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

Minutes of: Township Council Regular Meeting  
Date of Meeting: February 13, 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 Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.  
Absent: Councilmen Philip Weisbecker, Joseph Smolinski.  
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

**Reading of or Approval of Unapproved Minutes**

Councilman Nolan moved to adopt the minutes of the January 23, 2008 Regular Meeting as presented.

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

**Presentations**

**West Milford High School 2008 Production – “The Pajama Game”**

Mayor Bieri advised that, due to the weather, the high school students are unable to make their presentation tonight. She provided details of their 2008 production of *The Pajama Game* and wished them well. She encouraged everyone to attend their performances.

**Environmental Commission’s Annual Report – Gillian Hempstead**

Mayor Bieri invited Ms. Gillian Hempstead to the podium to address the Council on behalf of the Environmental Commission. Ms. Hempstead provided an overview of the statutory functions of the Environmental Commission and noted that the members serve in an advisory capacity to the Planning Board. The West Milford Environmental Commission has made preservation and protection of water quality a priority and they seek grants to further this priority and to improve all West Milford’s natural resources.

The Environmental Commission was very busy in 2007. They advised on the fertilizer and well protection ordinances. The 319h grant work progressed and is nearing completion; they are awaiting the installation of BMP’s at Belchers Creek which will be completed this year. They received over \$900,000 in grant money in 2007 for the installation of 6-7 BMP’s in Greenwood Lake. The first step of that process is to hire a surveyor. There will be a public hearing this spring for the 604b grant which will fund an on-site water management plan for Greenwood Lake. The Environmental Commission has formed a septic management sub-committee to review the proposed septic ordinance. The Commission has reviewed the visioning of the downtown business area and the West Milford Lake area and they have applied for and received an ANJEC grant to provide for public meetings on the West Milford Lake area which will also address the DEP’s proposed breaching of this dam. They will make a presentation to Council in the near future.

Ms. Hempstead explained the three-step process the Environmental Commission adheres to in applying for and managing grant funds. The first step is to collect data, the second step is to create a detailed plan based on the data, and the third step is to implement the plan. Grant approvals are based on this structure and adherence to this systematic, careful approach has led to the West Milford Environmental Commission being recognized for it’s work. They have been successful in obtaining grants because funds come to those boards that have a history of producing reliable results.

The Environmental Commission participated in many other local events in 2007 including the Autumn Lights Festival. They worked with the Lakes and Energy Committees and have kept tabs on the wetlands mitigation at Wallisch. They have worked with Sustainable West Milford and began work on a community

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forestry plan. Ms. Hempstead thanked the Planning Department staff for all their help and support and commended the Governing Body for their vision, guidance and support. She acknowledged the members of the Environmental Commission who come from diverse backgrounds and strive to work together to accomplish as much as possible for West Milford. She stated that she is honored to serve on this Commission with these people.

The Environmental Commission has a number of goals for 2008. They plan to forward to the Governing Body a recommendation from the septic sub-committee. They will continue to apply for grants and reviewing the Highlands Master Plan. They are poised to begin working with the Planning Board on the conformance phase of the Highlands Master Plan.

Councilman Scangarello thanked Ms. Hempstead for her report and conveyed gratitude to all the members for their hard work. Mayor Bieri and the Council reiterated those sentiments. Councilman Nolan, noting that there will likely be cuts in state aid this year, asked if the Environmental Commission anticipates such cuts impacting the grant funding for Greenwood Lake in the future. Ms. Hempstead advised that much DEP legislation originates with the federal government especially in relation to water quality issues. She cited the clean air and water act as an example. She advised that, to receive federal funding, the State of New Jersey generally adopts legislation that coincides with federal legislation and they then administer that federal funding within New Jersey. She advised that the Environmental Commission recently had a presentation about the Highlands Master Plan; they viewed a CD and will have a meeting on Tuesday with the Township Planner to pose questions. From there, they will determine what comments they plan to submit to the Highlands Council by the February 28<sup>th</sup> deadline. Councilman Scangarello advised that he contacted Congressman Garrett's office yesterday and spoke with the Township Administrator to obtain more funding for the streetscape. He noted that the funds must be requested to be received. Ms. Hempstead concurred and noted that it is important to follow the three-step process to consistently obtain grant funding and allow for future funding to complete such projects.

The Mayor and Council thanked Ms. Hempstead for attending tonight's meeting.

**Proclamations**

None.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 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.

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**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:

- 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
- 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**

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- 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.
- 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

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- (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.

Mayor Bieri advised that this ordinance was introduced on January 23, 2008 and the Notice of Public Hearing was published in the Herald News on January 27, 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 Councilman Scangarello and carried by unanimous roll call vote.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: 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.

David Watson Hallowell, 50 Linwood Road, West Milford stated that he is a representative of Sustainable West Milford and local businesses in West Milford. He attended the Planning Board meeting last week where the public was not provided an opportunity to comment on pending applications. In the room that night, he saw people from our community who are frustrated and unhappy that a Walgreen's is coming to West Milford. He stated that the Planning Board is charged with enforcing the municipality's legislation and they cannot deny this application which is unfortunate. He heard objections from people who live in close proximity to the proposed Walgreen's and from people who currently shop at West Milford Pharmacy. However, the Planning Board must follow the rules. He would like to focus on what can be done in the future. Locally owned businesses are important to the local economy and they contribute more to the local community than large chains. The character of this community is at stake and our local economy is at risk. Residents can do three things to address this situation. Everyone can shop locally, support the buy-local campaign and urge Council to develop an ordinance that will protect local businesses. He asked for suggestions as to how he should proceed with developing an ordinance that will help shape the local economy.

James Warden, 199 Highcrest Drive, West Milford thanked Mr. Hallowell for his hard work and his love for this community. He noted that Councilman Scangarello had mentioned Congressman Garrett's office. He stated that the \$1 million earmarked for Greenwood Lake in 2007 never made it to Greenwood Lake because Congressman Garrett vetoed his own bill.

Robert Mazzocchi, 834 Warwick Turnpike, West Milford stated that he has obtained approvals for construction of a single-family home. However, he has been waiting for DEP approvals for five years. This is embarrassing. His home would generate \$10,000 in ratables for West Milford if it were on the tax rolls. He asked the Council for guidance and help with getting his home built. He stated that he has obtained his Highlands exemption.

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

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

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Agenda No. VI

**Council Comments**

Councilman Scangarello asked Administrator Kunze about the status on the permits for Mr. Mazzocchi and questioned why it has taken five years. Administrator Kunze advised that Mr. Mazzocchi needed treatment works approval from the DEP. His application was reviewed on a number of occasions by the Health Department but the DEP stated objections. When the DEP approval is received, Mr. Mazzocchi can move forward with obtaining building permits.

Councilman Nolan asked if the Planning Board should be instructed to research business-friendly ordinances.

Mayor Bieri thanked Mr. Hallowell and advised that she serves on the ordinance committee of the Planning Board. She took Mr. Hallowell's research and advised that she will bring this forward along with some other ordinance matters that she wishes to see addressed. She explained that the ordinance committee drafts ordinances, presents them for review to the Planning Board after which they are presented to Council for consideration. She stated that many issues have arisen over the past few years because West Milford does not have the right ordinances in place. While Mr. Mazzocchi's process should not take five years, the Township cannot control delays from State agencies. She stated that she hopes to address problems with the flow of information between planning, zoning and health departments in town. She stated that her daughter has taken exception to the Walgreens application and shared an anecdote.

Agenda No. VII

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

The following items were acted upon by the Town Council:

Agenda No. VII 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.

**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.

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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 5, 2008 and it shall be advertised as required by law. Mr. Semrau advised that the Engineering department has recommended adoption of this ordinance.

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

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Agenda No. VII 2

~ 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 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.**

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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 is being introduced tonight. Second reading and public hearing for this ordinance is scheduled for March 5, 2008 and it shall be advertised as required by law.

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

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: February 13, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 11 of 23

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on March 5, 2008, at 6:00 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.
16. The resolution shall take effect immediately.

Adopted: February 13, 2008

<b>SCHEDULE A</b>					
<b>BLOCK</b>	<b>LOT</b>	<b>ACREAGE</b>	<b>ZONE</b>	<b>LOCATION</b>	<b>ASSESSOR'S SUGGESTED MINIMUM BID</b>
510	8	75 x 87	LR	Warwick Turnpike	\$2,000
603	1	Irregular	LR	Witte Road	\$500
906	1	53 x 98	LR	Florence Road	\$4,300
1004	4	.223 acres	LR	Alpine Court	\$2,000
1101	42	5.751 acres	R-2	Carmel Road	\$5,000
2512	10	80 x 82	LR	Greenwich Road	\$3,000
2801	14	.68 acres	LR	Lakeshore Drive	\$6,500
2713	11	60 x 100	LR	Greenwich Road	\$1,500

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: February 13, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 12 of 23

3605	9	125 x 100	R-1	Eve Place	\$1,200
3608	11	300 X 100	R-1	Quinty Place	\$6,000
3609	3	100 x 100	R-1	Quinty Place	\$2,000
3901	1	70 x 45	R-4	Awosting Road	\$200
6002	4.01	.21 acres	R-4	Morsetown Road	These 2 properties being sold together \$30,000
6002	4.02	2.97 acres	R-4	Morsetown Road	
12210	8.02	.077 acres	LR	Wildwood Street	\$900
12309	2	1.371 acres	R-4	Midway Terrace	\$40,000
16004	4	1.3 acres	R-4	Jefferson Street	\$7,000
10508	7	.298 acres	LR	Baldwin Drive	\$2,600

Discussion: Councilwoman Lichtenberg asked if the Highlands Act has any impact on this resolution. Mr. Semrau advised that non-conforming lots sold in this manner contain deed restrictions with regard to construction. They are offered first and generally purchased by contiguous property owners. Conforming lots on which construction can proceed would be exempt from the Highlands Act where there are exemptions for construction of single-family homes. The sale is subject to the Highlands Act as well as local ordinances and restrictions.

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

Agenda No. VII 6

~ Resolution 2008-080 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING THAT THE COUNTY OF PASSAIC BOARD OF CHOSEN FREEHOLDERS RESCIND RESOLUTION 08-26**

**TABLED TO FEBRUARY 27, 2008 MEETING**

Discussion: Councilman Scangarello advised that he spoke with Freeholder Duffy this evening. The Freeholder has indicated that he would like an opportunity to address this matter. Therefore, he made a motion to table this resolution to the February 27, 2008 meeting.

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

Agenda No. VII 7

~ Resolution 2008-081 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING THE PASSAIC COUNTY BOARD OF CHOSEN FREEHOLDERS TO ADOPT A RESOLUTION AUTHORIZING A BALLOT QUESTION CONCERNING THE CREATION OF A CHARTER STUDY COMMISSION TO MAKE RECOMMENDATIONS REGARDING CHANGES TO THE FORM OF GOVERNMENT OF THE COUNTY OF PASSAIC**

**WHEREAS**, the Optional County Charters Law (N.J.S.A. 40:41A-1 et seq.) provides several available options for county government; and

**WHEREAS**, several other counties have utilized this law to change their form of government; and

**WHEREAS**, this law permits election of a Board of Freeholders by a combination of both at-large board members and district board members; and

**WHEREAS**, the Mayor and Council of the Township of West Milford believe that the citizens of West Milford shall be served by the County Board of Chosen Freeholders if that Board adopts a resolution authorizing a ballot question concerning the creation of a Charter Study Commission to make recommendations regarding possible changes to the form of government of the County of Passaic in accordance with N.J.S.A. 40:41A-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby request that the Passaic County

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

Minutes of: Township Council Regular Meeting  
Date of Meeting: February 13, 2008  
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Board of Chosen Freeholders adopt a resolution authorizing a ballot question to enable the voters of Passaic County to determine if they support the creation of a Charter Study Commission to research options and make recommendations about the County Form of Government in accordance with N.J.S.A. 40:41A-1 et seq.

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby instructed to forward a copy of this resolution the Passaic County Board of Chosen Freeholders, the fifteen remaining municipalities in Passaic County, Senator Joseph Pennacchio, Assemblyman Alex DeCroce and Assemblyman Jay Webber.

Adopted: February 13, 2008

Discussion: Councilman Nolan questioned the need to send this resolution to Senator Pennachio. Ms. Battaglia advised that the resolution was drafted this way because no objection was stated at the workshop meeting. Councilwoman Lichtenberg stated that other municipalities who have adopted similar resolutions have sent copies to their state officials.

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

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Agenda No. VII 8

~ Resolution 2008-082 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING THE PASSAIC COUNTY BOARD OF CHOSEN FREEHOLDER'S APPROVAL OF A \$10,000,000.00 EMERGENCY APPROPRIATION**

**WHEREAS**, on December 11, 2007, the Passaic County Board of Chosen Freeholders voted to adopt Resolution No. R-07-758 authorizing an emergency appropriation in the amount of \$10,000,000.00 to cover a shortfall in the County's 2007 budget; and

**WHEREAS**, the emergency appropriation involves issuing a bond to cover the 2007 expenditures which must be paid back by Passaic County taxpayers in 2008; and

**WHEREAS**, the impact of the borrowed \$10,000,000.00 will be assessed against the Passaic County municipalities according to their local property assessments; and

**WHEREAS**, the Mayor and Council of the Township of West Milford do not believe that the Freeholder's actions in authorizing an emergency appropriation are in the best interests of the residents of the Township of West Milford and Passaic County; and

**WHEREAS**, the Mayor and Council of the Township of West Milford strongly oppose this action of the Passaic County Board of Chosen Freeholders which will result in the local taxpayers bearing the burden of financial mismanagement by the County of Passaic.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby state their opposition to Passaic County Resolution No. R-07-758 and the action of the Passaic County Board of Chosen Freeholders who voted to authorize an emergency appropriation in the amount of \$10,000,000.00.

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby instructed to forward a copy of this resolution the Passaic County Board of Chosen Freeholders and the municipal clerks of all the municipalities in the County of Passaic.

Adopted: February 13, 2008

Discussion: Councilman Nolan objected to this resolution because it does not contain any advise for the Freeholders. If they did not take this action, they would have to lay off more people. Councilman Scangarello asked Mr. Semrau if this resolution is warranted. Mr. Semrau advised that it is a matter of policy. The Council, he said, can adopt a resolution to express their concerns.

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

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Agenda No. VII 9



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

Minutes of: Township Council Regular Meeting  
Date of Meeting: February 13, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 15 of 23  
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**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 #1, Gasoline in an amount not to exceed \$200,000; 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 8-01-31-460-200.

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

- 4. The Township Council hereby authorizes the Township Engineer to purchase Gasoline, in an amount not to exceed \$200,000, through the Morris County Cooperative Purchasing Council, Contract #1, Gasoline awarded to Allied Oil, LLC
- 5. The Township's Chief Financial Officer has certified the availability of funds for same.
- 6. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: February 13, 2008  
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Moved: Scangarello                      Seconded: Nolan  
Voted Aye: Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 11

**~ Resolution 2008-085 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,  
NEW JERSEY AWARDING A CONTRACT TO ATLANTIC GRINDING SERVICES, LLC  
FOR TUB GRINDING SERVICES**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on December 21, 2007 at 10:30 a.m. for tub grinding services as per the Bid Specifications; and

**WHEREAS**, the Township of West Milford received two (2) bids for this contract; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the Township Engineer; and

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

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Atlantic Grinding Services, LLC; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 8-26-55-500-200.

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

- 1. The Township Council hereby awards a contract to Atlantic Grinding Services, LLC in an amount not to exceed \$54,890.00 for tub grinding services as per the Bid Specifications
- 2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Atlantic Grinding Services, LLC in accordance with its bid for said tub grinding services.
- 3. The Township's Chief Financial Officer has certified the availability of funds for same.
- 4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 13, 2008

Discussion: Councilman Scangarello noted that the cost this year is less than last year's cost for the same service.  
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Moved: Nolan                              Seconded: Scangarello  
Voted Aye: Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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

Minutes of: Township Council Regular Meeting  
Date of Meeting: February 13, 2008  
Time of Meeting: 7:30 P.M.  
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Agenda No. VII 12

~ Resolution 2008-086 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO ARTHUR J. SCHAPPELL, JR. FOR SURVEY SERVICES IN CONNECTION WITH THE GREENWOOD LAKE STORMWATER IMPLEMENTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$8,500**

**WHEREAS**, the Township of West Milford has received grant funding entitled Section 319H NPS Pollution Control and Management Implementation Grant: Initiate Stormwater Implementation Projects for Greenwood Lake through the New Jersey Department of Environmental Protection grant program known as the 2007 Section 319H NPS Pollution Control and management Implementation Grant; and

**WHEREAS**, these grant funds are to be used to initiate stormwater implementation projects to reduce the phosphorus load entering Greenwood Lake; and

**WHEREAS**, Robert Sparkes, GIS Specialist/Grant Administrator has recommended that Arthur J. Schappell, Jr. be retained to perform this work in accordance with his proposal for same; 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**, Arthur J. Schappell, Jr. has submitted a Business Entity Disclosure Certification which certifies that their 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 Arthur J. Schappell, Jr. from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account # G-02-41-755-755; and

**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 Arthur J. Schappell, Jr., to perform all required topographic and property boundary surveys in connection with the Greenwood Lake Stormwater Implementation Projects in accordance with their proposal for same in an amount not to exceed \$8,500.00.
2. This contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$8,500.00 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.

Adopted: February 13, 2008

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII

**Consent Agenda**

~ Resolution 2008 - 087 ~

**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

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

Minutes of: Township Council Regular Meeting  
 Date of Meeting: February 13, 2008  
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**NOW, THEREFORE, BE IT RESOLVED**, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

**Resolutions:**

- a. **Resolution 2008 – 088** Authorize Cancellation of Taxes
- b. **Resolution 2008 – 089** Authorize Refund of Other Liens
- c. **Resolution 2008 – 090** Authorize Refund of Other Payments
- d. **Resolution 2008 – 091** Authorize Refund of Recreation Fees
- e. **Resolution 2008 – 092** Authorize Reinstatement of Taxes

**Applications:**

- a. **Friends of Long Pond Ironworks, Inc.** - Off Premise Draw Raffle Lic. No. 2008-14
- b. **St. Joseph Church** – Calendar Raffle License No. 2008-15

Adopted: February 13, 2008

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

**~ Resolution 2008 - 088 ~**

**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:

REASON:

- 1. Tax Exempt
- 2. Acquired by State of New Jersey Department of Environmental Protection

BLOCK/LOT	NAME	AMOUNT	PERIOD	YEAR	REASON
13201 – 25	N.J. Conservation Foundation	\$4,842.00	First Half	2008	1
16504 – 1	State of NJ D.E.P.	\$508.40		2006	2
<b>TOTAL</b>		<b>\$5,350.40</b>			

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Agenda No. VIII b

**~ Resolution 2008 - 089 ~**

**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
05-088	03/09/2005	10703-023	\$11,231.09	April M. Tropona 17 Brady Street

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

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				West Milford, NJ 07480
06-002	04/11/2006	00410-003	\$2,399.40	Melissa Yon P.O. Box 295 Hewitt, NJ 07421
07-024	04/03/2007	02601-007	\$25,293.57	Crusader Lien Services 179 Wahington Lane Jenkintown, Pa 19046
07-027	04/03/2007	02802-001	\$123,082.03	USBank-Cust/Sass Muni V Dtr 2 Liberty Place 50 South 16th St. Ste 1950 Philadelphia, Pa 19102
Grand Total			<b>\$162,006.09</b>	

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 Agenda No. VIII c

**~ Resolution 2008 - 090 ~**

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

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

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

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

**REASONS:**

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

Block/Lot	Name	Amount	Year	Reason
3001 – 7	Robert & Diana Regan 19 Twin Oaks Trail, Hewitt, NJ 07421	\$1,274.00	2008	2
3604 – 1	David Mulligan P.O. Box 570, Hewitt, NJ 07421	\$842.00	2008	2
3705 – 43	Glen Juhlin 2-43 Hartley Place, Fair Lawn, NJ 07410	\$231.00	2008	5
8101 – 17	Keith Hyche, Atty. 61 High Street, Newton, NJ 07860	\$216.96	2008	1
9601 – 3	Thomas & Barbara Murphy 1501 Macopin Road, West Milford, NJ 07480	\$1,682.00	2008	2
13704 – 10	Kimberley Smyth-Sodano 111 Germantown Road, West Milford, NJ 07480	\$326.01	2008	1
13003 – 4	Bremar 50 Route 46 #1100, P.O. Box 117 Parsippany, NJ 07054	\$8,449.56	2007	2
13201 - 25	N.J. Conservation Foundation Bamboo Brook -170, Longview Far Hills, NJ 07931	\$4,842.00	2008	1
<b>Total</b>		<b>\$17,863.53</b>		

Adopted: February 13, 2008

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 Agenda No. VIII d

**~ Resolution 2008 - 091 ~**

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

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

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

Minutes of: Township Council Regular Meeting  
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Name & Address	Reason	Amount Refunded
Dawn Nowacki 28 Deerbrook Lane West Milford, NJ 07480	Refund of enrollment for cancellation of Violin Classes	\$110.00
Lilly Topres 11 Beaver Avenue West Milford, NJ 07480	Refund of enrollment for cancellation of Beginner Pilates	\$130.00
Lisa Stewart 14 Kushaqua Trail S. Hewitt, NJ 07421	Refund of enrollment for cancellation in Kidsafe Karate	\$50.00

Adopted: February 13, 2008

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 Agenda No. VIII e

**~ Resolution 2008 - 092 ~**

**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
3008 – 2	Jake Plumstead	\$1,100.00	2007
3907 – 1.01	PFA Realty LLC c/o Battinelli	\$5,624.03	2007
3907 – 1.02	PFA Realty LLC c/o Battinelli	\$883.18	2007
3008 – 2	Jake Plumstead	\$1,080.04	2007
7508 – 26	Jacquelyn Cosgrove	\$200.26	2008
102 – 19	Michael Neppl	\$1,899.00	2008
<b>TOTAL</b>		<b>\$10,786.51</b>	

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**Payment of Bills**

Agenda No. IX 1

**~ Resolution 2008 – 093 ~**

**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. . . . .	\$935,854.19
2	Reserve Account . . . . .	174,861.98
3	Animal Control Trust	250.00
6	Capital. . . . .	177,676.56
7	Grants. . . . .	8,298.86
8	Refuse. . . . .	116,028.45
9	Refunds. . . . .	180,159.62
12	General Ledger. . . . .	4,512,840.02
16	Heritage Trust. . . . .	
14	Open Space Trust	
17	Trust . . . . .	2,950.00

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

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18	Development Escrow. . . . .	
19	LOSAP	1,400.00
20	Special Reserve	<u>260.00</u>
Total		\$6,110,579.68
Less Refund Resolution		<u>(180,159.62)</u>
<b>Actual Bill List</b>		<b>\$5,930,420.06</b>
Other Payments		8,000.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$5,938,420.06</b>

Adopted: February 13, 2008

Discussion: Councilman Nolan noted that there is a payment being made to Ms. Laurie Ardis for expenses incurred for ALF and asked if it is appropriate for a non-Township employee incurring charges and getting repaid. Administrator Kunze advised that it is rare for expenses to be paid in this manner. However, in this instance, time was an issue and Ms. Ardis obtained pre-approval prior to expending the funds. Councilman Nolan questioned the payment on page 4 to Crossroad Construction for work related to Mount Laurel Park. Administrator Kunze advised that the Recreation Director has sent a status report indicating that there are a number of outstanding items. A punch list is being prepared and a portion of their payment is being withheld for damages and to recoup engineering costs. Mr. Semrau advised that this is not the final payment. The final payment will not be made until all work is satisfactorily completed. Councilman Scangarello noted that this is the first time a contractor is being held to the terms of a contract and payment is being withheld to assure compliance. Councilman Nolan noted that there is a payment being made to the library on page 22 which states that it is a balance due from 2007. Administrator Kunze advised that there are two payments being made to the library. One is the first quarter payment and the other is the balance due from 2007. In response to questions posed by Mayor Bieri, Mr. Semrau reviewed the process of refunding liens. Councilman Schimmenti asked for an explanation of the payment being made to Chilton Hospital. Administrator Kunze advised that this is for contractual services wherein Chilton provides services related to community health education. They offer a variety of seminars on various health topics at various locations throughout town. The \$750 payment for CPR training is for supplies, education materials, and manuals.

Moved: Nolan Seconded: Scangarello  
 Voted Aye: Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Abstain: Councilman Nolan abstained on the Valley Health invoice only.  
 Motion carried.

Agenda No. X

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

Administrator Kunze advised that, with the Health Department, he is in the process of putting together a grant application for a phase III pandemic flu grant. The first two phases were for planning and the purchase of consumables. He advised that the resolution will be presented to Council at the next meeting. He asked for consensus to draft a resolution seeking an additional \$1 million grant through Congressman Garrett's office for the streetscape program. He advised that the Tax Assessor met with Lindy Lake residents on Monday evening to review the assessment program. He will be coming before the Council for a confirmation hearing at the March 12<sup>th</sup> meeting.

Councilwoman Lichtenberg stated that seniors will be offered a free performance of the high school play on February 25<sup>th</sup> at 6:00 p.m. If any senior needs a ride, she asked that they call her and she will assist in getting them there. She is available in Town Hall every Thursday morning from 10:00 a.m. to noon. She has had a number of residents stop by. She advised that one resident recently noted that it is difficult to determine how to dispose of recyclables when the pick-up day falls on a holiday. She asked if recycling flyers and the Township calendar can advise residents that they should not expect the same schedule on holidays.

Councilman Scangarello advised that West Milford resident Bill Gervens was just sworn in to serve on the Passaic County Planning Board. He thanked Mr. Gervens for serving noting that West Milford now has representation at the County.

Councilman Schimmenti wished everyone a very happy Valentine's Day.

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

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Councilman Nolan stated that the monthly blood drive will be held this Sunday at the first aid squad. He advised that donations are particularly important in winter months. He stated that the House of Representatives recently passed a stimulus bill because we are in a recession. The President signed the bill today yet Congressman Garrett voted "no" to its passage. He outlined some of the specifics of the bill which is designed to get the nation out of the recession. He noted that comments were made at the last meeting about the need to be business friendly. In that vein, he encouraged local businesses to refrain from placing partisan election signs on their property because such action may be turning potential customers away. He stated that Council President Smolinski constantly berates the Highlands Act because it does not provide for tax relief. However, he stated, West Milford must consider what would happen without the Act. There would be development in West Milford which would bring congestion and cause wells to run dry. He stated that it is hard to get our state legislators to sponsor a surcharge because the builders political action committee as well as realtors associations have contributed to the Pennacchio and DeCroce campaigns. Follow the money trail to see why our state legislators will not support a water use surcharge. He stated that he would like to discuss establishing priorities for the Administrator at the February 27<sup>th</sup> workshop meeting. He would also like to discuss a private road assessment program. In addition to the resolution commenting on the Highlands Master Plan, the Council should consider a resolution to the governor and legislature asking for funding. He asked that the fact and figures be gathered and a resolution drafted. He stated that the Planning Board recently hired an attorney who is being paid less than the former attorney and is not charging for travel time nor getting a retainer. However, the Zoning Board attorney is requesting an increase for each meeting and an increase to his hourly rate to prepare ordinances. He advised that the Planning Board Chairman will be asking that all Planning Board bills be approved by the Board before being sent for Council approval. All boards and commissions that expend public funds should take action to ensure the accuracy of their bills. He stated that there are bogus charities that are preying on people's empathy for our soldiers and veterans. He cautioned people to research organizations who solicit funds to help soldiers and veterans. Many times the money does not get to the intended parties but, rather is used to fund lavish lifestyles for the bogus charities who solicit the funds.

Mayor Bieri stated that the Highlands Council recently released an amendment that changes the definition of impervious cover. The new classification states that any modification to soils can be considered impervious coverage. This definition could impact all our neighborhoods. She stated that she met with the new Chairman of the MUA, Mr. Spirko, who has indicated that he is amenable to the MUA paying a more reasonable rent to the Township. She will place the negotiations in the hands of the Township Administrator and Judy Kehr of the MUA. The MUA will pay rent, common area charges and they will purchase their own copy and fax machines. She stated that this action will not set a precedence that the BOE will use against the municipality as stated by members of the Council. Hillcrest is owned by the BOE and the Township does not pay rent. If we were not using the building the BOE would be straddled with the cost of maintaining the building. Office space in Town Hall is precious and there is a need for that space. Therefore, she believes that having the MUA pay fair market value is appropriate. She stated that, in her role as Mayor, she receives a lot of e-mails, calls and complaints. Most recently, she has received complaints about salting and sanding during last Sunday's snow storm. She stated that Gerry Storms approved the process but there is a point of overkill. She noted that West Milford has received a \$300,000 grant for open space from Green Acres. She read a letter she received from a recent visitor to West Milford which expressed delight with finding an impressive oasis on their visit to this town.

Township Attorney Fred Semrau advised that Castle Rock estates has filed an action in the US Supreme Court against West Milford and the State of New Jersey. The State will continue to defend the Highlands Act. He advised that he contacted the Morris Land Conservancy about Random Woods and is in the process of setting up an initial meeting. He advised that the Grandview case has been assigned out by a judge and the hearing is scheduled for March. He will send copies to Council. He asked Mayor Bieri to add Eagle Ridge and Valley Ridge to the executive session discussion.

Agenda No. XI

**Appointments**

**CASA**

Councilman Scangarello nominated Councilwoman Lichtenberg to serve as Council Liaison to CASA.

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

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Councilwoman Lichtenberg moved to nominate Jacqueline Boshart, Sue Pappas, Connie Livoti, Frank Yevchak, and Tom Livoti to CASA. Seconded by Councilman Scangarello.

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Motion: Lichtenberg Second: Scangarello  
Voted Aye: Schimmenti, Nolan, Lichtenberg, Scangarello.

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Voted Nay: None.  
Abstained: None.  
Motion carried.

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Transportation Advisory Committee

Councilman Scangarello nominated Councilman Smolinski to serve as Council Liaison to the Transportation Advisory Committee.  
Councilman Scangarello nominated Mary Ann Terracino and Patricia Ryan to the Transportation Advisory Committee.

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

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Beautification & Recycling Committee

Councilman Scangarello nominated Sue Pappas to Beautification & Recycling.

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

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Agenda No. XII

Presentation of Communications, Petitions

None.

Agenda No. XIII

Discussion Items – Highlands Master Plan

The Council discussed the resolution before them which contained comments on the Highlands Master Plan. Councilman Nolan asked if the resolution should contain references to studies conducted that confirm that water supplies are limited in West Milford. Mayor Bieri recommended that a resolution be adopted on February 27<sup>th</sup>. She noted that neither she nor the Council have had sufficient time to review the resolution and asked if discussion can be deferred to one of the upcoming budget meetings. She asked that the Council provide any additional comments to Mr. Semrau by Friday.

Agenda No. XII

Executive Session

~ Resolution 2008-094 ~

MOTION FOR EXECUTIVE SESSION

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 13<sup>th</sup> day of February, 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

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- 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
    - Valley Ridge & Eagle 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).

Adopted: February 13, 2008

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

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The Council went into Executive Session at 9:17 p.m.

The Council reconvened in public session at 9:40 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 9:40 p.m.

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

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Approved: March 26, 2008

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK