstrating signs of the disease.

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- b. the right to seize or remove a cat from a colony who is creating a nuisance as defined above, after the Caregiver and Sponsor have been given 60 days to resolve the complaint or remove and relocate the cat and have failed to do so.
- c. the right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 60 days of the Township's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.

§71-36 The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint. If an Animal Control Officer or Police Officer determines that an ear-tipped feral colony cat is causing a nuisance as defined by this ordinance, the Animal Control Officer or Police Officer shall contact the Sponsor and allow the Sponsor 60 days to resolve the complaint or remove the cat before the Officer takes further action. If the Sponsor fails to resolve the nuisance or remove the cat within the 60 days, the Animal Control Officer may remove the cat. If an Animal Control Officer or Police Officer reasonably determines that a cat is injured or poses a significant threat to public health, the Officer may reduce the time that the Sponsor has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the Animal Control Officer or Police Officer may remove the cat, but within 24 hours the Township must provide the Sponsor with notice of the cat's whereabouts and allow the Sponsor an opportunity to retrieve the cat for treatment, return, or relocation.

SECTION 4 If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

SECTION 5 This ordinance shall take effect upon final passage according to law.

INTRODUCED: November 11, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri recused from this discussion because there is a possible benefit to the Animal Shelter where she volunteers and serves on the Board. Before relinquishing the Chair to Council President Smolinski she recognized Mr. Don Tompkins, fulfilling a promise to give him a hug should he be here tonight. Council President Smolinski assumed the Chair .

Councilman Weisbecker made a motion to place this ordinance on the table for discussion, seconded by Councilman Nolan.

Council President Smolinski advised this ordinance was introduced on November 11, 2009. He opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Nolan and approved by unanimous roll call vote.

Discussion: Council President Smolinski opened the floor to Council for comments or discussion. Township Attorney Fred Semrau stated that the Council President had asked about the cost provision for long-term medical attention for feral cats and the associated costs. He asked Council to consider an amendment which allocates the cost responsibility to the sponsor of the ordinance, namely the West Milford Animal Shelter. He advised that the Animal Shelter has no objection to such an amendment. Councilman Weisbecker amended his motion to adopt with an amendment to section 71-31 #6 for the inclusion of language that will name the West Milford Animal Shelter as the entity responsible for any costs related to the care of an animal treated in connection with this program.

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

Mayor Bieri assumed the Chair.

Agenda No. IV 2

~ Ordinance 2009-027 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 321, SOLID WASTE; RECYCLING, ARTICLE IV, COMPOST SITE, SECTION 321-28, DECAL AND PASSES REQUIRED, AND CHAPTER 135, FEES AND COSTS, SECTION 135-3, DEPARTMENT OF PUBLIC WORKS AND ENGINEERING, SUBSECTION (G), RECYCLING FEES, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 321, Solid Waste; Recycling, Article IV, Compost Site, Section 321-28, decal and passes required, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 321-28. Decal and passes required.

Use of the Township of West Milford Compost Facility shall be limited to Township residents. Resident commercial and noncommercial vehicles must obtain and display a decal prominently on the window of the vehicle bringing materials to the Township Compost Facility.

Resident commercial vehicles engaged to provide lawn care, landscaping or tree removal services must obtain a booklet of five compost site passes and present a pass to the attendant prior to entering the facility. Each pass is good for one load of material. An additional compost site pass will be required if the vehicle is loaded and is towing a loaded trailer.

Resident commercial vehicles exceeding 12,000 pounds GVW and not engaged in lawn care, landscaping or tree removal services will be required to obtain and present a compost site pass to the attendant prior to entering the facility. Each pass is good for one load of material.

Any resident vehicle, not exceeding 12,000 pounds GVW, or trailer, commercial or non-commercial, not engaged in lawn care, landscaping or tree removal services, will not be required to obtain and present a compost site pass for the vehicle and/or trailer to the attendant prior to entering the facility provided that the material is from their residence.

Resident vehicles with farm vehicle license plates shall be considered commercial vehicles.

SECTION 2. Chapter 135, Fees and Costs, Section 135-3, Department of Public Works and Engineering, Subsection (G), Recycling Fees, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

G. Recycling fees:

- (1) Resident noncommercial and commercial vehicles not engaged in lawn care, landscaping or tree removal services: no charge for compost site decal.
- (2) Resident commercial vehicle engaged to provide lawn care, landscaping, or tree removal services: \$250 for five compost site passes. Each pass is good for one load of material.
- (3) Resident commercial vehicles exceeding 12,000 pounds GVW and not engaged in lawn care, landscaping or tree removal services will be charged \$50 for one compost site pass good for one load of material.
- (4) Resident commercial vehicles engaged in lawn care, landscaping or tree removal services and towing a trailer shall be charged an additional \$50 for one compost site pass, good for one load of material, if both the vehicle and trailer are loaded.
- (5) Motorcycle and wheelbarrow tires, with or without rims: \$1 per tire.
- (6) Passenger car tires, without rims: \$2 per tire.
- (7) Passenger car tires, with rims: \$2.50 per tire.
- (8) Truck tires, up to 23 inches, with or without rims: \$5 per tire.
- (9) Truck tires, 24 inches or larger, with or without rims: \$11 per tire.
- (10) Used motor oil: \$0.25 per gallon.

SECTION 3. 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 4. 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.

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SECTION 5. This Ordinance may be renumbered for purposes of codification.
SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: November 11, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on November 11, 2009. She opened the meeting to the public to speak on this ordinance only.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he uses the recycling center and notes that there is a charge for tires, used motor oil, and other items. However, he is surprised that the Township does not charge for the disposal of computers and computer equipment in light of the fact that the Township incurs a cost to dispose of these items. The other charges imposed serve as a deterrent and to circumvent those charges he tends to dispose of motor oil when Passaic County hosts hazardous waste collection drives. He asked Council to review the manner in which monies are collected at the Recycling Center noting that there does not appear to be many controls over the process.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she supports Mr. Gargano's statements about used motor oil. She stated that people often dispose of this substance by letting it run into lakes and streams thus creating an environmental problem. She asked if the Township could pick up used motor oil.

There being no further comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Nolan and approved by unanimous roll call vote.

Discussion: Councilman Weisbecker recommended that this be adopted tonight as presented and that it be scheduled for further discussion and possible amendments next year.

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

Agenda No. IV 3

~ Ordinance 2009-028 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEDICATION OF A RIGHT-OF-WAY EASEMENT FROM ERIC AND CAROL LOUER AS FURTHER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE

WHEREAS, Eric Louer and Carol Louer, the owners of certain property located in the Township of West Milford designated as Block 3503, Lot 46 applied to the Township for a site plan of said property; and

WHEREAS, as a condition to the site plan approval, the County of Passaic has requested that there be an establishment of a right-of-way easement for the portion of the property which is already paved as part of Elm Street at the intersection of Union Valley Road; and

WHEREAS, the owners of said property are desirous of giving the Township said easement as described above and more fully described in the proposed right-of-way easement dated July 10, 2007 and the deed description of said easement, both attached hereto and made a part hereof; and

WHEREAS, the Township Council of the Township of West Milford is desirous of obtaining said roadway easement; and

WHEREAS, the Township of West Milford does hereby determine to accept said dedication of the within right-of-way easement as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The right-of-way easement set forth in the attached proposed roadway easement dated July 10, 2007 and the deed description of said easement, being part of Block 3503 Lot 46, is hereby accepted as and for a public right-of-way easement.

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- 2. The Township Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Township.
- 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
- 4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
- 5. This Ordinance shall take effect after publication and passage according to law.

INTRODUCED: November 11, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on November 11, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilwoman Lichtenberg made a motion to close the public portion of the meeting, seconded by Councilman Weisbecker and approved by unanimous roll call vote.

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

Agenda No. IV 4

~ Ordinance 2009-029 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING THE ROADWAY CONTAINED IN THE ROARING BROOK ESTATES SUBDIVISION FOR USE AS A PUBLIC ROAD

WHEREAS, there exists a certain roadway within the Roaring Brook Estates Subdivision, namely Roaring Brook Way, which said roadway is wholly contained within the boundaries of the Township of West Milford; and

WHEREAS, the developer of the aforementioned subdivision has failed to make the necessary site improvements to complete the roadway; and

WHEREAS, as a result, the Township has taken the necessary action and has drawn upon the letter of credit posted by the developer for the completion of the roadway; and

WHEREAS, upon receipt of the funds from the letter of credit, the Township is now desirous of immediately commencing the work to complete the site improvements associated with said roadway and has since taken the roadway over on a temporary basis to begin such improvements; and

WHEREAS, the Township of West Milford does hereby determine to accept said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general since the Township has obtained the necessary funding from the letter of credit to complete the site improvements.

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

- 1. The Township of West Milford formally accepts the Roaring Brook Way contained in the Roaring Brook Estates subdivision for use as a public road.
- 2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
- 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
- 4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
- 5. This Ordinance shall take effect after publication and passage according to law.

INTRODUCED: December 2, 2009

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ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on December 2, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Nolan and approved by unanimous roll call vote.

Discussion: Mr. Semrau advised that the developer did not complete the roadway as required. The Township obtained a letter of credit to complete the roadway.

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

Agenda No. IV 5

~ Ordinance 2009-030 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 366 "TOWING AND STORAGE OF VEHICLES" SECTION 13 "SERVICE RATES", AND CHAPTER 135 "FEES AND COSTS" SECTION 37 "TOWING AND STORAGE OF VEHICLES" 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.

Chapter 366-13 Towing and Storage of Vehicles will read in its entirety as follows:

§366-13. Towing and Storage of Vehicles

Charges for transportation, hauling or service of disabled vehicles by an approved wrecker or operator of any approved wrecker shall not exceed the following rates:

- A. Basic towing and storage fee schedule shall be that set by the Township and listed in Chapter 135 Fees and Costs, specifically Chapter 135-37 b., and updated periodically along with the additions and exceptions to same contained in this chapter. A schedule of the current rates shall be available to the public in the office of the Township Clerk during normal business hours.
- B. Mileage rate. The mileage rate shall be calculated based on the total distance traveled from the tow vehicle's base of service to the job site and return by way of the shortest available route. The tow operator will transport the vehicle anywhere in the Township at the request of the owner/operator. Vehicles transported solely within the Township are subject to a twelve-mile maximum charge.
- (1) If the owner/operator requests the vehicle be transported out of the Township, the towing service shall receive payment for the additional miles traveled.
 - (2) On request, towers shall provide this service for a minimum of five miles beyond the Township line. Towing beyond this point may be refused if service to the Township could be affected.
- C. When towing services are required the current rates apply.
- (1) Labor. Labor rate is chargeable in quarterly hour increments after the first 1/2 hour. This rate includes waiting time, winching, uprighting, etc., for all automobiles. There shall be no charge for cleanup of common motor vehicle accident debris.
 - (2) Special recovery. Fee unlisted, but chargeable only after first hour of labor except when the need for specialized equipment is readily apparent.
- D. Special circumstances.
- (1) If the owner of an unattended vehicle to be towed appears on the scene, and providing that the vehicle does not need to be towed or impounded, the towing contractor shall make no charge. However, if the vehicle is hooked up to the towing truck, the vehicle shall be released at the scene of impound upon the payment of 50% of the authorized towing charge.
 - (2) There shall be no charge for towing, storage or impoundment if it is determined by the Police Chief or his designee that such vehicles have been towed, stored or impounded due to an error by the tow truck operator. This determination shall be at the sole discretion of the Police

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Chief or his designee, and is binding upon the contractor. The contractor shall make no claims for payment upon the owner of the vehicle, and if payment has already been received, the payment shall be returned.

Chapter 135 Fees and Costs, Section 37 Towing and Storage of Vehicles will read in its entirety as follows:

§135-37 Towing and Storage of Vehicles

- A. In accordance with Chapter 366, Towing and Storage of Vehicles, a license fee in the amount of \$100 shall be paid prior to the issuance of any license under Chapter 366.
- B. A schedule of the current rates shall be available to the public in the office of the Township Clerk during normal business hours. In accordance with Chapter 366, Towing and Storage of Vehicles, the charge for transportation, hauling or service of disabled vehicles by approved wreckers, including towing services and vehicle storage services are as follows:

Towing within the Township:	\$115.00 (no mileage fee)
Towing out of the Township:	\$90.00 + \$4.50 per mile after 1 st mile from shop to out of town destination
Storage Outside secured:	\$35.00 per day – automobiles
Lot Fee:	\$45.00
	<ul style="list-style-type: none">• Moved totaled vehicles to outside for insurance purposes• Cleaning of accident debris from lot
Labor after first one-half (½) hour:	\$80.00 per hour, chargeable in one-quarter (¼) hour increments
Emergency Road Service:	\$45.00 (includes mileage)
Cleanup of small spills at scene:	\$25.00 – for spills of 1 gallon or less, includes 1 – 25 lb. Bag of speedy dry

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

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EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on December 2, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Nolan and approved by unanimous roll call vote.

Discussion: Council President Smolinski stated that concerns were raised about AAA members and towing services in West Milford. Some people have implied that AAA members will be precluded from calling AAA for towing services. Mr. Semrau advised that he spoke to Police Chief Paul Costello about this matter and he reviewed correspondence that raised these concerns. He advised that, when an accident occurs on the roadway, persons whose vehicle have been towed can submit the towing invoice to AAA seeking reimbursement for the costs. The police department cannot wait for AAA response if there is any danger presented to the public. However, when towing services are required and there are no safety concerns, not only do the police department allow residents to call the towing service of their choice, including AAA, they facilitate the call as much as possible. This ordinance, he said, does not change any existing current policies or procedures. Rather, it simply amends the rates being charged. Seeing that someone wished to be heard from the audience, Council President Smolinski moved to re-open the public portion of the meeting. Councilman Weisbecker seconded the motion which was carried by unanimous roll call vote.

Rick Vene, West Milford Body & Frame stated that he has had his business in West Milford for years and has not been provided opportunities during the past year to service AAA members despite the fact that he is contracted with AAA to do so. While the ordinance says that people can call whomever they wish,

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the West Milford police department will not call him. This, he said, is contrary to free enterprise and interferes with his customer base.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she is a member of AAA whereby she is entitled to free towing. She objected to any impediment to her right to call for the towing service of her choice and reviewed many options available to her under her contract with AAA.

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

Discussion: The Council further discussed the police department's policies regarding how towing contractors are called out to various scenes and the rotating schedule used to make such callouts. Mr. Boyle advised that the police department must first ensure the safety of all motorists and that when there is no imminent threat to safety the police department allows the vehicle's operator to determine who will tow a given vehicle should the situation warrant such a service.

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

Agenda No. IV 6

~ Ordinance 2009-031 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ROMAN CATHOLIC DIOCESE OF PATERSON FOR THE TOWNSHIP'S LEASE OF THE PROPERTY LOCATED AT BLOCK 9301, LOT 12 AND BLOCK 9302, LOTS 1 AND 16 (NOSENZO POND PARK PROPERTY)

WHEREAS, the Roman Catholic Diocese of Paterson is the legal owner of real property designated as Block 9301, Lot 12 and Block 9302, Lots 1 and 16 (Nosenzo Pond Park property), Township of West Milford, County of Passaic, State of New Jersey; and

WHEREAS, the Township of West Milford wishes to lease such property located hereinabove for use as open space and other similar purposes; and

WHEREAS, the owner of the property, the Roman Catholic Diocese of Paterson, has expressed its willingness and intention of leasing such property to the Township of West Milford; and

WHEREAS, the lease agreement shall be placed on file in the Office of the Township Clerk; and

WHEREAS, the Township Council of the Township of West Milford wishes to enter into a lease agreement with the Roman Catholic Diocese of Paterson for the use of the aforementioned property.

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

SECTION 1. The Township Council of the Township of West Milford hereby authorizes and directs the Mayor and Township Clerk to execute a lease agreement between the Roman Catholic Diocese of Paterson and the Township for the use of the property located at Block 9301, Lot 12 and Block 9302, Lots 1 and 16 (Nosenzo Pond Park property).

