
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
Date of Meeting: May 28, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 25

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

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of 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, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.
Absent: Robert Nolan
Also Present: Interim Township Administrator/Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved and seconded by Councilman Scangarello to adopt the following meeting minutes as presented as one vote:

March 5, 2008 Executive Sesssion	March 26, 2008 Executive Session
April 1, 2008 Special Meeting Minutes	Aprill 2, 2008 Workshop Meeting Minutes
April 9, 2008 Executive Session	April 23, 2008 Executive Session
May 7, 2008 Executive Session	May 14, 2008 Executive Session #1
May 14, 2008 Executive Session #2	

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

Agenda No. II

Presentations

Thomas Charles Heuer, Jr. – Eagle Scout - Mayor Bieri asked Thomas forward. He advised that his Eagle Scout project was to build an outdoor classroom at the West Milford High School. He said that he received help from approximately 20 people and gave credit to local merchants for helping him. Mayor Bieri commended his achievement.

Beautification & Recycling Committee Garbage Can Contest Winners - Mayor Bieri called each recipient forward and presented them with certificates. Mr. Bill Messmer thanked the artists for a beautiful display.

Agenda No. III

Proclamations

Myasthenia Gravis Awareness Month - Mayor Bieri read a proclamation and presented it to Kelly DeVincentis. Ms. DeVincentis said that about 70,000 people are afflicted with Myasthenia Gravis and that these proclamations bring awareness. She said that this disease affects voluntary muscles and breathing and that raising awareness is very important. She commented that they needed funding to aid in finding a cure. She thanked West Milford for annually providing this award.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1
~ Ordinance 2008-024 ~

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

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

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

§ 321-28. Decal and passes required.

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

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

Resident commercial vehicles not engaged in lawn care, landscaping or tree removal services and larger than a pickup truck or van, may be required to obtain and present a compost site pass to the attendant prior to entering the facility. Each pass is good for one load of material.

Any resident vehicle, commercial or non-commercial, not engaged in lawn care, landscaping or tree removal services and towing a dual axle trailer, will be required to obtain and present a compost site pass, for the trailer, to the attendant prior to entering the facility. Each pass is good for one load of material.

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

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

G. Recycling fees:

- (1) Resident noncommercial and commercial vehicles not engaged in lawn care, landscaping or tree removal services: no charge for compost site decal.
- (2) Resident commercial vehicle engaged to provide lawn care, landscaping, or tree removal services: \$250 for five compost site passes. Each pass is good for one load of material.
- (3) At the discretion of Township personnel at the Compost Facility resident commercial vehicles not engaged in lawn care, landscaping or tree removal services and larger than a pickup truck or van may be charged \$50 for one compost site pass good for one load of material.
- (4) Resident vehicle, commercial or non-commercial, not engaged in lawn care, landscaping or tree removal services and towing a dual axle trailer: \$50 for one compost site pass good for one load of material.
- (5) Passenger car tires, without rims: \$2 per tire.
- (6) Passenger car tires, with rims: \$2.50 per tire.
- (7) Truck tires, up to 23 inches, with or without rims: \$4 per tire.
- (8) Truck tires, 24 inches or larger, with or without rims: \$11 per tire.
- (9) Used motor oil: \$0.25 per gallon.

SECTION 3. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: May 7, 2008

Mayor Bieri advised that this Ordinance was introduced on May 7, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this ordinance only. There being no comments from the public, Councilman Weisbecker moved to close the public portion, seconded by Councilman Scangarello and carried by unanimous roll call vote.

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

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AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RE-DEDICATING FUNDING IN VARIOUS CAPITAL ACCOUNTS TO ONE CAPITAL ACCOUNT TO BE TITLED "STREETSCAPING"

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

Balances in the following capital accounts shall be collapsed into one capital account to be titled "Streetscaping" and said funds shall be encumbered only with Council approval for purchases and/or services related to a streetscape project to be approved by the Council:

C-04-05-843-810	\$ 55,000.00
C-04-55-900-466	\$ 16,270.00
C-04-55-911-810	\$ 21,938.18
C-04-55-913-538	\$ 6,661.03
C-04-55-923-710	\$ 47,468.96
C-04-55-928-927	\$ 50,000.00
C-04-03-944-810	<u>\$ 25,000.00</u>
	\$222,338.17

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

INTRODUCED: May 7, 2008

Mayor Bieri advised that this Ordinance was introduced on May 7, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only. There being no comments from the public, Councilwoman Lichtenberg made a motion, seconded by Councilman Scangarello, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. IV 3

~ Ordinance 2008 - 026 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RE-DEDICATING FUNDING IN VARIOUS CAPITAL ACCOUNTS TO ONE CAPITAL ACCOUNT TO BE TITLED "FACILITIES FUND"

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

Balances in the following capital accounts shall be collapsed into one capital account to be titled "Facilities Fund" and said funds shall be encumbered only with Council approval for purchases and/or services related to improvements to municipal facilities to be approved by the Council:

<u>Account Number</u>	<u>Amount</u>
C-04-05-933-201	\$ 9,223.21
C-04-55-933-214	\$ 3,800.00
C-04-55-933-215	\$ 7,600.00
C-04-55-934-628	\$ 37,465.19
C-04-55-943-490	\$ 20,000.00
C-04-55-900-628	\$ 6,193.13
C-04-55-932-201	\$ 8,785.01
C-04-55-932-209	\$ 23,661.26
C-04-02-942-200	\$ 79,281.00
C-04-03-942-315	<u>\$137,060.00</u>
	\$333,068.80

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

INTRODUCED: May 7, 2008

Mayor Bieri noted that this Ordinance was introduced on May 7, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only. There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Scangarello, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. IV 4
~ Ordinance 2008 - 027~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CANCELING FUNDING IN VARIOUS CAPITAL ACCOUNTS TO SURPLUS

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

Balances in the following capital accounts shall be cancelled to surplus:

Table with 2 columns: Account Number and Amount. Lists various account numbers and their corresponding amounts, totaling \$169,502.19.

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

INTRODUCED: May 7, 2008

Mayor Bieri noted that this Ordinance was introduced on May 7, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only. There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Smolinski, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. IV 5
~ Ordinance 2008 - 028~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15, "ADMINISTRATION OF GOVERNMENT," SECTION 15-37, "PAY TO PLAY POLICY; AWARDED CONTRACTS," SUBSECTION 15-37(B)(2) OF THE REVISED GENERAL ORDINANCES

Councilman Weisbecker moved and seconded by Councilman Smolinski to Table this Ordinance to the June 4, 2008 Workshop Council Meeting

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

Agenda No. IV 6
~ Ordinance 2008 - 029~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF CERTAIN TOWNSHIP RIGHT-OF-WAY AND EASEMENT INTERESTS

Councilwoman Lichtenberg moved and seconded by Councilman Scangarello to Table this Ordinance to the June 4, 2008 Workshop Council Meeting

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

Agenda No. IV 7
~ Ordinance 2008 - 030 ~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION PART TIME AND SEASONAL EMPLOYEES

BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007 the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

TEMPORARY, PART TIME AND SEASONAL EMPLOYEES

Table with 2 columns: JOB TITLE, WAGE RATE. Row 1: Day Camp Nurse, \$25 - \$35 per hour

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistency.

This ordinance shall take effect 20 days after its final passage by the Township Council.

INTRODUCED: May 14, 2008

Mayor Bieri noted that this Ordinance was introduced on May 14, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak on this issue only. There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilwoman Lichtenberg, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda No. V

Public Comments

Mayor Bieri opened the meeting to the public advising that each person wishing to be heard will be given five minutes to speak.

William Stevenson, Magnolia Road, Hewitt – said that he has put together a petition after being informed that there will be paving done up to the first crossroad on Magnolia. He would like to have the whole road paved. He expressed that there are many concerns regarding road safety and washouts. He said that people have trouble accessing the road. Gravel from the road is being pushed onto residents lawns. A major concern is with regards to the resident’s property values. Secondly, he addressed the 25 mph speed limit that is in place on Greenwood Lake Turnpike. He said that it appears to be a speed trap. It is still considered a construction zone even though the road is now in good shape. It is wider, safer and easier to drive. He said that if further work needs to be done, to reduce the speed limit at that time.

Colleen Ferrari, 26 Magnolia Road, Hewitt – expressed that Magnolia Road is not passable. She told the Mayor and Council that an ambulance that had been dispatched to the road had gotten stuck on the road and that the neighbor who had requested the ambulance had gotten hurt because of the road. She asked the Mayor and Council to drive the road. She wishes that the Council would consider visiting the road to see what needs to be done. She feels it is not fair to the residents. She said that there had been a road assessment program and is concerned that the four residences where the road is being paved in front of their homes will benefit with increase property value and will not want to contribute to any road assessment in the future.

Scott Trivisani, 31 Magnolia Road, Hewitt– stated that Magnolia Road has changed direction several times. If were not for the water, there would be no noticeable road. He is concerned that with paving only

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the bottom portion that the water will affect Warwick Turnpike. He said that the road has lost about 2 feet of soil since he moved to Magnolia Road in the mid-90's. The township leveled and graded the road in the past but that it was never formally adopted as a Township road. He asked the Council to accept Magnolia Road.

Carla Trivisani, 31 Magnolia Road, Hewitt – said that she has submitted a petition for Magnolia Road to be taken as a Township road in the past but that the petition has gotten lost. The last recorded paving of the road was in 1983. She asked if the Council would review the petition because the Township is losing money when the run-off needs to be dealt with.

Anthony Ferrari, 26 Magnolia Road, Hewitt – stated that Magnolia Road is like the road to Beirut. He said that the neighbors need some direction to get the road paved.

Doris Aaronson, 19 Bearfort Road – praised Mayor Bieri and Interim Administrator Battaglia for bringing fine candidates to interview for the position of Township Planning Consultant. She thanked the Council for hiring the candidate that they did. She commented that it was the fastest Executive Session that she had witnessed. She asked the members of the Council read page A2 of the Suburban Trends newspaper regarding the Highlands Water tax. The Highlands Council is asking municipalities to support the resolution and ask that funds be directed back to residents of the region as a companion bill. She asked the Council to draft a resolution. West Milford is over developed and has a water shortage. Each new home brings a child into the school which would add \$8 million in taxes. Each new home brings more COAH obligation. She feels that the township needs a moderate resolution asking for funding because we supply water for the entire state. She expressed that the Township is in need of money to purchase more open space and that the Highlands Act is not forever. She feels that there can be expansion in West Milford and that this can be recognized with a Resolution from the Council.

Lucille Van de Vieire, 280 Morestown Road – stated that she was in attendance as the Guild President. Her concern is with the Personnel Manual. The Guild was not given the opportunity to review this document and it is presently in legal review regarding family leave. This policy has not been negotiated and she said that the Guild wants to review the manual before employees are required to sign for it.

Daniel Jurkovic, Seymour Drive – began by saying that in the May 28, 2008 issue of Suburban Trends newspaper, Andrew Gargano, Planning Board Chairman was quoted as saying the Zoning Board contract is causing high taxes. Mr. Jurkovic said that if taxpayer dollars are being used for these boards, the responsibility is with the Council. He asked to stop the dissemination of mis-information from the Planning Board Chair. Mr. Gargano previously served as a Councilman. Regarding allegations surrounding the Zoning Board Attorney, he should not be subjected to unfair attacks. He said that based on the allegations he reviewed Mr. Glatt's invoices from January to April of this year. Mr. Glatt has attended 4 meetings and 11 applications, and after reviewing 9 invoices, 4 are for meetings and the other 5 are Resolutions billed to escrow. The average bill for attending a meeting is \$1025.00 and for application is \$325.00. Mr. Glatt averages 6 hours per meeting. The average number of hours per application is 2. The Planning Board employs an attorney who provides the almost identical services and Mr. Jurkovic reviewed those invoices. He presented a chart that he had prepared and reviewed the billing fees. The average cost per meeting is \$2576.00. The average cost per application is \$1374.00. He feels that the Zoning Board Attorney is far more efficient than the Planning Board Attorney, and is worthy of the increase hourly rate that he charges.

Jim Novak, Mount Laurel – stated that in reading the newspapers of the past three weeks that it has been indicated that there are many new mandates coming out for recycling. There will be certifications required for the coordinator. There will be more money coming back to the Township if it does its job. He expressed concern regarding not being informed about presentations that had taken place earlier in the evening. He said that the committee he sits on was not advised. He said that he requested information last week and had not received it yet. He expressed concern that nothing was ever said to the committees regarding the presentation of gifts and awards. He asked how much the Beautification and Recycling Committee has spent without committee approval. He said that emails must be made public. Money has been spent on projects without the committee being informed. He furthered by expressing that the Council must re-visit the concept of a mandatory clear garbage bag Ordinance because if new rules are put in place by the State of NJ, West Milford will lose out. New Jersey is not recycling. He said that he has been talking to the Beautification and Recycling Committee regarding copper recycling and that the Township Engineer and also the Township Recycling Coordinator will not allow copper recycling. He said that West Milford residents pay to get rid of metal.

Ada Erik, Macopin Road – spoke about the recent Memorial Day parade and expressed that it was one of the best turnouts ever. Unfortunately she said that the Wallisch Estates property is a disgrace and if she had noticed the condition sooner, she would have taken care of it. She asked if the Township was paying someone to take care of this property. She commented that it used to be a viewing point, but that now it is overgrown.

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Andrew Gargano, Apshawa Crossroad – began by saying that his road has not been paved since 1992. He asked for follow-up to the previously discussed addition of a 2nd portion of public comment to the meeting agendas. He asked if the Township has a policy regarding meeting minutes. He had no idea that Mr. Tom Germinario was to be considered for appointment to the Planning Board, much in advance of his appointment. He reviewed his history with Mr. Germinario and said that he had no dealings with Mr. Germinario being appointed to the Planning Board. He said that he questioned Mr. Jurkovic’s figures that he spoke about earlier. Mr. Germinario has charged the Township account in excess of \$4000.00 and that the remainder is billing to escrow. He read a letter from Mr. Glatt to the Zoning Board of Adjustments. He will review Jurkovic’s information and report back. He is concerned with keeping taxes down in West Milford.

Arthur McQuaid, Morsetown Road – thanked Mayor Bieri and the Council members for their service. He serves on the Zoning Board but is speaking for himself. Last year one Councilman said that an hourly rate is like an open checkbook. When there is a set fee, there is not doubt about the cost. The Zoning Board has chosen that path. The Council should strive to change Mr. Germinario’s contract. The Boards are not political. He does not want a Township e-mail account. He said that communicating by e-mail is damaging to applicants. If you want a policy for the Zoning Board, make emails not permitted. No applicants should be discussed by e-mail.

Martin O’Shea, Lakeshore Road East, Stockholm – expressed that he has a problem with the appointments of both attorneys previously spoken about. Both appointments were made contrary to OPRA. There was some dealing and decisions made on those 2 appointments that were not made in a public room. The Zoning Board Attorney appointment goes beyond what was discussed. The notice published must include certain things to protect and inform the public. The notice for the Zoning Board Attorney overlooked the “not to exceed” amount nor the account he would be paid from. The resolution was correct but it must be published. The same circumstances also happened in 2006 when Mr. Glatt was hired by the Planning Board. The Board had to pass three different resolutions before getting it correct. If you are going to serve the public, you must advertise properly. Public has the right to know.

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

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

Agenda No. VI

Council Comments

Township Clerk Battaglia –clarified that the Township was aware of the problems with the Wallisch Estates at parade time. They have reached out for maintenance and the Wallisch Estates property is on the agenda as a discussion for the upcoming workshop meeting. With regards to Magnolia Road she said the she had spoken with the Township Engineer and he anticipates paving 250 feet of Magnolia Road and that this is linked to the Warwick Tpke. renovations. This is being done with money from a DOT grant. Those properties who front the newly paved portion will be assessed accordingly. Magnolia Road is a dedicated, not accepted Township road.

Township Attorney Semrau - added that he has talked to the Township Engineer and asked him to put together the steps that would need to be taken to pave the entire length of Magnolia Road. Mr. Semrau commented that he has reviewed the petition provided and it is his understanding that the residents are willing to be assessed for the improvements. He asked Interim Administrator Battaglia to confer with the Township Engineer and to then possibly meet with the residents who have signed the petition to review options. Township Attorney Semrau confirmed with Interim Administrator Battaglia and said that there are a number of steps and hurdles that need to be accomplished prior to acceptance of allocation of funds being exceeded. He said that there are budgetary issues. He also said that about a month ago he had met with the Township Engineer and Interim Administrator Battaglia and they created an outline for roadways that wish to be dedicated. Residents can effectuate themselves. He will work with the administration to communicate with the residents. He said that he would like a program to be initiated. Regarding Greenwood Lake Tpke, the county involvement is not complete yet. He cited that approaching from Ringwood; the road is narrow at Marshall Hill Road. The arrow does not extend far enough and that there have been three complaints. He said that the arrow for the left should be made of a reflective material and that the County must readdress that. Regarding recycling, he recommends that the Beautification and Recycling Committee come up with ideas. He said that everyone wants a clean community and to bring in revenue. He commented that he would like to see what is involved with metal recycling and that he will bring this before the Interim Administrator.

Councilman Weisbecker – stated that the Council had reviewed Magnolia Road in 2002 and that at that time, the road was next on the list for improvements and that due to administrative changes, it fell through

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the cracks. He stated that the Engineering Department is to review this. He said that there is a process that the community must do. He then deferred to Township Attorney Semrau to speak about the resolution adopting the Employee Manual. Township Attorney Semrau replied that this question was raised at the last meeting and that the policy was put together as part of Municipal Excess Liability Fund. If it conflicts with the employees contracts that the contracts take precedence. He said that he has reviewed the impact on the deductible and that amendments can be made as time progresses. Councilman Weisbecker then commented that Councilman Novak had brought up good points about recycling and that recycling is mandatory. We must look at this as a Council and review the State regulations that control this. He agreed that the Wallisch Estates looked disastrous for the Memorial Day parade and feels that whatever needs to be done should be done. He said that it took a lot of work to get an attorney set up for Mr. Gargano and the Planning Board. He said that he will read the information provided by Mr. Jurkovic and asked if at the last meeting of the Planning Board, whether they had selected an attorney and engineer before RFPs were due. He asked Mayor Bieri to explain this. Councilman Weisbecker referring to Greenwood Lake Turnpike, said that the 25mph relates to the final stages of constructions and that when the construction is complete, the speed limit will be raised. The lower speed limit is required until all of the equipment is removed.

Councilman Smolinski – stated that at the Senior Advisory Committee meeting a group of seniors had complained that the speed on Greenwood Lake Tpke was too slow. He said that it was refreshing to hear the reports on the attorney's earlier and that it was long overdue. He commented that the Boards are constantly being attacked with unfounded accusations and that he was glad to hear Mr. Jurkovic's point of view because it is good to hear the flip side. He was interested in reviewing the figures that Mr. Jurkovic spoke about. This has left him with a number of questions. He stated that the Zoning Board is a dedicated board and that they are being made into a political target. This is unfair. The board should not be the target of a political agenda. Councilman Smolinski deferred to Township Attorney Semrau to explain the procedure if and when a committee exceeds the allocated budget. Township Attorney Semrau explained that part of the contract process is to provide a Certification of Funds for the contractor. If any committee exceeds this allocation then they must come before Council to address this. Any additional funds must be provided for by Resolution and appear on the bill list.

Councilman Schimmenti – thanked the public for their questions and said that he is confident in the professionals that are working for the Township.

Councilwoman Lichtenberg – said that she has visited Magnolia Road and parked and walked in as it was not feasible to drive in. She said that this is unfortunate and hopes that a program can be initiated. Regarding Greenwood Lake Tpke., she said that she realized that there was still County involvement because it is incomplete. She has spoken to two taxpayers regarding the approach to Marshall Hill Road from Ringwood. The left hand turn to Marshall Hill Road is too narrow and is not marked property. It appears to be one way when in fact it is two way. She has received three complaints and suggests the left hand turn arrows be fluorescent or painted with reflective paint. Regarding metal recycling, she said that she is not up on all of the aspects but would like to have the Recycling and Beautification Committee suggest ideas. She said that she welcomes any ideas that would promote a clean community and generate revenue.

Councilman Scangarello – Councilman Scangarello referred to a memo from the Township Engineer saying that tonnage went up by 27% in 2007 from 2006. He asked Interim Administrator Battaglia to have the Engineer seek alternatives to having metal picked up and having the Township paid for it. He said that Magnolia Road deserves a road trip. He credited those who had been presented earlier and congratulated Eagle Scout Heuer.

Mayor Bieri – Mayor Bieri expressed that regarding Greenwood Lake Tpke she had already emailed the Township Engineer. It is a County Road and the 25mph speed limit will remain in place until the construction is complete. She said that she has asked that the center aisle be outlined with reflective paint. She assured that the County is addressing the issues. She followed by saying that West Milford has many private or non-township roads and the Council did address the road assessment program. There is support for a mandatory program and it is a long process. She complemented Councilman Scangarello on the short Executive Session, and that he had gotten to the point. She reaffirmed that any contract would take precedence over the Employee Manual and that action must be taken to ensure that premiums are not raised. She commented that there are several changes to the Beautification and Recycling Committee. Also, the 2nd public portion of future meetings is on the list for discussion. A priority list is being worked on. She concurred that the Wallisch Estate was in deplorable condition. She explained that the Audubon has turned down the offer of the property and that there are joint ownership issues. It is necessary to work on a solution. She suggested perhaps the property could be used to provide sanctuary to animals and possibly a petting zoo could be established which would be positive for the Township. Regarding attorney fees for the Zoning Board and the Planning Board she clarified that she had researched and the Mr. Glatt was not double dipping as was previous intonated. She said that she has not found another municipality that pays the fee that West Milford pays and that no Request for Proposal is required for the Planning Board and the Zoning Board so therefore nothing illegal is being done. She said that the Planning Board and the Zoning Board can hire whomever they want providing that they establish a Certification of Funds for the agreed contract. Mayor Bieri furthered that taxpayer's

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dollars are involved in the running of the Planning and Zoning Boards. Mayor Bieri disputed that sufficient applicant's fees have been collected. She said that the Council budgets for the Zoning and Planning Boards. She referenced attorney fees in 2005, 06 and 07, for both litigation and fees. She said that one cannot compare the Planning Board to the Zoning Board. She understands that statistics can be misleading as it is misleading to compare the Planning Board to the Zoning Board. Mr. Daniel Jurkovic interjected that Mayor Bieri's statement about taxpayer dollars was incorrect. Mayor Bier deferred to Township Attorney Semrau regarding discussion with Mr. Jurkovic and he said that the past practice for the Township was that if a name is mentioned, that person may take the floor. Council consensus was given.

Daniel Jurkovic - said that under Municipal Land Use Law there are two fees to be collected. First is the application fee that is set by Ordinance and non-refundable. The other fee is the escrow which set by the Council. Anything related to a meeting is charged against the applicant's fee. Anything outside of the meeting is charged against applicant's escrow. Therefore in theory, no tax dollars are used. If they are, it is because fees are not accurately set or in rare instances, unanticipated litigation.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Mayor Bieri asked for Council consent to move resolutions 194 through 204 and 206 through 208 as one group. Councilman Weisbecker made a motion seconded by Councilman Scangarello to move all the resolutions as one from 194 through 204 and 206 through 208 except for resolution 205.

Township Attorney Semrau asked that resolution 205 be considered separately.

Agenda No. VII 1

~ Resolution 2008 - 194 ~

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 CHARLES MCGROARTY TO SERVE AS PLANNING CONSULTANT FOR AN AMOUNT NOT TO EXCEED \$15,000

WHEREAS, the Mayor and Council of the Township of West Milford has a need to appoint a Professional Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Charles McGroarty submitted a proposal indicating that he will provide professional planning services as sought by the Township of West Milford at a rate of \$142.00 per hour; and

WHEREAS, the total amount of the contract shall not exceed \$15,000.00; and

WHEREAS, the term for a contract for this service shall commence on the date of this Resolution and shall conclude on December 31, 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number 8-01-20-100-281; and

WHEREAS, Charles McGroarty has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

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

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

1. The Township Council hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Charles McGroarty of Banisch Associates, Inc. with offices located at 111 Main Street, Flemington, New Jersey, 08822 as professional planner for the Township of West Milford in an amount not to exceed \$15,000.00. The agreement shall be on file in the office of the Township Clerk.
2. The term of the contract shall be for a period to run through December 31, 2008.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: May 28, 2008

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A STATE AND LOCAL FAIR MARKET VALUE LEASE TO PITNEY BOWES FOR A DIGITAL POSTAGE METER

WHEREAS, the Township of West Milford wishes to replace its postage meter: and

WHEREAS, the United States Post Office will not accept mail processed through the current analog postage meter after December 31, 2008 but will require that mail be processed through a digital machine; and

WHEREAS, the Township of West Milford needs to remain on a postage meter system in order to maintain and achieve additional savings; and

WHEREAS, the Township has solicited and reviewed a competitor's proposal and determined that Pitney Bowes equipment offers the better cost saving scenarios at \$469 per month for 51 months (5,628 annually); and

WHEREAS, the Township of West Milford will take title for said equipment at the end of the fifty one month (51) period for the cost of one dollar (\$1.00): and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease/Purchase agreement, said funds to be encumbered from account number 8-01-20-161-200.

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 authorizes the Township Clerk to execute a lease purchase agreement not to exceed \$23,919.00 (\$469.00 per month at 51 months) in an amount not to exceed \$5,628 annually, through the Pitney Bowes Company.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2008

Agenda No. VII 3
~ Resolution 2008 - 196 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ARTHRITIS FOUNDATION OF NEW JERSEY TO CO-SPONSOR AN EXERCISE PROGRAM

WHEREAS, the Township of West Milford wishes to work with the Arthritis Foundation to offer an exercise program to residents of the Township; and

WHEREAS, the proposed contract for such a program indicates that the Township will host the program at 1810 Macopin Road in West Milford; and

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 Clerk be and is hereby authorized to execute a contract with the Arthritis Foundation New Jersey Chapter to co-sponsor an Arthritis Foundation Exercise Program.
2. The Township reserves the right to host the program at 1810 Macopin road or any other facility the municipality deems appropriate.
3. The Township reserves the right to change the location of the program at it's discretion
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2008

Agenda No. VII 4
~ Resolution 2008 - 197 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING SUPPORT AND ADOPTION OF NEW JERSEY STATE ASSEMBLY BILL NO. A-752 PERTAINING TO ADOPTION RECORDS

WHEREAS, The New Jersey State Senate has passed Bill S611 and has forwarded this Legislation, now known as Assembly Bill A752 on to the State Assembly Human Services Committee which bill, if passed, will allow for adopted persons to have access to original birth certificates and other related information.

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WHEREAS, this bill recognizes that family history information, which includes medical, cultural and social history information about an adopted person's birth parent is important for an adopted person's medical concerns and emotional health.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford, Passaic County, New Jersey hereby goes on record giving its full and wholehearted support for the passage of the New Jersey Sate Assembly Bill A-752 allowing adopted person's access to original birth certificates and related medical and cultural information for the benefit of all those adopted in the State of New Jersey.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded directly to the Honorable Joseph J. Roberts Jr., New Jersey Assembly Speaker and that copies of the same be forwarded to Honorable Jon S. Corzine, Governor of the State of New Jersey and the following State Assembly persons who are sponsors or co-sponsors of this legislation: Vincent Prieto, Joan M. Voss, Valerie Vaineiri Huttle, Sheila Y. Oliver, Joseph Vas, Eric Munoz, Partrick J. Diegnan, Jr., Jon M. Bramnick, Thomas P. Giblin, John F. McKeon, Gary S. Schaer, Nelson T. Albano, Linda Stender, Douglas H. Fisher, David W. Wolfe, Joseph V. Egan, Ruben J. Ramos, Jr., Anthony Chiappone, Cleopatra G. Tucker, Harvey L. Smith, and Mila M. Jasey.

Adopted: May 28, 2008

Agenda No. VII 5
~ Resolution 2008 – 198 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING THE 2008 STATEWIDE CRACKDOWN "OBEY THE SIGNS OR PAY THE FINES" SPEED ENFORCEMENT

WHEREAS, drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 31% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a statewide enforcement crackdown is planned to combat speeding and aggressive driving; and

WHEREAS, the summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout New Jersey to participate in the "2008 Obey the Signs or Pay the Fines Speed Enforcement"; and

WHEREAS, the project will involve traffic enforcement from July 1 – 31, 2008; and

WHEREAS, an increase in traffic enforcement and a reduction in disregard of traffic devices will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of West Milford declares it's support for the Statewide Crackdown from July 1-31, 2008 and pledges to increase awareness of the dangers of disregard of signs and traffic devices.

Adopted: May 28, 2008

Agenda No. VII 6
~ Resolution 2008-199 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION AND THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, ON BEHALF OF THE TOWNSHIP OF WEST MILFORD FOR A GRANT UNDER THE FEDERAL TRANSIT ACT

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5311 of the Federal Transit Act, as amended; and

WHEREAS, the grant for financial assistance will impose certain obligations upon the Township of West Milford, including the provision of the local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1965, that in connection with the filing of an application for assistance under the Federal Transit Act, as amended, the Recipient give an assurance that it will comply

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with Title VI and EEO requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, the Recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford as follows:

1. That the Director of Community Services and Recreation is authorized to execute and file an application on behalf of the Township of West Milford with the U.S. Department of Transportation to aid in the financing of administration, capital and/or operating assistance projects pursuant to Section 5311 of the Federal Transit act, as amended.
2. That the Director of Community Services and Recreation is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI and EEO requirements of the Civil Rights Act of 1964.
3. That the Director of Community Services and Recreation is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.
4. That the Director of Community Services and Recreation is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application.
5. That the Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford Transportation for aid in the financing of the administration, capital and/or operating assistance.
6. That the Township of West Milford hereby authorizes the amount of \$32,250.00 be obligated as the local share required under the provisions of the grant application.
7. The Township of West Milford authorizes the payment of an additional \$68,799 for a total of \$101,049.00.
8. That any of the following:
Township Administrator
Chief Financial Officer
Director of Community Services and Recreation
are hereby authorized to sign compliance reports as may be required from time to time during the course of this grant agreement.

Adopted: May 28, 2008

Agenda No. VII 7
~ Resolution 2008-200 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION FOR ASSISTANCE IN THE DESIGN OF A PLAN FOR A PROJECT IN THE CENTRAL BUSINESS DISTRICT OF WEST MILFORD

WHEREAS, the West Milford Township Planning Board is interested in applying to the Planning Assistance Program, created by the Sustainable Design Committee of the American Planning Association of New Jersey for assistance in the design of a plan for a project in the Central Business District (intersection of Union Valley Road and Marshall Hill Road) of West Milford; and

WHEREAS, this project's primary goal would be to embody sustainable principles and practices, in both design and operation, in the advancement of the area's development project; and

WHEREAS, sustainable development balances environmental, social and economic objectives in order to improve the overall quality of life for current and future generations; and

WHEREAS, the Township of West Milford has recently engaged in a participatory, community-wide visioning process that resulted in a report entitled "A Vision Plan for West Milford."

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Milford authorizes the submission of an application to the Sustainable Design Planning Assistance Program and agrees to the terms of the program, including the appointment of a project manager, the creation of an Advisory Committee, the preparation of a project "Fact Book" and the supplying of in-kind services, as well as the commitment to make a reasonable attempt to implement the recommendations and strategies set forth in the resulting project report.

Adopted: May 28, 2008

Agenda No. VII 8
~ Resolution 2008-201 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF PASSAIC AND THE GREENWOOD LAKE COMMISSION

WHEREAS, the Township, along with the County of Passaic and the Greenwood Lake Commission have, over the past three (3) years, successfully entered into an Intergovernmental Agreement whereby providing for weed harvesting for Greenwood Lake; and

WHEREAS, the Township, the County of Passaic and the Greenwood Lake Commission are considering entering into the same type of Intergovernmental Agreement whereby providing for weed harvesting and maintenance for Greenwood Lake commencing on the date of the execution of the Agreement through September 30, 2008; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the Agreement and hereby recommend that the Council authorize the execution of same; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number 8-01-26-290-300.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Mayor is hereby authorized to enter into an Intergovernmental Agreement with the County of Passaic and the Greenwood Lake Commission for weed harvesting and maintenance services through September 30, 2008; and

BE IT FURTHER RESOLVED that the Agreement and Resolution shall remain on file in the office of the Township Clerk; and

BE IT FURTHER RESOLVED, that in the event there are minor changes that are not significant to the overall terms of the Agreement, the Township Administrator and Township Attorney are hereby authorized to agree to such modifications.

Adopted: May 28, 2008

Agenda No. VII 9
~ Resolution 2008-202 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE TEMPORARY LICENSING AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND NEIL AND JOANN OTTENS

WHEREAS, Neil Ottens and Joann Ottens are the owners of property located at 7 Parlin Court, Hewitt, New Jersey, Block 1907, Lot 1 and Block 1911, Lot 4; and

WHEREAS, Mr. and Mrs. Ottens recently obtained a use variance from the Township of West Milford Zoning Board of Adjustment to allow for the construction of a septic field on a vacant lot (Block 1911, Lot 4) which adjoins the lot in which their residence is located (Block 1907, Lot 1); and

WHEREAS, in order to construct the septic field on the adjoining vacant lot, Mr. and Mrs. Ottens will need to lay the required pipes across a Township roadway, Parlin Court; and

WHEREAS, Mr. and Mrs. Ottens have formally requested that the Township grant them a license to lay the pipes underneath the Township roadway in order to construct the septic field; and

WHEREAS, the Township desires to grant Mr. and Mrs. Ottens the temporary license to lay the pipes underneath the Township roadway, subject to the terms and conditions set forth in the Temporary Licensing Agreement, which shall be on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township shall execute and enter into a Temporary Licensing Agreement with Mr. and Mrs. Neil Ottens for the purpose of laying the required piping and materials underneath a portion of Parlin Court for the construction of a septic field on Block 1911, Lot 4 and pursuant to such other terms and conditions as stated in the Temporary Licensing Agreement.

Adopted: May 28, 2008

Agenda No. VII 10
~ Resolution 2008-203 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING A PERSONNEL MANUAL FOR THE TOWNSHIP

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Township of West Milford wishes to establish personnel policies and procedures for all personnel within the Township; and

WHEREAS, the Morris County Joint Insurance Fund (JIF) has provided a model policy for the municipality's consideration; and

WHEREAS, said model policy has been reviewed by the Township Administration and Township Attorney and has been amended to include specific policies for West Milford in addition to those policies that comprised the model; and

WHEREAS, in addition to the inherent benefits of having such policies and procedures in place for both the municipality and those persons employed by the municipality, the Township of West Milford shall reap benefits through the Morris County Joint Insurance Fund in that an automatic premium increase will not become effective as a result of the adoption of this manual.

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

1. The Township Council hereby adopts the personnel manual for the Township of West Milford.
2. The Township's Personnel Administrator shall make provisions to have this manual reproduced in sufficient quantities to provide for its distribution to all personnel as soon as possible but no later than June 30, 2008.
3. The Township's Personnel Administrator is hereby instructed to provide each employee of the Township with a copy of this manual and shall require that each employee sign for receipt of such manual.
4. The Township's Personnel Administrator shall provide a report to the Township Administrator detailing those persons who have received and signed for a copy of the manual.
5. The Personnel Administrator or the Township Administrator shall ensure that all future employees with the Township of West Milford shall be provided a copy of this manual and they shall have the new employee sign a receipt for same.
6. The Personnel Administrator shall provide a certified copy of this resolution to the Morris County JIF, the MEL and the Township's Risk Management Consultant.
7. The Personnel Manual of the Township of West Milford shall be subject to revision and amendment by the Governing Body as needed.
8. This resolution shall take effect immediately.

Adopted: May 28, 2008

Agenda No. VII 11
~ Resolution 2008-204 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH AREA

WHEREAS, the Upper Greenwood Lake Property Owners Association wishes to hold a display of fireworks on June 28, 2008 at the Upper Greenwood Lake launch area; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

WHEREAS, the Upper Greenwood Lake Property Owners Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on June 28, 2008 at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owners Association will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owners Association, and the cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owners Association in advance or through the bond posted.

Adopted: May 28, 2008

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Agenda No. VII 13
~ Resolution 2008-206 ~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing the Purchase of DRAINAGE PIPE through the Morris County Cooperative Purchasing
Council, FROM CHEMUNG SUPPLY CORP.
IN ACCORDANCE WITH THEIR Contract #7 DRAINAGE PIPE CAT. III: SMOOTH INTERIOR
CORRUGATED POLYETHYLENE PIPE (DELIVERED)**

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MoCCP); and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #7 Drainage Pipe Cat. III: Smooth Interior Corrugated Polyethylene Pipe (Delivered) for the 2008 year to Chemung Supply Corp., P.O. Box 527, Elmira, NY 14902, and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase drainage pipe (delivered) through the Morris County Cooperative Purchasing Council, Contract #7 in an amount not to exceed \$30,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number T-15-56-850-300.

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 authorizes the Township Engineer to purchase drainage pipe (delivered) in an amount not to exceed \$30,000, through the Morris County Cooperative Purchasing Council contract #7 awarded to Chemung Supply Corp.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2008

Agenda No. VII 14
~ Resolution 2008-207 ~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey awarding
a contract to emergency vehicle response to evaluate the fire apparatus fleet for the township**

WHEREAS, the Township of West Milford solicited quotes for a study of fire apparatus within the Township; and

WHEREAS, in response, the Township received two quotes; and

WHEREAS, the Fire Commissioner has reviewed the quotes and submitted a written recommendation that a contract be awarded to the lowest responsive bidder; and

WHEREAS, the Township Council has authorized that funds for this survey be appropriated in accordance with Ordinance 2008-022 wherein a portion of excess capital funding in ordinance 2007-018 be designated for this purpose.

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:

The Township Council hereby authorizes the Mayor and Township Clerk to execute a contract with Michael Wilbur of Emergency Vehicle Response of 121 Whitlock Road, Otisville, NY 10963 to conduct a study of the Township's fire apparatus in accordance with his proposal for same

1. The Township's Chief Financial Officer has certified the availability of funds for same.
2. The costs for these services shall be in an amount not to exceed \$9,850.00.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2008

Agenda No. VII 15
~ Resolution 2008-208~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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**Resolution of the Township of West Milford, County of Passaic and State of New Jersey
Authorizing the foreclosure of tax title liens in rem pursuant to n.j.s.a. 54:5-104.29 et. al**

WHEREAS, the Township of West Milford adopted a resolution on December 15, 2004 authorizing the foreclosure of Municipal Tax Title Liens in summary proceedings, in REM, pursuant to N.J.S.A. 54:5-104.29; and

WHEREAS, in furtherance of the aforesaid resolution, a complaint was filed with the Clerk, Superior Court of New Jersey on April 4, 2005 bearing Docket No. F-6945-05 was; and

WHEREAS, the Township of West Milford has engaged substituted Counsel to further the foreclosure of the Municipal Tax Title Liens and has discovered errors in the form and content of the complaint and foreclosure list requiring Council authorization to amend the tax foreclosure list for the purpose of filing a complaint or amended complaint to Docket No. F-6945-05; and

WHEREAS, the Tax Collector has certified to the Municipal Council that the Township of West Milford, a municipality of the County of Passaic, New Jersey, is the holder of certain municipal tax title liens covering the lands for the amounts, including subsequent municipal liens, as shown on the attached tax foreclosure list, here to annexed and made a part hereof being schedules 1 to 5; 7 to 10, and 12 to 20

NOW THEREFORE BE IT RESOLVED by the Council of the Township of West Milford as follows:

1. Pursuant to the authority in N.J.S.A. 54:5-104.29 et seq. the Tax Collector of the Township of West Milford and Counsel designated in foreclosure of in REM Tax Title Liens are authorized and directed to foreclose the Municipal Tax Sale Certificates annexed to the Tax Foreclosure list, in summary proceedings, by filing a complaint in REM or, as authorized under the rules of court, amending the complaint, under Docket No. F-6945-05, with annexed there to the attached tax foreclosure list.

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

Agenda No. VII 12
~ Resolution 2008 - 205 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PLACE TO PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-035-006 FILIPPO ENTERPRISES LLC T/A LAKESHORE INN FOR PREMISES LOCATED AT 399 LAKE SHORE DRIVE, HEWITT, NJ

WHEREAS, an application for the place to place transfer (Expansion of Premises) of Plenary Retail Consumption License 1615-33-035-006 Filippo Enterprises LLC t/a Lakeshore Inn has been received and reviewed; and

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

WHEREAS, as a result of that review the Mayor and Township Council has determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).
4. There are no departmental objections to the Expansion of the License to include storage area and existing Walk-In Cooler in the basement to be used by employees only, not for use by the general public.

WHEREAS, the Police Department has recommended that the license be transferred as an expansion of premises to include storage in the basement and Walk-In Cooler as depicted on a sketch in the Office of the Township Clerk.

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

Adopted: May 28, 2008

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

Agenda No. VIII

Consent Agenda

~ Resolution 2008-209 ~
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 2008-210 - Cancel Tax Title Liens
b. Resolution 2008-211 - Refund Other Liens
c. Resolution 2008-212 - Refund Overpayments
d. Resolution 2008-213 - Refund Recreation Fees
e. Resolution 2008-214 - Refund Escrow Funds
f. Resolution 2008-215 - Reinstatement of Taxes

Applications:

- (a) Application for Off Premise Draw Raffle - West Milford PAL, December 13, 2008
(b) Application for Off Premise Draw Raffle - West Milford Elks Ladies Association, December 13, 2008

Adopted: May 28, 2008

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

The following resolutions were included in the consent agenda.

Agenda No. VIII a.
~ Resolution 2008-210 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX TITLE LIEN

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

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

Table with 3 columns: BLOCK & LOT, CERTIFICATE NO., LIEN AMOUNT. Rows include 11101-26 (\$304.43), 0307-11.04 (\$932.28), and a TOTAL row (\$1,236.71).

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

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

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

Adopted: May 28, 2008

Agenda No. VIII b.
~ Resolution 2008-211 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

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

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

Certificate No.	Certificate Date	Block/Lot	Reimbursement Amt.	Pay the Lien Holder
05-005	3/09/2005	00206-008	\$31,752.89	American Tax Funding LLC Harris Nesbitt Corp As Sec. Party P.O. Box 862658 Orlando, Florida 32886-2658
08-005	4/08/2008	00505-003	\$14,311.47	American Tax Funding LLC P.O. Box 862658 Orlando, Florida 32886-2658
08-010	4/08/2008	00905-018	\$13,981.20	Plymouth Park Tax Service LLC P.O. Box 2288 Morristown, NJ 07962-2288
08-030	4/08/2008	02202-001.08	\$4,522.50	Fidelity Tax LLC P.O. Box 5707 Ft. Lauderdale, FL 33310
08-046	4/08/2008	03602-003	\$5,669.79	Fidelity Tax LLC P.O. Box 5707 Ft. Lauderdale, FL 33310
08-055	4/08/2008	05006-003	\$100,264.29	Plymouth Park Tax Service LLC P.O. Box 2288 Morristown, NJ 07962-2288
08-069	4/08/2008	07205-005	\$13,583.81	Crusader Lien Service 179 Washington Lane Jenkintown, Pa 19046
08-072	4/08/2008	07801-26.01	\$1,993.71	Alex Gill 2 Kiel Road Kinnelon, NJ 07405
08-074	4/08/2008	07801-041.05	\$1,925.93	American Tax Funding LLC P.O. Box 862658 Orlando, FL 32886-2658
08-077	4/08/2008	08501-025	\$468.52	Pam Investors C/O Patrick Carabellese 127 South Washington Lane Bergenfield, NJ 07621
08-078	4/08/2008	08903-015	\$42,843.95	American Tax Funding LLC BMO Capital Markets Corp. As Secured Party P.O. Box 862658 Orlando, FL 32886-2658
08-087	4/08/2008	10803-006	\$13,721.99	American Tax Funding LLC P.O. Box 862658 Orlando, FL 32886-2658
08-092	4/08/2008	12202-002	\$17,987.32	Crusader Lien Service 179 Washington Lane Jenkintown, PA 19046

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08-094	4/08/2008	12205-002	\$2,621.04	Alex Gill 2 Kiel Road Kinnelon, NJ 07405
08-118	4/08/2008	16808-006	\$36,538.44	American Tax Funding LLC BMO Capital Markets Corp as Secured Party P.O. Box 862658 Orlando, Florida 32886-2658

Adopted: May 28, 2008

Agenda No. VIII c.
 ~ Resolution 2008-212 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS

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

WHEREAS, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

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

REASONS:

- | | |
|-------------------------------------|---------------------|
| 1. Incorrect Payment | 4. Homestead Rebate |
| 2. Duplicate Payment | 5. Tax Appeal |
| 3. Senior Citizen/Veteran Deduction | 6. Tax Sale MUA |

Block/Lot	Name	Amount	Year	Reason
803-3	John Neglia, Box 199 Hewitt, NJ 07421	\$1,187.00	2008	2
1001-33	Derek Ogonowski, 21 Banker Road Hewitt, NJ 07421	\$500.00	2008	1
1802-21	C. Hogan, 26 Glenridge Road Hewitt, NJ 07421	\$1,152.00	2008	2
2416-3	Drew K. Murray, 230 West Parkway, Suite 3A, Pompton Plains, NJ 07444	\$2,713.00	2008	2
2603-20	Eric Fortmann, 36 Belford Drive Hewitt, NJ 07421	\$694.00	2008	2
3007-9	Robert J. Riegler, 2024 Macopin Rd. Suite C, West Milford, NJ 07480	\$1,084.00	2008	2
3602-1	American Tax Funding LLC Att. Danielle Kolb, P.O. Box 862658 Orlando, FL 32886-2658	\$1,246.00	2008	2
4001-3	Masessa & Cluff Atty. 1524 Route 23 North Butler, NJ 07405	\$4,182.00	2008	2
4010-5	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,686.67	2007	6
4013-1	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$605.00	2007	6
4015-3	D. & J. Webb, 8 Shephard Road Hewitt, NJ 07421	\$1,900.00	2008	2
5309-2	West Milford Fire Bureau 1480 Union Valley Road West Milford, NJ	\$25.00	2008	1
5603-8	A. & J. Sedlacik, 7 Juniata Street West Milford, NJ 07480	\$1,438.00	2008	2
5901-11	J. & P. Biesiada, 39 Mt. Circle Dr. N. West Milford, NJ 07480	\$1,875.00	2008	2
6704-1.02	M. Petroski & S. Stopper, 6 Palmetto Lane West Milford, NJ 07480	\$1,742.00	2008	2
7502-3	C. Cannella, 12 Binnacle Avenue West Milford, NJ 07480	\$400.00	2008	1

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Block/Lot	Name	Amount	Year	Reason
7801-54.04	West Milford MUA 1480 Union Valley West Milford, NJ 07480	\$950.59	2007	6
8501-7.02	Masessa & Cluff Atty. 1524 Route 23 North Butler, NJ 07405	\$3,253.00	2008	2
9101-32	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,613.29	2007	6
9406-8	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$2,236.17	2007	6
9407-1	A. & E. Crisafulli, 25 Crawford Street West Milford, NJ 07480	\$2,743.00	2008	2
9709-4	R. & C. Dykenga, 18 Somerset Place West Milford, NJ 07480	\$1,945.00	2008	2
10602-14	J. Pfeiffer, 21 Glen Drive West Milford, NJ 07480	\$1,384.00	2008	2
10808-28	Timothy J. Phillips, 2 Lindy's Drive West Milford, NJ 07480	\$2,061.00	2008	2
12206-4	W. Elias, 19 Rock Road West Milford, NJ 07480	\$956.00	2008	2
12209-4	R. Bergin, 16 Wildwood Street West Milford, NJ 07480	\$923.00	2008	2
13203-6	S. & J. McCarthy, 17 Struble Lane West Milford, NJ 07480	\$1,495.00	2008	2
14113-4	K. Kinailuk, 1 Forest Hill Drive West Milford, NJ 07480	\$1,814.00	2008	2
15701-19	A. & P. Traverso, 52 Allison Avenue Newfoundland, NJ 07435	\$1,877.00	2008	2
15901-3	E. & G. Panas, P.O. Box 410 Oak Ridge, NJ 07438	\$3,151.00	2008	2
16005-18	C. Gauntt C/O P. Gauntt P.O. Box 462, Brookside, NJ 07926	\$1,780.00	2008	2
4107-4	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$643.54	2007	6
4107-7	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,350.98	2007	6
6201-15	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$799.34	2007	6
7801-33.01	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$2,353.28	2007	6
7801-41.05	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$710.93	2007	6
7801-49.08	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$912.79	2007	6
7801-52.02	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,942.02	2007	6
9404-8	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,520.96	2007	6
9706-13	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,516.21	2007	6
9711-11	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$606.29	2007	6
Unallocated (12205-2)	AMACO 2 Kiel Avenue #202 Kinnelon, NJ 07405	\$560.40	2008	1
TOTAL		\$63,528.46		

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Agenda No. VIII d.
 ~ Resolution 2008-213 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES

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

Name & Address	Reason	Amount Refunded
Susan Byrnes 9 Cherbourg Drive West Milford, NJ 07480	Refund of enrollment for cancellation of Create a character acting class	\$100.00
Janine Ellis 49 Awosting Road Hewitt, NJ 07421	Refund of enrollment for cancellation of Create a character acting class	\$50.00
Luisa Michaelson 1489 Union Valley Road West Milford, NJ 07480	Refund of Room Rental Fees	\$40.00

Adopted: May 28, 2008

Agenda No. VIII e.
 ~ Resolution 2008-214 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Township Engineer, the following Escrow monies be refunded:

Name & Address	Blk/Lt/Address	Amount of Escrow	Amount Refunded
John & Cynthia Veltri 160 Maple Road West Milford, NJ 07480	12001/35.02 160 Maple Road	\$1,250.00	\$1,250.00

Adopted: May 28, 2008

Agenda No. VIII f.
 ~ Resolution 2008-215 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

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

WHEREAS, the Collector of Taxes recommends the cancellation of receipt 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

2. STOPPED PAYMENT

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
16804-5	G. & B. DeLeeuw	\$2,539.00	2008	2
9401-9	C. Gronning	\$2,392.00	2008	1
TOTAL		<u>\$4,931.00</u>		

Adopted: May 28, 2008

Approval of Expenditures

Agenda No. IX
 ~ Resolution 2008-216~
RESOLUTION APPROVING THE PAYMENT OF BILLS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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	\$ 59,405.75
2	Reserve Account	30,942.84
3	Animal Control Trust	128.00
6	Capital	12,023.80
7	Grants	6,585.90
8	Refuse	
9	Refunds	233,129.73
12	General Ledger	
16	Heritage Trust	765.70
14	Open Space Trust	
17	Trust	2,315.00
18	Development Escrow	2,072.00
19	LOSAP	
20	Special Reserve	
	Total	\$347,368.72
	Less Refund Resolution	(233,129.73)
	Actual Bill List	\$114,238.99
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$114,238.99

Approved: May 28, 2008

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

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilwoman Lichtenberg – advised that poles had been installed for the purpose of announcing community events and they are located across Union Valley Road from the Veterans Park and Town Hall. She said that any banners should be brought to the Century 21 Real Estate office. The Thunder in the Mountains banner will be hung there. She reminded everyone that the fishing tournament was being held at Westbrook Park on May 31st as well as the Relay for Life being held 5/31-6/1. The Civil War reenactment at Long Pond Ironworks is also scheduled for the upcoming weekend. On June 11 the Highlander Pipers will be playing at the Bubbling Springs gazebo. She had participated in the Senior Olympics prior to attending this meeting and was pleased to announce that West Milford had taken 1st place for the first time in 17 years. She asked that the seniors be invited to the June 11 meeting.

Councilman Scangarello – stated that the Thunder in the Highlands banner is on schedule. He mentioned that the Township Auditor had brought to the Councils attention concerns regarding the Townships bonding debt. He reviewed the Townships bonding road debt and the long term negative impact it will have. He congratulated the girls' softball team who had won the county tournament the previous weekend. He requested a proclamation for girls' softball and asked that they be invited to a future Council meeting.

Councilman Weisbecker – commented that the Memorial Day event was among the best ever. He mentioned a helicopter that had flown over and expressed appreciation to Sgt. Celano for participating and providing that moment. He thanked all veterans for that special day. He said that Trinity Recycling had paid West Milford \$22,855 for March 2008. He reviewed the figures for April 2008 which were also in excess of \$20,000. He reminded everyone that mulch and wood chips are available to all residents at no

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cost. Passaic County will be sponsoring a Household Hazardous Waste Collection day on June 7, 2008 from 7:30am-2:00pm at the Recycling Center on Lycosky Drive. Regarding additional bear-proof garbage cans, he said that they will be available on a first come, first served basis; one per resident. He mentioned that the Christian Life Center is providing crews for roadside clean-ups throughout the Township. He asked Mayor Bieri if there were any news regarding the search for a Township Administrator.

Councilman Smolinski – commended Councilman Weisbecker on his report of the Memorial Day events. He later asked Mayor Bieri to provide an update on the search for a Township Administrator

Councilman Schimmenti – said that he had met with the Newark Watershed officials to work together to resolve the dumping issues and that they were a pleasure to work with. He congratulated the girl's softball team who had won first place in the county and in the state conference. He commented that the ball fields in town are still in horrible shape and that more fields are needed. He wants to establish a committee to meet with the Board of Education on behalf of the young residents of the Township.

Mayor Bieri – thanked all residents for their recycling efforts and said that a 27% increase is good. She also reminded everyone about the June 7 Household Hazardous Waste Collection day. She thanked all of the participants in the Memorial Day events. She spoke about the Water Use tax that has been gaining headlines in the newspapers and that it is very controversial. It is not what it should be and that the towns that provide water need to be recognized. She reminded everyone that this meeting was the last televised meeting before the upcoming primary on June 3 and encouraged everyone to vote. Regarding the search for a Township Administrator she explained that she is looking at options and taking a new approach. She is not satisfied with any of the applicants to date. She is putting feelers out into the industry and is seeking specific strengths. She has been doing outreach and seeking feedback. She said that she will reach out to NJLM for guidance and assistance. She will also network to find a qualified candidate. All of the candidates that she has interviewed have had shortcomings and that she will not settle for mediocrity in this position. She said that the position may have to be advertised for again and that perhaps within the next few months a suitable applicant will be found. She will keep the Council apprised.

Interim Township Administrator and Clerk Battaglia – stated that Friday, May 30, 2008 is the last day to accept applicants for the position of Director of Community Services and Recreation. She asked for a committee to be formed for the purposes of interviewing potential candidates. Councilwoman Lichtenberg said that she would like to be on that committee and it was decided that the committee would be comprised of Councilwoman Lichtenberg, Councilman Smolinski, Mayor Bieri and Ms. Battaglia. Regarding road assessments, she explained that Township Attorney Semrau has drafted an outline for the Township Engineer to explain the process for communities in various areas to pursue fixing their road. A community can prepare the road to Township standards and the Township Engineering department would offer guidance to a community to insure that the road is being upgraded to Township standards. If the road is improved, but less than Township standards, the Township would not accept the road as a Township road.

Township Attorney Fred Semrau - said with regards to Wanaque Valley Regional Sewerage Authority, that the Mayor and Council had hired Fletcher Platt to perform due diligence. He has met with him and expects guidance soon. Hollowbrook Estates, and Open Space acquisition is closer to closing and that there are still survey issues. He expects to close soon on the first Open Space Trust Fund acquisition. He has had a request from Mr. Coyman, the owner of Browns Point Plaza, to amend the Wastewater Management Plan. Mr. Semrau immediately notified Mr. Coyman's attorney and forwarded the information to Mr. Ferraro, and the Township Plumbing Engineer for review. Escrow has been posted. Regarding COAH regulations that are coming into effect within the next few weeks, he asked for Council approval to reach out to the new Planning Consultant. Being discussed in Executive Session will be the Random Woods property negotiations, the Hillcrest lease status; facilities with respect to the Hillcrest lease; O'Shea v. West Milford Township; and a discussion matter under Personnel involving Mr. Hardin. He is not expecting any action following Executive Session.

Agenda No. XI 1.

Appointments and Resignations

~ Resolution 2008 - 217~

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>
Alice Dusenberry	Historic Preservation Commission	May 18, 2008
Timothy Metcalf	Energy Committee	May 19, 2008
Carroll Sparkes	Beautification Recycling Task Force Committee	May 21, 2008

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Adopted: May 28, 2008

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

Agenda No. XI 2.
~ Resolution 2008 -219~
**MAYOR'S APPOINTMENT OF EDWARD STEINES AS EMERGENCY MANAGEMENT
COORDINATOR IN ACCORDANCE WITH ORDINANCE 2008-012**

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of Edward Steines to the position of Emergency Management Coordinator in accordance with the provisions of Ordinance 2008-012 which was adopted by the Governing Body on March 26, 2008.

BE IT FURTHER RESOLVED that Mr. Steines has waived his right to any compensation associated with this position.

Adopted: May 28, 2008

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

Agenda No. XII

Executive Session

~ Resolution 2008 - 218 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 28th day of May, 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.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Random Woods, Ridge Road, Block 8001, Lot 1
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Hillcrest Lease
 - Facilities Updates and Options
 - O'Shea v. West Milford {Docket #PAS-L-825-08}
 - (X) b. (8) Personnel matters.
 - Captain Hardin Disciplinary matter
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: May 28, 2008

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

The Council went into Executive Session at 9:42 p.m.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:57 p.m.

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

Approved: August 20, 2008

Respectfully Submitted:

Judy Manning, Part time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK