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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
Date of Meeting: December 17, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 22

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The Workshop 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 Workshop meeting was advertised in the Herald News in its issue of January 6, 2008; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

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

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt seconded by Councilman Nolan the following meeting minutes as presented:

October 22, 2008 Workshop Meeting November 5, 2008 Regular Meeting

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

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Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

January 1, 2008 Reorganization Meeting at 1:00 pm

Agenda No. IV

**Proclamations**

Radon Month – Mayor Bieri stated that December is Radon Action Month. She read the proclamation into the record.

Agenda No. V

**Presentations**

None.

Agenda No. VI

**Public Comments**

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

Blanche DeSimone, 24 E. Park Drive – wished Interim Administrator Battaglia well. She asked that her replacement call her. She wished the Mayor and Council a Happy Holiday and asked that Council to replace the sediment basins at Gordon Lakes in 2009. She said that she will be back before the Council in January to discuss further the basin installation.

Doris Aaronson, 19 Bearfort – thanked that Council members and Mr. Jurkovic for input on the television franchise committee. She asked that the Council approve publishing the survey on the Internet and in the newspaper. She spoke with Kelly Rohde in Ringwood and she said that they have a devoted channel in

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their town. Meetings are broadcast on a number of days. She would like the Council's input on this. A devoted channel would benefit West Milford. If the Committee receives 100 replies to the survey it would be of help to the Council in future negotiations to secure the best deal possible. She wished everyone Happy Holidays and expressed that she will miss Ms. Battaglia.

Jim Novack, Larchmont Drive – said that he used to give grinch cookies to the Council. He has had differences with the Administrator and Health Officer. He has been complaining for three years about a neighbors garbage issue. He said that he has placed six calls to the Health Officer and a number of calls to Acting Administrator Battaglia without response. The Health Officer had phoned him earlier in the day and said that they had the wrong address. He said that it is too late now because of the snow that has fallen to do anything about it. He said that over a year ago Police Communications was to be updated. He said the system would fail any day. He said that he had heard through the rumor mill that Council members and employees from another town were seen at Hooters eating buffalo wings and drinking beer. He said that he hoped that none of the Council members, or Township employees turn in vouchers for Hooters or any vouchers for alcohol consumption.

Wayne Gottlieb, 20 South Richfield Road – began by saying that his comments may run over the 5 minute limit. He said that last Thursday afternoon in the Aim Action Ads newspaper he had read a story directed at Acting Administrator Battaglia. It referenced a case from Stanhope, NJ. The story did not accurately reflect the actual happenings. The case was an abuse of OPRA. He ran information on his computer's hard drive about this matter. He reviewed the Stanhope case. A summary was provided in an article in the New Jersey Herald. They eventually were accused by the people of Stanhope of using OPRA as a weapon against Township officials. Mr. Caggiano was eventually banned from the public building with the exception of certain hours. He took his complaints to the Government Records Council many times. The GRC ultimately got the State Attorney General to issue an injunction against him. One employee from the State quit because of this person. The Executive Director filed a criminal complaint against this man. He said that soil conservation was the subject his OPRA abuses. He was sent to a psychiatric unit. He listed the number of requests that Mr. Caggiano had filed and the number of complaints at the GRC. The Judge ruled in the case that Mr. O'Shea had referenced in his article. He read Mr. O'Shea's comments. He read what the Judge had written in the decision. The Judge had ruled denial and was not unreasonable. The Judge dismissed the case. He read a quote from Mr. Martin O'Shea in a previous newspaper article where he said that Mr. Caggiano was abusing the law. There is a serious issue with the abuse of OPRA. It requires serious discussion. He then presented Acting Administrator Battaglia with a copy of the article written by Mr. O'Shea wrapped around a roll of toilet tissue. He said that his New Years wish was to get beyond things like this and to keep business productive. He wished everyone Happy Holidays.

Ada Erik, Macopin Road - said that she celebrates Christmas. She wished everyone a very Merry Christmas. She then wished Acting Administrator Battaglia well in her future endeavors.

Jim Foody, 2 Kashagua Trail - thanked Councilman Weisbecker for going out to his community to look at work that had been done. He showed the Council members a plan. The plan should have been looked at by the Township Engineer and he will provide a copy to Mr. McFadden. He said that the Engineering Department would have never approved such plans. He also said that he is getting a petition to the Township to implore the Council to take over their roads. He commented that he had showed Eric Hastings and other volunteers in his community where drain water is being dumped directly into Greenwood Lake. He spoke with the Zoning Officer who went to the area in December. He will look into those issues.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

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

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Agenda No. VII

**Council Comments**

Councilman Weisbecker – said that he had told Mr. Foody to take the plan to the Engineer and to send a copy to Township Attorney Semrau. He suggested to also send one to the new Administrator when that position is filled. He said that the Cable Committee is not fully seated and still needs two appointees. He said that he is receiving requests for polls and questionnaires without a full committee. Before advancing two other members must be appointed. He said that until then he won't heed the committee.

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Councilman Smolinski – asked Interim Administrator Battaglia if there had been an update regarding Gordon Lakes. Ms. Battaglia said that she had forwarded information to Township Engineer McFadden, who has advised that there will not be work done before 2009.

Councilwoman Lichtenberg – commented that she appreciated Mr. Gottlieb's presentation.

Councilman Nolan – agreed with Councilwoman Lichtenberg. He said that the column written by Mr. O'Shea is only partially true. It is very slanted.

Councilman Schimmenti – said that the gift presented by Mr. Gottlieb was the best gift this season. Those articles are lies.

Mayor Bieri – thanked Mr. Gottlieb for pointing out partial truths. There are abuses of OPRA. This particular writer is on a vendetta against the Township Clerk whose goal has been to uphold the law. She furthered by saying that his article being titled News Analysis is not an accurate description of this column. There are many mis-statements in his article.

Interim Administrator Battaglia – said regarding Mr. Novack's concerns about vouchers for alcoholic beverages and that there have been none submitted and if submitted will not be approved. Regarding the Police Communications, there have been meetings with an architect for the new system. A detailed report is forthcoming.

Councilman Smolinski – added that Council members do not submit vouchers from conventions.

Agenda No. VIII

Discussion Items

1)	<p>Fleet Study – Interim Administrator Battaglia said that at the Council's request information was secured from the Township Engineer and DPW and they are now asking the Council how they would like them to proceed. Councilman Weisbecker said that it was asked to find out about other towns. He had asked Ada Erik and Jim Novak for their input. They have provided him with interesting data. Totowa has a 1984 vehicle and the newest is a 1998. He will provide some of that data. West Milford should be doing better maintenance of Township vehicles. He spoke about a dent in one of the Township vehicles that has never been repaired. He asked if drivers are assigned to vehicles. Drivers should be held accountable. Councilman Smolinski reviewed information in the packets of 27 municipalities. He is proud of West Milford's program. He reviewed the Township maintenance plan which is above adequate. The Township has qualified and dedicated mechanics who work on DPW and Fire equipment. He said that he feels the requests are not out of line. He has checked with other Townships and is not unhappy with the Township program. DPW and supervisors do a very good job. The Township vehicles are stored outside and last longer than other Townships. He said that there is no wrong doing here. Councilwoman Lichtenberg said that she reviewed the schedule that was in the packet and that she believes West Milford is doing very well. Councilman Smolinski said that the vehicles were approved by the Council during the budget process. Council should be supplied with justification when there is a delay between approval and bidding. Councilman Wesibecker said that he directed his comments to the drivers of vehicles. Drivers and operators are not taking proper care of the vehicles. If vehicles are assigned to individuals they will take better care of them. Operators must be held accountable. Councilman Nolan referred to a report from Township Engineer McFadden about maintenance. When the Township replaces vehicles it is not because of the problem with the engine. It is generally due to rust. Body repairs must be part of the process. Some other towns do better. He is okay with not spending money on a consultant, however as part of the budget process he would like to speak with the Township Engineer and to the DPW about this. Councilman Smolinski said that the DPW is cost conscious. He trusts the Townships professionals. He does not doubt them. Councilman Nolan said that elected officials are trustees and have a responsibility and have the right to ask questions regarding spending money. Mayor Bieri said that the memo asks how to proceed. Consensus was to not hire a consultant. Councilman Nolan said that he will discuss this with the Township Engineer and the Public Works Director at budget time.</p>
2)	<p>Roller Hockey Rink - Council President Smolinski reviewed the history. He said that the old tennis courts on Germantown Road seem to be a good location. He has met with Recreation Director Knudsen and Township Engineer McFadden. Council consent is needed for design and to perform a cost analysis. Councilwoman Lichtenberg asked if the property is owned by Newark. Council consensus was to proceed with an in-house engineering estimate.</p>
3)	<p>Bid: Air Compressors or Air Breathing Modules – regarding this, Council would like to know why the difference in compressors and asked that Fire Commissioner Steines attend the January 14, 2009 workshop and provide an explanation.</p>

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4)	Passaic County 2009 Road Resurfacing Program – Interim Administrator Battaglia explained that there is a draft letter on the dais that explains the Township Engineer’s road ratings and he is requesting approximately 3 miles of Township roads to be repaved by Passaic County. She said that if the Council is wishing, they could request that additional mileage be repaved. Mayor Bieri said that the Council must respond by December 31. Council was amenable to requesting that the maximum number of miles be paved within the Township.
5)	2009 Reorganization – Bloomingdale Registrar/Vozza Agency/Morris Land Conservancy – Interim Administrator Battaglia explained that these are items that are up for the reorganization meeting. She said that continuity for 2009 may be a priority. Consensus was to proceed.
6)	Rail Line Rehabilitation Grant Application – Susquehanna Railroad - Councilman Weisbecker expressed that he is opposed to this Resolution. He said that this is the only leverage to get work done at the Canistear Road trestle. He gave his opinions regarding this trestle. He would like something in writing from the State of NJ and is working with Assemblyman DeCroce on this. He said that he will vote no on this Resolution. Councilman Nolan asked Councilman Weisbecker what he wants to see done at the trestle. Councilman Weisbecker said that he wants the road widened. Councilwoman Lichtenberg said that she understands what Councilman Weisbecker wants but is concerned that holding off on this may cause other safety issues. Councilman Smolinski said that perhaps Susquehanna would widen the road. He feels that the Council should send a Resolution of letter requesting improvements to the trestle. Consensus was to draft a Resolution to have the trestle repaired or the road widened at the expense of NJ Transit, but not to with hold Susquehanna Railroad from proceeding with the work that they are seeking to do.
7)	Cable TV Committee Survey – Councilman Weisbecker said that until this committee is properly seated the Council cannot proceed. He said that people should be appointed tonight. Doris Aaronson said that a report is due January 31. She explained that much needs to be done in a short amount of time. The Council will have until the end of March to review the report and make final decisions. Council-elect Jurkovic said that he has been sitting informally with the committee and that Township Attorney Semrau sent an attorney from his firm. There is a Resolution forming this committee and that there is a short time frame. The report is a general outline. He said that the Council should be more specific as to what the Council is seeking in the report they provide. Councilman Nolan asked Mr. DiYanni about timelines and he replied that they are strict. He explained that a report is due one year prior to the franchise expiration. If it is not done, the right to file a report will be lost. It is recommended as a negotiating tool. If nothing is done, the Township will likely receive the same deal from the cable company. Councilman Weisbecker said that he wants to appoint the committee at this meeting. Mr. Jurkovic explained that the current agreement was standard at the time. He said that Cablevision companies stay with these agreements as a community service but they can walk away. He asked for better direction from the Council with regards to the areas that they are concerned about. Councilman Smolinski said that surveys can be taken at ShopRite. Ms. Aaronson outlined nine areas of study. Interim Administrator Battaglia clarified that the Township would be responsible for the funds because the committee does not have a budget. Consensus was to spend \$270 for a survey and to appoint two additional members.
8)	2009 Recreational Trails Grant – Council consensus was to proceed.
9)	Multi-departmental workflow automation software system – Interim Administrator Battaglia explained that this was appropriated in a previous budget and now the department heads have had the chance to approve a system. She said that this would enable residents to track information. She said that if approved, she would begin to move forward on the proprietary purchase. She further explained that there would also be maintenance costs involved. She said that a number of vendors have presented their software to the department heads. The department heads have determined that this system would suffice the needs of the Township. Consensus was to proceed and direction was given to look into paper-less agendas.
10)	Purchase of five 2009 Ford Crown Victorias – Councilwoman Lichtenberg expressed that she is concerned about the purchase of these vehicles. She asked that the Police Chief come before Council to justify the need. Councilman Smolinski explained that municipalities have a schedule for replacement of vehicles. He said that replacement at 90,000 miles does not take into consideration idle time and that by the time the vehicles arrive, the mileage will be much higher. It could take six months to take delivery on the cars. The average police car in West Milford is driven 40,000 miles per year. Councilman Nolan asked what becomes of the vehicles that are being replaced. Interim Administrator Battaglia said that there is a demand for vehicles in other departments and that they would become rotated in this fashion. She said that the schedule is for five vehicles each year and that in 2007 four vehicles were purchased. Councilman Smolinski explained that if the vehicles are rotated from the frontline of Police service that there is still life in the vehicles to rotate them into other departments but that maintenance costs increase. Councilman Weisbecker said that from his experience the vehicles are rotated to another department. Mayor Bieri asked if the vehicles needed to be Crown Victorias and if it would be possible to purchase 2008 leftovers. Ms. Battaglia explained that because of the State award, the year and size of the vehicle is mandated.

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	Consensus was to proceed.
11)	Purchase of Fire Commissioner Vehicle – Councilwoman Lichtenberg stated that the Commissioner is seeking to replace a Crown Victoria with a SUV. She asked if there were a difference in the cost between the two vehicles and suggested to give him one of the used Police vehicles. Interim Administrator Battaglia stated that in the previous budget cycle, this vehicle was appropriated. Councilman Smolinski said that the SUV would be a better vehicle however in light of the Township budget, it would be more prudent to transition one of the Police vehicles to the Fire Commissioner. She said that she would convey to the mechanic this desire of the Council. Consensus was to transfer a Police Vehicle to the Commissioner.
12)	Verge Easement – Interim Administrator explained that there is a memo on the dais, that was not on the agenda, regarding this easement. She explained the details of the easement. Consensus was to proceed.

Agenda No. IX

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1  
 ~ Ordinance No. 2008- 035 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 500 ENTITLED “ZONING”, ARTICLE IV, ENTITLED “COMMERCIAL DISTRICTS” AND IN PARTICULAR THE PERMITTED AND CONDITIONAL USE STANDARDS OF THE LAKE COMMERCIAL (LC) ZONE DISTRICT AND CERTAIN PROVISIONS OF THE REGULATIONS PERTAINING TO FENCES, WALLS AND SIGHT TRIANGLES AND CHAPTER 470, ARTICLE XI, ENTITLED “ZONING PERMITS” TO CLARIFY THE REQUIREMENTS FOR ISSUANCE OF SAID PERMITS**

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

**WHEREAS**, the Township’s Planning Board has determined upon analysis and discussion that greater clarity is required with respect to the range of permitted and conditional uses within the Lake Commercial Zone District and has likewise determined that certain activities and operations are inappropriate proximate to the waters and environs of Greenwood Lake; and

**WHEREAS**, the Planning Board does further find it necessary and appropriate to modify the standards provided in §470-44 so as to clarify the point that fences, walls and sheds are considered structures and shall be subject to review and obligation to secure a Zoning Permit in accordance with the provisions of Article XI in Chapter 470 with concurrent modifications to §500-68 in Chapter 500 to reiterate and reinforce said findings; and

**WHEREAS**, the Township’s Planning Board does recommend to the Township Council of West Milford that the modifications and supplements described herein will advance the purposes of zoning as set forth in N.J.S. 40:55D-2 in promoting the public health, safety, morals, and general welfare and to provide in appropriate locations a variety of land use activities according to their respective environmental requirements, and will further the objectives of the West Milford Master Plan in general and its Land Use Element in particular; and

**WHEREAS**, the Township Council of the Township of West Milford does concur with the recommendations of the Planning Board with respect to such modifications to the various chapters of the Township’s Land Development Ordinance.

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

**Section 1.** Chapter 470, Article XI, §470-44 entitled “Zoning Permits”, subsection A (1) is hereby revised as follows:

1. No person shall commence the construction, reconstruction, alteration, conversion or installation of a structure or building, including but not limited to signs, fences, walls, and sheds without first obtaining a zoning permit.

Subsection A (2) through (5): No change.

Subsection B (1) through (3): No change.

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A new subsection (4) shall read as follows:

- (4) The structure or use is in compliance with the standards set forth in Chapter 500, Article IX, §500-68, A through D, as applicable.

Subsections C through E: No change.

**Section 2.** Chapter 500, Article IV, entitled “Commercial Districts” is amended and supplemented as follows:

i. §500-25 “Purpose” shall read:

- C. The purpose of the LC District is to maximize the potential of Greenwood Lake with regard to both recreational and commercial opportunities and to protect the waters and environs of the lake from certain land use activities which are not consistent with such objectives.

ii. §500-26 “Principal permitted uses on the land and in the buildings”, subsection C “Permitted uses in the LC Zone shall be as follows” shall read:

- (1) Retail sale of goods and services including but not limited to craft and specialty shops such as art galleries, antique shops, bakery shops, book and stationery stores, delicatessens, craft stores, wearing apparel shops, florist shops and boating and specialty sporting goods stores in keeping with the commercial and recreation development permitted in the LC District. The permitted range of retail sale of goods and services shall not include car wash facilities, Laundromats, dry cleaners, body repair shops, service stations, and dealerships of automobiles, trucks or other on or off-road vehicles. Further, no retail sale of goods and services will be permitted which involves the use and/or storage of industrial, toxic, or hazardous materials or wastes. The approving authority may waive this restriction for piers, boathouses and marinas subject to review and approval of same pursuant to Article XI in Chapter 500.
- (2) Restaurants, bars, taverns and nightclubs excluding drive-in business.

Subsections (3) and (4): No change.

- (5) Active recreational facilities including but not limited to those activities and facilities oriented towards health and physical fitness such as tennis or racquetball facilities and health clubs.
- (6) Marinas which may include boat sales, dealerships and the sale of related sporting goods, as well as ancillary uses such as restaurants, taverns and boat repair facilities in accordance with the standards set forth in Article XI of this Chapter.

Subsections (7) through (9): No change.

iii. §500-35 “Conditional uses”, subsection C “Conditional uses in the LC Zone shall be as follows” shall read:

C. Conditional uses in the LC Zone shall be as follows:

Subsections (1) through (3): No change.

- (4) Outdoor storage of boats and boat trailers as principal and accessory uses in accordance with §500-103 of this Chapter.
- (5) Boat storage buildings and boat trailer storage as principal and accessory uses in accordance with §500-104 of this Chapter

**Section 3.** Chapter 500, Article IX, entitled “General Provisions and Design Standards”, §500-68 “Fences, walls and sight triangles” is revised to read as follows:

- A. A Zoning Permit pursuant to §470-44 of Chapter 470 shall be required prior to the installation of any fence or wall unless said fence or wall is part of an approved site plan or subdivision. For any fence or wall proposed for a corner lot and/or at a location within one hundred (100) feet from the intersection of centerlines of intersecting streets no Zoning Permit shall be issued without authorization by the Township Engineer that the

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structure in question does not create an obstruction within the sight triangle. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms or where necessary for the keeping of farm animals as provided in §500-90 and except further that fences permitted for commercial and industrial uses may be topped by a bared wire barrier. Moreover, notwithstanding any other provisions of this section, retaining walls may be constructed as approved by the Construction Code Official upon submission of a request for approval to the administrative officer. Any township review of the submitted request shall consider the safety and aesthetic aspects of the proposed retaining wall.

Subsections B through D: No change.

**Section 4.** All ordinances of the Township of West Milford which are inconsistent with the provisions of the ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 6.** This Ordinance may be renumbered for purposes of codification.

**Section 7.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: July 9, 2008  
ADOPTED: December 17, 2008  
EFFECTIVE DATE: January 6, 2009

Mayor Bieri advised that this ordinance was introduced on July 9, 2008 and is scheduled for public hearing tonight. Second reading and public hearing for this ordinance was set on December 7, 2008. Mayor Bieri opened the meeting to the public to speak on this ordinance only.

Councilman Weisbecker moved and seconded by Councilman Smolinski to close the public comments portion of the meeting and carried by unanimous roll call vote.

Motion to move Ordinance.

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

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Agenda No. IX 2  
~ Ordinance No. 2008- 042 ~

**Number NOT Used – Tabled to January 14, 2009**

On motion by Councilman Weisbecker seconded by Councilman Nolan this ordinance was Tabled to January 14, 2009. Approved by unanimous roll call.

Motion to table Ordinance.

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

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Agenda No. IX 3  
~ Resolution No. 2008- 450 ~

**GROUP AFFIDAVIT OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD  
CERTIFYING TO THE ANNUAL AUDIT FOR THE YEAR ENDING DECEMBER 31, 2007**

**BE IT RESOLVED** that the Township Council of the Township of West Milford hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July

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30, 1968 and does hereby submit a certified copy of this resolution which includes the required affidavit to said Board to show evidence of said compliance.

GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
} SS.
COUNTY OF PASSAIC

We, the members of the governing body of the Township of West Milford, County of Passaic, of full age, being duly sworn according to law, upon our oath depose and say:

- 1. We are duly elected members of the Township Council of the Township of West Milford.
2. In the performance of our duties, and pursuant to the local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Township Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2006.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

(L.S.) (L.S.)
(L.S.) (L.S.)
(L.S.) (L.S.)
(L.S.) (L.S.)

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

Discussion: Interim Administrator explained that the group affidavit conveys that they have reviewed the audit prior to it going to Division of Local Government Services.

Agenda No. IX 4
~ Resolution No. 2008- 451~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2007 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Township of West Milford has by Resolution accepted the 2007 audit as prepared and presented by the Township Auditors, and

WHEREAS, Arthur Magnotti, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2007 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: December 17, 2008

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

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Discussion: Councilman Smolinski questioned findings of the audit that say items were not addressed. Interim Administrator Battaglia said that this outlines the corrective action plan in the upcoming year. She said that some of the comments were from the 2006 and 2007 action plan and that there was a need to move forward on these items. Councilman Nolan said that ideally the findings would be corrected and not be found in subsequent years. Ms. Battaglia said that processes need to be started to correct the findings.

Agenda No. IX 5  
 ~ Resolution No. 2008- 452~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2007 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7**

Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S. 40A:5-7.

Summary of Synopsis of 2007 Audit Report of the TOWNSHIP OF WEST MILFORD, County of Passaic, as required by N.J.S. 40A:5-7.

<u>ASSETS</u>	<b>December 31 Year 2007</b>	<b>December 31 Year 2006</b>
Cash, Investments and Prepaid Debt Service	16,539,188.91	15,917,617.74
Taxes, Assessments, Liens and Utility Charges Receivable	3,638,166.17	3,771,453.70
Prospective Assessments Funded	126,977.75	126,977.75
Property Acquired for Taxes – Assessed Value	2,954,600.00	2,603,700.00
Accounts Receivable (and inventory)	5,883,546.78	6,959,700.87
General Fixed Assets	31,331,193.00	29,708,013.98
Deferred Charges to Future Taxation – General Capital	29,080,161.80	22,736,431.99
Deferred Charges to Revenue of Succeeding Years	<u>14,967.53</u>	<u>14,280.98</u>
<b>TOTAL ASSETS</b>	<b><u>89,568,801.94</u></b>	<b><u>81,838,177.01</u></b>
<b><u>LIABILITIES, RESERVES AND FUND BALANCES</u></b>		
Bond and Notes Payable	22,715,946.05	18,162,914.37
Improvement Authorizations	11,097,930.85	8,646,993.15
Other Liabilities and Special Funds	13,294,736.99	14,721,051.35
Net Assets Available for Benefits	1,037,103.02	806,378.14
Investment in General Fixed Assets	31,331,193.00	29,708,013.98
Reserve for Certain Assets Receivable	6,231,095.51	7,583,167.66
Fund Balance	<u>3,860,796.52</u>	<u>2,209,658.36</u>
<b>TOTAL LIABILITIES, RESERVES AND SURPLUS</b>	<b><u>89,568,801.94</u></b>	<b><u>81,838,177.01</u></b>

**TOWNSHIP OF WEST MILFORD, N.J. COMPARATIVE STATEMENT OF OPERATIONS AND CHANGE IN SURPLUS – CURRENT FUND**

<u>Revenue and Other Income Realized</u>	<b><u>2007</u></b>	<b><u>2006</u></b>
Fund Balance Utilized	2,050,000.00	3,895,000.00
Miscellaneous – From Other Than Local Property Tax Levies	11,005,956.30	8,290,820.21
Collection of Delinquent Taxes and Tax Title Liens	808,757.95	717,425.63

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Collection of Current Tax Levy	81,176,877.95	77,704,138.24
Other Credits to Income	4,299,547.09	813,480.87
<b>Total Income</b>	<b><u>99,341,139.28</u></b>	<b><u>91,420,864.95</u></b>
<b><u>Expenditures</u></b>		
Budget Expenditures:		
Municipal Purpose	27,816,719.30	25,604,600.58
Special District Taxes	2,473,918.16	2,305,713.45
Municipal Open Space Tax	151,931.30	151,705.84
County Taxes	17,928,916.82	17,050,228.61
Local and Regional School Taxes	44,355,908.50	42,279,371.50
Other Expenditures	<u>3,124,224.81</u>	<u>2,845,462.11</u>
Total Expenditures	95,851,618.89	90,237,082.09
Less: Expenditures to be Raised by Future Taxes	_____	_____
Total Adjusted Expenditures	<u>95,851,618.89</u>	<u>90,237,082.09</u>
Excess in Revenue	3,489,520.39	1,183,782.86
Fund Balance January 1	<u>2,054,586.00</u>	<u>4,765,803.14</u>
	5,544,106.39	5,949,586.00
Less:		
Utilized as Anticipated Revenue	<u>2,050,000.00</u>	<u>3,895,000.00</u>
Fund Balance December 31	<u>3,494,106.39</u>	<u>2,054,586.00</u>

<b>RECOMMENDATIONS</b>	
1.	That all cash receipts be deposited within 48 hours.
2.	That no vendor be paid unless a business registration certificate is on file, when required.
3.*	That the cash deficits for ordinances over five years old be funded in future year's budgets.
4.*	That old escrow and trust reserve balances be returned or canceled.
5.*	That old grant receivable and reserve balances be reviewed and be collected, spent or canceled.
6.	That all court monies be disbursed by the 15 <sup>th</sup> of the next month.

A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2007. This Report of Audit, submitted by Charles J. Ferraioli, Jr. of Ferraioli, Wielkotz, Cerullo & Cuva P.A., is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: December 17, 2008

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

Agenda No. IX 6  
 ~ Resolution No. 2008- 453~

**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**

**WHEREAS**, there appears to be a surplus in the 2008 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	\$ 219,500
DPW Public Buildings & Grounds S&W	01-26-291-100	\$ 18,000
Recreation Hillcrest S&W	01-28-374-100	\$ 8,000
Senior Citizens S&W	01-28-376-100	\$ 25,000
Utilities, Electricity	01-31-430-200	\$ 8,000
Social Security (Out of Cap)	01-36-472-533	\$ 20,000
<b>Total Transfers Out</b>		<b>\$ 298,500</b>

**WHEREAS**, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2008budget year:

<u>APPROPRIATION</u>	<u>ACCOUNT NUMBER</u>	<u>TRANSFER PROPOSAL</u>
Legal O.E	01-20-155-200	\$ 60,000
Other Insurance	01-23-210-200	\$ 7,000
Group Insurance	01-23-220-506	\$ 20,000
Clerk S&W	01-20-120-100	\$ 5,000
Treasurer O.E	01-20-130-200	\$ 500
Police Communications S&W	01-25-243-100	\$ 5,000
Special Police S&W	01-25-244-100	\$ 4,000
Fire Prevention Bureau S&W	01-25-265-100	\$ 1,000
Engineering S&W	01-20-165-100	\$ 20,000
DPW Snow Removal S&W	01-26-294-100	\$ 40,000
DPW Snow Removal O.E	01-26-294-200	\$ 20,000
DPW Vehicle Maintenance S&W	01-26-315-100	\$ 4,000
DPW Vehicle Maintenance O.E.	01-26-315-200	\$ 30,000
Animal Control S&W	01-27-340-100	\$ 1,000
Recreation Administration S & W	01-28-372-100	\$ 10,000
Recreation Parks S&W	01-28-375-100	\$ 25,000
Municipal Court S & W	01-43-490-100	\$ 5,000
Utilities – Telephone	01-31-440-200	\$ 8,000
Reserve for Salaries & Wages Adjustment	01-37-480-501	\$ 13,000
PERS (Out of Cap)	01-36-472-533	\$ 20,000
<b>Total Transfers In</b>		<b>\$ 298,500</b>

**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 2008 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 2008 appropriation:

1. **\$298,500.00**
2. **\$298,500.00 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 17, 2008

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg.  
Voted Nay: None.  
Motion carried.  
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Discussion: Councilman Nolan explained that part of the expenditures were with the telecommunications whereby it had fallen by the wayside. He wished that the committee be re-established when the new Administrator is on board. Interim Administrator Battaglia said that she has obtained information from a company that performs an overview of wireless and land lines. They look for cost saving measures. Funding has been appropriated from a previous year and with the possibility of departments moving to the Johner Building, this type of survey may simplify the scrutiny that presently takes place with telephone invoices. Councilwoman Lichtenberg asked for clarification regarding shifting funds around. Ms. Battaglia explained these accounting entries to her satisfaction.

Agenda No. IX 7  
~ Resolution No. 2008- 454~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING UNITED WATER'S RATE INCREASE REQUEST WITH THE BUREAU OF PUBLIC UTILITIES**

**WHEREAS**, United Water provides service to approximately five hundred customers located in the Bald Eagle Manor development in West Milford Township; and

**WHEREAS**, United Water has filed for a rate increase requesting a \$44.96 per month increase in a typical customer's charge for wastewater services; and

**WHEREAS**, this rate adjustment request would result in an eighty-four percent (84%) increase in customer charges for the five hundred customers and senior citizen residents of the Township of West Milford located in the Bald Eagle Manor development; and

**WHEREAS**, the current economic conditions and rising costs find no place for this type of exorbitant increase which will be imposed upon senior citizens living on fixed incomes in these difficult economic times; and

**WHEREAS**, an eighty-four percent (84%) increase is unheard of and is twenty five times the average cost of living increases that are being negotiated with various unions; and

**WHEREAS**, this action by United Water imposes an economic hardship and is one which is totally unreasonable, oppressive and unjustifiable to the residents of Bald Eagle Commons; and

**WHEREAS**, the residents of Bald Eagle Commons hereby oppose this increase and on file in the Township Clerk's office is a list of the residents of Bald Eagle Commons who are opposed to this eighty-four percent (84%) increase.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and Council hereby object to the action and proposed rate increase filed by United Water as an eighty-four percent (84%) increase of a utility charge in conjunction with all other increasing costs and economic demands is intolerable, economically irresponsible and is hereby opposed.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be served upon the Township's State and Federal Representatives, United Water and the Bureau of Public Utilities.

**BE IT FURTHER RESOLVED**, that the Township of West Milford shall review the Franchise Agreement with United Water to determine if there are other alternatives available to the residents of Bald Eagle Commons.

Adopted: December 17, 2008

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg.  
Voted Nay: None.  
Motion carried.  
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Discussion: Councilman Smolinski said that this is a fine Resolution but that he would like to go beyond being nice. He said that this does not ask the BPU to get involved and to respond back. He has done research on high assessments and local civic groups can help reduce these expenses. He recommended to make the language stronger. Interim Administrator Battaglia said that Township Attorney Semrau is investigating other avenues to address the BPU.

Agenda No. IX 8
~ Resolution No. 2008- 455~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD SUPPORTING THE LINE REHABILITATION PROJECT OF THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION BETWEEN HAWTHORNE (MP 23.3) AND SPARTA (MP 63.0), NEW JERSEY

WHEREAS, the State Rail Plan Agreement approved a grant for the Line Rehabilitation between Hawthorne (MP 23.3) and Sparta (MP 63.0) in the amount of \$900,000.00 to The New York, Susquehanna and Western Railway Corporation; and

WHEREAS, the New York, Susquehanna and Western Railway Corporation would realize increased rail safety with said project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council that the Township of West Milford does hereby support the Line Rehabilitation between Hawthorne (MP 23.3) and Sparta (MP 63.0).

Adopted: December 17, 2008

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE

Table with 4 columns: Councilmembers, Yea, Nay, Absent. Rows include Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello.

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

Discussion: Councilman Nolan commented that the adoption date was incorrect and needed updating.

Agenda No. IX 9
~ Resolution No. 2008- 456~

Number Not Used
TABLED TO JANUARY 14, 2009 WORKSHOP MEETING

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

Agenda No. IX 10
~ Resolution No. 2008- 457~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF POLICE VEHICLES FOR THE TOWNSHIP'S POLICE DEPARTMENT



**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. IX 13  
 ~ Resolution No. 2008- 460

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
 STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE  
 YEAR 2009**

**WHEREAS**, an applications have been made by licensees for the renewal of Limousine Driver Licenses, Limousine Owner Licenses, Amusement Game Licenses and Pool Table Licenses for the year 2009; 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 2009 Licenses as listed below:

<b>Limousine Owner License No.</b>	<b>Applicant Name- Address</b>	<b>T/A</b>
2009-4 & 5 (two vehicles)	Douglas Business Services Inc. 1873 Macopin Road West Milford, NJ	Lakeland Limousine
2009-6	Alexander Neymark 48B Beacon Hill Road West Milford, NJ 07480	Alex' Limo Inc.
2009-7	Sande Hoffman 1582 Greenwood Lake Turnpike Hewitt, NJ 07421	SMH Limousine
2009-8	Maria F. Gamba 1582 Greenwood Lake Turnpike Hewitt, NJ 07421	SMH Limousine

<b>Limousine Driver License No.</b>	<b>Applicant Name - Address</b>	
2009 - 3	Douglas L. Townsend 1873 Macopin Road West Milford, NJ 07480	
2009 - 4	Mary Weaver 1873 Macopin Road West Milford, NJ 07480	
2009-5	John Townsend P.O. Box 233 West Milford, NJ 07480	
2009-6	Alexander Neymark 48B Beacon Hill Road West Milford, NJ 07480	
2009-7	Sande Hoffman 1582 Greenwood Lake Turnpike Hewitt, NJ 07421	

<b>Limousine Driver License No.</b>	<b>Applicant Name - Address</b>	
2009-8	Juan C. Galindo 211 Stiles Street Elizabeth, NJ 07208	

<b>Amusement Game License No.</b>	<b>Applicant Name</b>	<b>T/A - Address</b>
2009 - 4	Robert P. Filippo 6 Roome Road Towaco, NJ 07082	Filippo Enterprises LLC Lake Shore Inn 399 Lake Shore Drive Hewitt, NJ 07421
2009 - 5	Randall Longstaff 5 Newland Drive Oak Ridge, NJ 07438	Longstaff's Oak Ridge Pub & Liquors LLC 62 Oak Ridge Road

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Newfoundland, NJ 07435		
Pool Table License No.	Applicant Name	T/A - Address
2009 – 2	James Simon 10 Sycamore Circle Hamburg, NJ 07419	McKeage's Tavern Sharon Ann McKeage's Tavern Inc. 341 Macopin Road West Milford, NJ 07480
2009-3	Gerald R. Plunkett 14 Vista Road West Milford, NJ 07480	Frank M. Sell Memorial Post 289 American Legion 177 Lincoln Avenue West Milford, NJ 07480
2009-4	Filippo Enterprises LLC 6 Roome Road Towaco, NJ 07082	Lake Shore Inn 399 Lake Shore Drive Hewitt, NJ 07421

Adopted: December 17, 2008

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

Agenda No. IX 14  
 ~ Resolution No. 2008- 461  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY GRANTING TENNESSEE GAS PIPELINE PERMISSION TO SURVEY CERTAIN PROPERTY WITHIN THE TOWNSHIP**

**WHEREAS**, Tennessee Gas Pipeline has submitted a Survey Permission form to the Township of West Milford for the purpose of performing civil surveys and environmental studies on property owned by the Township known as Block 6402, Lot 6 and Block 6404, Lot 12; and

**WHEREAS**, Tennessee Gas Pipeline has agreed that it will indemnify and hold the Township harmless against any and all damages, losses, claims, or liabilities to which the Township may be subjected as a direct result of the pipeline survey activities upon the said property owned by the Township; and

**WHEREAS**, the survey activities to be performed will be at no cost to the Township; and

**WHEREAS**, the Township Attorney has reviewed the attached Survey Permission form and advises that same is in legal form and recommends that the Township execute same.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to execute the attached Survey Permission form for Tennessee Gas Pipeline to perform survey and environmental activities on the property owned by the Township known as Block 6402, Lot 6 and Block 6406, Lot 12.

**BE IF FURTHER RESOLVED**, that this authorization shall expire June 30, 2009 and prior to conducting such survey work proof of satisfactory insurance to the satisfaction of the Township Attorney must be presented.

**BE IT FURTHER RESOLVED**, that the Township Clerk shall be notified 48 hours in advance of the commencement of such work and the Township shall be provided with copies of all surveys.

Adopted: December 17, 2008

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. IX 15  
~ Resolution No. 2008- 462  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA**

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

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

**Resolutions:**

- a. **Resolution No. 2008-463 – Refund of Copy Fees**

**Applications:**

- (a) **Application 2009-10 for Bingo License** – St. Joseph Church for January 30, 2009.  
(b) **Application 2009-11 for Instant Raffle License** – St. Joseph Church for January 30, 2009.

Adopted: December 17, 2008

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

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Agenda No. IX 16  
~ Resolution No. 2008- 467 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF  
NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT  
WITHOUT COMPETITIVE BIDDING TO ROBERT COOPER, JR OF LANDMARK I APPRAISAL, LLC  
FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE GALLMANN PROPERTY IN  
AN AMOUNT NOT TO EXCEED \$4,000.00**

**WHEREAS**, with the creation of a dedicated source of tax revenue (“Open Space Trust Fund”) for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

**WHEREAS**, as a result, the Township authorized the purchase of certain parcel of land for open space, designated as Block 5301, Lots 34 and 38 (Gallmann property); and

**WHEREAS**, with this potential acquisition, there is a need for certain appraisal work to be performed; and

**WHEREAS**, the Township received a proposal from Robert G. Cooper, Jr. of Landmark I Appraisal, LLC dated June 17, 2008; and

**WHEREAS**, the Township wishes to award a contract without competitive bidding to Robert G. Cooper, Jr. of Landmark I Appraisal, LLC for the performance of appraisal work associated with the property designated as Block 5301, Lots 34 and 38; and

**WHEREAS**, the total amount of the contract shall not exceed \$4,000.00; and

**WHEREAS**, funds are available for this purpose through the Open Space Trust Fund; and

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

**WHEREAS**, Robert G. Cooper, Jr. of Landmark I Appraisal, LLC has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that neither he or his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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will prohibit Robert G. Cooper, Jr. or Landmark I Appraisal, LLC from making any reportable contributions through the term of the contract, and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Robert G. Cooper, Jr. of Landmark I Appraisal, LLC, with offices located at 555 East Main Street, P.O. Box 121, Chester, New Jersey, 07931, for appraisal services associated with the property designated as Block 5301, Lots 34 and 38 in an amount not to exceed \$4,000.00 and in accordance with his proposal dated June 17, 2008.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$4,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Robert G. Cooper, Jr. of Landmark I Appraisal, LLC, 555 East Main Street, P.O. Box 121, Chester, New Jersey, 07931, for their information and guidance.

Adopted: December 17, 2008

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

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Agenda No. IX 17  
~ Resolution No. 2008- 468 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT OVER TOWNSHIP PROPERTY KNOWN AS BLOCK 11501, LOT 6**

**WHEREAS**, Bruce W. Verge, Sr. and Diane A. Verge are the owners of Block 11501, Lot 32 within the Township of West Milford; and

**WHEREAS**, Mr. and Mrs. Verge have requested that the Township execute a Temporary Construction permit over Township property known as Block 11501, Lot 6 in order to gain access to their property to conduct the required soil logs for the installation of a septic system; and

**WHEREAS**, the Temporary Construction Easement would give, grant and convey free uninterrupted and unobstructed right-of-way, under, across and over the Township’s aforesaid property to go on said temporary easement area with necessary labor, equipment, vehicles and material at any and all times for the purposes of facilitating the necessary construction; and

**WHEREAS**, the Temporary Construction Easement is for a period of six months; and

**WHEREAS**, the Township Attorney has reviewed the Deed of Temporary Easement and advises that same is in legal form and recommends that the Township execute same; and

**WHEREAS**, the Township Engineer does not have any objection to this easement; and

**WHEREAS**, Mr. and Mrs. Verge agree that they will indemnify and hold the Township harmless against any and all damages, losses, claims, or liabilities to which the Township may be subjected as a direct result of the pipeline survey activities upon the said property owned by the Township; and

**WHEREAS**, Mr. and Mrs. Verge shall supply a Certificate of Insurance naming the Township as an additional insured for the period in which the Temporary Construction Easement is in effect.

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to execute the Deed of Temporary Construction Easement for access by Bruce W. Verge, Sr. and Diane A. Verge to property owned by the Township known as Block 11501, Lot 6 for a period not to exceed six months in order to gain access to their property located at Block 11501, Lot 32 to conduct the required soil logs for the installation of a septic system.

Adopted: December 17, 2008

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

Discussion: Interim Administrator Battaglia explained that this Resolution has been posted on the bulletin board and that the property is located on High Top Road.

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2008- 464 ~

**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 . . . . .	\$220,384.53
2	Reserve Account . . . . .	
3	Animal Control Trust	379.79
6	Capital. . . . .	638,722.83
7	Grants. . . . .	9,614.20
8	Refuse. . . . .	90,837.21
9	Refunds. . . . .	74,751.92
12	General Ledger. . . . .	
16	Heritage Trust. . . . .	
14	Open Space Trust	19,345.00
17	Trust . . . . .	1,000.00
18	Development Escrow. . . . .	1,900.00
19	LOSAP	
20	Special Reserve	
	Total	\$1,056,935.48
	Less Refund Resolution	(74,751.92)
	<b>Actual Bill List</b>	<b>\$ 982,183.56</b>
	Other Payments	
	Less Refund Resolution	
	<b>Total Expenditures</b>	<b>\$ 982,183.56</b>

Approved: December 17, 2008

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
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Moved: Nolan Seconded: Weisbecker  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg.  
Voted Nay: None.  
Abstain: Councilman Smolinski abstained 36989 clothing.  
Councilman Nolan abstained Valley Health Payment

Motion carried.

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Discussion: Councilman Nolan asked if both bill payment lists were being paid with the Resolution. He expressed concern that the amount expended on clothing allowances did not compare with the number of people who are signed up for LOSAP. He said that LOSAP paid for only half the number of people that are receiving clothing allowances. He is concerned that not everyone is signed up for the LOSAP program. He would like this to be checked. Interim Administrator Battaglia said that Finance Director Magnotti has reached out to the organizations and he has confirmed that all that can qualify and wish to, have opted in. Mr. Nolan asked what type of outreach was done. Ms. Battaglia said that each Fire Chief and First Aid Squad presented to their membership. She said that there is an extraordinary amount of training to qualify for LOSAP. Personal schedules do not always allow for this training.

Agenda No. XI

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

Councilwoman Lichtenberg – wished everyone wonderful holidays and reminded everyone that she was available at Town Hall on Thursdays from 10-12.

Councilman Weisbecker – expressed that on Thursday 12/10 there was severe weather in Upper Greenwood Lake. He conveyed his personal experience. He commended Fire Co. #5, the Township DPW, and Orange and Rockland Utilities. He thanked everyone involved. He said that he was disappointed to hear that another incident had occurred on Route 23. He asked for the status of a Township Massage Parlor Ordinance. He wished happy holidays to all and reminded everyone to be careful.

Councilman Smolinski – also commended the emergency personnel who responded to the weather emergency on December 10<sup>th</sup> and thanked the residents of Upper Greenwood Lake. He wished everyone happy holidays.

Councilman Smolinski left the meeting at 10:33 pm

Councilman Schimmenti – wished everyone happy holidays.

Councilman Nolan – thanked Councilman Scangarello for his five years of service. He also thanked Interim Administrator Battaglia. He said that a local columnist has trashed the Council for deeding land to Passaic County. He said that this is to replace a bridge. He said that these initiatives establish a good working relationship. He reported that the Community Development Block Grant application has been submitted and the Township should be awarded \$183,581 for sidewalks. He said that additional funds can be applied for in 2009. \$1800 was given up for the bridge property and this balances out. The whole picture must be looked at. He wished everyone his best for the holidays.

Mayor Bieri – thanked everyone who was involved in handling the emergencies related to the ice storm. She also thanked Councilman Scangarello. She said that she has received an email from an Assemblyman in the 25<sup>th</sup> District to abolish COAH. She said that the wording is effective. She said that this is seeking to retire COAH and crafting a state housing policy with input from local elected officials. Support for their proposed legislation is being sought. She said that a draft Resolution is to be ready for January 14<sup>th</sup>. She thanked the Township staff for their dedication and hard work and a special thank you was given to Interim Administrator Battaglia, Cathy Shanahan and Gail VanHook. She thanked the Council for their work this past year and is looking forward to working together for another productive year. She thanked the residents for their kind words of support and wished everyone happy, safe holidays.

Dominick DiYanni - thanked Mayor and Council for the opportunity to work with them in 2008 and is looking forward to a continued relationship.

Interim Administrator Battaglia – said that she is working with Township Attorney Semrau on an email policy and is hoping to have something to present to Council in early 2009. The Township has received a grant for reimbursement for improvement of ADA accessibility to polling sites. She echoed the sentiments for the cleanup from the ice storm in Upper Greenwood Lake and complimented the residents on their grace under stress. She reported that she had attended a Senior luncheon and it was expressed that it was nice to have Councilwoman Lichtenberg available each week at Town Hall. She suggested that the

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Seniors be apprised as to the dates that the representative from Congressman Garretts office is available. She wished Councilman Schimmenti heart felt wishes on his upcoming birthday.

Agenda No. XII

**Appointments and Resignations**

~ Resolution No. 2008- 465 ~

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

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

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Michael Ligus	Municipal Utilities Authority Board Vice Chairman/Commissioner	December 31, 2008

Adopted: December 17, 2008

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

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Nominated to Cable TV Franchise Committee – Harry Clark and Barry DiGiacinto.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Schimmenti, Nolan, Lichtenberg.  
Voted Nay: No on Harry Clark.  
Absent: Councilman Smolinski  
Motion carried.

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Nominated to Wanaque Valley Regional Sewage Authority – Harry Clark

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

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Mayor Bieri asked for Council approval to convene into executive session at 10:49 pm.

Agenda No. XIII

**Executive Session**

~ Resolution No. 2008- 466 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 17<sup>th</sup> day of December, 2008, that:

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

