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

Minutes of: Township Council Regular Meeting  
Date of Meeting: March 5, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 24

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

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 6, 2008; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

**Reading of or Approval of Unapproved Minutes**

None.

**Presentations**

None.

**Proclamations**

1) *Music in Our Schools* – Mayor Bieri thanked all for attending. She invited the students and teachers who were in attendance forward. Dr. Joanne Schaper, District Music Supervisor and star musicians representing their elementary schools introduced themselves by grade and school. Mayor Bieri shook hands with each child. Dr. Schaper explained that this was “Music in Our Schools” month and that each school will have performances during this month, followed by an Art display on April 3<sup>rd</sup> at West Milford Township High School from 6pm-9pm. Mayor Bieri again, thanked everyone for attending, read the proclamation and presented it to Dr. Schaper. Dr. Schaper expressed that all students will share the proclamation. She read the dates of each school’s assembly and announced that the High School Band will be playing at the St. Patrick’s Day Parade, following the Grand Marshal. She also noted that the Band is planning to travel to Scotland in April.

2) *Youth Art Month* – Mayor Bieri invited all art students who were in attendance forward. Dr. Joanne Schaper expressed that the art program is collaborative with music and that the children’s artwork will be on display throughout the month of March. She explained the various art programs. Each student introduced themselves by school and grade. Mayor Bieri read the proclamation and presented in to Dr. Schaper. Mayor Bieri, on behalf of the Township expressed appreciation and commended their talents.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 1  
~ Ordinance 2008-003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEED OF EASEMENT FOR  
UTILITY PURPOSES FROM BALD EAGLE COMMONS, INC. AS FURTHER DESCRIBED HEREIN  
AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE**

**WHEREAS**, Bald Eagle Commons, Inc., the owner of certain property located in the Township of West Milford designated as Block 5308, Lot 3 has requested that the Township accept the attached Deed of Easement as a utility easement; and

**WHEREAS**, pursuant to said attached Deed of Easement, Bald Eagle Commons, Inc. will be the party responsible for the maintenance of said utility easement; and

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

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

1. The utility easement set forth in the attached Deed of Easement dated July 28, 2006 and the deed description of said easement, being part of Block 5308 Lot 3, is hereby accepted as and for a utility easement.
2. The Township Attorney is authorized and directed to accept the utility easement and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor Bieri advised that this ordinance was introduced on February 13, 2008 and the Notice of Public Hearing was published in the Herald News on February 17, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak to this ordinance only.

There being no interested parties; Councilman Weisbecker moved to close the public portion, seconded by Councilman Scangarello and carried by unanimous roll call vote.

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

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

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Agenda No. IV II  
~ Ordinance 2008-004 ~

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, ADMINISTRATION OF GOVERNMENT, ARTICLE XII, DEPARTMENT OF PARKS AND RECREATION, OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 15, Administration of Government, Article XII, Department of Parks and Recreation, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**ARTICLE XII Department of Community Services and Recreation**  
**§ 15-62. Community Services and Recreation Director.**

- A. Under the Department of Community Services and Recreation, there shall be a Director to be known as the "Director of Community Services and Recreation." The Community Services and Recreation Director shall be appointed by the Mayor with advice and consent of Council. The Director of Community Services and Recreation shall be in charge of recreation programs, park programs, senior services, veteran services, recreation building maintenance, park maintenance, transportation services and will be responsible for the planning, promoting, organizing, and administering a comprehensive community services and recreation service for the entire community, doing related work as required. He shall serve for the term of the Mayor and until his successor has been appointed and shall receive compensation as provided by ordinance. He shall have and perform all the powers and duties prescribed by general law, charter and ordinances of the Township, and shall administer the work of the Department. Subject to the above, the Director shall:
- (1) Administer and operate Township parks, playgrounds, playing fields, recreational areas, and facilities for indoor and outdoor sports, athletic and recreational programs and activities for children and adults.
  - (2) Sponsor and administer cultural, social and recreational programs and activities in cooperation with other public and private agencies and organizations.
  - (3) Utilize and instruct the maintenance personnel with respect to the maintenance and repair of public buildings and grounds used, controlled or managed for recreational purposes by the Department.
  - (4) Administer and operate recreational programs for senior citizens, support services for veterans and transportation services for seniors, the disabled and the general public.
- B. The Department shall enforce rules and regulations adopted for the safety and conduct of persons using recreational facilities and for the preservation of public peace and order at public events, and any person who shall violate such rules or regulations may be

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adjudged a disorderly person. The Department may charge and collect for the use of the Township a reasonable fee for admission to or use of facilities, programs or activities provided under this section.

**§ 15-63. Division of Recreation Administration.**

Within the Department of Community Services and Recreation, there shall be a division called "Recreation Administration," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that shall oversee all aspects of the Community Services and Recreation Department operations.

**§ 15-64. Division of Recreation Program Services.**

Within the Department of Community Services and Recreation, there shall be a division called "Recreation Program Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that provide recreation programs, events and services to all age groups.

**§ 15-65. Division of Senior Services.**

Within the Department of Community Services and Recreation, there shall be a division called the "Senior Services Division," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members who will provide recreation programs and services to the senior population.

**§ 15-66. Division of Park Program Services.**

Within the Department of Community Services and Recreation, there shall be a division called "Park Program Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that provide recreation programs on site at park facilities to include Bubbling Springs and Westbrook Park.

**§ 15-67. Division of Transportation Services.**

Within the Department of Community Services and Recreation, there shall be a division called "Transportation Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that provide public transportation for the residents. This Division shall also provide program and medical transportation for the senior and disabled population.

**§ 15-68. Division of Park Maintenance Services.**

Within the Department of Community Services and Recreation, there shall be a division called "Park Maintenance Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that will maintain all park facilities.

**§ 15-69. Division of Recreation Building Maintenance.**

Within the Department of Community Services and Recreation, there shall be a division called "Recreation Building Maintenance," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that provide daily maintenance and repairs to recreation buildings as well as provide support to programs offered in those facilities.

**§ 15-70. Division of Veteran Services.**

Within the Department of Community Services and Recreation, there shall be a division called "Veteran Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members that will provide support services to local veterans.

**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 Bieri advised that this ordinance was introduced on February 13, 2008 and the Notice of Public Hearing was published in the Herald News on February 17, 2008 and is scheduled for public hearing tonight. She opened the meeting to the public to speak to this ordinance only.

Discussion: Lucille Vanderveire, Morsetown Road stated that she was in attendance as Guild President. Her concern was that this ordinance was setting forth 8 divisions under the Director of Community Services, and there would be new titles created which are not currently in the Guild. Township Attorney Semrau explained that this ordinance is to change the name of the Department. This is being done so that it is known that this department provides services that are beyond Recreation. They have always provided these services so responsibilities would not change.

There being no additional interested parties; Councilman Scangarello moved to close the public portion, seconded by Councilman Smolinski and carried by unanimous roll call vote.

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

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**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.

David Watson Hallowell, 50 Linwood Road, referring to the Highlands Council Master Plan, expressed his appreciation and gratitude to the Planning Department. He said that he is an alternate member of the Environmental Committee and that last Tuesday they had met to review the Master Plan and prepare comments and concerns. He stated that he has learned how valuable local knowledge is in reviewing this process and that local knowledge and experience will be critical as we approach the compliance stage. He hopes that West Milford not hire a consultant to handle the compliance stage, fearing that West Milford would not benefit from what could possibly be a blanket plan. He would feel more comfortable with knowing that local people are working on the compliance stage.

Lucille Vandeveire, Morestown Road, stated that she is Guild President and that in April, 2007 she had asked the Township Council to establish a liaison between the Council and the Township employees. In June, 2007 she requested a second time. Township Attorney Semrau at that time said that he would check with a labor attorney to determine if it was legal to set up a liaison. She said that to date there had been no reply. With the upcoming administrative changes she is requesting a liaison be appointed, if indeed it was legal to do so.

George Ford, 5 Stainsby Road, expressed that Stainsby Road had recently been paved which presented parking problems in that area for local businesses. Understanding that there are safety issues in the area, he asked if something was being done regarding the parking situation. He has heard that an Ordinance is being considered which would block parking at the corner of Greenwood Lake Tpke. to Lambert Rd. His concern with this is there are two residences that only have single car driveways and have the need for additional parking. He noted that along with the critical parking issues that the road is already very narrow and it is not clearly marked. He questioned if the Ordinance could be worded in such a way as to allow these residents to park.

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

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

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Agenda No. VI

**Council Comments**

Township Attorney Semrau, responded about the liaison position to the Guild question; saying that he had spoken with Labor Attorney Fred Knapp last year and that it was his opinion a liaison is not permitted in our form of government. He said that he will gather his information and forward it to Administrator Kunze who can then forward it to the Guild.

Township Administrator Kunze, responded to the concerns of Stainsby Road and said that when the weather warms enough, the road will be striped and signs installed. He said that what was before the Council tonight was a package being introduced which would prohibit parking from Greenwood Lake Tpke. to Lambert Road. In the package there were no provisions to exempt homes. He said that if the Council wishes, the introduction can be held, in order to have this matter researched further by the Police and Engineering Departments. When asked by Council Scangarello how long the parking had been a problem, he explained that it has been since the building has been erected. He said that without striping, signs nor an Ordinance, parking restrictions cannot be enforced.

Councilman Smolinski, asked that a map of Stainsby Road be provided to the Council so that they may better understand the problem. He then thanked David Watson Hallowell for speaking. He said that the Environmental Committee works well with the planning professionals. He said that it was discussed at a meeting how valuable our professionals are and agreed that an outside consultant would never have the knowledge that the local professionals possess.

Councilman Scangarello, regarding Stainsby Road asked how long the parking and road deliniation had been a problem. He later congratulated the talented students and youth.

Councilwoman Lichtenberg, agreeing with David Watson Hallowell, said that we should keep our knowledgable planner and losing him would be a detriment.

Agenda No. VII

**New Business, Introduction of Ordinances, Resolutions**

The following items were acted upon by the Town Council:

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Agenda No. VII 1  
~ Ordinance 2008 - 005 ~

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES," OF THE REVISED GENERAL ORDINANCES**

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

**§ 135-2. Department of Parks and Recreation.**

The Department of Parks and Recreation is authorized to charge the following fees:

- A. Bubbling springs membership and badge:
  - (1) Family: consists of parent(s) and all children up to and including full-time students living at home: \$215. Non-resident sponsored by resident family: \$285 (Number will be limited).
  - (2) Individual: a person age 13 through 61: \$100.
  - (5) Late fee: additional fee added to membership fee after the June deadline of each year: \$15.
- B. Bubbling Spring Park guest membership (per person):
  - (1) A person under two years of age: No charge.
  - (2) A person from two years to seventeen years of age: \$5.
- C. Swim lessons:
  - (1) Lake member.
    - (a) All children:
      - [1] One session: \$55 each.
      - [2] Two sessions: \$105 each prepaid.
      - [3] Three sessions: \$150 each prepaid.
    - (2) Nonmember.
      - (a) All children:
        - [1] One session: \$65 each.
        - [2] Two sessions: \$125 each prepaid.
        - [3] Three sessions: \$180 each prepaid.
    - (3) Swim team.
      - (a) First child: \$90 each.
      - (b) Each additional child: \$85 each.
- D. Day camp: children entering kindergarten through 8th grade.
  - (1) Each child: \$225 per two-week session; \$115 per one-week session.
    - (a) Prepaid five sessions: \$865.
- E. Teen camp: \$270 per two-week session; \$135 per one-week session.
  - (1) Prepaid five sessions: \$865.
- F. Early dropoff/late pickup, per child: \$80 per two-week session; \$40 per child per one-week session.
- G. Muppet camp: children ages three and four not entering kindergarten: \$105.
- H. A nonrefundable maintenance fee of \$25 shall be charged for each group use permit that requires the opening, closing and/or cleaning of a facility.
- I. Permit fees: Bubbling members will be charged a nonrefundable administrative/user fee of \$30 for guest groups numbering more than twenty-five. Permits must be filled out at the Parks & Recreation office. Groups under twenty-five do not need to have a permit or pay a maintenance fee. They must make arrangements with the Lake Director prior to the party.

**§ 135-4. Department of Health.**

The Department of Health is authorized to charge the following fees.

- A. Public health programs:
  - (1) S.M.A.C. blood screening clinic: \$20.
  - (2) Female cancer screening program: \$50.
  - (4) Skin cancer screening program: \$15.
  - (6) Hepatitis B program:
    - (a) Adults: \$75 (\$25 each, three in a series).
    - (b) Children: \$30 (\$10 each, three in a series).
  - (7) Pneumovax program: \$29.
  - (9) TD (tetanus 7 diphtheria): \$20.
  - (10) Ear wax screening: \$12.
  - (13) Menomune vaccine: \$94.
  - (14) Hepatitis A: \$64.
  - (15) Hepatitis B (Adults): \$24
  - (16) Hepatitis B (Child): \$10
  - (17) TD/pertussis: \$34.
  - (18) Shingles Vaccine: \$154

**§ 135-18. Food establishments.**

The following fees shall apply for licenses required under Chapter 163, Food Establishments, Retail:

- A. Temporary retail food establishment and agricultural markets: \$40.

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- C. All other retail food establishments shall be \$150 annually except that for establishments which only offer prepackaged food for sale (for a period of seven days), the fee shall be \$40 annually.
- F. Nonprofit food license: \$40 per year.
- G. Risk Type 1: \$105
- H. Risk Type 2: \$160
- I. Risk Type 3: \$250
- J. Risk Type 4: \$250

**§ 135-29. Sewage disposal systems, individual subsurface.**

In accordance with Chapter 300, Sewers, Article I, Individual Subsurface Sewage Disposal Systems, septic installation fees and charges shall be as follows:

- A. Soil log. For observation of tests by the licensed professional engineer or by the Health Officer, or registered environmental health specialist designated by the Township, for purposes of meeting the requirements of an application for an individual sewage disposal system, either to locate and construct one, or for subdivision approval, the sum of \$120; and for the alteration of an existing one, the sum of \$90.
- B. Plan review. For the filing and review of an application and plans to locate and construct a new individual sewage disposal system, the sum of \$240; and for the alteration of an existing one, the sum of \$185.
- C. Plan revision. For the review of a revised application and plans to locate and construct a new individual sewage disposal system, the sum of \$90; and for the alteration of an existing system, the sum of \$85.
- D. Installation permit. For the issuance of a permit to locate and construct a new individual sewage disposal system, the sum of \$185; or a permit for the alteration of an existing one, the sum of \$185.
- E. Installation permit, repair. For the filing of an application and issuance of a permit to repair an existing system, the sum of \$90.
- F. For each reinspection of an individual sewage disposal system, or part thereof, caused by the failure of the permittee to locate and construct, alter or repair the same in accordance with the terms of the permit issued or the terms of the aforesaid code, no charge.
- G. For the issuance of a license to engage in the business of constructing, reconstructing or extending septic tanks or other individual sewage disposal systems in accordance with § 300-6, Installer's license, a fee of \$120 shall be charged.
- H. Renewal of installation permits. For the renewal of an installation permit, the sum of \$65.

**§ 135-35. Tattoo parlors and tattoo artists.**

In accordance with Chapter 348, Tattoo Parlors and Tattoo Artists, the following license fees apply:

- A. An application for an initial license to engage in the business of operating an establishment where tattooing is performed shall be accompanied by a fee in the amount of \$205.
- B. The renewal license fee for engaging in the business of operating a tattoo establishment shall be \$105 per year. The late fee for failure to renew the license shall be \$50 a month if not paid by final due date of April 30 annually.

**§ 135-36. Taxicabs.**

In accordance with Chapter 353, Taxicabs, the following fees apply:

- (2) The fee for the renewal of a taxicab driver's license is \$40.

**§ 135-39. Vital statistics; certified copies of certificates.**

In accordance with Chapter 385, Vital Statistics, the Registrar of Vital Statistics shall receive for the Township the following fees:

- A. Certified copy of birth certificate: \$10.
- B. Certified copy of marriage certificate: \$10.
- C. Certified copy of domestic partnership certificate: \$10.
- D. Certified copy of death certificate: \$10.

**§ 135-40. Water.**

B. In accordance with Chapter 390, Water, Article IV, Individual and Semipublic Water Supply, the following fees apply:

- (2) The following fees and charges apply:
  - (a) For the filing of an application and plans, for the issuance of a permit to locate and drill or dig a well: \$160.
  - (b) For the issuance of a permit to install a pump and supply for an individual water supply system: \$55.
  - (f) For the renewal of a permit to locate and drill or dig a well: a fee of \$55 shall be charged.

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for March 26, 2008 and it shall be advertised as required by law.

Discussion: Councilman Nolan asked if Administrator Kunze had gotten him the information he had requested at the 2/27/08 workshop meeting regarding the number of senior members who are registered at Bubbling Springs. Administrator Kunze advised him that there were 33 senior couples and 52 single

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seniors registered. He said that the Recreation Department had looked at the fee schedule and concluded that the impact would be minor if the senior fees were raised. He said that the increased revenue would generate \$825.00 from senior couples and \$780.00 from single seniors. Councilman Nolan expressed concern that with the family fee increasing yearly and the senior fee not increasing that he cannot support this Ordinance due to it being unfair to families. Councilman Smolinski said that he cannot believe that a Council member wishes to increase the fees for the seniors in this town, stating that we will all be seniors one day. He said that at the budget hearing, Mayor Bieri had said that seniors have a disposable income. Councilman Nolan commented that he assumes Councilman Smolinski supports raising fees for families every year. He feels that the Township should run more efficiently and should not have to increase fees to families with young children each year. Councilman Smolinski said that he favors reducing fees for families but does not support fee increases for seniors. Councilman Nolan responded that he is in favor of a senior discount, however in this respect he feels that they are paying virtually nothing to be registered. Councilman Smolinski replied that the fees for families be brought down to last years fees and the fees for seniors not be increased. He invited Councilman Nolan to attend a Senior Advisory Meeting and explain his position. Councilman Nolan said that he resented the implication that he and Mayor Bieri are anti-senior. He said that the is aware of the problems of seniors and that if the Senior Committee was willing to meet in the evening, when Councilman Nolan available, then he would attend. Mayor Bieri interjected that perhaps this Ordinance be placed on hold pending budget discussions. She said that fees must be increased to offset budget increases. She said she believes in a Senior Discount and is not suggesting that seniors pay what families pay but that the fees be increased proportionately. She feels that the 90% discount which seniors receive is too much and that further discussion is necessary. Councilman Nolan moved to table the Ordinance. There was no second. Councilman Weisbecker asked if this Ordinance can be moved on and subsequently amended. Township Attorney Semrau said that the Ordinance can be moved on and then amended. Councilman Weisbecker moved. Councilman Smolinski seconded. Councilman Weisbecker moved to amend the Ordinance to reduce the family registration fee to that of 2007. Township Attorney Semrau said that the Ordinance is scheduled for final adoption and public hearing on March 26, 2008.

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

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Agenda No. VII 2  
~ Ordinance 2008 - 006 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, SUBDIVISION OF LAND AND SITE PLAN REVIEW, SECTION 470-27, REVIEW FEE ESCROW DEPOSITS, OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 470, Subdivision of Land and Site Plan Review, Section 470-27, Review Fee Escrow Deposits of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§ 470-27. Review fee escrow deposits.**

- A. In addition to the base application fees set forth pursuant to § 470-26, the applicant shall also pay to the Township of West Milford a review fee escrow deposit in the amount set forth in Chapter 414, Fees, Land Development.
- B. Deposits received from any developer pursuant to this section shall be deposited in a banking institution or savings and loan association in New Jersey insured by an agency of the federal government, or any other fund or depository approved for such deposits by the State of New Jersey:
  - (1) Deposits under \$5,000 received from any developer pursuant to this section will be placed in one account and monitored by separate ledger.
  - (2) Deposits in excess of \$5,000 received from any developer pursuant to this section shall be placed in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The deposits shall be deposited to a review fee trust account identified with the name of the applicant and the filing number of the application for development. The Township shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Township shall not refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him by the Township annually or at the time the deposit is repaid, as the case may be; except that the Township shall retain for administrative expenses a sum



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Agenda No. VII 3  
~ Ordinance 2008 - 007 ~

**AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 153, ENTITLED "FIRE INSURANCE CLAIMS"**

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

**SECTION 1.** The aforesaid Revised General Ordinances is hereby supplemented to establish a newly created chapter, chapter 153, "Fire Insurance Claims" to read as follows:

**§ 153-1. Payment of fire insurance proceeds.**

No insurance company shall pay any claim in excess of \$2,500 for fire damage on any real property located within the Township of West Milford pursuant to any fire insurance policy issued or renewed after the adoption of this chapter and after its filing with the State Commissioner of Insurance, except as follows:

- A. The insured individual or entity submits an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 certifying that all taxes, assessments or other municipal liens or charges, levied and assessed and due and payable against said property have been paid; and
- B. The insured person or entity has submitted a certification acknowledged by a notary public commissioned in the State of New Jersey that all demolition costs have been paid or that demolition is not required; or
- C. The Township provides the insurer with a certified resolution pursuant to which the Township has entered into an agreement with the owner of the fire-damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to N.J.S.A. 54:5-19 for the redemption of any tax sale lien by installment payments pursuant to N.J.S.A. 54:5-65 et seq., or the payment by installment of any anticipated costs of demolition.

**§ 153-2. Request for official certificate of search.**

Any request for an official certificate of search for municipal liens pursuant to this chapter shall specify that the search concerns fire-damaged property.

**§ 153-3. Priority of municipal claim.**

The Township's claim made in accordance with the provisions of this chapter shall be paramount to any other claims on the proceeds of the fire insurance policy, except as provided in N.J.S.A. 17:38-12, as it may be amended from time to time.

**§ 153-4. Appeals.**

In the event that an appeal is taken on the amount of any lien or charge, other than an appeal based upon the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall comply with the procedures set forth in N.J.S.A. 17:38-10 as it may be amended from time to time..

**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 Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for March 26, 2008 and it shall be advertised as required by law.

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

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Agenda No. VII 4  
~ Ordinance 2008 - 008 ~

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 10, TRAFFIC, SCHEDULE I, NO PARKING, OF THE REVISED GENERAL ORDINANCES TO INCLUDE NO PARKING ON A CERTAIN PORTION OF STAINSBY ROAD**

**TABLED TO THE  
MARCH 26, 2008 MEETING**

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Moved: Weisbecker Seconded: Scangarello

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

Minutes of: Township Council Regular Meeting  
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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Agenda No. VII 5  
~ Ordinance 2008 - 009 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 90, BUILDINGS, NUMBERING OF, OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 90, Buildings, Numbering Of, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§ 90-1. Adoption of House Numbering Map; corrections.**

- A. The system of numbering all buildings and lots of land in the Township as shown on a map or maps entitled "House Numbering Maps, Prepared for West Milford Township," by G. Waldo Rude & Associates, Inc., Engineers and Land Surveyors, a copy of which are on file with the Township Administrator, and hereby made part of this chapter, is hereby adopted and approved, and the number shown thereon for each building and lot is hereby assigned to that building or lot.
- B. If, after investigation, the Township Engineer determines that an error has been made in assigning a number or street address to any building or lot or that a change in the assigned number or street address is in the best interests of the municipality, the Engineer shall advise the Township Administrator and, upon approval from same, the Engineer shall correct the number or street address to the appropriate designation.

**§ 90-2. Assignment of numbers.**

- A. Upon any subdivision or resubdivision of land in the Township resulting in a lot or lots other than those delineated on the map or maps, the Township Engineer shall assign a number to each lot resulting from the subdivision or resubdivision, which shall be in proper numerical sequence in relation to the number assigned to other lots fronting on the same street, and he shall record the same upon the map or maps within 10 days of the filing of the approval given for such subdivision or resubdivision of land.
- B. No subdivision or resubdivision, major or minor, of land requiring approval by the Planning Board shall be approved by it, unless a number shall be assigned by the Township Engineer to each lot therein for the building erected or to be erected on it.
- C. If, after investigation, the Township Engineer determines that an error has been made in assigning a number or street address to any building or lot or that a change in the assigned number or street address is in the best interests of the municipality, the Engineer shall advise the Township Administrator; and, upon approval from same, the Engineer shall correct the number or street address to the appropriate designation.

**§ 90-3. Display of numbers.**

All homes within the boundaries of the Township of West Milford shall display their house number in numerals of at least three (3) inches in height in clear view by the front entrance door of their residence. If the residence has a street mailbox, it shall also have the house number displayed on it. All numbers shall be displayed in such a way that they are visible to persons passing by the premises on the abutting street. If a residence is not viewable from the street, numerals conforming to the specifications above shall also be placed at an area located on the property which is visible from the abutting street.

**§ 90-4. Issuance of certificate of occupancy.**

No certificate of occupancy shall be issued by the Building Inspector *or Fire Bureau* or any one in his Department for the occupancy of any building hereinafter erected or enlarged unless the provisions of the foregoing section or sections shall have been complied with.

**§ 90-5. Enforcement.**

The provisions of this Chapter shall be enforced by the Township Zoning Officer.

**§ 90-6. Violations and penalties.**

Property owners found to be in violation of this chapter shall be subject to the following penalties:

- A. First Offense: Property owner shall receive a written warning notice from the Township. Such notice shall allow the property owner one (1) week in which to cure the violation.
- B. Second and Subsequent Offenses: Property owner shall receive a fine of \$75.00 per offense.

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

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

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

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

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

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Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for March 26, 2008 and it shall be advertised as required by law.

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

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Agenda No. VII 6

~ Ordinance 2008 - 010 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 353, TAXICABS, OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 353, Taxicabs, of the aforesaid Revised General Ordinances is hereby deleted in its entirety and is further amended and supplemented to read as follows:

**CHAPTER 353 TAXICABS, AUTOCABS AND LIMOUSINES**

**ARTICLE I Taxicabs**

**§ 353-1. Definitions.**

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

**DRIVER** — Any person who drives a taxicab within this Township.

**OPERATION** — Of a taxicab, shall consist of transporting in such taxicab at least one but not more than nine persons, exclusive of the driver, for hire on any of the streets in this Township, accepting a passenger to be transported for hire within this Township or from a point within the Township to a point outside of the Township limits. The operation of a taxicab as above described by one other than the owner shall be deemed operation by the owner thereof as well as by the person actually driving the same. The transportation of any person other than the owner or driver in a taxicab as hereinafter defined shall be prima facie evidence of operation.

**OWNER** — Any person in whose name title to any taxicab is registered with the New Jersey Division of Motor Vehicles or who appears in such record to be the conditional vendee or licensee thereof.

**SENIOR CITIZEN** — Any person 62 years of age or older.

**STREET** — Includes any street, avenue, park, parkway, local, country, state or federal highway or other public roadway located within the Township, whether or not the same is an improved road.

**TAXICAB** — Any automobile or motor car capable of carrying up to nine passengers, exclusive of the driver, and which may commonly be referred to as a "taxi," "cab," "van" or "hack," duly licensed by the Township and engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated and run over any of the streets within the Township of West Milford and which accepts passengers for transportation from points and places within the Township to points and places within or without the same Township; provided, however, that nothing herein contained shall include autobuses or buses or designated routes, public deliveries or jitneys or such public conveyances as are by law exclusively subject to state and/or federal regulation.

**TOWNSHIP** — The Township of West Milford, Passaic County, New Jersey.

**§ 353-2. License required; expiration.**

No person shall operate a taxicab or engage in the taxicab business within the Township without first obtaining a license from the Township Council. The license shall expire December 31 of the year in which it was issued, unless sooner suspended or revoked by the Township Council.

**§ 353-3. Types of licenses.**

- A. Driver's license. The holder of a taxicab driver's license shall be entitled to operate within the Township any taxicab whose owner has been licensed under this chapter.
- B. Owner's license. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned by him within the Township, provided that the person driving the cab holds a valid taxicab driver's license.

**§ 353-4. Licensing of taxicab owners.**

- A. Application information. Applications for licenses shall be made by the owner, lessee or bailee of the vehicle in writing to the Township Administrator, and shall be sworn to and filed with the Township Clerk. The application shall state:

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

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- (1) The name and address of the owner, lessee or bailee of the vehicle.
  - (2) The name and address of the applicant.
  - (3) The physical location of the vehicle(s).
  - (4) Type of vehicle and date of last inspection.
  - (5) Length of time the vehicle has been in use.
  - (6) The number of persons the vehicle is capable of carrying.
  - (7) The motor power, make and value of the vehicle.
  - (8) Proof of insurance in conformance with the requirements of §353-4(B)
- B. Insurance.
- (1) Each application for a taxicab owner's license shall be accompanied by a policy of insurance naming the Township of West Milford as an additional insured, with the premium prepaid thereon, written by an insurance company duly licensed to transact business under the insurance laws of the State of New Jersey, which shall be submitted to the Township Clerk and to the Township Attorney for approval as to form and sufficiency. A certificate of insurance must be submitted to the Township Clerk prior to a license being approved.
  - (2) Such policy shall be conditioned for payment of a sum required to satisfy all claims for damage by reason of bodily injury to or the death of all persons or property damage as follows: (1) Up to six-passenger vehicle: not less than \$500,000 combined single limit.
  - (3) Such policy shall provide coverage for every driver of each vehicle listed in the policy, and the acceptance of said policy by the Township of West Milford and
  - (4) the issuance of the license by the Township shall constitute an agreement by and between the applicant and the Township that applicant holds and saves harmless the Township from any and all claims from damages arising out of personal injury and/or property damage made by third parties as the result of the issuance of said license and the operation of a taxicab. In the event that such policy is canceled for any reason, a notice of such action must be delivered to the West Milford Township Clerk 20 days prior to the effective date of cancellation by the insurance company providing coverage to the taxi operator.
- C. License fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual license fee per vehicle is set forth in Chapter 135, Fees and Costs.
- D. Issuance of license; contents; display.
- (1) Taxicab owner's licenses shall be granted by the Township Council and a license certificate shall be issued by the Clerk. The certificate shall contain:
    - (a) The name of the applicant.
    - (b) The official state license plate number of the taxicab.
    - (c) The applicant's place of business or taxi stand.
    - (d) A statement that in case of any complaint the Chief of Police shall be notified.
  - (2) The certificate shall be affixed to a conspicuous part of the interior of the taxicab and shall be open to the view of all passengers.
- E. Limitation on number of licenses issued. The number of taxicab owner's licenses outstanding shall be limited to one per 1,200 residents of the Township, as shown by the last preceding federal census. Licenses shall be nontransferable.

**§ 353-5. Taxicab driver's license.**

- A. Applications.
- (1) Applications for a taxicab driver's license shall be made to the Township Administrator. The forms and information required shall be established by the Township Administrator.
  - (2) The application shall be accompanied by the fee set forth in Chapter 135, Fees and Costs, for the initial license period.
- B. Issuance of license; contents. Upon approval of the application by the Township Administrator, the Clerk shall immediately issue the applicant a taxicab driver's license. The license shall contain a licensee's name and address, physical description, signature and photograph.
- C. Term of license; fees. An initial license to drive a taxicab shall be valid for the remainder of the calendar year in which it is issued. A taxicab driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of the fee set forth in Chapter 135, Fees and Costs.

**§ 353-6. Township Council to make rules and regulations.**

The Township Council shall, from time to time, make rules and regulations for the operation of taxicabs.

**§ 353-7. Revocation or suspension of licenses.**

The Township Administrator may, after due notice and hearing, suspend or revoke the license of any person who violates any provision of this chapter, or who violates any of the rules or regulations adopted by the Township Council pursuant to §353-6.

**§ 353-8. Refusal to issue license; suspension or revocation; unused licenses; car seats.**

- A. The Township Council or its designee may, in its discretion, refuse to issue or renew or may, after notice and hearing, revoke or suspend any license issued under the provisions

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of this article if the applicant has been convicted of any crime, disorderly persons offense or petty disorderly in this state or in any other state or territory, or has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey, or who violates any provision of this article or has any judgment unsatisfied of record arising out of an automobile accident or who has made false answers in the application for such license or any renewal thereof or who has failed or fails to render reasonably prompt, safe and adequate taxi services or who has not complied fully with the requirements of this article for such class of licensure, or if the licensee or applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of a motor vehicle or as to any taxicab owner's license if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants, and others, or if the policy of insurance required herein has once lapsed or such coverage is not maintained at all times, or a taxicab, at any time, carries more passengers than the same is authorized to carry by the terms of this article.

- B. Any taxicab owner's or driver's license which remains unused for a period of at least one year shall automatically revert to the Township and shall be deemed null and void.
- C. No taxicab owner's license or driver's license shall be issued to, or renewed for, any taxi owner or taxi driver unless and until proof shall have been given to the Township Clerk that the owner and/or driver has adequately provided for the safety of children under the age of five years who are passengers in the taxicab or cabs owned and/or operated by them. In the case of a taxi owner who owns more than one taxi, such proof shall consist of a written policy and posted notice at the base of operation and in all taxicabs owned by him, conspicuous to drivers, setting forth that, prior to the operation of the taxicab, children 18 months of age or younger, who are passengers in a taxicab, shall be placed in a federally approved child restraint seat, and children over the age of 18 months, but under the age of five years, must be placed in a car seat, if riding in the front seat of the taxicab or in a lap and/or lap and shoulder harness seat belt, if riding in the rear seat of the taxicab. The owner of more than one taxicab must, at all times, keep and maintain in his vehicles or at the base of operation a total number of federally approved car seats equal to 25% of the number of licensed taxicabs owned by him, which shall at all times be available for use by drivers of the cabs owned by said taxicab owner. In the case of an owner of a single taxicab, such proof shall consist of proof that the owner keeps and maintains a federally approved car seat in the passenger compartment or trunk of the licensed vehicle at all times, for use in accordance with this provision.

**§ 353-9. Violations and penalties; suspension or revocation of license.**

Every person or persons, firm or corporation found guilty in a municipal court of competent jurisdiction of violating any of the provisions of this article shall be fined not less than \$100 nor more than \$2,000 and/or imprisoned for a period not to exceed 90 days and/or required to complete community service for not less than five days nor more than 30 days and/or suspension of an owner's and/or driver's license for a period not to exceed 60 days and/or a recommendation of a revocation of an owner's and/or driver's license to the Municipal Council. Each succeeding day of a violation shall be constructed as a new violation.

**§ 353-10. Compliance with state vehicle laws.**

Nothing in this article shall be construed to exempt any person, firm or corporation owning or operating a taxicab from complying with the laws relating to the ownership, regulation and operation of automobiles in the State of New Jersey.

**ARTICLE II Autocabs and Limousines**

**§ 353-11. Definitions.**

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

**AUTOCABS** — A limousine.

**DRIVER** — Any person who drives a limousine within this Township.

**LIMOUSINE** — A motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition shall be construed to include taxicab, hotel buses or buses regulated by the New Jersey Department of Transportation.

**LIMOUSINE SERVICE** — Includes the business of carrying passengers for hire by limousine.

**OWNER** — Includes any individual, copartnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.

**STREET** — Includes any street, avenue, park, parkway, highway, boulevard or other public place.

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TOWNSHIP — The Township of West Milford, Passaic County, New Jersey.

**§ 353-12. License required; expiration.**

No person shall operate a limousine or engage in the limousine business within the Township without first obtaining a license from the Township Council. The license shall expire December 31 of the year in which it was issued, unless sooner suspended or revoked by the Township Council.

**§ 353-13. Types of licenses.**

There are hereby established two classes of limousine licenses, to be known as "limousine driver's license" and "limousine owner's license."

- A. Driver's license. The holder of a limousine driver's license shall be entitled to operate within the Township any limousine whose owner has been licensed under this chapter. There shall be no limit to the number of limousine driver's licenses issued by the Township.
- B. Owner's license. The holder of a limousine owner's license shall be entitled to operate a limousine owned by him within the Township, provided that the person driving the cab holds a valid taxicab driver's license. There shall be no limit to the number of limousine owner's licenses issued by the Township.

**§ 353-14. Licensing of limousine owners.**

- A. Application information. Applications for licenses shall be made by the owner, lessee or bailee of the vehicle in writing to the Township Administrator, and shall be sworn to and filed with the Township Clerk. The application shall state:
  - (1) The name and address of the owner, lessee or bailee of the vehicle.
  - (2) The name and address of the applicant.
  - (3) The physical location of the vehicle(s)
  - (4) Type of vehicle and date of last inspection.
  - (5) Length of time the vehicle has been in use.
  - (6) The number of persons the vehicle is capable of carrying.
  - (7) The motor power, make and value of the vehicle.
  - (8) Proof of Insurance in conformance with the requirements of §353-15.
- B. License fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual license fee per vehicle is set forth in Chapter 135, Fees and Costs.
- C. Issuance of license; contents; display.
  - (1) Limousine owner's licenses shall be granted by the Township Council and a license certificate shall be issued by the Clerk. The certificate shall contain:
    - (a) The name of the applicant.
    - (b) The official state license plate number of the limousine.
    - (c) The applicant's place of business.
    - (d) A statement that in case of any complaint the Chief of Police shall be notified.
  - (2) The certificate shall be affixed to a conspicuous part of the interior of the limousine and shall be open to the view of all passengers.

**§ 353-15. Insurance: operation of limousines.**

- A. Insurance requirements.
  - (1) No limousine shall be operated wholly or partly along any street in this Township until the owner of the limousine shall have filed with the Township Clerk, in which the owner has his/her principal place of business within this Township, a certificate of insurance naming the Township of West Milford as an additional insured, by a company duly licensed to transact business under the insurance laws of this state, in the sum of \$1.5 million against loss by reason of the liability imposed by law upon every limousine for damages on account of bodily injury or death suffered by a person as result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street.
  - (2) The operation shall be permitted only so long as the insurance policy remains in full force and effect as to the full and collectible amount of \$1.5 million. Limousine owners, or anyone on its behalf, shall not undertake to cancel or have canceled any such policy without giving the Township Clerk 10 days' notice of the intention to do so. No such policy shall be filed by the Township Clerk unless such policy shall contain a provision to the effect that the Township Clerk shall be afforded at least 10 days' notice of the intention of the insurance company which issued such policy to cancel same.
  - (3) The insurance policy shall provide for a payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine upon any public street or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.
- B. Every person operating a limousine, whether an owner and/or driver, who is transporting a child under five years on roadways, streets or highways of this Township, shall be responsible for the protection of the child by properly using a child passenger restraint

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

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system that complies with federal vehicle safety standards. No driver shall operate a limousine in which a child five years of age or younger is a passenger unless:

- (1) A child 18 months of age or younger is in a car seat regardless of whether such child is in the front or rear seat;
  - (2) A child over 18 months of age but less than five years is in a car seat, if a front seat passenger, or is in a lap belt or lap belt and shoulder harness, if a rear seat passenger.
- C. Issuance of license of operation; drivers to be licensed.
- (1) The Township Clerk, upon the filing of the required application and certificate of insurance, shall issue a license, in duplicate, showing that the owner of the limousine service has complied with the terms and provisions of this chapter.
  - (2) The license shall state the name of the insurance company, the number and date of expiration of the policy and a description and the registration number of each limousine service insured thereunder. The duplicate license shall be filed with the Division of Motor Vehicles before any such vehicle is registered as a limousine service.
  - (3) A limousine shall not be operated by anyone for service within the Township unless the driver thereof has been issued a valid limousine driver's license.
- D. Availability of license for inspection; minimum equipment standards.
- (1) The original license shall be retained within the limousine and shall be available for inspection by any police officer of the state.
  - (2) No limousine shall operate on the highways of this state unless it has a license issued and the limousine is equipped, in accordance with minimum standards established by the Director of the Division of Motor Vehicles in the Department of Transportation, with:
    - (a) A two-way communications system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone.
    - (b) A removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle.
    - (c) Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level

**§ 353-16. Limousine driver's license.**

- A. Applications.
- (1) Applications for a limousine driver's license shall be made to the Township Administrator. The forms and information required shall be established by the Township Administrator.
  - (2) The application shall be accompanied by the fee set forth in Chapter 135, Fees and Costs, for the initial license period.
- B. Issuance of license; contents. Upon approval of the application by the Township Administrator, the Clerk shall immediately issue the applicant a limousine driver's license. The license shall contain a licensee's name and address, physical description, signature and photograph.
- C. Term of license; fees. An initial license to drive a limousine shall be valid for the remainder of the calendar year in which it is issued. A limousine driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of the fee set forth in Chapter 135, Fees and Costs.

**§ 353-17. Refusal of application for license; suspension or revocation of license.**

The Township Council or its designee may, in its discretion, refuse to issue or renew or may, after notice and hearing, revoke or suspend any license issued under the provisions of this article if the applicant has been convicted of any crime, disorderly persons offense or petty disorderly in this state or in any other state or territory, or has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey or who violates any provision of this article or has any judgment unsatisfied of record arising out of an automobile accident or who has made false answers in the application for such license or any renewal thereof or who has failed or fails to render reasonably prompt, safe and adequate limousine services or who has not complied fully with all requirements of this article for such class of licensure, or if the licensee or applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of motor vehicle or as to any limousine owner's license if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants, and others, or if the policy of insurance required herein has once lapsed or such coverage is not maintained at all times, or a limousine, at any time, carries more passengers than the same is authorized to carry by the terms of this article.

**§ 353-18. Limousine appearance.**

No lettering, emblem or advertising may be placed on a licensed limousine.

**§ 353-19. Solicitation prohibited.**

Limousine drivers shall not knowingly solicit business in a manner similar to that of a taxicab or attempt to solicit business by knowingly misleading a prospective passenger.

**§ 353-20. Compliance with state laws.**



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

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**Resolutions 2008-105, 2008-106, 2008-107, 2008-108 were voted on as one.**

Agenda No. VII 8  
~ Resolution 2008 – 105 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING REVISIONS TO THE WRONGFUL DEATH STATUTE**

**WHEREAS**, the New Jersey Legislature has recently proposed a bill which would amend and expand the current Wrongful Death Statute, specifically, N.J.S.A. 2A:31-5 to now allow recovery for damages relating to mental anguish, emotional pain and suffering, loss of society and loss of companionship; and

**WHEREAS**, liability claims against municipalities are already increasing at a rate of approximately 10% per year; and

**WHEREAS**, under the current Wrongful Death Statute, family members are entitled to recover substantial compensation for actual pecuniary losses, such as hospital, medical, funeral and lost income expenses; and

**WHEREAS**, this proposed bill will result in an additional increase of 6% to 10% in liability claims costs; and

**WHEREAS**, the proposed bill is contrary to the principles of the Tort Claims Act, N.J.S.A. 59:1-1 et seq.; and

**WHEREAS**, without such limitations and immunities afforded to municipalities under the provisions of the Tort Claims Act, it would be extremely difficult for state, county and local governments to respond to a wide range of emergency situations; and

**WHEREAS**, while the Township of West Milford may recognize the importance of enhancing the Wrongful Death Statute, the Township believes that neither municipalities nor public entities should not have to bear the burden of paying these additional types of damages as they are clearly against the provisions of the Tort Claims Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey, that the Township urges the State Legislature to exempt Tort Claims Act public entities from any expansion to the Wrongful Death Statute and specifically, the changes as reflected in the proposed bill; and

**BE IT FURTHER RESOLVED** that the Township of West Milford shall direct the Township Administrator to transmit a copy of this resolution to Governor Jon Corzine, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that the proposed bill is revised to exempt Tort Claims Act public entities as described in this resolution; and

**BE IT FURTHER RESOLVED** that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or the State of New Jersey or the applicability thereof to any agency, person or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

Agenda No. VII 9  
~ Resolution 2008 – 106 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING BIDS FOR ONE F450 DIESEL, TYPE I, CLASS II, 4 X 4 AMBULANCE OR EQUAL**

**WHEREAS**, the Township of West Milford solicited bids on January 23, 2008 at 10:00 a.m. for one F450 Diesel, Type I, Class II, 4x4 Ambulance or equal; and

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

**WHEREAS**, said bids have been duly reviewed by appropriate members of the Volunteer Ambulance Squad and the Township Attorney; and

**WHEREAS**, the apparent low bidder, First Priority Emergency Vehicles, submitted a bid that has been deemed unresponsive to the technical specifications; and

**WHEREAS**, the second bid submitted by Ambulance Network exceeds the amount of funding appropriated for this purchase.

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

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bids received on January 23, 2008 for one (1) F450 Diesel, Type I, Class II, 4x4 Ambulance or Equal be and are hereby rejected for the reasons stated above.

**BE IT FURTHER RESOLVED** that the Township Council hereby authorizes and instructs the appropriate Township Officials to rebid for this equipment.

Agenda No. VII 10  
~ Resolution 2008-107 ~

**Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Purchase of paving Materials through the Morris County Cooperative Purchasing Council, Contract #5, paving materials to Tilcon New York, Inc.**

**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 #5, Paving Materials, for District #2, for the 2008 year to Tilcon New York, Inc. 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 of West Milford anticipates a need for Paving Materials in 2008; 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 paving materials through the Morris County Cooperative Purchasing Council, Contract #5, Paving Materials in an amount not to exceed \$70,000; 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 8-01-26-290-360.

**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 Paving Materials, in an amount not to exceed \$70,000, through the Morris County Cooperative Purchasing Council, contract #5, Paving Materials awarded to Tilcon New York, Inc.
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 Engineer.

Agenda No. VII 11

~ Resolution 2008-108 ~

**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 MATTHEW J. MULHALL, P.G. OF M<sup>2</sup> ASSOCIATES, INC.**

**WHEREAS**, the Township of West Milford wishes to engage the professional services of a hydrogeologist; and

**WHEREAS**, Matthew J. Mulhall, PG, M2 Associates, 56 Country Acres Drive, Hampton, NJ has provided such services in the interest of the municipality in the past; and

**WHEREAS**, Matthew J. Mulhall has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of M<sup>2</sup> Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds said funds to be encumbered from account number 8-01-20-100-450; and

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

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

1. The Township of West Milford hereby awards and authorizes the Township Administrator and Township Clerk to execute an agreement with Matthew J. Mulhall, PG of M2 Associates, Inc., 56 Country Acres Drive, Hampton, NJ 08827 in an amount not to exceed \$5,000.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law.

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

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- 3. The total fee authorized for this contract shall not exceed \$5,000.00 without the prior written approval of the Township Council.
- 4. The term of this contract shall be from January 1, 2008 through December 31, 2008. Notice of this action shall be published once in the Township's official newspaper as required by law.

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

Agenda No. VIII

**Consent Agenda**

~ Resolution 2008 – 110 ~  
**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 – 111** – Refund Other Liens
- b. **Resolution 2008 – 112** – Refund Performance Bond
- c. **Resolution 2008 – 113** – Refund Filming Bond

**Applications:**

- a. **Macopin Middle School PTA** – On Premise 50/50 Raffle Lic. No. 2008-16
- b. **Macopin Middle School PTA** – Tricky Tray Raffle Lic. No. 2008-17
- c. **Paradise Knoll PTA** – Off Premise Draw Raffle Lic. No. 2008-18
- d. **West Milford Rotary** – On Premise 50/50 Raffle Lic. No. 2008-19

Moved: Weisbecker Seconded: Scangarello  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Abstain: Councilwoman Lichtenberg abstained on Rotary Application only.  
 Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a  
 ~ Resolution 2008 - 111 ~  
**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/Qual	Reimburse Amt	Pay to the Lien Holder
05-082	03/09/2005	08801-018	\$47,717.46	ATF LLC HARRIS NESBITT CORP AS SEC. PART P.O. Box 862658 Orlando, FL 32886-2658
07-042	04/03/2007	06002-015	\$296.64	Douglas Balduini 103 Lee Ave Haledon, NJ 07508
Grand Total			<b>\$48,014.10</b>	

Agenda No. VIII b  
 ~ Resolution 2008 - 112 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNRTY OF PASSAIC, STATE OF NEW  
 JERSEY AUTHORIZING A REFUND OF A PERFORMANCE (CASH) BOND  
 FOR THE PIONEER BAR & GRILL, INC. BLOCK 2801 LOT 2**

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

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**WHEREAS**, the Township Planning Director has submitted a recommendation dated January 24, 2008 for the refund of the Performance (Cash) Bond of the Pioneer Bar & Grill, Inc. in the amount of \$1,700.00; and

**WHEREAS**, said recommendation of the Planning Director states that the remaining improvements that were not installed at the time of a Certificate of Occupancy have been properly installed in accordance with the approved site plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford hereby authorizes the refund of a Performance (Cash) Bond the Pioneer Bar & Grill, Inc. posted by check in the amount of \$1,700.00;

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

Agenda No. VIII c  
~ Resolution 2008 - 113 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF FILMING SECURITY BOND**

**WHEREAS**, a Cash Bond in the amount of \$1000.00 was received as a security deposit for filming in the Township of West Milford; and

**WHEREAS**, a representative of Partizan Entertainment, LLC, 285 West Broadway, Suite 330, New York, NY 10013 has requested a refund of the Security Deposit in the amount of \$1000.00 to Partizan Entertainment, LLC; and

**WHEREAS**, the Township Administrator has recommended that the Cash Bond posted as a security deposit in the amount of \$1000.00 be refunded;

**WHEREAS**, the Township Police Department has advised that Police Department fees have been paid in full.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to refund the amount of \$1000.00 filming security deposit to Partizan Entertainment, LLC, 285 West Broadway, Suite 330, New York, NY 10013.

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Agenda No. IX

**Payment of Bills**

None.

Agenda No. X

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

Administrator Kunze replied to the Council asking about the Community Development Block Grant Program. He explained that the he has spoken with the County Planner and that they are in the process of setting up the program and engaging a consultant. He said that the program is scheduled to start in September 2008 with the first year of funding being in line for 2009. He responded to a question regarding CPR training, which was on the bill list. He explained that it was for police officer recertifications. He said that the budget meeting that was to be held last week had been cancelled and was asking to have those involved advise his office as to rescheduling on Monday or Tuesday. He said that he had received the State aid certification from Department of Community Aid (DCA) and that three aid programs had been eliminated, with total cuts of aid being \$380,000. He will work with the CFO to determine how to best address that. Regarding the defeated Pay to Play Ordinance he is working on acquiring quotes from auditors and will get that information to the Council as soon as possible.

Councilman Smolinski recognized and thanked David Kammen, a West Milford High School graduate who has graduated West Point Academy and is serving in Iraq as a Black Hawk pilot. He said that he will be serving until April in Iraq and then will be going on to Germany where he will serve for a few more years. He has received a Bronze Star. His wife, Peggy, is also a Black Hawk pilot and she and their two girls will join him in Germany. David Kammen was also a West Milford Eagle Scout. Councilman Smolinski congratulated David's mother who was in the audience, saying that he appreciated her coming. He stated that West Milford High School Project Graduation was due to be televised on Cablevision and asked everyone to support this project. Airtime is to be March 30, 2008 from 5-9pm. This is an opportunity to make donations and pledges. There will also be Bingo on March 8 that also supports Project Graduation. He said that it is a fun opportunity to support graduating seniors. The Senior Class will be going to Crystal Springs, Vernon, NJ in celebration of their graduation. Everyone is urged to support Project Graduation. On Friday there will be a musicians competition at the Coffee House for ages 9-12. He said that he had attended a meeting last Saturday which was hosted by Freeholder Gallagher. The meeting was about a change in the form of government. The theme was to explain a model county government using the Bergen County form of County Executive. Most attendees were concerned about districting freeholders. He said that the study will continue and there will be invitations to the public to provide input.

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

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Councilwoman Lichtenberg said that she thought the Township Administrator Kunze would have mentioned the icing conditions on Cliffside Drive in his report, stating that she had visited the area after the meeting where it had been discussed and noted that a number of homeowners had various drains and piping that discharged into the road. She said that the residents on Cliffside Drive need to be notified that they should not be pumping water onto the street. She has gotten information regarding the Sexual Assault and Prevention Program being offered on April 13, 2008. There will be an Open House followed by presentations of various related topics. She re-noted that she is available to all residents at Town Hall on Thursdays from 10am-12noon. She reminded everyone in attendance that this Sunday is the beginning of Daylight Savings time.

Councilman Scangarello thanked Mike Woch, Office of Emergency Management, for his assistance surrounding a kerosene spill on February 6, 2008. Mr. Woch was able to recoup all damages and receive payment in full for the expenses of cleanup. He also spoke about the construction project being done by Ramapo College, which will be getting underway at the Wallisch Estates. He confirmed with Township Administrator Kunze that they will be planting 400 trees and a nature path with signage. Township Administrator Kunze agreed, adding that the work is part of an agreement for wetlands mitigation. He assured that the residents of Sophie Avenue had been notified of the work to begin.

Councilman Schimmenti said that as a member of the Health Advisory Board that there were a number of worthwhile clinics being offered by the Health Department this month. On March 7, there will be a clinic for earwax removal and he reviewed the specifics. He said that all clinics were posted in the local newspaper and in town hall. Other upcoming clinics are for male cancer screening, blood pressure checks, and the SMAC program. He said that if there were questions, or for more information to contact the Township Nurse, read the local newspapers or check the Township website. He also mentioned that this past weekend he had been embarrassed when at a local restaurant with his family. The restaurant owner asked to speak with him and told him that no one had attended the Veterans Recognition Ceremony on March 1. He said that an invitation had been addressed to Mayor Bieri, however there was neither Mayor nor Council representation from West Milford. Councilman Schimmenti said that he expressed his apologies, and that he would have attended if he had known about the ceremony. He asked that in the future, the Mayor notify the Council if she cannot attend and further went on to ask for the administrative staff to advise council members in addition to providing the invitation in the weekly packets. He publicly apologized to all veterans for this oversight.

Councilman Weisbecker asked if it would be possible to invite the Veterans to provide a presentation. He said that if there is ever a situation whereby the Mayor cannot attend something such as this that she reach out to him. He said that he would be honored to attend if he were able to. He shared in Councilman Schimmenti's apology to all veterans.

Councilman Nolan expressed that there is quite a lot of correspondence which is contained in the Council packets. He feels that the oversight surrounding the Veterans Ceremony should be discussed at a Workshop Meeting, in an effort to prevent this from happening again. He mentioned the upcoming monthly blood drive on 3/16/08 at the First Aid Squad Building and was concerned that the attendance at the previous months blood drive was low, perhaps due to it being held on President's Day Weekend. He spoke about the West Milford Library's funding, saying that the Library must be funded at the State mandated rate, stating that at present the Township budgets the Library for approximately \$250,000 more than they spend, believing that the Library now has over \$1 million. He said that there is a bill which has passed the State Assembly allowing municipalities to fund libraries at the amount they spend. The bill goes before the State Senate on March 6, 2008. If passed by the Senate and signed by Governor Corzine, then it should be discussed by the Mayor and Council before the Township budget is finalized. Referring to the Township Administrator Kunze's comments regarding the Department of Community Aid, he said that the total aid cut of \$288,000, which is 6.9% equated to a \$26 increase to the average homeowner. He said that Watershed Aid was not cut and has been at the same level since 2005. Under the Highlands Protection Planning Act, the Township is supposed to receive \$15,000 in aid, however last year received only \$400. He would like the State contacted to question the discrepancy. He said that the Green Acres Trust went up slightly, and feels that these items must be reviewed prior to the Township budget being adopted. He stated that with Environmental Committee has been responsible for the Open Space Plan, whereas other communities have an Open Space Committee. The Environmental Committee works very hard, however they have many more concerns. He would like to see an Open Space Committee organized for the sole purpose of acquisitions under the Open Space Plan.

Mayor Bieri said that the process for receiving invitations needed to be streamlined so as to not receive them in packets just before the event. She said whenever she is invited to an event as Mayor, she would ask that the Council be notified if she cannot attend. The current policy for administrative personnel is to notify the Council members of any invitation which is directed to her. Councilman Smolinski asked that the policy further include advisement to the Council President if in the event the Mayor is unable to attend any event. She reminded the Council that the Senior Property Tax Reimbursement Program (Senior Tax Freeze) has a deadline of June 2<sup>nd</sup>. She also explained the details of the program. She said that if any Township senior citizen qualifies, they should obtain an application from the Tax Department. She said that she had the opportunity this past week to meet with Senator Pennachio, Assemblyman DeCroce and Jane Webber, along with nine other Mayors. At that meeting she mentioned four items of concern; State mandate, State pay; discussion on the budget cap mandate, saying that in theory she feels the mandate

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

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to be fair in forcing municipalities to spend their monies responsibly, fostering good government, however hypocritical to force municipalities to stay within a 3% cap while not adhering to that same 3% cap within the State's own budget. She also stated that she felt that the State should cap arbitration and negotiate to the same level as budget caps. She said she also spoke with them regarding Watershed Aid and funding to the Highland communities. Last week comments were made regarding two West Milford residents, Kathleen Caren and Freeholder Terry Duffy who are involved in county government. It was asked that they discuss county issues with the Township which affect West Milford,. She said that inasmuch as she agrees that there should be open communication, she wanted to remind the Council to keep this in perspective. Ms. Caren was on the disbanded West Milford Open Space Committee. She also applied for a position on the Beautification and Recycling Committee and the Council kept the positions open rather than appoint her. This Council has condemned Freeholders for actions taken. She feels as though the Council should not burn bridges. Mayor Bieri stated that she had performed the first wedding ceremony last Friday for a military person. He will be deployed to Afghanistan. She will now be performing wedding ceremonies and civil unions. She said that she does agree with Councilman Nolan that West Milford does need an Open Space Committee. The Environmental Committee does great work but have enough to do. She would like to discuss this on a future workshop agenda. The Treps flea market will be taking place at Paradise Knoll School this Friday. It was snowed out last week. She encourages attendance. She thanked Administrator Kunze for addressing the need for a budget hearing. She then read the following statement as to rezoning of Newark Watershed. " The Newark Watershed property which consists of approximately 16,000 acres located within the municipality has been the subject of possible rezoning. Mayor and Council have discussed various legal implications regarding this issue and at this time there is no plan to rezone that property. The Mayor and Council are mindful that the property has extensive deed restrictions and after consulting with Township professionals it has been determined that rezoning of that property will be of no benefit to the Township of West Milford or the residents of this municipality."

Township Clerk Antoinette Battaglia spoke regarding petitions for the upcoming primary elections. She said that there are two council seats which are up for election. Petitions are due back by April 7.

Township Attorney Fred Semrau said that Castle Rock is before the United States Supreme Court and that it is rare for a local office, however an attorney for The Giacobbe firm, Mr. Padula, is admitted to the US Supreme Court. He has complied with our Pay to Plan and Attorney Ethics. He asked for a motion to have a response filed by Mr. Padula. Castle Rock filed a Request for Review based on their challenge to the Highlands Act. It has been denied by other courts. The Township has the option to file a response which is not lengthy under Mr. Padula's name. It is a long process, costing several hundreds of dollars to be admitted to the US Supreme Court. Mr. Padula is willing to sign off on the brief. Councilman Weisbecker asked what our response entailed. Township Attorney Semrau explained that this was approved subsequent to the Highlands Act and that the Township had lost rights under the Highlands Act. The 98 page complaint was filed in Paterson and was dismissed. It was filed with the Appellate Division and was denied. Motion was made by Councilman Weisbecker and seconded by Councilman Nolan. Township Attorney Semrau then clarified a question raised by Councilman Nolan regarding the Highland Tax Revenue and how it relates to 2006. Township Attorney Semrau explained that it had been a specific program whereby tax appeals were settled with reimbursement. Fortunately due to the Highlands Act, there have been no tax settlements and therefore no revenue lost.

Councilman Smolinski asked Township Attorney Semrau when the statement regarding the Newark Watershed property had been made public. Township Attorney Semrau explained that there had been an executive session meeting of the Mayor and Council where it was determined that there would not be any action taken at this time. A local newspaper had questioned this topic and therefore a statement was prepared and agreed upon in an executive session to be released. Since there had been no action taken the statement was prepared and consented to in executive session to be released. Councilman Smolinski stated that he cannot recall this taking place. Mayor Bieri said that she read the statement as it was agreed to by the Council.

Agenda No. XI

**Appointments**

Agenda No. XI 1

~ Resolution 2008-114 ~

**MAYOR'S APPOINTMENT OF RENEE PALERMO AS DIRECTOR OF COMMUNITY SERVICES AND RECREATION IN ACCORDANCE WITH SECTION §15-62 OF THE TOWNSHIP CODE**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment of Renee Palermo to the position of Director of Community Services and Recreation in accordance with section §15-62 of the Township Code. Said appointment shall begin on the effective date of ordinance 2008-004 which ordinance establishes this title.

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

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

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Agenda No. XIV  
**Executive Session**  
~ Resolution 2008-115 ~  
**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 5<sup>th</sup> day of March, 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.
  - ( ) 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.
    - Potential Acquisition of 352 Warwick Turnpike
    - Hillcrest School Appraisal
  - ( ) 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.
    - Upper Greenwood Lake Property Owners Association – Grits/Lake Issue
    - Random Woods
    - Brown’s Plaza and Wastewater Management Plan Update
    - Eagle Ridge – Winters v. West Milford
    - Valley Ridge
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

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

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Agenda No. VII 12  
~ Resolution 2008-109 ~  
**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 MATTHEW S. KRAUSER FOR OPEN SPACE CONSULTING, ADVISORY AND VALUATION SERVICES IN AN AMOUNT NOT TO EXCEED \$4,000.00**

**WHEREAS**, with the creation of a dedicated source of tax revenue (“Open Space Trust Fund”) for the acquisition of open space, there exists a need to retain the services of an open space consultant who has the technical expertise and experience in the field of open space and valuation issues concerning the acquisition of open space; and

**WHEREAS**, Matthew S. Krauser of Integra Realty Resources has such experience and expertise in reviewing various open space acquisitions and commenting on various valuation issues; and

**WHEREAS**, the Township wishes to retain Matthew S. Krauser for the purpose of assisting the Township of West Milford with regard to the possible acquisition of open space and farmland, valuation issues surrounding such open space acquisitions and other various related services as outlined in his proposal dated February 29, 2008; and

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