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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: December 2, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on December 2, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman

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

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

Agenda No. IV 7

~ Ordinance 2009-032 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 9301, LOT 12 AND BLOCK 9302, LOTS 1 AND 16 (NOSENZO POND PARK PROPERTY)

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Roman Catholic Diocese of Paterson has agreed to convey Block 9301, Lot 12 and Block 9302, Lots 1 and 16 (Nosenzo Pond Park property), consisting of approximately 27.50 acres of land, located in the Township in consideration of the payment of \$756,000.00; and

WHEREAS, the Township has applied for a Passaic County Open Space Grant and to the State of New Jersey Department of Environmental Protection (Green Acres Program) to help in the purchase of said land; and

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

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

SECTION 1. The Township of West Milford hereby authorizes the acquisition of Block 9301, Lot 12 and Block 9302, Lots 1 and 16 (Nosenzo Pond Park property), for open space purposes for the total sum of \$756,000.00, with approximately \$500,000.00 of said monies to be obtained from the Passaic County Open Space Grant received and the State of New Jersey Department of Environmental Protection (Green Acres Program) with the remaining soft/transaction costs to be appropriated from the Open Space Trust Fund of the Township of West Milford, County of Passaic, State of New Jersey.

SECTION 2. The said land to be conveyed to the Township of West Milford is described on Schedule A which is attached hereto and made a part hereof.

SECTION 3. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 4. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 5. 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 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 7. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED: December 2, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on December 2, 2009. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilwoman Lichtenberg and approved by unanimous roll call vote.

Discussion: In reply to a query from Councilman Jurkovic, Mr. Semrau advised that the agreement contains provisions whereby the dam must be repaired before the Township acquires this property.

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

Agenda No. IV 8

~ Ordinance 2009-033 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ESTABLISHING A LAKES COMMITTEE

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 15, Administration of Government, of the Code of the Township of West Milford, is hereby supplemented to establish a "Lakes Committee" under newly created article XXXI to read as follows:

§ 15-130 Establishment of Lakes Committee.

There is hereby established the Township of West Milford Lakes Committee.

§ 15-131 Purpose

The purpose of the Lakes Committee is to address and advise the Township Council and the Township Planning Board of any issues that may affect the lake communities in the Township of West Milford. The Lakes Committee shall strive to promote and protect the lakes of the Township.

§ 15-132 Members

The Township of West Milford Lakes Committee shall consist of nine (9) members (only one member serving per lake association at any time), who shall be appointed by the Township Council, upon recommendation by the Lakes Committee.

Each of the members shall have one vote. In addition to the voting members, a member of the Town Council and of the Environmental Commission shall serve as an ex officio non-voting liaison of the Committee.

The Committee shall designate one of the members as "Chair" of the Lakes Committee and shall notify the Clerk's office of such designation. The Committee shall advise the Township Council and the Planning Board of the Committee's work. Each of the voting members of the Lakes Committee shall also have a designated alternate from their particular association to serve in the Committee member's place when needed.

§ 15-133 Term of Members

The appointment of the Committee members shall be for staggered terms commencing January 1, 2010 (initial year). During the initial year, four members shall be appointed to serve for a one-year term, and the remaining five members appointed for a two year-term. Thereafter, upon the expiration of the initial terms, *all* members appointed shall serve for a two-year term. A vacancy in the Committee occurring other than by expiration of the term shall be filled by the Township Council for the unexpired term in the same manner as the original appointment. All Committee members shall serve without compensation in performance of their duties.

§ 15-134 Meetings

The Committee shall meet at Town Hall on a monthly basis, as deemed necessary by the Committee. At the conclusion of the meeting, the Lakes Committee shall forward to the Township Clerk as soon as practicable a copy of the minutes of the meeting. The Lakes Committee shall retain attendance records of all members. All lake community residents are encouraged to attend any meeting.

§ 15-135 Powers and Functions

The Committee may appoint a Vice-Chair and Secretary and adopt a schedule of meetings. The functions of the Lakes Committee shall be to:

(1) Advise and submit recommendations to the Mayor and Council of the Township of West Milford on matters related to the role Township government may play to improve the various lake communities within the Township.

(2) Advise the Mayor, Council and Planning Board of the Township of West Milford of situations or issues that are affecting the lake communities within the Township of West Milford.

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(3) Increase public awareness regarding the importance of the environment as it relates to the lakes within the Township of West Milford.

(4) Review and make recommendations to the Mayor and Township Council on pending federal, state and local legislation.

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

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

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall enact an Ordinance creating a Lakes Committee as a standing committee of the Council, which shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: December 2, 2009
ADOPTED: December 16, 2009
EFFECTIVE DATE: January 5, 2010

Mayor Bieri advised this ordinance was introduced on December 2, 2009. She opened the meeting to the public to speak on this ordinance only.

Lynn Mandon, 52 Highcrest Drive, West Milford stated that the Lakes Committee thanks the Council for entertaining this ordinance. She thanked Mr. Semrau and his staff for their assistance throughout this process and provided a brief history of the formation of and work done by the Lakes Committee. She stated that the Committee strives to serve as a liaison between the Township and the lake communities in West Milford.

There being no further comments from the public, Councilman Weisbecker made a motion to close the public portion of the meeting, seconded by Councilman Nolan and approved by unanimous roll call vote.

Discussion: Councilwoman Lichtenberg asked why there are nine members on the committee while there are a greater number of lakes in the Township. Mr. Semrau replied that this number was subject to consideration and discussion by the members of the Committee. It was unanimously agreed that too many members inhibits any committee's ability to attain a quorum. The ordinance does not specify any lake community as requiring representation but does limit the number of appointees from any one community to one. He commended the Lakes Committee for their work in drafting this ordinance. Councilman Weisbecker stated that, having worked with this Committee since its inception in 2006, he has witnessed the hard work of these members. He expressed hope that more lake communities will become involved and participate in the work being done.

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

Ada Erik, Macopin Road, West Milford thanked Councilman Schimmenti for his work on the Council. She stated that she lost a very good friend six days ago and West Milford lost a dedicated volunteer when Elfrieda Lieberstein passed away. She gave a brief history of Ms. Lieberstein's philanthropic contributions to West Milford which included her service to the West Milford First Aid Squad for 36 years. She plans to nominate Elfrieda posthumously for the lifetime achievement award.

Doris Aaronson, 19 Bearfort Road, West Milford stated that the Board of Health met earlier today. Many municipalities across the nation have had H1N1 vaccines recalled but West Milford did not. She urged

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everyone to be cognizant of the hazards of spreading contagious diseases and advised that those who are ill should stay at home. She advised that the Township will be hosting additional clinics in the future.

James Novack, Larchmont Drive, West Milford asked that Administrator Boyle check with Passaic County to determine why work has ceased at the bridge near the Elks Club. He lamented that the Township has not adopted the proposed sidewalk ordinance especially in light of the fact that there have been two recent snowstorms. He stated that he has been urging compliance with ADA legislation especially abuses related to handicapped parking regulations. Recently he filed a complaint against an offender and prevailed in court last week. He urged for greater police attention to this ongoing problem.

James Foody, 2 Kushaqua Trail North, Hewitt stated that he was advised last week that the Township will allow Lakeside Development to continue to charge residents for road maintenance. He read a letter from the Tax Assessor to the Township Attorney seeking guidance as to how to deal with roads in lake communities and he subsequently read an excerpt from a law book which he interpreted to mean that Lakeside Development cannot collect such charges. He objected to being charged \$200 each year for roads that have been dedicated to the Township calling it extortion. His repeated pleas to Council for help appear to be falling on deaf ears and now he must defend himself in court because the Township is abdicating their responsibility.

Monica Lubera, 27 Davenport Road, Oak Ridge stated that she is here tonight for an update on the Davenport Road bridge. She expressed disdain for Morris County officials who are of the opinion that residents must simply become accustomed to this bridge closure.

Pat Dudzak, 2 Albertine Place, West Milford stated that Morris County continuously creates reasons to close the Davenport Bridge. Now, it appears that the Township of Jefferson is proposing closing Davenport Road where it changes its name within their borders. In her opinion, Jefferson Township has failed to maintain a public right of way and she questioned their ability to do abdicate their responsibility. She stated that, in her opinion, Morris County officials have behaved arrogantly and she along with her neighbors are relying on West Milford elected officials to resolve this ongoing issue. She extended her warm wishes for a happy holiday season and thanked the Mayor & Council for their help.

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

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

Agenda No. VI

Council Comments

Councilman Jurkovic advised that the Township Attorney issued a memorandum to the Council recommending that the Council hire an engineer to study the condition of the bridge. He concurred with that recommendation. He advised that the Council generally presents volunteer and lifetime achievement awards at a meeting in April and he asked for a moment of silence for the recent passing of Elfrieda Lieberstein and Martin O'Shea.

Fred Semrau, Esq. stated that he has researched options for the Township regarding Davenport Road Bridge. There is an old statute that specifically addresses disputes pertaining to bridges which includes a process to have those disputes addressed. The complexities surrounding this particular issue are compounded because the bridge is under the jurisdiction of another county. There are a number of steps the Council can consider in an effort to have Morris County repair or replace the structure although the outcome is not guaranteed. The first step would be for the Township to obtain an independent engineers appraisal of the structure. If that engineer determines that repair is necessary, the Township should seek support from the Passaic County Board of Chosen Freeholders. From that point there is a course of action that can be explored in more detail although it is not a swift process. He recommended that the Township Engineer be authorized to seek proposals and the Council gave the Administrator consensus to give such direction.

Mr. Semrau advised that he has researched the issues raised by Mr. Foody pertaining to Lakeside Development and the roads in his neighborhood. He reviewed a number of documents, met with the Township Engineer and spoke with the attorney who represents the association. Lakeside Development Corporation has taken, by way of deed, the roads which is an ongoing process. They are currently initiating proceedings against residents who do not pay. The Township has been doing snow removal but does not do road maintenance in this area. The issues at play are private between residents and the

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association and the Township cannot intervene in this matter. Members of the association have options available to them but those options do not include Township involvement.

Councilwoman Lichtenberg stated that the Health Department will be offering three more flu clinics and appointments can be made through that office.

Councilman Weisbecker asked Mr. Boyle if he had determined the feasibility of attaining federal stimulus funding to repair Davenport Bridge. Mr. Boyle stated that such funding is not available to local governments. He has scheduled a meeting with both the Morris County Engineer and the Passaic County Engineer to discuss options for this bridge. Councilman Weisbecker sympathized with Ms. Erik's loss and stated that he would be honored to partake in a moment of silence for Elfrieda Lieberman.

Councilman Schimmenti asked Mr. Boyle to provide an overview of the accountability that is in place for funds collected at the recycling center.

Council President Smolinski asked that the towing ordinance and related policies be scheduled for a future workshop discussion. He stated that Elfrieda Lieberstein volunteered for over 36 years with the West Milford First Aid Squad and she gave a lot to this Township. There will be a service in her memory this coming Saturday at Our Lady Queen of Peace at 11:00 a.m. He conveyed condolences to her family. He stated that Martin O'Shea help bring transparency to government and taught West Milford elected officials many things. He lamented his passing. He stated that he is not satisfied with the answers to Mr. Foody's situation. The Township could take over these roads through an assessment program and he would like more information.

Mayor Bieri asked Mr. Boyle to obtain information from Chief Costello about policies pertaining to towing of vehicles and to follow up with Passaic County officials about the work cessation at the bridge near the Elks Club. Mr. Boyle stated that there are environmental issues pertaining to the stream at that location and he will obtain details and report back. Mayor Bieri advised that there are ordinances that address cleaning of sidewalks during inclement weather.

Agenda No. VII

New Business Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Resolution No. 2009- 419~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH RICHARD ASHLEY AS CARETAKER FOR WESTBROOK PARK

TABLED TO JANUARY 6, 2010 WORKSHOP MEETING

Councilman Weisbecker made a motion, seconded by Council President Smolinski, to place this resolution on the table for discussion.

Discussion: Councilman Nolan stated that he knows a Richard Ashley and Mr. Semrau stated that the nature of that relationship does not require recusal. In response to Councilman Jurkovic, Mr. Boyle advised that Mr. Ashley had a conflict and could not attend tonight's meeting. The Council asked Mr. Boyle to have Mr. Ashley attend an upcoming meeting before they adopt this resolution.

Councilman Jurkovic made a motion to table this resolution to January 6, 2010.

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

Agenda No. V II 2

~ Resolution No. 2009- 420~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS RESERVES IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40:4-58

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WHEREAS, there appears to be a surplus in the 2009 appropriations over and above the demand deemed to be necessary for the balance of the year; and

<u>APPROPRIATION</u>	<u>ACCOUNT NUMBER</u>	<u>TRANSFER PROPOSAL</u>
Police Patrol S&W	01-25-240-100	\$ 27,300
Police Administration S & W	01-25-242-100	\$ 38,100
DPW Streets & Roads S & W	01-26-290-100	\$ 10,000
Solid Waste O.E.	26-55-500-200	\$ 16,500
Total Transfers Out		\$ 91,900

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2009 budget year:

<u>APPROPRIATION</u>	<u>ACCOUNT NUMBER</u>	<u>TRANSFER PROPOSAL</u>
Information Technology S & W	01-20-140-100	\$ 200
Treasurer O.E.	01-20-130-200	\$ 3,000
Planning Board Other Expenses	01-21-180-200	\$ 1,300
Comprehensive Planning Board O.E.	01-21-181-200	\$ 1,500
Building S & W	01-22-195-100	\$ 5,000
Fire Prevention Bureau S&W	01-25-265-100	\$ 400
Environmental Health S & W	01-27-335-100	\$ 3,000
Animal Control S & W	01-28-340-100	\$ 3,000
DPW Snow Removal S&W	01-26-294-100	\$ 15,000
DPW Snow Removal O.E.	01-26-294-200	\$ 20,000
Recreation Programs S & W	01-28-370-100	\$ 9,000
Recreation Parks S&W	01-28-375-100	\$ 10,000
Utilities – Telephone	01-31-440-200	\$ 4,000
Solid Waste S & W	26-55-500-100	\$ 16,500
Total Transfers In		\$ 91,900

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford, in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2009 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands; and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized to make the following transfers in the 2009 appropriation:

1. **\$91,900.00**
2. **\$91,900.00 Current Fund**

A certified copy of this resolution shall be forwarded by the Township Clerk to the Township Treasurer. This Resolution shall take effect immediately.

Adopted: December 16, 2009

Discussion: The Council asked Arthur Magnotti, CFO for an explanation about specific line items in the transfer. Mr. Magnotti reviewed the process which allows for transfers during limited periods during the year and he reviewed the specific transfers answering questions posed by Council. The Council expressed concern that certain departments exceeded appropriations made in certain line items. They questioned Administrator Boyle as to the administrative process that allows for such overages to occur unchecked advising him that they perceive this to be poor management. Mr. Boyle advised that State statute requires that municipalities adhere to a balanced budget and these transfers do not place the municipality in violation of those statutes. Councilman Nolan noted that these transfers represent a very small percentage of the budget and he commended departments for formulating accurate budgets and coming so very close to the appropriated amounts. He stated that, to the best of his recollection after five years on Council, this year the Council is being asked to adopt a resolution reflecting a lesser amount being transferred than in any previous year. He reviewed accounting processes whereby a budget is considered a living document which comes as close to an exact number as possible while affording the ability to meet obligations and provide services. The Council asked Administrator Boyle and CFO Magnotti to institute a regular accounting process whereby department heads receive updates about expenditures charged to their respective budgets. They asked that those department heads who realize that their expenditures may exceed appropriations be aided through a process to address these deficiencies before it becomes an issue or to return to Council with an explanation. Mr. Magnotti will work toward such a policy and report back to the Administrator. Mr. Magnotti advised that failure to adopt this resolution tonight will create problems for the Township.

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

The following resolutions were moved as one 2009-421, 2009-422, 422, 2009-423 and 2009-424.

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

Agenda No. VII 3

~ Resolution No. 2009- 421~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT AGREEMENT A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT AND A DEED OF DRAINAGE EASEMENT AGREEMENT WITH JAMES AND PATRICIA GOBLE FOR BLOCK 14113, LOT 47 IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, James Goble and Patricia Goble are the owners of property located at 18 Apple Lane, West Milford, New Jersey, and as further identified as Block 14113, Lot 47 on the Township of West Milford Tax Map; and

WHEREAS, Mr. and Mrs. Goble applied for and received approval from the Zoning Board to construct a single family dwelling on the aforementioned property; and

WHEREAS, the Township Council has authorized and approved the provision of labor and supplies to construct, reconstruct and maintain certain drainage easements; and

WHEREAS, Mr. and Mrs. Goble have agreed to grant easements to the Township to effectuate these drainage projects.

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 shall execute and enter into three easement agreements providing for access, construction and drainage with James & Patricia Goble pursuant to the terms and conditions as stated in the three Agreements.

Adopted: December 16, 2009

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

Agenda No. VII 4

~ Resolution No. 2009-422 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF PERFORMANCE BOND #22127 AND CASH BOND IN THE AMOUNT OF \$18,178.68 TO SUNNY BLUE, LLC FOR WORK DONE AT BLOCK 5701 LOT 1 AND AUTHORIZING THE POSTING OF A MAINTENANCE BOND FOR TWO YEARS

WHEREAS, based on recommendations from the Planning Board Engineer Paul Ferriero, the Township Land Use Administrator has submitted a recommendation that Performance Bond # 22127 in the amount of \$163,608.12 and Cash Bond in the amount of \$18,178.68 be released to Sunny Blue LLC subject to the posting of a two year / 15% maintenance bond in the amount of \$22,723.35; and

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

WHEREAS, Maintenance Bond No. 24543 in the amount of \$ \$22,723.35 has been received in the Office of the Township Clerk

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of Performance Bond #22127 in the amount of \$163,608.12

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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and Cash Bond in the amount of \$18,178.68 posted by Sunny Blue, LLC, P.O. Box 509, Ridgewood, New Jersey 07451 for improvements at Walgreens, Block 5701 Lot1, 1502-12 Union Valley Road; and

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

Adopted: December 16, 2009

Agenda No. VII 5

~ Resolution No. 2009-423 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A WATER USE AND CONSERVATION MANAGEMENT PLAN GRANT PILOT PROGRAM

WHEREAS, the State of New Jersey Highlands Water Protection & Planning Council has instituted a Water Use and Conservation Management Plan program; and

WHEREAS, the State of New Jersey Highlands Water Protection & Planning Council invited the Township of West Milford to participate in said program; and

WHEREAS, the State of New Jersey Highlands Water Protection & Planning Council awarded the Township of West Milford \$5,000 to offset costs associated with participation in the program.

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

1. The submittal of the grant application to the State of New Jersey Highlands Water Protection & Planning Council is hereby authorized.
2. Upon receipt of the fully executed agreement from the Department, the Township Council authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the State of New Jersey Highlands Water Protection & Planning Council.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Adopted: December 16, 2009

Agenda No. VII 6

~ Resolution No. 2009-424 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT TO ACQUIRE REAL PROPERTY IDENTIFIED AS BLOCK 9301, LOT 12 AND BLOCK 9302, LOTS 1 AND 16 (NOSENZO POND PARK PROPERTY) FROM THE ROMAN CATHOLIC DIOCESE OF PATERSON

WHEREAS, pursuant to NJSA 40A:12-1 et seq., the Township Council of the Township of West Milford desires to acquire a certain tract of land from the Roman Catholic Diocese of Paterson which is set forth in the contract attached hereto and made a part hereof, and which constitutes Block 9301, Lot 12 and Block 9302, Lots 1 and 16 on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey; and

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

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

1. The Mayor and Township Clerk are hereby authorized and directed to sign the contract for the acquisition of Block 9301, Lot 12 and Block 9302, Lots 1 and 16, located on the Tax Map of the Township of West Milford, County of Passaic, State of New Jersey and as shown in the contract on file in the Office of the Township Clerk.
2. The contract is contingent upon the Township Council approving, by Ordinance, the purchase of the property.
3. This resolution shall take effect immediately.

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Agenda No. VII 7

~ Resolution No. 2009-425 ~

NUMBER NOT USED

The following resolutions were moved as one 2009-426 and 2009-427

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

Agenda No. VII 8

~ Resolution No. 2009-426 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
 STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE
 YEAR 2010**

WHEREAS, applications have been made by licensees for the renewal of Peddler Licenses, Limousine Driver Licenses, Limousine Owner Licenses, Amusement Game Licenses and Pool Table Licenses for the year 2010; 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 2010 Licenses *as listed below*:

2010 TAXI/LIMO OWNER & DRIVER LICENSES		
Limousine OWNER License No.	Applicant Name- Address	T/A
2010-1 & 2010-2	John Karwoski 9 Trenton Road Hewitt, NJ 07421	S&J Limousine
2010-3	Sande Hoffman P.O. Box 195 Hewitt, NJ 07421	SMH Limousine
Limousine DRIVER License No.	Applicant Name - Address	T/A
2010 - 1	John Karwoski 9 Trenton Road Hewitt, NJ 07421	S&J Limousine
2010-2	Sande Hoffman P.O. Box 195 Hewitt, NJ 07421	SMH Limousine

2010 AUTOMOBILE JUNKYARD LICENSES – WITH CONDITIONS		
<i>Licenses subject to a satisfactory Health Department Inspection</i>		
Auto Junkyard License No.	Applicant Name	T/A - Address
2010 – 1	Frank Kasabri	West Milford Auto Recyclers Inc. 112 Weaver Road West Milford, NJ 07480 Block 12501 Lots 018 & 019
2010 – 2	Carl DelCampo, Jr.	Concourse Auto II, LLC 1894 Rte. 23 North West Milford, NJ 07480 Block 13602 Lot 7.01
2010 - 3	John and Lena Kardanow	Mountain Top Auto 333 Warwick Turnpike Hewitt, NJ 07421 Block 2802 Lot 3

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2010 AUTOMOBILE JUNKYARD LICENSES – WITH CONDITIONS		
<i>Licenses subject to a satisfactory Health Department Inspection</i>		
2010-4	Jeanette Marchiafava Estate of Victor Marchiafava	Jeannette Marchiafava Estate of Victor Marchiafava 110 Weaver Road West Milford, NJ 07480 Block 12501 Lot 22

2010 PEDDLER LICENSES		
<i>Licenses subject to a satisfactory Health Department Inspection</i>		
Peddler License No.	Applicant Name	T/A - Address
2010 – 1	Orlando V. Cardaci 43 Adelaide Terrace West Milford, NJ 07480	Cardaci Enterprises LLC
2010 – 2	Roger Drew 1511 Greenwood Lake Tpk. Hewitt, NJ 07421	Doggin Around

2010 AMUSEMENT GAME LICENSES		
Amusement Game License No.	Applicant Name	T/A - Address
2010 – 1	Robert Filippo	Lake Shore Inn Lake Shore Road Hewitt, NJ
2010 – 2	Raymond Taylor	Pioneer Bar & Grill 350 Warwick Tpk. Hewitt, NJ
2010 – 3	Tracey Bennett	Big John's Pub 49 Old Rte. 23 Newfoundland, NJ

2010 POOL TABLE LICENSES		
Pool Table License No.	Applicant Name	T/A - Address
2010 – 1	Robert Filippo	Lake Shore Inn Lake Shore Road Hewitt, NJ
2010 – 2	Raymond Taylor	Pioneer Bar & Grill 350 Warwick Tpk. Hewitt, NJ
2010 – 3	Tracey Bennett	Big John's Pub 49 Old Rte. 23 Newfoundland, NJ
2010-4	Gerald Plunkett	American Legion Post 289 Box 289 West Milford, NJ

2010 FIREARMS RANGE PERMIT		
<i>Subject to satisfactory Fire Dept. recommendation</i>		
License No.	Applicant Name	T/A - Address
2010-1	Mathew VanKirk	Meadow Brook Rifle & Pistol Club 88 VanOrden Road P.O. Box F West Milford, NJ

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2010 CLOTHING BIN PERMITS			
Clothing Bin License/Permit No.	Applicant Name	BIN Address(es)	No. of Bins
2010 AV 1 thru 4 - Bearfort Village	AMVETS c/o GSW Inc.	Bearfort Shopping Village 1618 Union Valley Road	4
2010 AV 5 thru 7 - WM Recycling Ctr		W.M. Recycling Center	3
2010 GW 1 thru 2 - WM Recycling Ctr <i>Subject to receipt of certification of use of donations.</i>	Goodwill Industries of Greater NY & Northern NJ	W.M. Recycling Center	2

Adopted: December 16, 2009

Agenda No. VII 9

~ Resolution No. 2009-427 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF TAX LIEN CERTIFICATES

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 property formerly known as:

BLOCK & LOT	CERTIFICATE NO.	LIEN AMOUNT
1005-16	08-016	\$ 381.32
1603-04	09-015	\$ 172.78
1701-25	08-019	\$ 311.78
1814-14	08-024	\$ 620.75
2001-11	08-026	\$ 567.72
2512-22	09-025	\$ 202.57
3406-23	08-044	\$1725.38
3503-19	09-032	\$ 728.91
3503-30	08-045	\$ 219.77
5603-2.01	98-82	\$5341.56
5603-2.02	98-83	\$5278.76
6404-06	09-067	\$1199.08
7601-02	09-079	\$6747.43
12208-26	09-118	\$ 210.66
906-01	Donated to Township	-
	Total	\$23,708.47

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 16, 2009

Agenda No. VII 10

~ Resolution No. 2009-442 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDDING A CONTRACT TO WASTE MANAGEMENT OF NJ, INC. FOR RESIDENTIAL SOLID WASTE AND RECYCLABLES COLLECTION

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WHEREAS, the Township of West Milford solicited bids on December 8, 2009 at 10 a.m. for Residential Solid Waste and Recyclables Collection; and

WHEREAS, in response to the "Notice to Bidders" the Township received two (2) bids; and

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

WHEREAS, the bid received from the low bidder Waste Management of NJ, 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 Township Engineer has submitted a written recommendation for the award of this contract to Waste Management of NJ, Inc., 21 Old Beaver Run Rd., P.O. Box 182, Lafayette, NJ 07848; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 26-55-500-202.

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 Waste Management of NJ, Inc. in an amount not to exceed \$5,744,028.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Waste Management of NJ, Inc. in accordance with its bid for Residential Solid Waste and Recyclables Collection.
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.

Adopted: December 16, 2009

Discussion: Administrator Boyle stated that the Township took bids for disposal based on committee recommendations. Bids went out for collection and were opened on December 8th. The award of this contract will result in savings of \$525,000 per year for the Township.

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

Mr. Semrau advised that there will be a changeover in service providers as a result of this award. He asked for a motion to have Administrator Boyle notify Blue Diamond that the Township will be canceling the extension of the prior contract in accordance with the related agreement.

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

Consent Agenda

Agenda No. VIII

~ Resolution No. 2009-428 ~

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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- a. **Resolution 2009-429** – Overpayment Refund
- b. **Resolution 2009-430** – Partial Refund Performance Guarantee
- c. **Resolution 2009-431** – Refund Recreation Fees
- d. **Resolution 2009-432** – Refund Escrow Fees
- e. **Resolution 2009-433** – Refund Garage Sale Fee
- f. **Resolution 2009-434** – Refund Health Department Fees
- g. **Resolution 2009-435** – Refund Tax Sale Premium
- h. **Resolution 2009-436** – Refund Other Liens
- i. **Resolution 2009-437** – Reinstate Taxes

Applications:

- a. **Application for Casino Night Raffle** License No. 2010-1 by St. Joseph Church for March 20, 2010.
- b. **Application for On Premise 50/50 Raffle** License No. 2010-2 by St. Joseph Church for March 20, 2010.
- c. **Application for Instant Raffle** License No. 2010-3 by West Milford Elks #2236 for the year 2010.
- d. **Application for On Premise 50/50 Raffle** License No. 2010-4 by West Milford Basketball Booster Club Inc. for various dates in 2010.
- e. **Application for Off Premise Draw Raffle** License No. 2010-5 by West Milford Rotary Club for May 20,2010.
- f. **Application for Off Premise 50/50 Raffle** License No. 2010-6 by West Milford Basketball Booster Club Inc. for January 23,2010.
- g. **Application for Bingo** License No. 2010-7 by St. Joseph Church for February 5, 2010.
- h. **Application for Social Affair Permit** – Saint Joseph Church for February 13, 2010
- i. **Application for Social Affair Permit** – Saint Joseph Church for March 20, 2010

Adopted: December 16, 2009

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilwoman Lichtenberg abstained on the West Milford Rotary application only.
 Motion carried.

The following resolutions were included on the consent agenda.

Agenda No. VIII a

~ Resolution 2009 – 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
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate
- 5. Tax Appeal

Block/Lot	Name	Amount	Year	Reason
401-25	First American R/E Tax Service Refund Dept. P.O. Box 961250 Fort Worth, Texas 76161	\$2,411.71	2009	2
704-9	Margaret P. Miller, Attorney at Law 441 Route 202, Towaco, NJ 07082	\$1,303.19	2009	2
801-6	William & Jane Hall, 23 Elmwood Ct Hewitt, NJ 07421	\$78.47	2009	1
1208-4.01	Michael Alarado, 35 Delmont Road Hewitt, NJ 07421	\$250.00	2009	3

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Block/Lot	Name	Amount	Year	Reason
1402-2	Paul & Deborah Pinand 24 Belle Avenue, Hewitt, NJ 07421	\$1,547.65	2009	4
1810-12	Janice Ann Tappel 688 Lakeshore Drive Hewitt, NJ 07421	\$250.00	2009	3
2611-16	Michele Burns, 64 Racetrack Drive Hewitt, NJ 07421	\$1,297.75	2009	2
2701-22.02	Patrick O'Brien, 107 Lakeshore Drive Hewitt, NJ 07421	\$250.00	2009	3
2703-1	John Arvidson, 153 Lakeshore Drive Hewitt, NJ 07421	\$250.00	2009	3
2703-3	Edison Tax Service, 1290 Wall Street West Suite 301 Lyndhurst, NJ 07071	\$124.36	2009	1
2704-4	Marlene & Robert Tunison 16 Yardville Road, Hewitt, NJ 07421	\$1,935.55	2009	2
2712-12	Ernest Pyle, 29 Elizabeth Road Hewitt, NJ 07421	\$250.00	2009	3
3008-6	Peter & Janis Coe, 447 Lakeside Rd Hewitt, NJ 07421	\$250.00	2009	3
3107-11	Elizabeth Goor, 380 Lakeside Road Hewitt, NJ 07421	\$153.50	2009	1
4012-4	W. & S. Small, 5 Forge Road Hewitt, NJ 07421	\$250.00	2009	3
4201-40	James & Lee Gow, 561 East Shore Road, Hewitt, NJ 07421	\$3,391.35	2009	2
4301-9	PPTS Lockbox, P.O. Box 5822 New York, NY 10087	\$1,859.74	2009	2
5312-2.09	Christie Hilton, 4 Richmond Road Suite 209, West Milford, NJ 07480	\$250.00	2009	3
5405-3	William & Regina Riedel 8 Lozier Court, West Milford, NJ 07480	\$53.15	2009	1
5505-3.19	Carol Chesney, 5319 Richmond Rd West Milford, NJ 07480	\$250.00	2009	3
5706-8	John Klucharits, 9 Belleau Gateway West Milford, NJ 07480	\$250.00	2009	3
7306-3	Edward R. Evans, Counsellor at Law 8-14 Saddle River Road, Fair Lawn, NJ 07410	\$1,305.05	2009	2
7403-9	Gail Hyde, 183 Bearfort Road West Milford, NJ 07480	\$69.86	2009	1
7508-17	William & Ashley Sherrer 1363 Union Valley Road, West Milford, NJ 07480	\$250.00	2009	3
7801-4.01	Thomas & Jenny Hart 4-A New Bedford Road, West Milford, NJ 07480	\$250.00	2009	3
7801-46.05	Joseph R. Contaldi, Attorney at Law 27 Warren Street, Suite 301 Hackensack, NJ 07480	\$1,835.99	2009	2
7801-55.01	Kathleen Fagan 55 A Beacon Hill Road, West Milford, NJ 07480	\$59.62	2009	1
8301-5	Gary & Robin O'Brien 1771 Macopin Road, West Milford, NJ 07480	\$2,131.22	2009	2
8901-26	Law Office of Robert C. Hess, LLC 840 Van Houten Avenue, Clifton, NJ 7013	\$2,599.08	2009	2
9406-32	Patricia & James Peseller 17 Frederick Drive, West Milford, NJ 07480	\$250.00	2009	3
9702-12	Eric Sudhalter, 1 Warren Place West Milford, NJ 07480	\$45.41	2009	1
9703-4.03	Friend & Friend, Attorney at Law 1000 Clifton Ave, Clifton, NJ 07013	\$2,904.32	2009	2
10103-9	Thomas & Angela Mancini 32 Hirth Road, Newfoundland, NJ 07435	\$64.77	2009	1
10501-3	Stephen & Monica McKenzie 8 Hancock Drive, West Milford, NJ 07480	\$250.00	2009	3
10603-25	Carmela & David Fritz 32 Sanders Court, West Milford, NJ 07480	\$72.71	2009	1
10701-1	Kenneth & Linda Scholts 15 Spinnler Drive, West Milford, NJ 07480	\$1,459.53	2009	2

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Block/Lot	Name	Amount	Year	Reason
10704-4	Matthew C. Johnston Attorney at Law, 264 Route 206 2 nd Floor, Flanders, NJ 07836	\$1,493.28	2009	2
10808-39	Rui M. Rocha, 44 Upsala Path West Milford, NJ 07480	\$1,723.57	2009	2
10808-45	Winne, Banta, Hetherington, Basralian & Kahan, PC Court Plaza South, East Wing 21 Main Street, Suite 101 PO Box 647, Hackensack, NJ 07601	\$2,284.69	2009	2
10816-3	McLaughlin & Nardi, LLC Attorney at Law 37 Vreeland Avenue Totowa, NJ 07424	\$2,060.00	2009	2
11202-8	Adam & Amy Slufik 97 Larsen Road, West Milford, NJ 07480	\$56.66	2009	1
12305-21	Richard Roemmele 12 Newton Drive, West Milford, NJ 07480	\$250.00	2009	3
12401-14	Robin & Robyn Hempel 267 Weaver Road, West Milford, NJ 07480	\$49.50	2009	1
13101-18	Angelo Agrafiotis Revocable Trust 328 High Crest Drive, West Milford, NJ 07480	\$250.00	2009	3
13203-15	William F. Atkins, 14 Struble Lane West Milford, NJ 07480	\$3,235.32	2009	2
13703-13	Steven Fogg, 2 Mohawk Trail West Milford, NJ 07480	\$250.00	2009	3
14112-1	Wendel H. Pfeifer & Wendel Pfeifer 225 Germantown Road, West Milford, NJ 07480	\$250.00	2009	3
14605-2	Lakeland Bank, Tax Escrow Dept. P.O. Box 408 Newfoundland, NJ 07435	\$5,797.48	2009	1
15102-1	David J. Ober, Councillor at Law Oak Hill Park, 1680 Route 23 North Suite 130, Wayne, NJ 07470	\$2,928.92	2009	2
15502-21	John & Vanina Yacco 54 Circle Boulevard West Newfoundland, NJ 07435	\$55.33	2009	1
16704-4	Heather Cavise 28 Old Hoop Pole Road Oak Ridge, NJ 07438	\$2,457.34	2009	2
15903-1	West Milford Fire Bureau 1480 Union Valley Road West Milford, NJ 07480	\$25.00	2009	1
TOTAL		\$53,371.17		

Adopted: December 16, 2009

Agenda No. VIII b

~ Resolution No. 2009-430 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be partially refunded:

Name & Address	Block & Lot	Amount Refunded	Pg. No.
Charles Monego 11 Sade Terrace Hewitt, NJ 07421	1807/16 54 Cedarbrook Rd.	\$1,000.00	77

Adopted: December 16, 2009

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~ Resolution No. 2009-431 ~

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
Refund for Preschool:		
John	\$70.00	Kathryn Sarcona 662 Snake Den Road West Milford, NJ 07480

Adopted: December 16, 2009

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~ Resolution No. 2009-432 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
David Mulligan P.O. Box 570 31-33 Ringwood Lane Hewitt, NJ 07421	0830-0819	\$750.00	\$89.60
Keith DeBlock 42 Morsetown Road West Milford, NJ 07480	0930-0828	\$750.00	\$334.92

Adopted: December 16, 2009

Agenda No. VIII e

~ Resolution No. 2009-433 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A GARAGE SALE PERMIT 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 REHS, the following Licensing fee be refunded:

Name & Address	License No.	Amount Refunded
Kristine Blaut Arciniega 34 Cherbourg Drive West Milford, NJ 07480	2009-388	\$10.00

Adopted: December 16, 2009

Agenda No. VIII f

~ Resolution No. 2009-434 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF AN ENGINEERING DEPARTMENT LICENSING FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Engineering Department, the following escrow fee be refunded:

Name & Address	Block/Lot	Page No.	Amount Refunded
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Robert Rossi 18 Caldwell Rd. Hewitt, NJ 07421	803/3	81	\$50.00
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Adopted: December 16, 2009

Agenda No.VIII g

~ Resolution No. 2009-435 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, there appears on the tax records an overpayment of a Tax Sale Premium as shown below; and

WHEREAS, the overpayment was created due to direct payment to the lienholder by the homeowner, and the Collector of Taxes recommends the refund of such overpayment.

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

BLOCK/LOT	NAME	AMOUNT
2705-12	American Tax Funding LLC C/O Harris P.O. Box 862658 Orlando, FL. 32886	\$9,000.00
	TOTAL	\$9,000.00

Adopted: December 16, 2009

Agenda No. VIII h

~ Resolution No. 2009-436 ~

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	Cert. Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
05-116	03/09/2005	16907-001	\$1,791.32	LAURA GREEN 3 GEORGE COURT WARWICK, NY 10990
06-086	04/11/2006	16907-001	\$12,605.08	HARMONY FINANCIAL SERVICES, LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
09-063	03/25/2009	06201-015	\$3,215.55	PPTS LOCKBOX P.O. BOX 5822 NEW YORK, NY 10087-5822
		Grand Total	<u>\$17,611.95</u>	

Adopted: December 16, 2009

Agenda No. VIII I

~ Resolution No. 2009-437 ~

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

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

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

REASONS: 1. INSUFFICIENT FUNDS 2: STOPPED PAYMENT

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
7101-5	Precision Settlement Services Group	\$2,674.89	2009	2
2314-2	M. Connolly	\$1,871.61	2009	1
13702-6	P. Sarf	\$1,985.89	2009	1
6701-2	S. Bernstein	\$2,365.08	2009	1
4003-3	M. Horton	\$3,620.78	2009	1
4801-21	K. Lewis	\$2,268.24	2009	1
2509-2	A. Zimmerman	\$1,560.94	2009	1
14113-51	EFKA Transport Corp.	\$3,270.77	2009	1
603-12	L. Petrillo	\$2,005.36	2009	1
2305-9	DJ Sisco Construction LLC	\$3,724.50	2009	1
TOTAL		\$25,348.06		

Adopted: December 16, 2009

Approval of Expenditures

Agenda No. IX

~ Resolution No. 2009-440 ~

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.	\$472,098.62
2	Reserve Account	0.00
3	Animal Control Trust	0.00
6	Capital.	1,025,325.56
7	Grants.	17,563.38
8	Refuse.	118,524.00
9	Refunds.	80,053.02
12	General Ledger.	0.00
16	Heritage Trust.	884.81
14	Open Space Trust	862.50
17	Trust	37,235.40
18	Development Escrow.	2,094.52
19	LOSAP	0.00
20	Special Reserve	0.00
	PO 09-02081 pulled from B/L	(500.00)
	Total	\$1,754,141.81
	Less Refund Resolution	(80,053.02)
	Actual Bill List	\$1,674,088.79
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$1,674,088.79

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Councilman Weisbecker made a motion seconded by Councilman Nolan to place this resolution on the table for discussion. Councilman Nolan stated that he would like a separate vote on the Accu Weather invoice. Councilman Jurkovic stated that he would like more information about the invoice to Fuda Tile on page 10. He stated that this \$4,500 payment pertains to tile work done at Westbrook Park but the Facilities Assessment Committee has not been kept apprised of the work. He would like to ensure that staff is not proceeding with a project that may become obsolete if the building is rendered useless because it is not ADA accessible. Council President Smolinski asked that the Council receive an accounting of the funding for the work being done at Westbrook. Mr. Boyle will provide information about both the work and the funding. Councilwoman Lichtenberg asked that payment #40836 be pulled from the bill list. She explained that this payment is for a program being funded through CASA. A motivational speaker was to give a presentation at the school but was unable to attend. A substitute was sent but that person was unable to complete the class and a volunteer had to step in. Councilman Weisbecker asked for additional information about the pages of payments for the purchase of tools and Mr. Boyle stated that he would provide that to Council.

Councilman Weisbecker amended his motion to exclude payment #40836 from the bill list.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: Councilman Nolan voted no on the Accu Weather invoice only.
Abstained: Council President Smolinski abstained from the payment of a clothing allowance payable to himself only. Councilman Nolan abstained from the payments to Valley Health only.
Councilman Jurkovic abstained on payments to Steve Glatt only.

Motion carried.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Schimmenti stated that it has been an honor to have served West Milford residents as a Councilman. It has been a mostly positive experience but he has had some difficulty always being politically correct. Some things on his agenda have been accomplished while others did not come to fruition. He wished everyone a very happy holiday season.

Councilman Nolan wished Councilman Schimmenti the best in his future endeavors. He commended him for always behaving in a gentlemanly fashion. He stated that the Council received quarterly reports and upon review he noted that expenses at the concession stand at Bubbling Springs were up in 2009 by comparison to 2008 while revenue was down. He asked Mr. Boyle to provide Council with a report on that. He asked if the MUA has been billed for work done at Hillcrest to accommodate the new MUA office at that facility to which Mr. Boyle replied in the affirmative. He stated that the recycling coordinator has reported that revenues are down due to market conditions. He stated he would like to see a focus on increasing enforcement and volume. He noted that Administrator Boyle has sent a memo to Council advising that the Township will owe approximately \$70,000 to the former JIF. He wished everyone a happy holiday season and all the best in 2010.

Councilwoman Lichtenberg wished Councilman Schimmenti good health and happiness in his future endeavors. Noting that this week is senior health week, she read an anecdote about seniors and the aging process. She wished everyone a wonderful holiday.

Councilman Jurkovic stated that there was a letter addressed to him about the overgrowth of trees on Union Valley Road. He gave the letter to Mr. Boyle and asked him to follow up with Passaic County officials. At the most recent Facilities Assessment Committee a number of issues were raised and he would like to bring them to Council's attention. There is a significant need to make provisions to relocate those employees housed in the basement at Town Hall. It would appear, after reviewing all options, that the Johner Building is the only viable option. He asked Mr. Semrau to research who would oversee a septic upgrade or installation to accommodate such use for that building because there may be a conflict with municipal staff overseeing a municipal project of this nature. He asked Mr. Semrau how the Township should proceed with determining the cost of a renovation to the Johner Building because plans have been drafted. Mr. Semrau opined that the Township may wish to engage the services of a consultant to review the plans and provide an estimate. He further stated that the Township may wish to have exploratory work done on the existing septic to determine what needs to be done. Councilman Jurkovic asked the Administrator to have the Director of Community Services & Recreation attend the next Facilities Assessment Committee meeting to review uses at Hillcrest and Westbrook. He noted that this is the last meeting of his first year on Council. He expressed appreciation for his fellow Council

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members who he described as a great group of people with sincere intentions. The exchange of ideas and viewpoints has been good and productive. He stated that it has been a pleasure to serve with Councilman Schimmenti and he wished him luck.

Councilman Weisbecker applauded Councilman Schimmenti for his dedication describing him as a proactive Councilman with valuable insights. He expects that Dr. Schimmenti will continue to participate and serve West Milford residents. He commended the entire Council for their hard work in 2009. In 2010 he expects that there will be obstacles and challenges which will be met and resolved. It is likely there will be lively, positive and fruitful debate. He asked Mr. Boyle to schedule a date where he can view intersections with the Administrator and Engineer. He asked for a future workshop discussion on the practice whereby catch basins are repaired on Saturdays. He asked Mr. Semrau to research options available to municipalities whose residents have been subject to exorbitant increases in water rates. He wished everyone a happy holiday season.

Council President Smolinski asked Administrator Boyle to determine if it would be beneficial for West Milford to avail of online services that sell excess equipment. He commended the Township Planner, Chuck McGroarty, for the report he submitted to Council about Browns Point Plaza. He stated that it has been a pleasure to sit beside and work with Councilman Schimmenti. He wished everyone a safe and happy holiday season.

Mayor Bieri directed Council to a memo from the Township Administrator regarding the proposed live where you work program. She noted that staff has already invested much time into researching this program and she read aloud the costs and impact Mr. Boyle has indicated will be associated with the program should the Township proceed. She questioned the benefit to West Milford. The Council expressed agreement and instructed the Administrator to cease working on this program. She conveyed her best wishes to Councilman Schimmenti as he leaves the Council stating that it has been a pleasure working with him. She wished the residents, staff and Governing Body of West Milford a healthy, safe and joyous holiday season.

Administrator Boyle stated that there are four road assessment petitions on file which equated to 1.3 miles of road. His staff is reaching out to determine if residents in those areas wish to file updated petitions. He recently met with LAN Associates regarding the police department renovations and expects the project will be completed in late March. The State of New Jersey has advised that they are placing a hold on the greenhouse gas reduction grant program and the concert grant program has also been stalled. He received notice from the County that West Milford has been approved for additional funds for the Lincoln Hill sidewalk. The background check ordinance is now effective and as a result of those background checks three people have requested hearings. Of those three, one has received approval from the committee to continue coaching.

Attorney Semrau noted that the year passes very quickly and he thanked the Mayor and Council for the opportunity to serve West Milford. He enjoyed working with many municipal departments throughout the year and their respective contributions were invaluable. He stated that the mayor of another community recently commented to him that, having watched a West Milford meeting online, it appears that the Township is very busy. His services came in under budget this year. He thanked Councilman Schimmenti saying that it has been a pleasure working with him. He appreciates the Councilman's input and noted that Councilman Schimmenti never fails to ask how his family is doing.

Agenda No. XI

Appointments and Resignations

None.

Agenda No. XII

Executive Session

~ Resolution No. 2009-441 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 16th day of December 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of

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- individual privacy.
- (X) b. (4) A collective bargaining agreement including negotiations.
 - Contract Negotiations - Update on Labor Negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contract Negotiations – Hillcrest Lease
 - Contract Negotiations – Cable TV Franchise Renewal
 - Potential Litigation – Block 6407, Lot 7 Estate of Emily Weise
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: December 16, 2009

Discussion: Councilman Nolan questioned why Hillcrest is being discussed in executive session. Mr. Semrau advised that it appears that the contract is close to completion with two minor issues remaining. He wishes to discuss these negotiation issues with the Council.

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

The Mayor and Council went into Executive Session at 10:43 p.m.
The Mayor & Council reconvened in public at 11:33 p.m. with all present as before.

Councilman Weisbecker made a motion seconded by Councilman Nolan to authorize Mayor Bieri to execute a sidebar agreement between West Milford and the PBA dated today regarding the settlement of a grievance pertaining to acting pay.

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

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:35p.m.

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

Approved: February 3, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK