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

Minutes of: Township Council Regular Meeting  
Date of Meeting: January 23, 2008  
Time of Meeting: 7:30 P.M.  
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this 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**

Councilman Weisbecker moved to adopt the minutes of the December 12, 2007 Workshop & Regular Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the January 2, 2008 Reorganization Meeting Minutes as presented.

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

Councilman Weisbecker moved to adopt the minutes of the January 2, 2008 Executive Session Minutes as presented.

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

**Presentations**

**Eagle Scouts – Ralph C. Villecca, Jr. & Richard William Connolly-Randazzo**

Mayor Bieri invited William Connolly-Randazzo and his parents to join her at the podium. She advised that Mr. Villecca is unable to attend tonight's meeting because of a conflicting schedule. West Milford, she said, is unique in that so many of the Township's young men attain the prestigious rank of Eagle Scout. She welcomed Mr. Connolly-Randazzo and Mr. Villecca to those ranks advising that their names will be added to the plaque on display in the municipal building. Mr. Randazzo-Connolly advised that he attained the level of Eagle Scout upon completion of his project where he build two benches at Milford Manor and installed planters and a garden for the residents to enjoy. Mayor Bieri thanked him for his hard work noting that, although this was one project, the road to this point has been years in the making beginning with his joining the Boy Scouts in 1<sup>st</sup> grade. She stated that she has watched this young man grow up and that he, his parents and his sister have been of immeasurable help during the years at the animal shelter.

**Special Police Officers – Swearing In**

Mayor Bieri invited Chief Paul Costello to join her at the podium. She stated that special police officers are an integral part of the police department. They assist police officers at municipal functions and with traffic control. Chief Costello stated that the special police officers augment the department and are a close-knit component that assists in providing quality service to West Milford. Many of these special officers have

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served the community for many years. Mayor Bieri introduced each special officer by name as each joined her and the Chief at the podium. Chief Costello introduced Sergeant James Paul noting that he directly supervises the special police officers. He does a great job coordinating the schedules, hiring and training the special officers. Sergeant Paul joined his staff. Mayor Bieri administered the oaths of office to the special police officers. On behalf of the Township and the Council, she congratulated them and thanked them for their service to the community.

**Ross Kushner – Pequannock River Coalitioin – Highlands Master Plan**

The Mayor and Council vacated the dais and joined the audience to view Mr. Kushner's power point presentation. Mr. Kushner thanked the governing body for the opportunity to speak tonight about environmental concerns associated with the Highlands Master Plan. He provided a brief overview of the Pequannock River Coalition, it's history and it's ties to West Milford. He stated that the Highlands region in New Jersey encompasses 860,000 acres. This area supplies potable water to half of the citizens in the state, including West Milford residents. There is a significant wildlife population in the area that attracts many people who want to escape overpopulated areas that are so prevalent in New Jersey. While the area generally has high water quality, there are many lakes that have pollution problems. The process that is now the Highlands Master Plan began in 1992. In 2002, largely due to a large population increase, the state recommended that the water supply be protected. The Highlands Act was enacted in 2004 to protect water resources and the beauty of the Highlands region. This Act provided for the creation of a master plan.

The plan map can be likened to a zoning map. He reviewed the differences between the planning areas and other areas within the Highlands region. He stated that the plan must be strong enough to protect our water and the first problem he sees is with existing community zones. The plan considers these zones to have limited environmental constraints and therefore, they contend, these areas can sustain more development. However, he said, many of these areas are environmentally sensitive. There are some wells and wetlands in these areas which is a concern. In the preservation area, development and redevelopment is limited to Brownfield's or to areas where the existing impervious cover is 70% or more. However, the map that was promulgated is inconsistent with those guidelines. He recommends that all sensitive environmental features must be removed from these zones so that the existing zones in the preservation area meets the guidelines. Past studies have indicated that there are water deficits in this area and rivers will run dry if not protected. However, the Highlands Council created a policy called conditional availability wherein a developer can build recharge basins to increase water quantity. He disagrees with that concept. Additionally, under the plan, a developer only has to promise that he will build recharge basins before building; there is no provision that compels a developer to abide by such a promise. Relying on roof runoff as the plan suggests cannot increase water quantity. West Milford residents already practice water conservation and he questioned how much more they can do. Wells continue to run dry at an increased rate while many growth zones have been placed in water deficit areas. Existing community zones get four-times the allotment that other areas get. No consideration was given to the impact this will have on existing water sources; more growth and development should not be allowed.

The Highlands Council, Mr. Kushner said, has created new lake community zones which are indicated in pink on the map. However, as he pointed out, there are very few lakes in those zones. They mapped these zones over portions of lakes, which makes no sense and these areas continue to be targeted for sewerage systems. Therefore, any existing lot in a lake community zone can get sewerred. Many existing lots around lake are currently not developed because they cannot pass PERC tests for septic systems. Additionally, High Crest Lake has been designated a receiving area for transfer of development rights (TDR's) which means that growth will be sent to this area. Sewers, he said, should be a last resort and should be limited to existing homes.

Mr. Kushner stated that the mapping changes are a big problem for the environmental community. The new policy allows towns and counties to request map changes which have the potential to have protected land moved into existing community zones. He stated that, in his opinion, county and municipal elected officials are weak gatekeepers. He would prefer that all map changes be based on sound science. This is the last chance for the Highlands area to be preserved. He recommended that governing bodies engage in the comment period and citizens should write letters to the editor. He encouraged everyone to join concerned groups because people protect rivers.

**Proclamations**

None.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 1

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**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EASEMENT FOR BLOCK  
12312, LOT 2**

**WHEREAS**, with the rehabilitation of the Gordon Lakes Dam, the Township of West Milford will need to obtain an permanent easement from the owner in possession of certain property designated as Block 12312 Lot 2; and

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

**WHEREAS**, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the rights to install, rebuild, replace, reconstruct, repair and maintain road, sidewalks, grouted riprap, slope improvements and other necessary appurtenances in, upon, under and through said lands and other rights as set forth in the Deed of Easement; and

**WHEREAS**, the Township of West Milford does hereby determine to accept said dedication of the within permanent easement as set forth herein for the benefit of the Township of West Milford and the public in general as it is needed for the rehabilitation of the Gordon Lakes Dam.

**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 easement set forth in the attached easement of dedication, being part of Block 12312 Lot 2, is hereby accepted as and for a permanent easement.
2. The Township Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor Bieri advised that this ordinance was introduced on January 9, 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 Nolan moved to close the public portion, seconded by Council President Smolinski and carried by unanimous roll call vote.

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

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Agenda No. V

**Public Comments**

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

Carla Horton, 132 Bearfort Road, West Milford encouraged elected officials to pay strong heed to the issues presented by Mr. Kushner. She invited the public to a Democratic caucus on Monday January 28<sup>th</sup> at 8:00 p.m. at 190 Pinecrest Drive. She thanked Council President Smolinski for broaching the issue of sexual assault at the last meeting. That inspired her to reach out in the community to arrange for a sexual assault training program for parents and children to learn how they can protect themselves or, if they find themselves victimized, how to forge a successful prosecution and heal from the trauma. She has reached out to PAL, CASA, and the Sheriff's office. She asked the Mayor and Council to participate noting that this is a community issue. She will provide more information as it becomes available. Sadly, no community is immune to victimization and it is incumbent on all of us to join together to educate ourselves and provide needed support to victims. We must set a zero tolerance in our community.

Jim Geist, 57 Bayonne Drive, Hewitt thanked the Pequannock River Association for their presentation tonight. He advised that he has lived in West Milford for five years. During these years, as he travels to Pennsylvania to visit his parents, he has seen that development has changed the beautiful landscape along the Delaware River. He urged West Milford officials to be proactive in preserving this area and the water supply.

Karl Hipp, Hoover Truck Center, Sales Manager stated that he is the apparent low bidder on a dump truck recently bid by West Milford. His bid has been rejected and he would like to request an opportunity to defend his bid. The resolution scheduled for tonight would award this bid to a company whose bid is

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\$20,000 higher than his. The Township, he said, did not provide reasons for rejecting his bid and his efforts to speak with the DPW superintendent were not successful.

Dan Jurkovic, 24 Seymour Drive, West Milford noted that the Council is scheduled to discuss rezoning the Newark Watershed property in executive session tonight. He thanked Mayor Bieri for not allowing that topic to be dropped stating that these inequities have been plaguing West Milford for years. He advised that Parsippany was successful in a similar endeavor some years ago. He quoted from a newspaper article about state studies on land valuation. That article values the Meadowlands, 8,400 acres, at \$71 billion. He thanked the Council for addressing this matter.

Andrew Gargano, 45 Apshawa Crossroads, West Milford asked Mr. Semrau to explain why the Newark Watershed discussion is being held in executive session rather than in a public forum.

James Warden, 199 Highcrest Drive, West Milford asked Mr. Semrau to ensure that he provides proper guidance in executive session tonight. The Newark Watershed land is under conservation easement and the proposed plan to rezone that property will cost West Milford hundreds of thousands of dollars. He urged the Council to drop this matter before it backfires. He asked Mr. Semrau to ensure that all Council members understand that they will open a Pandora's box if they amend the wastewater management plan for the Brown's Point Plaza project. He stated that he saw on the agenda that Mr. Scangarello has asked to be appointed to the MUA and he would oppose such an appointment because Councilman Scangarello has sat in executive sessions of the Council wherein MUA issues were discussed. He stated that he has been taping municipal meetings and he would like to see meeting videos posted on the Township's website so that the public can be kept informed.

There being no 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, Fred Semrau advised that the Township received a letter earlier today from Hoover truck Centers protesting the award of the dump truck bid. He advised that the bids were subjected to an extensive review and the lowest bid was not recommended because it contained inconsistencies. He stated that he would like to confer with the Administrator on this matter before the Council takes action tonight. He provided Mr. Hipp with an itemized list of deviations found in his bid. He advised that the Newark Watershed matter is being discussed in executive session because he wishes to advise Council of the potential legal impact of their decision. However, there will be no policy discussion or decisions made in executive session. The wastewater management plan is being discussed in executive session to advise the Council of the potential impacts of any amendments to the plan.

Administrator Kunze stated that the Township is reviewing the technical and cost implications of streaming video on the website.

Councilman Nolan expressed concern that the DPW Superintendent was not responsive to a company that bid on a West Milford contract. Administrator Kunze stated that Mr. Storms has been out sick lately but he generally is very timely in his response to any query. He further stated that his only concern about awarding the contract tonight is related to the 60-day time limit.

Council President Smolinski stated that he appreciates the presentation made tonight. He works in Bergen County and enjoys his commute to and from work every day. He considers himself part of the environmental community and appreciates the nature and wildlife West Milford residents enjoy. He stated that tonight's presentation was missing a key component which is the economic viability of the Highlands Master Plan. His comments should not be construed to mean that he is opposed to the Highlands Act or the Highlands Master Plan. Rather, the missing component is vital to the success of the entire goal of preservation and conservation. The almost 400 page document which is the master plan only makes about three references to an end user fee. Without addressing the economic impact this Act will have on West Milford, he is concerned about the viability of residents being able to afford to stay in West Milford in the future. The Highlands Master Plan addresses the need to support the economic vitality of the Highlands region yet it does not provide any mechanism to provide for tax relief to those areas that will see reduced rates as a result of the Highlands Act. The concept of the Highlands Act and the Plan is sound but the ability of a municipality to remain solvent in the preservation area without some economic relief is in jeopardy.

Mayor Bieri expressed appreciation to Mr. Kushner for his presentation tonight. She does belong to several environmental groups and believes that protecting open space will stabilize taxes as it has done

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in the Pinelands. While taxes are high in West Milford, high taxes are not specific to this town. Development will not reduce taxes and residents are not leaving West Milford to move to more developed communities. While she agrees that the Highlands Master Plan should contain a provision for funding, it is important to concentrate on making the plan the best it can be to preserve the water and the Highlands region. Council President Smolinski stated that he is not in favor of development but the plan must contain a provision to allow for municipalities to generate revenue.

Agenda No. VII

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

The following item were acted upon by the Town Council:

Agenda No. VII 1

~ Ordinance 2008 - 002 ~

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 158, "FLOOD DAMAGE PREVENTION," SUBSECTIONS 158-5, "DEFINITIONS," 158-12, "ESTABLISHMENT OF DEVELOPMENT PERMIT; APPLICATION," AND 158-14(B), "DUTIES AND RESPONSIBILITIES OF LOCAL ADMINISTRATOR," OF THE REVISED GENERAL ORDINANCES TO AMEND THE REFERENCE OF TOWNSHIP ADMINISTRATOR TO TOWNSHIP ZONING OFFICER**

**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 158, Flood Damage Prevention, Subsections 158-5, Definitions, 158-12, Establishment of Development Permit; Application, and 158-14(B), Duties and Responsibilities of Local Administrator, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§ 158-5 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

**APPEAL** — A request for a review of the Township Zoning Officer's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING** — A designated AO or AH zone on a community's Flood Insurance Rate Map with a one-percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT** — Any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within an area of special flood hazard.

**ELEVATED BUILDING** — A nonbasement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

**FLOOD or FLOODING** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

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- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

**FLOODPLAIN MANAGEMENT REGULATIONS** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 of a foot.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so to render the structure in violation of other applicable nonelevation design requirements.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**RECREATIONAL VEHICLE** — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the longest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and

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- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION**

- A. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
- B. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** — A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

**§ 158-12 Establishment of development permit; application.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 158-7. Application for a development permit shall be made on forms furnished by the Township Zoning Officer and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation, in relation to mean sea level, to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 158-17G; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**§ 158-14 Duties and responsibilities of local administrator.**

Duties of the Township Zoning Officer shall include, but not be limited to:

- A. Permit review. The Zoning Officer shall:
  - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
  - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
  - (3) Review all development permits to determine if the proposed development is located in a floodway.
  - (4) Assure that the encroachment provisions of § 158-18A are met.

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- B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with § 158-7, Basis for establishing areas of special flood hazard, the Township Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 158-17F, Specific standards, residential construction, and § 158-17G, Specific standards, nonresidential construction.
- C. Information to be obtained and maintained. The Zoning Officer shall:
  - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - (2) For all new or substantially improved floodproofed structures:
    - (a) Verify and record the actual elevation (in relation to mean sea level); and
    - (b) Maintain the floodproofing certifications required in § 158-12C.
  - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Alteration of watercourses. The Zoning Officer shall:
  - (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Floodplain Management Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
- E. Interpretation of FIRM boundaries. The Zoning Officer shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 158-15.

**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.

INTRODUCED: January 23, 2008

Mayor Bieri advised that this ordinance is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for February 13, 2008. Notice of this public hearing shall be published in the Herald News on or about January 27, 2008. Mr. Semrau advised that the Council adopted an ordinance last year to ensure that the Township's flood maps are updated so that residents would be eligible for FEMA and federal aid. The state has commented that the ordinance adopted is acceptable but they recommended that the Zoning Officer be designated as the enforcing authority. This ordinance makes that administrative adjustment.

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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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Mayor Bieri asked for Council consent to move resolutions 050 through 062 as one group. Councilman Scangarello asked that resolution 052 be considered separately. He said he will seek to table that resolution to the next meeting. As he reviewed the proposal for engineering work for the streetscape project, he believes that the Township's in-house engineering staff may be able to do this work and the money could then be used on improvements. Administrator Kunze stated that the engineering staff has the expertise but not the resources to do this work. If they were to be assigned this project, some other projects may suffer. Councilman Scangarello stated that businesses and residents are suffering because of the conditions in this area. Seniors want sidewalks and the funding would be better used to meet the resident's needs rather than spending \$121,800 for engineering. He asked the Administrator to follow up with the Township Engineer and report back to Council.

Mr. Semrau asked the Council to vote separately on resolution 053 and further requested that they table action on this resolution to the next meeting.

The Council agreed to move all the resolutions from 050 through 062 as one except for resolutions 052 and 053.

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

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

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Motion carried.  
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Agenda No. VII 2

~ Resolution 2008 - 050 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE MORRIS LAND CONSERVANCY FOR OPEN SPACE CONSULTING AND ADVISORY SERVICES**

**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 preservation consultant whose staff members have the technical expertise and experience in the field of open space and farmland preservation and stewardship; and

**WHEREAS**, the Morris Land Conservancy is a nonprofit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

**WHEREAS**, the Township wishes to retain the Morris Land Conservancy for the purpose of assisting the West Milford Township Council and the West Milford Township with a variety of open space services and landowner negotiations, including, but not limited to, the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland and other various related services as outlined in its proposal dated January 11, 2007; and

**WHEREAS**, the total amount of the contract for the twelve (12) month term shall not exceed \$15,000.00; and

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

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

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with the Morris Land Conservancy, with offices located at 19 Boonton Avenue, Boonton, New Jersey, 07005, as open space preservation consultant to assist the Township in the area of open space acquisition, preservation and stewardship in an amount not to exceed \$15,000.00 in accordance with its proposal dated January 11, 2007.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$15,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and the Morris Land Conservancy, 19 Boonton Avenue, Boonton, New Jersey, 07005, for their information and guidance.

Adopted: January 23, 2008

Agenda No. VII 3

~ Resolution 2008-051 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIMS AGAINST THE TOWNSHIP IN**

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

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**ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT,  
N.J.S.A. 58:8-6**

**WHEREAS**, the New Jersey Tort claims Act, N.J.S.A. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity; and

**WHEREAS**, the Township of West Milford is a public entity covered by the provisions of the New Jersey Tort Claims Act; and

**WHEREAS**, the Township of West Milford deems it advisable, necessary and in the public interests to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey assembled in public session the 23<sup>rd</sup> day of January, 2008 that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the township of West Milford; and

**BE IT FURTHER RESOLVED** that all persons making claims against the Township of West Milford, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1 et. seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.

Adopted: January 23, 2008

Agenda No. VII 6

~ Resolution 2008 – 054 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF A REPLACEMENT VEHICLE FOR THE TOWNSHIP'S POLICE DEPARTMENT**

**WHEREAS**, the Township of West Milford Police Department has reported to the Governing Body that it has a need to replace police car #485 determined to be a total loss by the insurance company due to a motor vehicle accident; and

**WHEREAS**, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available to replace police car #485 by the purchase of one additional police vehicle for the Township's police department; and

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

**WHEREAS** a 2008 Ford Expedition, is available under the Morris County Cooperative Purchasing Council Contract 15-C and said contract was awarded to Warnock Fleet of 175 Route 10, East Hanover, NJ 07936 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 Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number 7-01-23-210-416 - \$1,000.00 and account number 7-01-25-240-900 - \$23,825.54.

**NOW THEREFORE, BE IT RESOLVED** that the Township Council does hereby authorize the Township Administrator, the Chief of Police, and the Chief Financial Officer to execute and process a purchase order to Warnock Fleet in the amount of \$24,825.54 for the purchase of one (1) 2008 Ford Expedition for the Township's Police Department in accordance with the Morris County Cooperative Purchasing Council contract for same.

Adopted: January 23, 2007

Agenda No. VII 7

~ Resolution 2008 – 055 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO WAYNE T. McCABE & ASSOCIATES, INC. FOR PROFESSIONAL PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$1,670.00**

**WHEREAS**, the Township of West Milford and, specifically, the Township Historic Preservation Commission is in need of professional services to be rendered in the review and revision to the Municipal Historic Preservation Ordinance; and

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

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**WHEREAS**, Wayne T. McCabe of Wayne T. McCabe & Associates, Inc. has such experience and expertise in reviewing, commenting on and revising such types of historic preservation ordinances; and

**WHEREAS**, with the recommendation of the Township Historic Preservation Commission, the Township wishes to retain Wayne T. McCabe for the purpose of providing the Township of West Milford with professional planning services in the area of review and revision of the current Historic Preservation Ordinance as well as other various related services as outlined in his proposal dated December 11, 2007; and

**WHEREAS**, the total amount of the contract shall not exceed \$1,670.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this service said funds to be encumbered from account number 8-01-20-175-200; and

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

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

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Wayne T. McCabe, of Wayne T. McCabe & Associates, Inc., with offices located at 83 Main Street, Newton, New Jersey, 07860, as municipal consultant for the purpose of providing the Township of West Milford with professional planning services in the area of review and revision of the current Historic Preservation Ordinance as well as other various related services as outlined in his proposal dated December 11, 2007.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$1,670.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Wayne T. McCabe, of Wayne T. McCabe & Associates, Inc., 83 Main Street, Newton, New Jersey, 07860, for their information and guidance.

Adopted: January 23, 2008

Agenda No. VII 8

~ Resolution 2008-056 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED ON JANUARY 2, 2008 BY VIRTUE OF RESOLUTION 2008-033 TO FRED KNAPP, ESQ., SUCH AMENDMENT TO AUTHORIZE MR. KNAPP TO REPRESENT THE TOWNSHIP OF WEST MILFORD IN THE MATTER KNOWN AS O'SHEA v. WEST MILFORD FILED IN THE SUPERIOR COURT ON DECEMBER 14, 2007**

**WHEREAS**, the Township of West Milford appointed Fred Knapp, Esq. to represent the Township in pending labor matters that remain outstanding from 2007 as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

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

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**WHEREAS**, on that date and by virtue of Resolution 2008-032, the Township authorized Matthew Giacobbe, Esq. to represent the Township in the matter known as O'Shea v. West Milford filed in the Superior Court on December 14, 2007; and

**WHEREAS**, Mr. Giacobbe has advised that he is unable to provide such representation; 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 bids and the contract itself must be available for public inspection; and

**WHEREAS**, the term of a contract for this service is until the completion of the above referenced legal matters; and,

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 8-01-20-155-202.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to amend the contract with Fred Knapp, Esq. of the firm Laufer Knapp, LLC for an amount not to exceed \$12,500.00 as described herein to the satisfaction of the Township Administrator; and,

**BE IT FURTHER RESOLVED** that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: January 23, 2008

Agenda No. VII 9

~ Resolution 2008-057 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED ON JANUARY 2, 2008 BY VIRTUE OF RESOLUTION 2008-032 TO MATTHEW GIACOBBE, ESQ., TO SERVE AS LABOR COUNSEL FOR THE TOWNSHIP**

**WHEREAS**, the Township of West Milford appointed Matthew Giacobbe, Esq. to represent the Township in labor matters for 2008, PBA & SOA negotiations and the matter known as O'Shea v. West Milford filed in the Superior Court on December 14, 2007 as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

**WHEREAS**, Mr. Giacobbe has advised that he is unable to represent the Township in the matter known as O'Shea v. West Milford; 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 bids and the contract itself must be available for public inspection; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 8-01-20-155-202.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Municipal Clerk to amend the contract with Matthew Giacobbe, Esq. of the firm Scarinci & Hollenbeck, LLC, for an amount not to exceed \$40,000.00 as described herein to the satisfaction of the Township Administrator; and,

**BE IT FURTHER RESOLVED** that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: January 23, 2008

Agenda No. VII 10

~ Resolution 2008-058 ~

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

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER  
OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-032-008  
FROM 736 LLC LOCATED AT 736 WARWICK TURNPIKE, HEWITT,  
NEW JERSEY TO MERSIMI & MAHMUDI, INC. FOR PREMISES AT THE SAME LOCATION**

**WHEREAS**, an application has been received for a Person to Person transfer of 2007 - 2008 Plenary Retail Consumption License No. 1615-33-032-008 presently held by 736 LLC at 736 Warwick Turnpike, Hewitt to Mersimi & Mahmudi, Inc. for premises at the same location; and

**WHEREAS**, the transfer of this license is due to a requirement of the New Jersey Division of Taxation due to taxes being paid in the trade name rather than the license name; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2007 - June 30, 2008).

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred.

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license per the requirement of the New Jersey Division of Taxation.

Adopted: January 23, 2008

Agenda No. VII 11

~ Resolution 2008-059 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,  
STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER  
OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-016-004  
FROM JERZY CHRZANOWSKI LOCATED AT 3055 ROUTE 23, OAK RIDGE,  
NEW JERSEY TO MILFORD STEAKHOUSE, INC. FOR PREMISES AT THE SAME LOCATION**

**WHEREAS**, an application has been received for a Person to Person transfer of inactive 2007 – 2008 Plenary Retail Consumption License No. 1615-33-016-004 presently held by Jerzy Chrzanowski at 3055 Route 23, Oak Ridge to Milford Steakhouse, Inc. for premises at the same location; and

**WHEREAS**, the transfer of this license is due to a requirement of the New Jersey Division of Taxation due to taxes being paid in the trade name rather than the license name; and

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

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the license be transferred as inactive with the following conditions:

1. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

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

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**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer and hold the inactive license certificate until activated per conditions referenced above.

Adopted: January 23, 2008

Agenda No. VII 12

~ Resolution 2008-060 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-016-005 MILFORD STEAKHOUSE, INC. FOR THE 2007 - 2008 LICENSE YEAR WITH CONDITIONS AND REQUIREMENTS**

**WHEREAS**, the application for renewal of Plenary Retail Consumption License No. 1615-33-016-005 Milford Steakhouse, Inc. for the 2007 - 2008 License year has been received and reviewed; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2006 - June 30, 2007).

**WHEREAS**, The Township Council was advised by the Police Department of investigations on this license; and

**WHEREAS**, the Police Department has recommended that the license be renewed as inactive with the following conditions as required by the New Jersey Division of Alcoholic Beverage Control; and

1. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.
2. Licensee must file an amendment to the current license application, designating a Manager as stated on the record at the Public Hearing held by the Township Council at their meeting of January 9, 2008, pages 1, 9 and 11 of the 12 page application for Plenary Retail Consumption License No. 1615-33-016-005

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk is directed to issue the license certificate for the Mayor and Township Council of the Township of West Milford.

Adopted: January 23, 2008

Agenda No. VII 13

~ Resolution 2008-061 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION 2008-024 ADOPTED ON JANUARY 9, 2008 AND PERTAINING TO THE HIRING OF A HEALTH OFFICER**

**WHEREAS**, by virtue of Resolution 2008-024 the Township Council of the Township of West Milford gave consent to the Mayor's appointment of Christopher Chapman to the position of Township Health Officer in accordance with section §15-51 of the Township Code; and

**WHEREAS**, the Township Administrator has received written notification from Mr. Chapman that he shall decline such appointment.

**NOW, THEREFORE BE IT RESOLVED**, that Mayor Bieri withdraws her appointment of Christopher Chapman as Health Officer at his behest.

**BE IT FURTHER RESOLVED**, that the Township Council hereby rescinds the action taken by virtue of Resolution 2008-024 adopted on January 9, 2008.

Adopted: January 23, 2008

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

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Agenda No. VII 14

~ Resolution 2008-062 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE BOARDING UP OF UNINHABITABLE STRUCTURES AND PROVIDING FOR THE PAYMENT AND COLLECTION OF COSTS OF SAME**

**WHEREAS**, the Building Standards Board of the Township of West Milford has ordered the boarding up of the West Milford Lake Clubhouse, owned by West Milford Lake and located at 32 Marshall Hill Road (Block 5708, Lot 1), West Milford, New Jersey, and a building owned by Joaquina Ferreira, located at 24 Woodland Drive (Block 3503 Lot 15), Hewitt, New Jersey as a result of uninhabitable conditions; and

**WHEREAS**, the West Milford Lake Association and Joaquina Ferreira, the owners of these premises, have failed to comply with said orders or to appeal the order of the Board within the period permitted by law; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.3 et seq., the Township is authorized to make necessary repairs or take steps to abate conditions dangerous to the public welfare and place the cost of same as a lien upon the land; and

**WHEREAS**, the cost of completing the necessary boarding up of both buildings has been certified to the Township Council as \$1,300.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the appropriate Township officials were authorized to effectuate the boarding up of both buildings to abate conditions dangerous to the public welfare of the uninhabitable premises at the West Milford Lake Clubhouse, 32 Marshall Hill Road (Block 5708, Lot 1), West Milford, New Jersey and a building located at 24 Woodland Drive (Block 3503 Lot 15), Hewitt, New Jersey, and an amount of \$1,300.00 is hereby certified as the costs of same; and

**BE IT FURTHER RESOLVED** that the Township Clerk shall present this Resolution to the Tax Collector who shall proceed to collect the foregoing as provided by law.

Adopted: January 23, 2008

Agenda No. VII 4

~ Resolution 2008-052 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO DEWBERRY-GOODKIND, INC. FOR ENGINEERING AND DESIGN SERVICES FOR THE STREETScape IMPROVEMENT PROJECT PHASE I**

On motion by Councilman Scangarello, this resolution was tabled to February 6, 2008.

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

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Agenda No. VII 5

~ Resolution 2008 - 053 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARING A CONTRACT TO DELUXE INTERNATIONAL TRUCKS, INC. FOR ONE (1) 2008 – TANDEM DUMP TRUCK WITH PLOW AND CENTRAL HYDRAULICS**

On motion by Councilman Weisbecker, this resolution was tabled to February 6, 2008.

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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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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VIII

Consent Agenda

~ Resolution 2008 - 063 ~

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 - 064 - Cancel Outstanding Checks
b. Resolution 2008 - 065 - Cancellation of Taxes
c. Resolution 2008 - 066 - Refund Overpayments
d. Resolution 2008 - 067 - Refund Overpayments - Added Assessment Appeals
e. Resolution 2008 - 068 - Refund Overpayments - Senior Citizen/Veteran Deduction
f. Resolution 2008 - 069 - Reinstatement of Taxes
g. Resolution 2008 - 072 - Amusement Game/Peddler Licenses

Applications:

- a. West Milford Rotary - On Premise 50/50 License No. 2008-12
b. West Milford Rotary - Tricky Tray License No. 2008-13

Adopted: January 23, 2008

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Abstained: Councilwoman Lichtenberg abstained from the Rotary applications.
Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution 2008 - 064 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available for payment to various vendors which have been left unclaimed for over one year; and

WHEREAS, the Township Auditor recommended in his audit finding of 2005 that the Township cancel outstanding checks that have not been submitted for payment within one year of their date of issue.

NOW THEREFORE, BE IT RESOLVED that the amounts reflected herein be and are hereby turned over to the Township of West Milford and cancelled to the operating surplus account.

REASON: RECIPIENT UNFOUND

Table with 4 columns: TWP CHECK #, DATE, PAYABLE TO, AMOUNT. Rows include checks 031560, 031988, and a TOTAL row.

Adopted: January 23, 2008

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Agenda No. VIII b

~ Resolution 2008 - 065 ~

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: January 23, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 17 of 23

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX**

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

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

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

BLOCK/LOT	NAME	AMOUNT	PERIOD	YEAR
11601-7.03	Township of West Milford	\$875.84	Full Year	2007
11601-7.03	Township of West Milford	\$438.00	First Half	2008
811-2	Township of West Milford	\$353.60	Full Year	2007
811-2	Township of West Milford	\$176.00	First Half	2008
1608-5	Township of West Milford	\$201.28	Full Year	2007
1608-5	Township of West Milford	\$100.00	First Half	2008
1611-8	Township of West Milford	\$625.60	Full Year	2007
1611-8	Township of West Milford	\$312.00	First Half	2008
1701-63	Township of West Milford	\$380.80	Full Year	2007
1701-63	Township of West Milford	\$190.00	First Half	2008
10301-15	Township of West Milford	\$767.04	Full Year	2007
10301-15	Township of West Milford	\$384.00	First Half	2008
2012-12	Township of West Milford	\$1,229.44	Full Year	2007
2012-12	Township of West Milford	614.00	First Half	2008
3605-10	Township of West Milford	\$1,800.64	Full Year	2007
3605-10	Township of West Milford	\$900.00	First Half	2008
1605-1.03	Township of West Milford	\$2,165.12	Full Year	2007
1605-1.03	Township of West Milford	\$1,082.00	First Half	2008
1814-10	Township of West Milford	\$1,229.44	Full Year	2007
1814-10	Township of West Milford	\$614.00	First Half	2008
5603-2.01	Township of West Milford	\$467.84	Full Year	2007
5603-2.01	Township of West Milford	\$234.00	First Half	2008
5603-2.02	Township of West Milford	\$467.84	Full Year	2007
5603-2.02	Township of West Milford	\$234.00	First Half	2008
11601-8	Township of West Milford	\$696.32	Full Year	2007
11601-8	Township of West Milford	\$348.00	First Half	2008
407-4	Township of West Milford	\$1,936.64	Full Year	2007
407-4	Township of West Milford	\$968.00	First Half	2008
1808-11	Township of West Milford	\$1,496.00	Full Year	2007
1808-11	Township of West Milford	\$748.00	First Half	2008
2005-7	Township of West Milford	\$233.92	Full Year	2007
2005-7	Township of West Milford	\$116.00	First Half	2008
2101-4.03	Township of West Milford	\$2,273.92	Full Year	2007
2101-4.03	Township of West Milford	\$1,136.00	First Half	2008
3503-31	Township of West Milford	\$2,556.80	Full Year	2007
3503-31	Township of West Milford	\$1,278.00	First Half	2008
6902-7	Township of West Milford	\$1,942.08	Full Year	2007
6902-7	Township of West Milford	\$972.00	First Half	2008
<b>TOTAL</b>		<b>\$32,544.16</b>		

Adopted: January 23, 2008

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 Agenda No. VIII c

~ Resolution 2008 - 066 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: January 23, 2008  
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**REASONS:**

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

Block/Lot	Name	Amount	Year	Reason
2404-9	James & Meghan Coyle 97 Upper Greenwood Rd. Hewitt, NJ 07421	\$253.33	2007	4
4302-6	Frances Lanza 40 Forest Lake Drive, Hewitt, NJ 07421	\$21.03	2007	1
5317-2.10	Evelyn Moneuse 6210 Richmond Road, West Milford, NJ 07480	\$1,632.00	2007	5
5317-3.18	Jay Asper, P. O. Box 64, Dingmans Ferry, PA 18328	\$100.00	2007	5
7902-2	Witold & Renata Niemiec 377 Lanza Avenue, Garfield, NJ 07026	\$2,488.80	2007	2
10102-15	Arthur Daub 54 Gould Road, Newfoundland, NJ 07435	\$253.33	2007	4
11501-26	Alfred Gallant 345 Otterhole Road, West Milford, NJ 07480	\$252.50	2007	4
12404-13.02	Russell Mantione 188 Otterhole Road, West Milford, NJ 07480	\$3,734.20	2007	2
12901-56	Robert & Diane Wolfe 163 High Crest Drive, West Milford, NJ 07480	\$4,085.16	2007	2
13003-2	Braemar @ Highcrest 50 Rt. 46 #1100; P.O. Box 117 Parsippany, NJ 07045	\$209.52	2007	1
17401-5	John & Teresa Marceca RR # 2; Box 208, Dingmans Ferry, PA 18328	\$265.09	2007	1
<b>Total</b>		<b>\$13,294.96</b>		

Adopted: January 23, 2008

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Agenda No. VIII d

~ Resolution 2008 - 067 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

**REASONS: Senior Citizen/Veteran Deduction**

Block/Lot	Name	Amount	Year
5312-2.18	Clara Vidale 4 Richmond Road Ste 218 West Milford, NJ 07480	\$250.00	2007
7801-21.02	Eugene Homme 21 B Plymouth Alley West Milford, NJ 07480	\$250.00	2007
9602-2.03	G. & G. Sloginski 315 Wooley Road West Milford, NJ 07480	\$500.00	2007
9705-16	Vasil & Bisera & Lube Aleksoski 12 Middlesex Court West Milford, NJ 07480	\$250.00	2007
12208-8	Alan Musicant & Susan Hubener 22 Poplar Grove Terrace West Milford, NJ 07480	\$250.00	2007
<b>TOTAL</b>		<b>\$1,500.00</b>	

Adopted: January 23, 2008

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: January 23, 2008  
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\*\*\*\*\*  
 Agenda No. VIII e

**~ Resolution 2008 - 068 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

REASONS: Senior Citizen/Veteran Deduction

Block/Lot	Name	Amount	Year
5312-2.18	Clara Vidale 4 Richmond Road Ste 218 West Milford, NJ 07480	\$250.00	2007
7801-21.02	Eugene Homme 21 B Plymouth Alley West Milford, NJ 07480	\$250.00	2007
9602-2.03	G. & G. Sloginski 315 Wooley Road West Milford, NJ 07480	\$500.00	2007
9705-16	Vasil & Bisera & Lube Aleksoski 12 Middlesex Court West Milford, NJ 07480	\$250.00	2007
12208-8	Alan Musicant & Susan Hubener 22 Poplar Grove Terrace West Milford, NJ 07480	\$250.00	2007
<b>TOTAL</b>		<b>\$1,500.00</b>	

Adopted: January 23, 2008

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 Agenda No. VIII f

**~ Resolution 2008 - 069**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES**

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16802-9	James Campion	\$92.04	2007
2601-35	Jill Wei	\$2,154.72	2007
2003-3	N. & L. Lengares	\$500.00	2007
7506-6	E. Iglesias	\$238.09	2007
<b>TOTAL</b>		<b>\$2,984.85</b>	

Adopted: January 23, 2008

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 Agenda No. VIII g

**~ Resolution 2008 - 072 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF LICENSES FOR LICENSE YEAR 2008**

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: January 23, 2008  
 Time of Meeting: 7:30 P.M.  
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**WHEREAS**, applications have been made by various business owners for the renewal of an Amusement Game License and Peddler License for the year 2008; and

**WHEREAS**, reports of recommendation have been received from various Township Departments recommending the issuance of said licenses as listed below;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of *Licenses for 2008 as listed below:*

Amusement Game License No.	Applicant Name	T/A - Licensed Premise Address
2008 – 7	Tracey Bennett	Big John's Pub 49 Old Route 23 Newfoundland, NJ 07435
Peddler License No.	Applicant Name	T/A - Address
2008 – 2	Roger Drew	Doggin Around 1511 Greenwood Lake Turnpike Hewitt, NJ 07421

Adopted: January 23, 2008

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**Payment of Bills**

Agenda No. IX 1

~ Resolution 2008 – 070 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account . . . . .	\$301,890.69
2	Reserve Account . . . . .	336,784.14
3	Animal Control Trust	3,307.35
6	Capital. . . . .	702,262.17
7	Grants. . . . .	6,769.60
8	Refuse. . . . .	193,242.19
9	Refunds. . . . .	19,289.82
12	General Ledger. . . . .	5,743.00
16	Heritage Trust. . . . .	
14	Open Space Trust	3,717.30
17	Trust . . . . .	8,487.33
18	Development Escrow. . . . .	1,020.00
19	LOSAP	
20	Special Reserve	<u>3,970.97</u>
Total		\$1,586,484.56
Less Refund Resolution		<u>(19,289.82)</u>
<b>Actual Bill List</b>		<b>\$1,567,194.74</b>
Other Payments		5,913.75
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$1,573,108.49</b>

Adopted: January 23, 2008

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

Minutes of: Township Council Regular Meeting  
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Discussion: Administrator Kunze advised that the bills that were tabled at the last meeting are reflected in this resolution under the heading "Other Payments." Mayor Bieri stated that the medicare reimbursements on page 6 are confusing as they are to make payment for six months while some of the amounts is sufficient for one year. Administrator Kunze advised that he will verify the amounts before the checks are sent out. Mayor Bieri asked for clarification of the account classification for office supplies on page 13. She stated that the notation indicates that the funds were used for police department supplies yet the account number is not related to the police department. Administrator Kunze advised that this is a general account used for all office supplies for the Township. To track individual offices, purchases are recorded by department. Mayor Bieri noted that the fees for services account seems to be used for a broad range of services which was confirmed by Administrator Kunze who added that it is used for software support services. Mayor Bieri noted that there is an expenditure of \$855 for a sewing machine.

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

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Agenda No. X

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

Administrator Kunze thanked Council members for providing them with their availability for budget meetings. He advised that he will e-mail them a final schedule.

Councilman Schimmenti stated that he moved with his family to West Milford because of everything this town has to offer. In 2007, the Council formed a committee on which he serves with Councilman Scangarello to research if there are any properties in West Milford that are available and suitable for a new building. They have been working on this project and have found that the owners of a tract of land behind the municipal building are willing to donate a portion of that land for a library. He asked that these gentlemen be scheduled to make a presentation to Council. He stated that this is a win/win situation. The Township needs this land for a library, offices and recreation facilities.

Councilman Nolan expressed disappointment with his colleagues on the Council who ignored the Greenwood Lake Bi-State Commission's request to postpone appointments at the last meeting. This is not a means for establishing positive working relationships. During the streetscape visioning sessions, it was agreed that buildings in the business district should be close to the sidewalks with parking in the back. Yet, there is an application before the Planning Board for a Walgreens which is designed with parking in front and the building set back. He proposed addressing these conflicts before proceeding with the streetscape project. He stated that he would like to see copies of the agreements with the Planning and Zoning Board attorneys and engineers. He noted that the NJLM had previously sent out a notice advising of the deadline dates for Planning and Zoning Board members to complete their mandatory training adding that new members have eighteen months while current members have until January 17<sup>th</sup>. Any board member who does not comply may not take any action until they have done so. He thanked the fire companies for their recent invites noting that he had a good time at their events.

Councilwoman Lichtenberg asked Mr. Semrau to draft an ordinance mandating the posting of house numbers because the lack of such numbering can be problematic for emergency services. She stated that she would like the Council to consider adopting a resolution similar to those adopted by Wayne, Totowa and Hawthorne asking the Passaic County Freeholders to form a charter study committee to research changing the form of county government. She would like to see the CASA resolution and appointments on the agenda soon.

Councilman Scangarello stated that the property that Councilman Schimmenti talked about is Random Woods which in previous years was slated for development. The owners wish to partner with Green Acres and have West Milford serve as stewards of this property. They will donate some of the land for a library and ballfields. He asked that this matter be scheduled at an upcoming workshop so that the owners may make a presentation to Council. He stated that the Council had received a letter from a resident who is afflicted with cerebral palsy and who would like to organize a bikeathon. Administrator Kunze advised that he has referred that matter to the Recreation Director who will help with the arrangements. He advised that the Fire Chief's Association has appointed Tim Struble to serve as president and Ken Close as vice-president. Wendell Pfielerkorn was appointed as secretary/treasurer. He noted that, during the past year, there have been a number of bomb threats made at West Milford schools. The threats were made by students who were subsequently apprehended. They recently appeared in court with their parents where they were fined \$2,500 for each occurrence and there were five occurrences. He asked parents to make note and advise their children that there are consequences to these actions for which they and their parents will be held accountable.

Council President Smolinski thanked Councilmen Schimmenti and Scangarello for their work researching and finding a property for municipal use. Random Woods was previously slated for development and

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

Minutes of: Township Council Regular Meeting  
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now is being considered for open space. He expressed hope that the presentation will be scheduled soon.

Township Clerk Antoinette Battaglia advised that the Presidential Primary election is scheduled for February 5, 2008. Polls will be open from 6:00 a.m. to 8:00 p.m. She encouraged anyone who cannot make it to the polls to vote by absentee ballot.

Township Attorney Fred Semrau stated that the deadline for Planning and Zoning Board training was extended. The Clerk confirmed this and added that all West Milford members who served in 2007 have received their training. There are a number of items listed for executive session.

Mayor Bieri stated that she is pleased that there are new faces and renewed energy on the Planning Board with five new members, a new attorney, and a new engineer. All have great credentials and these appointments should eliminate conflict of interest issues. During the past few weeks she attended installation dinners for West Milford fire companies and she thanked them for their hospitality. She attended an Eagle Scout court of honor this past Sunday and presented a plaque on behalf of the Township. She reminded dog owners that their animals must be licensed by January 31<sup>st</sup> and the animal control office will be open until 7:30 that evening. She attended a seminar on the Highlands Master Plan which was very informative. Volunteers have received a memo asking them to provide information about their boards for the Township website and she asked that everyone comply with that request. She thanked the Clerk for posting the sample ballot for the Presidential Primary on the website and advised that the police department is requesting a civil service examination to increase the pool of qualified candidates should a need arise in that department.

Agenda No. XI

**Appointments**

Mayor Bieri stated that she will hold off on library board appointments at this time. All the candidates appear to be very qualified requiring her to take time to fully determine who will best serve in this important, five-year appointment.

Mr. Semrau asked the Council to defer making an appointment to the MUA at this time. He wishes to research whether or not there would be a conflict if a Councilperson were appointed.

Councilman Weisbecker nominated Thomas Bigger to serve on the Wanaque Valley Regional Sewerage Authority. Councilwoman Lichtenberg seconded the nomination. There being no further nominations, Councilman Weisbecker made a motion to close and confirm.

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Motion: Weisbecker Second: Smolinski  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.

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Mayor Bieri nominated Janet Meluzio to serve on the ADA Committee. Councilman Schimmenti nominated Christine Fleet. Councilman Scangarello seconded the nominations.

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Motion: Schimmenti Second: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.

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Mayor Bieri advised that she will serve on the Library Board.

**Executive Session**

Agenda No. XII

~ Resolution 2008-071 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 23<sup>rd</sup> day of January, 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

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

Minutes of: Township Council Regular Meeting  
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- 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.
    - Newark Watershed Property – Rezoning
    - Brown’s Plaza and Wastewater Management Plan Update
    - Eagle Ridge – Winters v. West Milford
    - Valley Ridge
    - UGL POA Tort Claim
    - GRC Complaint – Elcavage v. West Milford
    - Stelmach v. West Milford
  - (X) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: January 23, 2008

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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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The Council went into Executive Session at 9:15 p.m.

The Council reconvened in public session at 10:27 p.m. with all present as before.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:28 p.m.

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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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Approved: February 13, 2008

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK