
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

Adequate Notice Statement

Mayor DiDonato advised 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 issues of December 26, 2005 and January 8, 2006; 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 DiDonato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski, Robert Nolan, James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Township Attorney Fred Semrau.

Reading of or Approval of Unapproved Minutes

None.

Presentation

Mayor DiDonato stated that the Council is delighted to start this evening's meetings with presentations and proclamations.

Xtreme Girls Traveling Softball Team

Mayor DiDonato invited the coaches of the Xtreme Girls Traveling Softball Team to join him at the podium. He invited Assemblyman Alex DeCroce, who was in the audience to join him in recognizing this team. He noted that the West Milford Ten-and-Under Softball Team won the 2006 State Championship and placed third in the regional division. The coaches thanked the Mayor and Council for recognizing their team's outstanding season. Coach John thanked the parents, grandparents and siblings of the team members without whom the team could not have been so successful. Their record this year was 47 and 15. He thanked the coaches, Ed Jussen and Mike Connolly. He noted that this team placed first in the West Milford tournament and he listed their ranking in other tournaments throughout the year. Mayor DiDonato and Assemblyman DeCroce presented each player with a certificate to the applause of the audience. Assemblyman DeCroce stated that he is honored to play a small part in this celebration. He invited the team, coaches, moms and dads to Trenton to be honored on the Assembly floor some time in March. He will have his office staff make the arrangements, noting that he and the Speaker of the Assembly, Mr. Pennacchio, will recognize them. Pictures of the team with their trophy were taken with the Assemblyman and Mayor DiDonato.

Greg Bailey, Board of Education – Joint Capital Program for High School Football Field

Mayor DiDonato invited Mr. Bailey to approach the dais to address the Council. Mr. Bailey distributed samples of artificial turf to each Councilmember. He advised that the current field is a grass surface and the proposal he is making is to have an artificial surface installed on that field at the High School. He thanked Midge Touw and Wayne Gottleib from the Board of Education (BOE) for being in the audience tonight as he makes his presentation. He advised the Council that the Police Athletic League (PAL) had approached the BOE to determine if a shared financial arrangement could be made to upgrade McCormick Field with a synthetic surface.

Mr. Bailey advised that Council that there are approximately 175 artificial turf facilities in New Jersey. He stated that the proposal would be to rip up the grass at McCormick Field and replace it with field turf. Currently, there is lighting and existing infrastructure on that site and such a facility would allow for various sport teams in town to use the field all year round.

Mr. Bailey stated that the field is now sorely under-utilized. With this artificial turf, the High School could use the field all day for sports. In the evenings and at night, it would be available for town-wide programs. Such a facility would negate the need to cancel games due to inclement weather. In response to a question from Councilman Warden, Mr. Bailey advised that the manufacturer warranties the surface for

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eight years but, because the product is so new, the lifespan may actually be longer. It is a rubber-based product made primarily from recycled materials. He showed a sample of the in-fill. Councilman Warden asked if the artificial turf has proven to be safer than the old products. Mr. Bailey could not provide a definitive response but he stated that, informally, it appears that the rate of injury on this surface is at the very least stable. Mr. Bailey advised that, once funding is in place, the school would go out to bid for this product and, after an award is made, the installation can be completed in one day. He stated that maintenance costs are minimal; it requires cleaning and regular maintenance with a machine that beats the turf.

Councilman Smolinski asked if the recreation programs in town would have access to this facility. Mr. Bailey responded that PAL programs would be given priority because they began this process but the facility would be available to Township programs. He stated that the track at the school is rubberized and is constantly used by all residents. Councilman Scangarello asked what impact the installation process would have on the existing track. Mr. Bailey indicated that the track would have to be closed during construction to allow access to the field. He committed that he would supervise the work to ensure that there is minimal impact and that the track will not be harmed. The topsoil material on the field will be excavated and transported to the upper field to be screened. Thereafter, both the municipality and the school can use that topsoil for local projects.

Councilman Nolan asked Mr. Bailey to clarify the proposal. Mr. Bailey advised that PAL is proposing contributing \$85,000 and he stated that the project would cost between \$600,000 and \$750,000. He stated that the BOE cannot bond for nor raise the funds as the municipality can. Therefore the proposal is that the Township would obtain the funding, the BOE would assume half the debt and they would pay the municipality back over time. The proposed contribution from the municipality would be \$300,000 and the proposed contribution from the BOE would be \$300,000. He further stated that the BOE anticipates that the annual payments can be assisted through savings realized in the maintenance budget as a result of this artificial surface. Councilman Nolan reminded Mr. Bailey that the school budget was defeated last year and reserves are minimal. This year, the municipality is faced with a very tight budget, as is the school. He asked how the BOE will come up with the funds. Councilman Nolan also expressed concern about the school's ability to continue under Highlands's legislation. Mr. Bailey stated that he does not believe that a Highlands exemption will be needed but he stated that the school would need State approval for updating an educational facility.

Mr. Bailey gave examples of various schools and sports arenas that use a similar artificial surface. He stated that Passaic County Technical School has converted all their sports fields to this surface and they have reduced maintenance costs by doing so. On behalf of the Council, Mayor DiDonato thanked Mr. Bailey for his presentation.

Eden Farms

Mayor DiDonato, noting that there were no representatives from Eden Farms present, read a plaque commending them for their work maintaining the intersection at Union Valley Road and Marshall Hill Road. He noted that the plaque will be sent to them and, on behalf of the Council and Township residents, he thanked them for all their efforts.

Proclamations

Mayor DiDonato stated that, unbeknownst to him and the Council, Assemblyman DeCroce has requested an opportunity to present outgoing Council President Gervens with a resolution of appreciation from himself, Assemblyman Pennacchio, Senator Garrett and all the legislators. Mayor DiDonato invited Council President Gervens to join them at the podium.

Assemblyman DeCroce read a resolution commending Council President Gervens for his dedicated service, congratulating him and conveying best wishes for his future life after politics. Council President Gervens thanked everyone saying that this is a very emotional evening for him. The past three years have been great and he has enjoyed working with his fellow Councilmembers. He stated that, regardless of how votes went or party affiliation, each person on the dais has always kept West Milford's best interests at heart. He stated that he has learned a lot from the people who attend the meetings and they are to be respected. He has made some mistakes during the past three years but his heart and interest have always been there. Mayor DiDonato thanked Council President Gervens on behalf of himself, the Council and Township residents. He stated that it has been an honor to work with Mr. Gervens.

Agenda No. III

Mayor DiDonato expressed sadness that Mr. Rodda was unable to attend tonight's meeting. After more than fifty-nine years of service, Mr. Rodda is retiring from his position as Registrar. Mayor DiDonato

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invited Mr. Rodda's family, friends, and acquaintances to an open house in Town Hall this coming Friday, December 29, 2006 from 11:30 a.m. to 3:00 p.m. to convey their best wishes to Mr. Rodda.

- Proclamation -

WEST MILFORD HONORS EDWIN R. RODDA ON THE OCCASION OF HIS RETIREMENT

WHEREAS, EDWIN R. RODDA, the Township of West Milford Registrar of Vital Statistics and Secretary to the Board of Health, is retiring at the juncture of his Sixtieth year of distinguished and dedicated service to the Township; and

WHEREAS, through uncommon diligence and conscientiousness Mr. Rodda has carried out his duties as Registrar with refinement, proficiency and enthusiasm, and has earned the highest respect of his colleagues, associates, and clientele; and

WHEREAS, appointed on September 19, 1947 as Secretary to the Board of Health and Registrar of Vital Statistics, Mr. Rodda faithfully fulfilled his responsibilities as a municipal employee issuing birth and death certificates, marriage and dog licenses, complying with state reports, as well as providing secretarial services to the Board of Health; and

WHEREAS, upon relocating the Registrar's office from his home on Kanouse Road to the Town Hall Annex building, and finally to the current Town Hall, Mr. Rodda continued to conduct himself with utmost professionalism and decorum, displaying a work ethic that is incomparable; and

WHEREAS, his record of attendance has been exemplary, his knowledge and recall of past events and people is extraordinary, and his co-workers, peers, and superiors both locally and statewide have absolute admiration for the quality of his work.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim that the Township of West Milford will be forever grateful to our Registrar of Vital Statistics and Secretary to the Board of Health who has served the citizens of this Township for Sixty years with the greatest degree of excellence, and that we hereby honor EDWIN R. RODDA on the occasion of his retirement.

Public Comments

Mayor DiDonato noted that the Township Attorney has recommended that the public comment period be moved to this time to allow any person an opportunity to make comments on the unfinished matters. He has also suggested that Executive Session be convened immediately following the public comments tonight. Mayor DiDonato opened the meeting to the public.

Frank Hannan, Krattiger Court, West Milford thanked Council President Gervens for his years of service. He stated that he is concerned about litigation costs associated with Eagle Ridge. The Highlands Act mandates that the Highlands Council pay for litigation associated with the Act. However, he opined that the Highlands Council should be assuming these costs because Bradley Campbell, the former DEP Commissioner, denied the application. He asked the Council to consider sending a resolution to the Highlands Council supporting a compensation plan for those communities who provide water, supporting a plan for funding tax relief for host watershed communities, and allowing local Planning Boards and professionals to designate zones in their own municipality. He stated that the Highlands Master Plan will allow some development in certain areas in West Milford. However, these areas were designated without local input which is unacceptable. He urged the Council to send the Highlands Council a message that the Master Plan does not benefit local communities. He wished everyone a Happy New Year.

Doris Aaronson, 19 Bearfort Road, West Milford wished everyone a healthy and Happy New Year. She stated that she is speaking tonight in an official capacity for Pinecliff Lake and for the voters of West Milford. She thanked the Council for protecting the Township from high-density development and stated that she is pleased that the newly elected Council members are opposed to such development. She expressed agreement with Mr. Hannan's sentiments, noting that the Highlands Council has designated certain areas in West Milford for development even though those areas cannot accommodate such development. She provided the Council and public with a list of public hearing dates scheduled by the Highlands Council to afford the public a period to comment on the Master Plan. She stated that the voters voted against astro turf a few years ago when the question appeared on the ballot. She stated that it is unwise to pay so much money for a product that will last for eight years but will require ten-year

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bonding. She stated that such a decision should be presented to the voters who rejected it the last time it was proposed.

Lynda Smith, 18 Shadyside Road, West Milford stated that she is the Director of the Bear Group. She stated that her group has been purchasing and distributing bear resistant garbage cans for approximately four years. They have sold about 600 cans in West Milford thanks to the Passaic County Freeholders and these cans have proven to be very effective. She expressed delight that West Milford was chosen for a pilot program through a State grant. The garbage can being proposed under the Township bid is a heavier grade of plastic than the cans her organization has been purchasing. The most reputable company in the industry, in her opinion, is DAWG Inc. Ms. Smith offered the Council her assistance and the help of her group to make this endeavor successful.

Scott Bakewell, DAWG, Inc. stated that he drove here tonight from Connecticut to speak to the Council about the proposed bear-resistant garbage can bid. He stated that, the first time this product went out to bid, there was discussion about a missing piece of hardware. Nobody called and asked if another handle could be put on the can. His company participated in the second bid and, upon review of the bid documents, it was discovered that his bid was lacking test results. He stated that in his proposal, testimonials were listed as possible test results. Mr. Bakewell offered assistance in educational programs and labor to install handles. He stated that the bid he submitted would provide the same cans for \$30,000 less. He stated that it would be in the Township's best interest to reconsider the bids.

Marilyn Schultz, 18 Laurel Hollow, West Milford thanked Chief Costello for the reinstatement of the DARE program in the elementary schools. She expressed hope that the three council members on the SRO committee will work diligently with the Chief and the Board of Education to work out any conflict with having School Resource Officers in our schools.

There being no more speakers, the Council closed the public portion of the meeting.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion carried.

Council Comments

Township Attorney, Fred Semrau, noted that the Highlands Master Plan is very comprehensive and he may ask the DEP to extend the time allowed for comment so that the Council has an opportunity to fully review the plan. He stated that the provision wherein the State assumes the cost for related lawsuits does not pertain to Eagle Ridge because the motion was not filed against West Milford, rather West Milford intervened in the case.

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2006-019 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY DISSOLVING THE WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY, COUNTY OF PASSAIC, STATE OF NEW JERSEY

WHEREAS, the Wanaque Valley Regional Sewerage Authority ("WVRSA") was formed and created under the New Jersey Municipality and County Sewerage Authority Law, N.J.S.A. 40:14A-1 et seq. (P.L. 1946, c. 138); and

WHEREAS, WVRSA was created by parallel ordinances of its constituent members, to wit: the Township of West Milford pursuant to Section 2.31 of the West Milford Township Code,, the Borough of Ringwood and the Borough of Wanaque; and

WHEREAS, the Mayor and Council of the Township of West Milford has determined that it is in the best interests of the residents of the Township of West Milford and of the municipalities which formed the WVRSA to dissolve the WVRSA pursuant to the requirements of the Local Authorities Fiscal Control

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Law (N.J.S.A. 40A:5a-1 et seq. and N.J.S.A. 40A:5A-20, both of which establish the statutory requirements for such dissolution); and

WHEREAS, the above noted statutory authority for dissolution is conditioned upon approval by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, prior to the ordinance's final adoption by the Mayor and Council of the Township of West Milford and the governing bodies of the aforesaid Borough of Ringwood and Borough of Wanaque.

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

SECTION 1. Upon satisfaction of the statutory requirements for dissolution of the Wanaque Valley Regional Sewerage Authority as set forth in N.J.S.A. 40A:5A-20, together with such requirements as may be imposed by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, and requirements of N.J.S.A. 40:14A-4 et seq., providing such dissolution shall not obligate the Township of West Milford to incur and/or assume any outstanding debt and/or financial obligations of the WVRSA, and further conditioned upon the concurrence by the introduction and passage of similar ordinances by the Borough of Ringwood and the Borough of Wanaque, the parallel ordinances of the constituent municipalities aforesaid shall be repealed and thus shall no longer be of any legal force or effect, and upon the final adoption of the Ordinance and of companion ordinances by the aforesaid Borough of Ringwood and Borough of Wanaque, the Wanaque Valley Regional Sewerage Authority shall be dissolved and deemed to be non-existent.

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

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

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

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

Mr. Semrau provided a history of this ordinance. He advised that it is on the agenda tonight for consideration of an override of the Mayor's veto. To override the veto, the Council needs four affirmative votes to separate from the WVRSA. A public hearing is not called for. He stated that Councilman Scangarello has recused himself from participating in this matter.

Discussion: Council President Gervens stated that he respects the Mayor's decision to use his power of veto. However, he has put a lot of time and research into this and truly believes that there is no benefit to West Milford being a member of the WVRSA. He stated that Wanaque Mayor-elect Muller is in the audience tonight and he has given Mr. Gervens assurances that West Milford would receive compensation as Ringwood has. He stated that there is potential liability to remaining in the WVRSA and there is a potential lawsuit in the horizon. He stated that it is true that West Milford may need sewerage in the future. However, if that were to happen, it is not possible to send sewerage to Wanaque.

Mayor DiDonato stated that, many years ago, West Milford was compelled by litigation to invest in this facility located in Wanaque at a cost of about \$800,000. While there is no possibility that the Township can build sewer pipes across a reservoir, continued membership would mean access to sewerage trucks in an emergency. Currently West Milford bears no liability for bonds or operating costs. West Milford residents paid over \$½ million to invest in a facility and got nothing out of it. The municipality that benefits most from the facility is now asking West Milford to walk away and give them 100% control. West Milford would be willing to sit down and discuss a fair buyout to recoup the Township's investment but cannot afford to make such a generous gift to neighbors. Prior to this evening, there was no discussion about compensating West Milford and to date, Wanaque has not attempted to negotiate.

The Council gave consent to recognize Mayor-elect Dan Muller from the Borough of Wanaque.

Mayor-elect Muller stated that, in the late seventies, the Authority was created and they voted to commit their towns to engineer a plant for all three municipalities, West Milford, Wanaque and Ringwood. An

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engineer was hired and he drafted a plan for which he charged a fee. When West Milford reviewed the plan and realized how much it would cost to construct the plant, they backed out. Subsequently, the plant was re-engineered and built. Wanaque sought just compensation for the original engineering study from West Milford and Ringwood and the ensuing lawsuit lasted for fifteen years. A judge ruled that Wanaque was to be reimbursed for engineering costs for a plant that was never built and the judge also added interest charges to the payment. He stated that West Milford never paid to buy into the plant and West Milford has never paid anything into the plant.

Mr. Muller stated that West Milford now has, by virtue of the judge's ruling, two members on the authority. He stated that the plant is beginning to experience issues with odor and he believes there is a potential for litigation. The West Milford representatives on the Authority voted to approve sloppy work and excessive spending at the Authority. In response to a question from Councilman Smolinski, Mr. Muller stated that Wanaque recently passed a resolution to compensate Ringwood for leaving the WVRSA because they have two schools with failing septic systems. He outlined the compensation package being offered to Ringwood. He stated that the resolution indicates that West Milford may enjoin in that resolution also.

Councilman Weisbecker stated that Ringwood is only receiving \$13,000 in compensation. He opined that there is no liability to West Milford because the Township is not a user. If it ever became necessary for West Milford to construct a sewerage facility, the WVRSA could bond for that facility potentially saving West Milford on the bonding with minimal impact on our bond rating. Councilman Warden thanked Mayor-elect Muller for dispelling misinformation, noting that former West Milford Councilman Elcavage has been disseminating misinformation through his on-line postings. He asked the Mayor-elect if the WVRSA is expecting any problems relative to the Poultly project. Mr. Muller answered in the affirmative noting that the matter will have to be resolved or there may be litigation. Councilman Warden cautioned that remaining a member of the WVRSA leaves the door open to high-density development in West Milford. Councilman Smolinski asked for clarification about the compensation being mentioned by Mr. Muller. Mr. Muller stated that Wanaque is willing to offer West Milford \$150,000 over ten years. Mayor DiDonato thanked Mr. Muller for attending tonight, noting that this is the first time West Milford officials are hearing about potential compensation. However, the ordinance for dissolution was introduced on November 8th, adopted on December 6th, and vetoed on December 13th. Wanaque, throughout the process, has never broached West Milford to speak about compensation. The only way to ensure compensation is to include that language in our ordinance and it is not currently reflected in the ordinance being discussed here tonight. Such provisions would have to be negotiated and adopted by another ordinance. Mr. Semrau concurred noting that the Township would require formal resolutions from both towns. If the Council were to move forward this evening, they would be doing so solely on the representation being made at the podium. If the Council adopted the ordinance tonight, it would be adopted in its present form.

Mayor DiDonato reminded the Mayor-elect of Wanaque that the elected officials in West Milford are fiduciaries of Township funds. Therefore, in all due respect to the Mayor-elect, we cannot adopt the ordinance without first negotiating the compensation. The Mayor-elect will be taking his seat soon and this can be done at any time if all three municipalities vote to dissolve in the same year. Councilman Smolinski concurred, noting that it is incumbent upon Wanaque to make an offer to compensate West Milford. He stated that it is unfortunate that the paperwork is not in order at this time and that the Council cannot move forward without it.

Moved: Gervens Seconded: Nolan
Voted Aye: Gervens, Warden, Nolan.
Voted Nay: Weisbecker, Smolinski.
Abstained: None.
Motion to override the Mayor's veto failed.

Mr. Semrau noted that four affirmative would have been needed to override the Mayor's veto. Therefore, the motion has failed.

Agenda No. IV 2

~ Ordinance 2006-021 ~

AN ORDINANCE SUPPLEMENTING SECTION SEVEN (ALCOHOLIC BEVERAGE CONTROL), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 7.9, ENTITLED "POSSESSION OR CONSUMPTION BY UNDERAGE PERSONS"

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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 7, Alcoholic Beverage Control, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 7.9, "Possession or Consumption by Underage Persons" to read as follows:

§ 7.9.1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

GUARDIAN -- A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

RELATIVE -- The underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§ 7.9.2 Consumption of alcoholic beverages by underage person on private property prohibited.

It shall be unlawful for any person under the age of 21 years to purchase, sell, consume or have in his or her possession any alcoholic beverage in or upon any public or private street, highway, park, footway or other public or quasi-public place or in a private residence or upon any private property within the Township of West Milford, except as hereinafter provided or as may be permitted by state statute.

§ 7.9.3 Exceptions.

- A. Nothing contained in this article is intended, nor shall it be construed, as prohibiting an underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages; provided that, if the underaged person is found to possess or consume an alcoholic beverage in the presence of and with the permission of a relative other than a parent or guardian, the police shall notify the parent or legal guardian, by certified mail, of the incident together with the name of the relative who gave permission for the possession or consumption of the alcoholic beverage by the underaged person. The notification shall include a request that the parent or guardian acknowledge and return a copy of the letter to the Police Department within 15 days of receipt.
- B. This article shall not prohibit the possession of alcoholic beverages by any underaged person while actually engaged in the performance of employment by a person who was licensed under Title 33 of the revised statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, this article shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

§ 7.9.4 Violations and Penalties.

- A. Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If the defendant at the time of the imposition of the sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

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- B. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

- C. If the person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement

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

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

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

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

Mayor DiDonato noted that this ordinance was introduced on December 6, 2006 and is scheduled for public hearing tonight. He opened the meeting to the public to speak on this issue only.

Doris Aaronson, 19 Bearfort Road, West Milford asked for an explanation of the penalties, specifically if a judge has discretion to substitute or add community service. Mr. Semrau responded that the penalty for a first offense is \$250 and a possible license suspension at the discretion of the judge. Such suspensions for a first offense are rare. The second and subsequent offenses carry a \$350 fine. The judge can impose other penalties such as community services in addition to the mandatory fines on a case-by-case basis.

There being no further comments from the public, Mayor DiDonato closed the public portion of the meeting.

Moved: Smolinski Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Abstained: None.
Motion carried.

Mayor DiDonato noted that the Township Attorney has requested an Executive Session discussion before the Council acts on the next resolution. Mr. Semrau advised that he wishes an opportunity to update and advise the Council about bids submitted.

Executive Session

Agenda No. XIII

~ Resolution 2006-431 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 27th day of **December**, 2006, 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

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WHEREAS, the Administration now recommends that the specifications be modified to include the pre-drilled holes; and

WHEREAS, the Township Attorney advises that such a modification should be made prior to the award of the current bid and in order to include such a change, the project should be re-bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the bids received on November 3, 2006 for Bear Resistant Garbage Cans be rejected for the reasons stated herein.

BE IT FURTHER RESOLVED, that the Administration is hereby authorized to revise the specifications to include bear resistant garbage cans that contain pre-drilled holes for handle assembly.

This Resolution shall take effect immediately.

Adopted: December 27, 2006

Township Attorney Fred Semrau read this resolution into the record.

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. IV 4

~ Resolution 2006-389 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, NEW JERSEY AWARDING A CONTRACT TO BLUE DIAMOND DISPOSAL, INC FOR CURBSIDE COLLECTION OF RECYCLABLES

Discussion: Councilman Weisbecker stated that he understood that this resolution had been tabled and he thought that the Council had agreed to approve a month-to-month contract for this service. Administrator Kunze advised that this resolution was tabled to tonight's meeting. Mr. Semrau advised that, to reject this bid, the Council would vote this resolution down and then go month-to-month.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: None.
Voted Nay: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Motion failed.

Mr. Semrau advised that, because the recycling contract expires on December 31st and in anticipation of the Council rejecting the bids tonight, he has prepared a resolution for a month-to-month contract for Council consideration.

~ Resolution 2006-432 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A MONTH-TO-MONTH CONTRACT TO BLUE DIAMOND DISPOSAL, INC. FOR CURBSIDE COLLECTION OF RECYCLABLES

WHEREAS, the Township of Council of the Township of West Milford desires to review the recycling program throughout the Township; and

WHEREAS, said review will take some time to accomplish as the Township is looking into other alternatives and will utilizing the bidding process to procure such services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Blue Diamond Disposal, Inc. currently has a contract with the Township of West Milford for the collection of recyclables, said contract to expire on December 31, 2006; and

WHEREAS, there remains a need for the continued operation of the recycling program throughout the Township of West Milford subsequent to the termination of the aforementioned contract and during the Township's review process, and

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WHEREAS, Blue Diamond Disposal, Inc. has agreed to provide the same services on a month-to-month basis, and until such time as the Township's review and bidding process has ended and a new contract has been awarded, and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford the following:

1. The Township Council hereby awards a month-to-month contract to Blue Diamond Disposal, Inc. in an amount not to exceed \$50,000.00 per month until the completion of the aforementioned review or until April 30, 2007, whichever occurs first, for curbside collection of recyclables.
2. The Mayor and Administrator be and is hereby authorized and directed to execute a contract with Blue Diamond Disposal, Inc. for said curbside collection of recyclables.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: December 27, 2006

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: Non.
Motion carried.

New Business, Introduction of Ordinances, Resolutions

Mayor DiDonato asked if the Council would agree to moving the ensuing resolutions as a group. After discussion the Mayor moved the following resolutions by number and as a group.

Agenda No. VII 2

~ Resolution 2006-409 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF LICENSE AGREEMENTS BETWEEN THE TOWNSHIP OF WEST MILFORD AND BROADCAST MUSIC INC. ("BMI") AND THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS ("ASCAP")

WHEREAS, the Township of West Milford recognizes that municipal sponsored events such as festivals, concerts, parades, aerobic classes, dances and other celebrations utilize licensed music; and

WHEREAS, Broadcast Music Inc. (hereinafter "BMI") together with the American Society of Composers, Authors and Publishers (hereinafter "ASCAP") maintain the licensing rights to nearly ninety-eight percent (98%) of all such commercially available music in the United States; and

WHEREAS, BMI and ASCAP provide for comprehensive and cost effective Blanket Licensing Agreements that will provide coverage for nearly all non-dramatic performances presented on property owned by the municipality or at functions endorsed or sponsored by the Township of West Milford; and

WHEREAS, BMI and ASCAP will provide such a licensing agreements for the period of one year at a cost of \$280 per year per agreement for a total cost of \$560; and

WHEREAS, the Mayor and Township Council are of the opinion that these agreements are in the best interest of the Township; and

WHEREAS, the Chief Financial Officer certifies that funds are available for this purpose under account #6-01-20-161-450.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to enter

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into licensing agreements between BMI, ASCAP and the Township which agreements are attached to this Resolution and incorporated herein for an amount not to exceed the sum of \$280 per year per agreement for a total of \$560.

This Resolution shall take effect immediately.

Adopted: December 27, 2006

Agenda No. VII 3

~ Resolution 2006-410 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE 2007 CONTRACT WITH POMPTON LAKES FOR LOCAL PUBLIC HEALTH SERVICES

WHEREAS, the Township of West Milford can increase the services of the Department of Health with funding support being available through the State Health Priority Funding Program; and

WHEREAS, such State Health Priority Funding can be procured when there is agreement between the Township and other municipalities for the use of the Township Health Officer and other Health Department personnel; and

WHEREAS, a contract has been submitted for such joint use wherein the Township of West Milford is the provider of the services from the Health Officer, and Pompton Lakes Borough is the Recipient of those services; and

WHEREAS, resources exist in the West Milford Health Department to provide the aforementioned services and said contract has proven beneficial to both municipalities in the past.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, that the proposed contract (copy attached) for the Township of West Milford and Pompton Lakes Borough be and the same is approved for the period January 1, 2007, through December 31, 2007, the Administrator and Township Health Officer be and they are hereby authorized and directed to sign and/or attest to said contract for and in behalf of the Township of West Milford.

Adopted: December 27, 2006

Agenda No. VII 4

~ Resolution 2006-411 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO A CONTRACT WITH GENERAL CODE FOR CODIFICATION OF THE TOWNSHIP CODE

WHEREAS, on February 8, 2006 the Township Council of the Township of West Milford, by virtue of Resolution 2006-046, authorized execution of a contract with General Code of 72 Hinchey Road, Rochester, NY 14624 for re-codification of the Township Code; and

WHEREAS, it was initially anticipated that the Township Code would need updates from the 2004 version of same; and

WHEREAS, it has since become evident that the code must be updated from its version which was codified in 1982; and

WHEREAS, this has created an increase in the scope of the work of this project which has caused a \$7,200 increase to the original cost of \$13,480 for this project; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this service, said funds to be paid from line item number 01-20-100-450 in the Township budget in an amount not to exceed \$7,200.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township Administrator be and is hereby authorized to amend the contract with General Code to increase the scope of the project as outlined above for an additional cost not to exceed \$7,200.

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~ Resolution 2006-412 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN INCREASE IN THE NOT-TO-EXCEED AMOUNT IN THE HYDRO GEOLOGIST'S PROFESSIONAL SERVICES CONTRACT FROM \$10,000 TO \$15,000 FOR THE 2006 CALENDAR YEAR

WHEREAS, on July 26, 2006 the Township Council of the Township of West Milford adopted Resolution 2006-269 to award a non-fair and open contract to Matthew J. Mulhall, PG, M2 Associates, 56 Country Acres Drive, Hampton, NJ for hydro-geologist services in the matter known as Eagle Ridge; and

WHEREAS, subsequently the Township Council authorized the Administrator to expand the scope of the hydro-geologist's contract to include assistance in the matter known as Valley Ridge; and

WHEREAS, the Township Administrator and Chief Financial Officer have reviewed the expenditures in this line and have projected that the costs for this year will exceed the approved amount of \$10,000; and

WHEREAS, the Township Administrator, based on the projections, has recommended that the contract be amended to authorize compensation in an amount not to exceed \$15,000; and

WHEREAS, the Chief Financial has certified as to the availability of funds, said funds to be encumbered from account number 01-20-100-450.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the contract with Matthew J. Mulhall, PG, M2 Associates, 56 Country Acres Drive, Hampton, NJ be amended to increase the not-to-exceed amount from \$10,000 to \$15,000 in the 2006 calendar year.

BE IT FURTHER RESOLVED that all other existing terms and conditions in the above referenced contract shall remain in full force and effect as outlined in the contract.

This Resolution shall take effect immediately.

Adopted: December 27, 2006

Agenda No. VII 7

~ Resolution 2006-414 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE INSTALLATION OF STORMWATER INFRASTRUCTURE RETROFITS WITHIN STORM DRAINS ALONG GREENWOOD LAKE TURNPIKE IN ACCORDANCE WITH SECTION 319H, NPS POLLUTION CONTROL AND MANAGEMENT IMPLEMENTATION GRANT

WHEREAS, the Township of West Milford has been working on the DEP 2004 319(h) grant entitled "Section 319H NPS Pollution Control and Management Implementation Grant: Lake Characterization and Restoration Plan for Greenwood Lake"; and

WHEREAS, that grant agreement calls for the installation of stormwater infrastructure retrofits (BMPs – "best management practices") on the county-owned Greenwood Lake Turnpike; and

WHEREAS, the Passaic County Board of Chosen Freeholders adopted a resolution authorizing said installations and agreeing to maintain the units throughout their useful life.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, the Township does approve of the installation of stormwater infrastructure retrofits on the county-owned Greenwood Lake Turnpike pursuant to the 2004 Department of Environmental Protection Section 319H, NPS Pollution Control and Management Implementation Grant.

Adopted: December 27, 2006

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~ Resolution 2006-415 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT TO OWL CONTRACTING FOR MILLING, RESURFACING, BITUMINOUS CONCRETE CURB, DRAINAGE IMPROVEMENTS, GUIDERAIL AND TRAFFIC STRIPING TO WARWICK TURNPIKE, SECTION 8

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 1, 2006 for Improvements to Warwick Turnpike, Section 8; and

WHEREAS, the Township of West Milford received four (4) bids for this contract; and

WHEREAS, Owl Contracting was the lowest responsible bidder with a bid amount of \$615,615.00; and

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

WHEREAS, the bid received from Owl Contracting has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Owl Contracting; and

WHEREAS, encumbrances for these services shall come from account numbers C-04-06-943-622 (\$440,000.00) and C-04-05-943-624 (\$175,615.00); and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Owl Contracting for milling, resurfacing, bituminous concrete curb, drainage improvements, guiderail and traffic striping to Warwick Turnpike, Section 8 pursuant to the bid specifications.

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 accepts the bid of Owl Contracting in the amount of \$615,615.00 for milling, resurfacing, bituminous concrete curb, drainage improvements, guiderail and traffic striping to Warwick Turnpike, Section 8.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Owl Contracting in accordance with its bid for said road & curb improvements.
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 27, 2006

Agenda No. VII 10

~ Resolution 2006-417 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO W.E. TIMMERMAN CO., INC. FOR A 2006 SIX-WHEEL BROOM STREET SWEEPER WITH BELT CONVEYOR

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 1, 2006 for a six-wheel broom street sweeper with belt conveyor; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, W. E. Timmerman Co., Inc. was the sole bidder with a bid amount of \$195,450.00; and

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

WHEREAS, the bid received from W. E. Timmerman Co., Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

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WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to W. E. Timmerman Co., Inc.; and

WHEREAS, encumbrances for this purchase shall come from account numbers C-04-04-940-290 and C-04-04-940-291; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to W. E. Timmerman Co., Inc. for a six-wheel broom street sweeper with belt conveyor.

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 accepts the bid of W. E. Timmerman Co., Inc. in the amount of \$195,450.00 for a six-wheel broom street sweeper with belt conveyor.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with W. E. Timmerman Co., Inc. in accordance with its bid for said street sweeper with belt conveyor.
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 27, 2006

Agenda No. VII 11

~ Resolution 2006-418 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDED A CONTRACT TO ABSOLUTE FIRE PROTECTION CO. INC. FOR TURNOUT GEAR FOR THE FIRE DEPARTMENT

WHEREAS, the Township of West Milford solicited bids on December 8, 2006 at 10:00 a.m. for Turnout Gear; and

WHEREAS, in response to the "Notice to Bidders" the Township received Five (5) bids and three (3) bids were received after the time for receipt of bids; and

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

WHEREAS, the bid received from *Absolute Fire Protection Co. Inc.* has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Fire Commissioner has submitted a written recommendation for the award of this contract to *Absolute Fire Protection Co. Inc.*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account numbers 5-01-25-266-550 (\$41,022) and 6-01-25-550 (\$41,022); and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *Absolute Fire Protection Co. Inc.* for the purchase of turnout gear for the Township's Fire Departments.

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 *Absolute Fire Protection Co. Inc.* in an amount not to exceed \$82,044.00.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with *Absolute Fire Protection Co. Inc.* in accordance with its bid for the purchase turnout gear in accordance with the bid specifications.
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 27, 2006

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~ Resolution 2006-420 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF FIREARMS RANGE PERMIT NO. 2007 - 1 TO MEADOWBROOK RIFLE AND PISTOL CLUB WITH STIPULATION OF PROVISIONS AND RESTRICTIONS

WHEREAS, an application has been made by Meadowbrook Rifle and Pistol Club for the renewal of a Firearms Range Permit for the year 2007; and

WHEREAS, reports have been received from the Police and other Township Departments recommending the issuance of a Firearms Range Permit with stipulations of provisions and restrictions of previous permits and/or licenses maintained;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of *Firearms Range Permit No. 2007 - 1* to Meadowbrook Rifle and Pistol Club located at 88 Van Orden Road, West Milford, New Jersey 07480, being Lot No. 7 in Tax Block 15102 with the stipulation of the any improvements to be made by the Meadowbrook Rifle and Pistol Club are to be inspected by the West Milford Police Department:

1. New or additional high visibility flagging tape should be installed on two-strand perimeter wire to enhance the visibility of the wire.
2. That all three ranges have rules posted. An additional sign shall be posted at each range "Alcoholic Beverages Permitted at the Range House **AFTER** Shooting Only".
3. Trees blown down on wire fencing shall be removed.
4. A program of planting pine trees continue. Trees 18" to 30" in height are to be planted in a five (5) year program to eventually cover the top of the 100 yard impact berm.
5. A copy of the Meadowbrook Rifle and Pistol Club's N.R.A. Liability Insurance policy is to be provided to the Township of West Milford.

Adopted: December 27, 2006

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion carried.

The Mayor and Township Council proceeded to take Action on the following resolutions:

Agenda No. VII 1

~ Resolution 2006-408 ~

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A COMMITTEE TO DISCUSS THE SCHOOL RESOURCE OFFICER PROGRAM IN THE TOWNSHIP'S SCHOOLS

WHEREAS, the Mayor and Township Council have discussed the School Resource Officer (SRO) Program which is a nationally implemented program involving the assignment of specially trained police officers to work directly in the schools in cooperation with the School Administration; and

WHEREAS, a combination of financial, contractual, and assignment constraints have lead to the reduction of the SRO program in the West Milford schools; and

WHEREAS, the Township's Board of Education (BOE) has requested that the Township Council establish a committee forum wherein the future of the SRO Program in the Township of West Milford can be discussed.

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 a committee, comprised of the following individuals from the Township Council and Township staff, shall be established to discuss the School Resource Officer Program in West Milford:

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Councilman Philip Weisbecker, Jr.
Councilman Carmelo Scangarello
Councilman-Elect Salvatore Schimmenti
Township Administrator Richard Kunze
Police Chief Paul Costello

BE IT FURTHER RESOLVED, that this committee shall be advisory in nature and shall meet with a committee established by the Board of Education for the sole purpose of discussing the School Resource Officer Program in the Township of West Milford.

BE IT FURTHER RESOLVED, that this committee shall report to the Mayor and Council, make recommendations, render opinions and input with respect to issues affecting the Township's School Resource Officer Program.

Adopted: December 27, 2006

Councilman Weisbecker made a motion to adopt this resolution as presented. Seconded by Councilman Scangarello.

Discussion: Mr. Semrau advised that Councilman Smolinski cannot serve on this committee because of a conflict. Councilman Scangarello volunteered to serve in Councilman Smolinski's stead. Councilman Weisbecker asked if a member of the public could serve to which Mr. Semrau answered in the negative. Councilman Weisbecker made a motion to amend the resolution as discussed.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden.
Voted Nay: None.
Motion carried.

Agenda No. VII 6

~ Resolution 2006-413 ~

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RATIFYING LABOR AGREEMENT WITH GUILD

Councilman Warden made a motion to table this resolution to January 3, 2007.

Moved: Warden Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion tabled.

Agenda No. VII 9

~ Resolution 2006-416 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO DELUXE INTERNATIONAL TRUCKS, INC. FOR A 6 CY DUMP TRUCK WITH PLOW AND CENTRAL HYDRAULICS

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 1, 2006 for a 6 CY Dump Truck with Plow and Central Hydraulics; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, Deluxe International Trucks, Inc. was the sole bidder with a bid amount of \$113,558.00; and

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

WHEREAS, the bid received from Deluxe International Trucks, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

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WHEREAS, the Township Engineer has submitted a written recommendation for the award of this contract to Deluxe International Trucks, Inc.; and

WHEREAS, encumbrances for this purchase shall come from account number C-04-06-940-315; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Deluxe International Trucks, Inc. for 6 CY Dump Truck with Plow and Central Hydraulics.

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 accepts the bid of Deluxe International Trucks, Inc. in the amount of \$113,558.00 for 6 CY Dump Truck with Plow and Central Hydraulics.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Deluxe International Trucks, Inc. in accordance with its bid for said Dump Truck with Plow & Central Hydraulics.
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 27, 2006

Discussion: Councilman Nolan stated that, as discussed at the Workshop meeting, he will not vote in favor of purchasing a dump truck when only one bid was received.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Scangarello.
Voted Nay: Nolan, Warden.
Motion carried.

Agenda No. VII 12

~ Resolution 2006-419 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO PIERCE MANUFACTURING FOR ONE (1) TRIPLE COMBINATION TANKER/PUMPER FOR THE APSHAWA VOLUNTEER FIRE CO. NO. 1

WHEREAS, the Township of West Milford solicited bids on December 8, 2006 at 10:15 a.m. for one (1) Triple Combination Tanker/Pumper for the Apshawa Volunteer Fire Co. No. 1; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bid from *Pierce Manufacturing, Inc.*; and

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

WHEREAS, the bid received from *Pierce Manufacturing, Inc.* has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Fire Commissioner has submitted a written recommendation for the award of this contract to *Pierce Manufacturing, Inc.*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account numbers C04-06-945-500; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *Pierce Manufacturing, Inc.* for the purchase one (1) Triple Combination Tanker/Pumper for the Apshawa Volunteer Fire Co. No. 1.

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:

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5. The Township Council hereby awards a contract to *Pierce Manufacturing, Inc.* in the amount of \$539,942.00 minus the discount designated under payment option "A" of \$4,860.00 for a total price of \$535,082.00.
6. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with *Pierce Manufacturing, Inc.* in accordance with its bid for the purchase one (1) Triple Combination Tanker/Pumper for the Apsawa Volunteer Fire Co. No. 1.
7. The Township's Chief Financial Officer has certified the availability of funds for same.
8. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: December 27, 2006

Discussion: Councilman Nolan said that we bought a similar truck last year for Greenwood Forest. He asked if the Township is structuring bids to prohibit bidders. Administrator Kunze stated that independent front suspension is very important based on our geography. Councilman Scangarello said that this is a very different truck from that purchased last year. Township Clerk Battaglia stated that she spoke with the Deputy Fire Commissioner today on this subject and provided an overview of the differences between this truck and the one purchased last year. Councilman Nolan stated that the Council should be more involved in drafting the specifications in the future. Administrator Kunze stated that Greenwood Forest is next in line for a new truck and they are considering a pre-engineered truck rather than a specially constructed vehicle.

Moved: Scangarello Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. IX 1

~ Resolution 2006-421 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

RESOLUTION 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 2006 – 422 – Cancel Property Taxes
- b. Resolution 2006 – 423 – Set Date for 2007 Reorganization Meeting
- c. Resolution 2006 - 424 – Refund Other Liens
- d. Resolution 2006 – 425 – Refund Overpayments (list #1)
- e. Resolution 2006 – 426 – Refund Overpayments (list #2)
- f. Resolution 2006 – 427 – Refund Recreation Fees
- g. Resolution 2006 – 428 – Reinstate Taxes
- h. Resolution 2006 – 429 – Refund Performance Guarantee

Adopted: December 27, 2006

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
Voted Nay: None.
Motion carried.

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. VIII 1a

~ Resolution 2006-422 ~

RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAX

WHEREAS, there appears on the tax records balances as listed below; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

REASON: TAX EXEMPT

1. State Purchased
2. In Rem Foreclosure Action 25

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
4502-3.03	Wilhelmina Dykstra	\$3,422.00	2007 First Half	1
11102-2	Henry Herman	\$3,082.86	2006 Full Year	2
11102-2	Henry Herman	\$1,542.00	2007 First Half	2
11001-50	R. Higgins & R. Peragallo	\$840.78	2006 Full Year	2
11001-50	R. Higgins & R. Peragallo	\$ 420.00	2007 First Half	2
13301-34	Allan & Eileen Capalbo	\$2,849.31	2006 Full Year	2
13301-34	Allan & Eileen CaPlbo	\$1,424.00	2007 First Half	2
2012-3	John Sarafian	\$363.30	2006 Full Year	2
2012-3	John Sarafian	\$182.00	2007 First Half	2
902-8	Upper Greenwood Lake Property Association	\$25.95	2006 Full Year	2
902-8	Upper Greenwood Lake Property Association	\$12.00	2007 First Half	2
906-12	Robert & Sherill Mennen	\$249.12	2006 Full Year	2
906-12	Robert & Sherill Mennen	\$124.00	2007 First Half	2
7005-17	Curtis Associates, Inc.	\$254.31	2006 Full Year	2
7005-17	Curtis Associates, Inc.	\$128.00	2007 First Half	2
6404-5	Elshire Investments, Inc.	\$2,916.78	2006 Full Year	2
6404-5	Elshire Investments, Inc.	\$1,458.00	2007 First Half	2
10806-2	Patrick Siciliano	\$139.25	2006 Full Year	2
10806-2	Patrick Siciliano	\$70.00	2007 First Half	2
5802-2	John J. Owens	\$217.98	2006 Full Year	2
5802-2	John J. Owens	\$108.00	2007 First Half	2
13812-18	Edward & Olivia Baldwin	\$114.18	2006 Full Year	2
13812-18	Edward & Olivia Baldwin	\$58.00	2007 First Half	2
5802-1	Ann S. Owens	\$212.79	2006 Full Year	2
5802-1	Ann S. Owens	\$106.00	2007 First Half	2
5801-1	John Owens	\$93.42	2006 Full Year	2
5801-1	John Owens	\$46.00	2007 First Half	2
	TOTAL	\$20,460.03		

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: December 27, 2006

 Agenda No. VIII 1b

~ Resolution 2006-423 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SETTING THE DATE FOR THE TOWNSHIP'S REORGANIZATION MEETING

WHEREAS, the Mayor and Township Council may set the date for its Reorganization Meeting by Resolution provided said meeting is scheduled to occur any day during the first week of January.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that the 2007 Reorganization Meeting shall be held on Wednesday, January 3, 2007 at 7:30 p.m. at the Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey.

Adopted: December 27, 2006

 Agenda No. VIII 1c

~ Resolution 2006-424 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
04-030	04/05/2004	02801-002	\$16,291.05	NATHEN OR LORRAINE 18284 CORTLAND AVE PORT CHARLOTTE, FL 33948
05-009	03/09/2005	00903-007	\$10,142.71	WACHOVIA AS CUST FOR PHOENIX FUND TAX LIEN SERVICES GROUP 123 SO BROAD ST PA 1328P PHILADELPHIA, PA 19109
05-043	03/09/2005	02801-002	\$31,230.18	WACHOVIA CUST/SASS5 MUNI V DTR 2 LIBERTY PLACE - TLGS 50 SOUTH 16TH ST. SUITE 1950 PHILADELPHIA, PA 19102
05-081	03/09/2005	08509-012	\$722.55	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
06-016	04/11/2006	02320-001	\$2,072.50	ALMAR 2 KIEL AVENUE #202 KINNELON, NJ 07405
06-033	04/11/2006	03704-020	\$7,631.80	WACHOVIA CUST FOR PLYM PK TAX SRVS P.O. BOX 2288 MORRISTOWN, NJ 07962
06-036	04/11/2006	04010-005	\$17,968.78	ATF LLC HARRIS NESBITT CORP AS SEC. PART P.O. BOX 862658 ORLANDO, FL 32886-2658
Grand Total			\$86,059.57	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: December 27, 2006

Agenda No. VIII 1d

~ Resolution 2006-425 ~

RESOLUTION 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

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
302-15	Evelyn Braidech 15 Brook Road Hewitt, NJ 07421	\$250.00	2006	3
1813-4	Jeffrey Karpf P.O. Box 56 Hewitt, NJ 07421	\$250.00	2006	3
2602-5	Shirley Ruggiero 32 Clayton Road Hewitt, NJ 07421	\$250.00	2006	3
2706-6	Nancy White 128 Lakeshore Drive Hewitt, NJ 07421	\$250.00	2006	3
5301-36	Ann Gallmann 21 Louise Avenue West Milford, NJ 07480	\$250.00	2006	3
5311-1.18	Micheline Losco 2 Richmond Road Suite 118 West Milford, NJ 07480	\$250.00	2006	3
5315-4.20	Eileen Baniel 7420 Richmond Road West Milford, NJ 07480	\$250.00	2006	3
5316-2.12	S. Schlesinger 9212 Richmond Road West Milford, NJ 07480	\$250.00	2006	3
5504-3.14	Nell Brooks 1314 Richmond Road West Milford, NJ 07480	\$250.00	2006	3
5607-1	Rosemary Wiggins 35 Vine Avenue West Milford, NJ 07480	\$250.00	2006	3
5712-2	William Boenitz 18 Roosevelt Road West Milford, NJ 07480	\$250.00	2006	3
13701-26	Mary Metz 26 Navajo Trail West Milford, NJ 07480	\$250.00	2006	3
14202-4	Florence Gasperini 297 Germantown Road West Milford, NJ 07480	\$250.00	2006	3
16005-14	Ralph Saporito 104 Oak Ridge Road Oak Ridge, NJ 07438	\$250.00	2006	3
16301-5	Robert DeTitta 9 Wilfred Lane	\$250.00	2006	3

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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	Oak Ridge, NJ 07438			
803-1	Victor Pavlick 21 Dayton Road Hewitt, NJ 07421	\$250.00	2006	4
1404-8	Jerry Lee Albin 16 Cold Springs Road Hewitt, NJ 07421	\$250.00	2006	4
2010-5	David Hunt 59 Lakewood Road West Milford, NJ 07480	\$250.00	2006	4
3903-9	S. Hoffman 1582 Greenwood Lake Tpk. Hewitt, NJ 07421	\$250.00	2006	4
5314-4.03	Gregory Machler 43 Lafayette Street West Milford, NJ 07480	\$250.00	2006	4
5504-3.14	Nell Brooks 1314 Richmond Road West Milford, NJ 07480	\$250.00	2006	4
5505-4.07	Dorothy Mayo 5407 Richmond Road West Milford, NJ 07480	\$250.00	2006	4
6101-4.03	Lisa Troll 670 Morsetown Road West Milford, NJ 07480	\$250.00	2006	4
6502-3	Albert Markert 24 Eisenhower Drive West Milford, NJ 07480	\$250.00	2006	4
6707-4	William Carney 49 Spring Avenue West Milford, NJ 07480	\$250.00	2006	4
7801-15.04	Lawrence Milne 15 D Concord Road West Milford, NJ 07480	\$250.00	2006	4
10702-6	Ronald Degraff 11 Cliffside Drive West Milford, NJ 07480	\$250.00	2006	4
9703-6	Douglas Bock 956 Union Valley Road West Milford, NJ 07480	\$250.00	2006	4
13809-11	George Dugger 17 Highland Avenue West Milford, NJ 07480	\$250.00	2006	4
16201-40	Victor Coleson 28 Riverview Road Oak Ridge, NJ 07438	\$250.00	2006	4
16605-20	Natale Siciliano 39 Jefferson Street Oak Ridge, NJ 07438	\$250.00	2006	4
5315-3.23	D. Presing 7323 Richmond Road West Milford, NJ 07480	\$250.00	2006	4
5316-2.22	L. Stark 9222 Richmond Road West Milford, NJ 07480	\$250.00	2006	4
TOTAL		\$8,250.00		

Adopted: December 27, 2006

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 Agenda No. VIII 1e

~ Resolution 2006-426 ~

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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**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                       |                      |

| <b>Block/Lot</b> | <b>Name</b>                                                                                | <b>Amount</b> | <b>Year</b> | <b>Reason</b> |
|------------------|--------------------------------------------------------------------------------------------|---------------|-------------|---------------|
| 102-12           | Raymond & Deborah LiCalzi<br>36 Clinton View Terrace<br>Hewitt, NJ 07421                   | \$14.77       | 2006        | 1             |
| 401-6            | Jason & Tracy Ruitenberg<br>8 Tyler Place<br>Hewitt, NJ 07421                              | \$2,440.76    | 2006        | 2             |
| 604-11           | Grand Lake House<br>C/O Domenica English Treasurer<br>297 Farnham Avenue<br>Lodi, NJ 07644 | \$15.99       | 2006        | 2             |
| 1406-2           | Susan Brown<br>22 Henry Road<br>Hewitt, NJ 07421                                           | \$11.41       | 2006        | 1             |
| 1612-5           | Cindy & Dean Fortino<br>17 Ellisdale Road<br>Hewitt, NJ 07421                              | \$1,700.00    | 2006        | 2             |
| 2307-10          | Donald & Helen McKinnon<br>85 Dunham Road<br>Hewitt, NJ 07421                              | \$91.07       | 2006        | 1             |
| 2313-5           | George & Sheila Mosser<br>1090 Dana Avenue<br>Spring Hill, FL. 34606                       | \$13.62       | 2006        | 1             |
| 2509-4           | Beatrice Kikendall<br>11192 Route 9 W<br>Coxsackie, NY 12051                               | \$13.00       | 2006        | 1             |
| 2511-3           | James & Linda LaPlaca<br>70 Plauderville Avenue<br>Garfield, NJ 07026                      | \$46.58       | 2006        | 1             |
| 2712-9           | Wells Fargo R.E. Tax<br>N.J. Authorizations<br>P.O. Box 14506S<br>Des Moines IA 503099736  | \$7,645.07    | 2006        | 2             |
| 3006-6           | Richard & Kathleen Foley<br>54 Dogwood Lane<br>Hewitt, NJ 07421                            | \$70.15       | 2006        | 1             |
| 3405-15          | Gary Grebla<br>12 Old Lakeside Road South<br>Hewitt, NJ 07421                              | \$10.19       | 2006        | 1             |
| 3610-34          | Mark W. Wagner<br>1913 Greenwood Lake Tpk.<br>Hewitt, NJ 07421                             | \$215.39      | 2006        | 1             |
| 4001-8           | Nusbaum, R,H,& A & Selilck, B.<br>60 Park Terrace West Apt. A84<br>New York, NY 10034      | \$25.01       | 2006        | 1             |
| 5708-19          | Marlene Kandis<br>71 Belleau Gateway<br>West Milford, NJ 07480                             | \$744.13      | 2006        | 1             |
| 5711-3           | Donald, Sonia & Greg Smith<br>11 Lenape Trail<br>West Milford, NJ 07480                    | \$85.11       | 2006        | 1             |
| 5712-7           | Erik & Jennifer Johansson<br>13 Birchwood Pass<br>West Milford, NJ 07480                   | \$27.97       | 2006        | 1             |
| 6001-5           | P. & P. Dorbecker<br>408 Morsetown Road<br>West Milford, NJ 07480                          | \$34.31       | 2006        | 1             |

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

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|              |                                                                                    |                    |      |   |
|--------------|------------------------------------------------------------------------------------|--------------------|------|---|
| 7510-2       | Joseph & Annette O'Mahoney<br>29 Pinecliff Lake Drive<br>West Milford, NJ 07480    | \$142.78           | 2006 | 1 |
| 7616-2       | Michael & Michelle Morando<br>37 Vista Road<br>West Milford, NJ 07480              | \$73.78            | 2006 | 1 |
| 7801-4.01    | Kenneth Defilippo<br>4A New Bedford<br>West Milford, NJ 07480                      | \$21.88            | 2006 | 1 |
| 7801-9.01    | M. Colondres & J. Burgos<br>9A New Bedford Road<br>West Milford, NJ 07480          | \$27.67            | 2006 | 1 |
| 7801-32.08   | Litton Loan Services Tax Dept.<br>4828 Loop Central Drive<br>Houston, Texas 77081  | \$1,755.08         | 2006 | 2 |
| 7801-58.01   | Alison Browne<br>58 A Bunker Hill Road<br>West Milford, NJ 07480                   | \$14.96            | 2006 | 1 |
| 8705-7       | Peter Dragon<br>9 Winding Way<br>West Milford, NJ 07480                            | \$19.20            | 2006 | 1 |
| 8802-52.02   | John & Jeanie Callie<br>41 Vreeland Road<br>West Milford, NJ 07480                 | \$2,720.36         | 2006 | 1 |
| 9409-5       | Stephen & Stephenie Resavy<br>41 Alvin Road<br>West Milford, NJ 07480              | \$29.41            | 2006 | 1 |
| 10808-44     | August & Elizabeth Stanton<br>390 N. Orange Ste 260<br>Orlando, FL 32801           | \$63.00            | 2006 | 1 |
| 11001-1      | John R. Larsen<br>9 Perky Road<br>Key Largo, FL 33037                              | \$32.00            | 2006 | 1 |
| 11501-13     | Alain Wynn<br>31 Laurel Drive<br>Wayne, NJ 07470                                   | \$265.94           | 2006 | 1 |
| 12208-34     | Mark & Julie Bender<br>18 Rock Road<br>West Milford, NJ 07480                      | \$1,228.30         | 2006 | 2 |
| 12604-1      | Northern Oil Recovery Comp. Inc.<br>473 Hamburg Turnpike<br>West Milford, NJ 07480 | \$54.91            | 2006 | 1 |
| 13812-11     | J. & Leola Mason<br>8 Ridgewood Terrace<br>Poughkeepsie, NY 12603                  | \$32.00            | 2006 | 2 |
| 14113-39     | Brian & Maribel Gregory<br>40 Irving Street<br>East Orange, NJ 07018               | \$21.44            | 2006 | 1 |
| 14701-48     | Frank Alonso<br>15 Stoneybrook Lane<br>Oak Ridge, NJ 07438                         | \$30.60            | 2006 | 1 |
| 602-4        | Daniel & Susan O'Dea<br>20 Allaire Road<br>Hewitt, NJ 07421                        | \$3,676.24         | 2006 | 1 |
| 601-10       | Jimmy Guillen<br>81A Glenwood Avenue<br>Elmwood Park, NJ 07407                     | \$1,076.97         | 2006 | 2 |
| 14113-11     | Federal National Mortgage Assoc.<br>13455 Noel Road Ste 600<br>Dallas, Texas 75201 | \$1,339.31         | 2006 | 1 |
| <b>TOTAL</b> |                                                                                    | <b>\$25,830.36</b> |      |   |

Adopted: December 27, 2006

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 Agenda No. VIII 1f

~ Resolution 2006-427 ~

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

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

**RESOLVED**, that the following Recreational fees upon the report of the Recreation Director be refunded:

| <u>Name &amp; Address</u>                                     | <u>Reason</u>                                    | <u>Amount Refunded</u> |
|---------------------------------------------------------------|--------------------------------------------------|------------------------|
| Cathy Hiester<br>186 Vreeland Road<br>West Milford, NJ 074870 | Refund of enrollment in Mrs. Claus and Her Elves | \$20.00                |

Adopted: December 27, 2006

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 Agenda No. VIII 1g

~ Resolution 2006-428 ~

**RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES**

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

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

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

REASON: 1. INSUFFICIENT FUNDS

| <u>BLOCK/LOT</u> | <u>NAME</u>                 | <u>AMOUNT</u>      | <u>YEAR</u> | <u>REASON</u> |
|------------------|-----------------------------|--------------------|-------------|---------------|
| 10602-68         | Aminet Zazi                 | \$1,776.21         | 2006        | 1             |
| 14301-18         | Seymour Russo               | \$2,347.16         | 2006        | 1             |
| 402-14           | White Mountain Realty Group | \$2,057.02         | 2006        | 1             |
| 6303-17          | White Mountain Realty Group | \$3,309.74         | 2006        | 1             |
| 9702-7           | Andrew C. Demeritt          | \$1,830.43         | 2006        | 1             |
| 3904-2           | Kathleen & Edward Niziol    | \$4,202.32         | 2006        | 1             |
|                  | <b>TOTAL</b>                | <b>\$15,522.88</b> |             |               |

Adopted: December 27, 2006

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 Agenda No. VIII 1h

~ Resolution 2006-429 ~

**RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE**

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

| <u>Name &amp; Address</u>                                     | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|---------------------------------------------------------------|------------------------|------------------------|----------------|
| John & Gail Graf<br>7 Garfield Road<br>West Milford, NJ 07480 | 5803/5                 | \$ 1,650.00            | 73             |

Adopted: December 27, 2006

**Payment of Bills**

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 Agenda No. IX

~ Resolution 2006-430 ~

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

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**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:

| <u>Acct #</u> | <u>Account Name</u>         | <u>Amount</u>       |
|---------------|-----------------------------|---------------------|
| 1             | Current Account. . . . .    | \$76,572.58         |
| 2             | Reserve Account . . . . .   | 35,560.00           |
| 3             | Animal Control Trust        | 225.00              |
| 6             | Capital. . . . .            | 17,816.50           |
| 7             | Grants. . . . .             | 4,868.85            |
| 8             | Refuse. . . . .             | 88,768.48           |
| 9             | Refunds. . . . .            | 120,159.93          |
| 12            | General Ledger. . . . .     |                     |
| 16            | Heritage Trust. . . . .     |                     |
| 14            | Open Space Trust            |                     |
| 17            | Trust . . . . .             | 1,256.00            |
| 18            | Development Escrow. . . . . | 570.00              |
| 19            | LOSAP                       |                     |
| 20            | Special Reserve             |                     |
|               | Total                       | \$345,797.34        |
|               | Less Refund Resolution      | -120,159.93         |
|               | <b>Actual Bill List</b>     | <b>\$225,637.41</b> |
|               | Other Payments              |                     |
|               | Less Refund Resolution      |                     |
|               | <b>Total Expenditures</b>   | <b>\$225,637.41</b> |

Adopted: December 27, 2006

Discussion: Councilman Nolan asked if the payment on page 19 for \$35,000 to the Upper Greenwood Lake Ambulance Building is from a trust account. Mr. Kunze advised that this is a prior capital allocation. Councilman Smolinski asked if the payment on page 21 to McCabe and Associates is from a grant and Mr. Kunze advised that this bill is being paid from funds received from an historic preservation grant.

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 Moved: Gervens Seconded: Scangarello  
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.  
 Voted Nay: None.  
 Abstained: Councilman Smolinski abstained from payment of item #0605180 and Councilman Nolan abstained from the payment to Valley Health.  
 Motion carried.  
 -----

**Reports of Administrator, Mayor and Members of the Council**

Mayor DiDonato stated that it has been a pleasure to work with Council President Gervens from whom he has learned a great deal. He invited everyone to stop by at Town Hall on Friday when there will be an open house where everyone can wish Mr. Rodda lots of luck. He wished everyone a Happy New Year.

Councilman Weisbecker congratulated Mr. Rodda and stated that he will be sorely missed. He thanked Council President Gervens noting that he is always a gentleman. He urged everyone to be careful on New Year's Eve.

Councilman Smolinski stated that he recently had a scare at his home. His wife and son came home to find the carbon monoxide alarms going off. Fortunately, everyone was safe and he urged everyone to

