
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: October 10, 2007
Time of Meeting: 7:30 P.M.
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Mayor Joseph DiDonato called the Regular Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular Meeting was advertised in the Herald News in its issues of December 17, 2006 and January 7, 2007; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Joseph Smolinski, Phil Weisbecker, Salvatore Schimmenti, Robert Nolan, James Warden, Carmen Scangarello. Mayor DiDonato
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia and Township Attorney, Fred Semrau

Reading of or Approval of Unapproved Minutes

September 26, 2007 Regular Meeting

Councilman Weisbecker moved to adopt the minutes of the September 26, 2007 Regular Meeting as presented.

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

Presentations

West Milford Lion's Club – 50th Anniversary

Mayor DiDonato noted that the Lion's Club is one of the premier charitable organizations in the world. They raise funds and donate to good causes. The West Milford Lion's Club has funded four scholarships for West Milford high school students, have raised funds for the first aid, creative playground, bullet proof vests for the police department and much more. The West Milford Lion's Club will celebrate their 50th anniversary this month and Mayor DiDonato introduced the president of the Lion's Club, Donna Lynn O'Donnell to the podium to introduce the officers in attendance tonight. Ms. O'Donnell invited the following officers of the West Milford Lion's Club to join her at the podium. In attendance were Vice-President Bill Francis, Edie Wagner, Barbara Bassett, George Bassett, Elspeth Moore, Howard Seufert, Lou Corsaro, Barbara Corsaro and past International Director Robert Moore. Mr. Moore provided a brief history of the founding of the West Milford chapter in October 1956 and provided an overview of some of the worldwide projects they are involved in. He stated that five West Milford club members are district leaders. He has sat on the International Board of Directors and was honored to travel extensively in support of Lion's Club projects. The International Lion's Club organization is working to raise funds to prevent blindness and is hoping that by 2020 preventable causes of blindness will be eradicated worldwide. He thanked the Mayor and Council for honoring the Lion's Club tonight and expressed hope that the local chapter will continue to exemplify the motto "We Serve". Mayor DiDonato presented Ms. O'Donnell with a certificate of recognition from the residents of West Milford.

Proclamations

DECA Week

Mayor DiDonato expressed honor to present a proclamation tonight for DECA week as he has done for the past four years. DECA, he said, is near and dear to his heart. This initiative prepares our youth to excel in the world; it speaks about business in the United States which drives everything that creates the benefits we enjoy in our society. He invited Ms. Bloom forward and thanked her for guiding the students who participate in DECA in West Milford schools. Four high school students, Marybeth, Christina, Lindsey and Rachel read the DECA mission statement and outlined the DECA goals and programs. They stated that DECA stresses leadership qualities. Mayor DiDonato congratulated the participants of this program and read the proclamation before presenting it to Ms. Bloom.

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WEST MILFORD CELEBRATES NATIONAL DECA WEEK

WHEREAS, the Township of West Milford supports DECA, the Distributive Education Clubs of America – Marketing/DECA, and its education in planning for the field of marketing and distribution, thereby promoting occupational competence; and

WHEREAS, DECA also contributes to promoting appreciation for the responsibilities of citizenship in a highly competitive system; and

WHEREAS, every citizen is entitled to a freedom of choice which allows them to provide for him or herself the opportunity to participate in the free enterprise system; and

WHEREAS, the democratic philosophies of private enterprise and competition, and the freedom of this nation to pursue these philosophies, allows for the fullest development of our individual abilities; and

WHEREAS, that by doing our best to live according to these high principles we, in the Township of West Milford, believe that we will be of greater service both to ourselves and to mankind.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the week of **October 7, 2007** through **October 13, 2007** as

DECA WEEK IN THE TOWNSHIP OF WEST MILFORD

and urge all citizens and business owners to promote the importance of Distributive Education in our Township.

Unfinished Business, Final Passage of Ordinances

Agenda VII 1

~ Ordinance 2007 - 026 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CONCERNING THE HIRING OF ATTORNEYS FOR LEGAL SERVICES

WHEREAS, the Township Council of the Township of West Milford has determined that it is in the best interests of the Township and its citizens to ensure that the retained, appointed and reappointed licensed legal professionals are competent in their profession and are of good professional and ethical character.

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. Prior to being hired, any attorney who applies for a legal position within the Township of West Milford and/or its Boards, Committees or other agencies of the municipality, shall complete and execute both an "Attorney Ethics History Certification" and a "Disciplinary Authorization and Release" form, or other superseding form promulgated by the Supreme Court of New Jersey, Office of Attorney Ethics.
 - A) The "Attorney Ethics History Certification" form shall be a form adopted by the governing body of the Township of West Milford and shall cause the licensed legal professional to certify, under oath, the prior ethics history of that professional. The Certification shall also state that the professional understands that any discrepancy ultimately discovered between the Certification and the Release forms may constitute cause for removal from such position, as authorized by the governing body of the Township of West Milford. The Certification form shall be certified to and completed by the licensed legal professional during the application process and submitted to the Township Clerk to be kept on file as part of his/her application, and shall be considered a public document by the Township. The Certification form, however, shall be returned to the licensed legal professional in the event the professional is not hired by the Township of West Milford.
 - B) The Release form shall grant authorization to the Township of West Milford to request from the Office of Attorney Ethics, a "Certificate of Ethical Conduct" or other superseding certificate, relating to the licensed legal professional's ethics history. The form shall be executed by the licensed legal professional during the application process and shall be submitted to the Township Clerk for proper forwarding to the Office of Attorney Ethics. Upon receipt by the Township Clerk of the "Certificate of Ethical Conduct" or other superseding certificate and any documents relating to the professional's ethics history, the documents shall be kept on file as part of his/her personnel record and shall be considered a public document by the Township. The documents, however, shall be returned to the licensed legal professional in the event the professional is not hired by the Township of West Milford.

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2. The provisions in paragraph 1 of this Ordinance shall apply to consideration of the appointments and re-appointments to the following offices: Township Attorney, Township Prosecutor, Municipal Court Judge, Public Defender, Planning Board Attorney, Board of Adjustment Attorney, Bond Attorney, Labor Attorney, as well as the attorneys for other commissions, committees, boards, authorities and other agencies. In addition, the provisions of paragraph 1 of this Ordinance shall also apply to any licensed legal professional working in the law firm of the individual(s) appointed or retained by the Township who provides the Township with legal services in conjunction with the appointed or retained individual(s).
3. Any licensed legal professional within the scope of this Ordinance who does not comply with the provisions contained herein may not be considered for appointment or re-appointment to the Township by the Mayor and Council, or by the Planning Board, Board of Adjustment or any other Board or agency.
4. This Ordinance shall not apply to licensed legal professionals who have already been appointed or retained by the Township prior to the Ordinance's passage, Instead, the licensed legal professionals who are subsequently appointed or retained by the Township after this Ordinance's passage shall be subject to the provisions of this Ordinance. This Ordinance shall not apply to substitute Judges, Prosecutors, or Public Defenders that appear in the West Milford Township Municipal Court.
5. 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.
6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
7. This Ordinance shall take effect after publication and passage according to law.

Mayor DiDonato advised that this Ordinance was introduced on September 26, 2007. Notice of this public hearing was published on September 30, 2007. He opened the meeting to the public to speak on this matter only.

There being no comments from the public, Councilman Scangarello made a motion, seconded by Councilman Smolinski, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda IV 2

~ Ordinance 2007- 027 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 8002, LOT 1 AND BLOCK 9901, LOTS 10, 11 AND 12 IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, Hollowbrook Homes, (also known as Jack Wertz) has agreed to convey BLOCK 8002, LOT 1 consisting of 63 acres of vacant land to the Township in consideration of the payment of \$350,000; and

WHEREAS, Apple Valley Estates, LLC, has agreed to convey BLOCK 9901, LOTS 10, 11 and 12 consisting of ±105 acres of vacant land to the Township in consideration of the payment of \$800,000; and

WHEREAS, the Township has applied for and anticipates obtaining monies from both the County of Passaic and the State of New Jersey Department of Environmental Protection (Green Acres Program) to assist in the purchase of said lands; and

WHEREAS, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for open space purposes.

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:

SECTION 1. The Township of West Milford hereby authorizes the acquisition of BLOCK 8002, LOT 1 for \$350,000; and BLOCK 9901, LOTS 10, 11 and 12 for \$800,000 for the purpose of preserving open space for the total sum of \$1,150,000, with approximately \$650,000 from the State of New Jersey

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Department of Environmental Protection and \$230,000 from the County of Passaic and the balance of the acquisition price and costs in the amount of approximately \$270,000 from the West Milford Township Open Space Trust Fund.

SECTION 2. The said land and the terms of the agreements for the acquisition of said properties is described in Exhibits A and B which are attached hereto and made a part hereof.

SECTION 3. The net sum of \pm \$300,000 plus \$50,000 for the acquisition costs associated with the Township is hereby appropriated from the Open Space Trust Fund of the Township of West Milford, County of Passaic, State of New Jersey

SECTION 4. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 5. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 6. 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 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 8. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Mayor DiDonato advised that this Ordinance was introduced on September 26, 2007. Notice of this public hearing was published on September 30, 2007. He opened the meeting to the public to speak on this matter only.

There being no comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Scangarello, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda V

Public Comments

Mayor DiDonato opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford asked all residents to attend the 13th annual Autumn Lights Festival this coming Saturday to support local organizations, groups and volunteers. She noted that the first aid squad will be in attendance and are celebrating their sixtieth anniversary this year. The Chamber of Commerce is hosting a scavenger hunt and they have some very good prizes. Abe Lincoln will be appearing at the museum and the library is participating in the event. She noted that there are a host of activities scheduled for children and it will be a fun day for the entire family. The weather forecast is positive and, for the first time, there will be a trolley to transport people from one area to another. She commended the many people who work hard to make this event so successful each year.

Bettina Bieri, 17 Bearfort Road, West Milford also encouraged everyone to attend ALF. She advised that on October 21st the animal shelter will host its biggest fundraiser of the year. They are planning a dog-walkathon where people are encouraged to join other pet owners and take their pet for a walk. There will be prizes and contests and the funds will benefit the West Milford animal shelter.

Don Weiss, 81 Pinecliff Lake Drive, West Milford advised that he has a new program that he hopes will assist in promoting West Milford. He has written a book called West Milford Baker's Dozen which is a guide to hikes and peaks in town. The book contains a tally sheet for the hiker to log his or her climbs. He will work in conjunction with Sustainable West Milford when promoting this book. They will assist him in garnering interest and support from local businesses who can participate and benefit from revenue generated from those who come to West Milford to hike through local trails. Ultimately he would like to organize the hiking community with whom he has been involved for many years to bring revenue into West Milford. When his book is printed, he will share it with the Council.

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

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

Agenda VI

Council Comments

Agenda VII

New Business, Introduction of Ordinances, Resolutions

Agenda VII 1

~ Resolution 2007- 326 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF RADIO COMMUNICATIONS EQUIPMENT TO ATLANTIC COMMUNICATIONS UNDER MORRIS COUNTY COOPERATIVE PRICING CONTRACT #41 AND STATE OF NEW JERSEY CONTRACT #A

WHEREAS, the Township of West Milford has conducted its own investigation as to the needs of updating the public safety and operations communications systems of the Township; and

WHEREAS, after such investigation was conducted by various members of the Township and members of the Telecommunications Committee, it was determined that the Township was in need of upgrading such communications systems to ensure the continued protection of its citizens; and

WHEREAS, the Township previously hired NUCOM Consulting, LLC, to review the Township's needs and determine which vendor and equipment would be most compatible to the Township in its efforts to upgrade its public safety and operations communications systems; and

WHEREAS, the consultant, after reviewing the submitted proposal(s), recommends that the Township award the contract to Atlantic Communications in accordance with its proposal; and

WHEREAS, the purchase of goods and services through a State agency by local contracting units, without advertisement for bid, is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

WHEREAS, Atlantic Communications is an authorized vendor under the Morris County Cooperative Pricing Council Contract #41 and State Contract #A53764; and

WHEREAS, the Township consultant has recommended that the Township Council utilize this contract for the purchase and installation of the public safety and operations communications systems equipment in the amount of \$1,193,951.40; and

WHEREAS, encumbrances for these services shall come from account number C-04-07-946-252 and the Chief Financial Officer has attested that funds are available in an amount not to exceed \$1,193,951.40 for this purpose, which funds were appropriated by bond ordinance #2007-018.

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

1. The purchase of the radio communications equipment from Atlantic Communications pursuant to its proposal, attached hereto, at a total price not to exceed \$1,193,951.40, is hereby approved under the Morris County Cooperative Pricing Council Contract #41.
2. The Mayor and Township Clerk are hereby authorized and directed on behalf of the Township to execute a purchase order and contract to Atlantic Communications for the purchase of the proposed radio communications equipment at a total price not to exceed \$1,193,951.40, in a form acceptable to the Borough Attorney.

Adopted: October 10, 2007

Discussion: Councilman Weisbecker advised that, having obtained the information requested at the last meeting, he is more comfortable voting on this expenditure tonight. Mr. Kunze advised that the funding comes from bonding and existing capital balances since 2002. In response to Councilman Warden, Mr. Kunze advised that the consultant has been working with Verizon to estimate the cost of the 911 system and advised that he expects it to come in below the estimated amount. He also expects that the renovation and construction for the dispatch center will be within the estimated amount for that work.

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

Discussion: Council moved the following Resolutions 2007-346, 2007-347, 2007-348, 2007-349, and 2007-350 as one.

Agenda VII 2

~ Ordinance 2007- 346~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY REJECTING BIDS FOR ROCK SALT**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 21, 2007 at 10:00 a.m. for Rock Salt as per the Bid Specifications; and

WHEREAS, the Township received two (2) bids as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
International Salt Co., LLC	\$453,520.00
Atlantic Salt	462,640.00

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

WHEREAS, said review has determined that the bids submitted exceed the amount estimated by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that all bids received on September 21, 2007 at 10:00 a.m. for Rock Salt are hereby rejected because the amounts bid exceed the Township Engineer's estimate.

Adopted: October 10, 2007

Agenda VII 3

~ Resolution 2007- 347 ~

**Resolution of the Township of West Milford, County of Passaic and
State of New Jersey Rejecting Bids for Snow Plow Services and Authorizing Re-Bidding of Same**

WHEREAS, the Township of West Milford solicited bids on September 21, 2007 at 10:30 a.m. for Snow Plow Services; and

WHEREAS, in response to the "Notice to Bidders" the Township received five (36) bids for Snow Plow Services; and

WHEREAS, the Township Engineer and the Township Attorney have reviewed the aforementioned bids to ensure compliance with the Local Public Contracts Law and the specifications; and

WHEREAS, the Township Attorney has determined that six of the seventeen bids submitted contain material defects, which defects cause the bids to be rejected; and

WHEREAS, pursuant to N.J.S.A. 40:A:11-11-13.2 a local contracting unit may reject bids under certain circumstances; and

WHEREAS, the material defects in the bids submitted make it necessary to reject six of the seventeen bids submitted.

WHEREAS, the Township Engineer has advised that a total of approximately 55 trucks are needed for snow plowing services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bids received for Snow Plow Services be and are hereby rejected because material defects in six of the bids received have deemed these bids as not conforming with the Local Public Contracts Law.

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BE IT FURTHER RESOLVED by the Council of the Township of West Milford, County of Passaic, State of New Jersey, the Township Engineer, Township Administrator, and Township Clerk be and are hereby authorized to take necessary steps to solicit bids for a second time for additional Snow Plow Service contractors.

Adopted: October 10, 2007

Agenda VII 4

~ Resolution 2007- 348~

Resolution Township of West Milford, County of Passaic, State of New Jersey Authorizing the Award of a ROCK SALT Contract to INTERNATIONAL SALT COMPANY, LLC through the Morris County Cooperative Purchasing Council, Contract #3 CATEGORY #1

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #3, Category #1 Bulk Rock Salt, to International Salt Company, LLC, and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract in an amount not to exceed \$390,240.00, under the Morris County Cooperative Pricing Council contract #3 Category #1 to International Salt Company, LLC ; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 8-01-26-294-363.

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

1. The Township Council hereby authorizes the Township Administrator to execute a contract for Rock Salt to International Salt Company, LLC through the Morris County Cooperative Purchasing Council, Contract #3 Category #1 Rock Salt in an amount not to exceed \$390,240.00
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: October 10, 2007

Agenda VII 5

~ Resolution 2007- 349 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING CONTRACTS FOR SNOW PLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 21, 2007 at 10:30 a.m. for Snow Plowing Services; and

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

WHEREAS, the Township Engineer has submitted a written recommendation for the award of contracts to vendors whose bids have 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 Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 7-01-26-294-364 & 8-01-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township Administrator be and is hereby authorized to execute contracts for snow plowing services pursuant to the Engineer's recommendation and in accordance with the following outline:

<u>CONTRACTOR</u>	<u>TRUCKS</u>	<u>SPECIAL RATES</u>
1. John Monteleone Enterprises	1	1 tandem, 1 loader
2. Nortap Equipment	1	
3. P&W Excavating	7	3 tandems, 1 loader, 1 bulldozer
4. Tom Buske Construction, Inc.	7	3 tandems, 1 loader, 1 grader, 2 bulldozers

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Table with 3 columns: Item number, Name, and Quantity/Description. Includes items like Joseph A. Padham, Jr., McCann's Excavating, Decker & Decker Const. Co., etc., and a total for trucks.

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 10, 2007

Agenda VII 6

~ Resolution 2007-350~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO VAN ORDEN SAND & GRAVEL OF RINGWOOD FOR THE PURCHASE OF ICE CONTROL AGGREGATES AS PER THE BID SPECIFICATIONS

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 21, 2007 at 10:15 a.m. for Ice Control Aggregates 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 the Township Attorney; and

WHEREAS, the bid received from the Van Orden Sand & Gravel of Ringwood 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 Van Orden Sand & Gravel of Ringwood; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number 8-01-26-294-348 or the 2008 Temporary Budget.

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 Van Orden Sand & Gravel of Ringwood in an amount not to exceed \$162,000.00 for the purchase of Ice Control Aggregates to facilitate Winter Storm Snow and Ice Removal as per the Bid Specifications
2. The Administrator be and is hereby authorized and directed to execute a contract with Van Orden Sand & Gravel of Ringwood in accordance with its bid for Ice Control Aggregates.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 10, 2007

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

Agenda VII 7

~ Resolution 2007- 351 ~

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. 1615-33-017-006 FROM SABANI BASKIM LOCATED AT 9 LAKESIDE ROAD, HEWITT, NEW JERSEY TO LEBISTRO, INC. FOR PREMISES AT THE SAME LOCATION

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WHEREAS, an application has been received for a Person to Person transfer of 2007 - 2008 Plenary Retail Consumption License No. 1615-33-017-006 presently held by Sabani Baskim at 9 Lakeside Road, Hewitt to LeBistro, 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: October 10, 2007

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

Agenda VII 8

~ Resolution 2007 - 352 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING SUSTAINABLE WEST MILFORD'S BUY LOCAL CAMPAIGN

WHEREAS, West Milford is fortunate to have many socially and environmentally conscious citizens; and

WHEREAS, a group of these civic minded citizens have formed an organization called "Sustainable West Milford"; and,

WHEREAS, *Sustainable West Milford* has provided assurances that they are a duly registered organization who has applied for non-profit status with the State of New Jersey and that they will provide evidence of their non-profit status when obtained; and

WHEREAS, *Sustainable West Milford* is planning to organize a "Buy Local" campaign in West Milford and neighboring communities which campaign is intended to benefit local businesses and protect the environment.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does support the principles and ideals of a "Buy Local" campaign and thus endorses the efforts of *Sustainable West Milford* in this regard.

Adopted: October 10, 2007

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

Agenda VIII

~ Resolution 2007 - 353~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: October 10, 2007
Time of Meeting: 7:30 P.M.
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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING THE "GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007"

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the State as it enhances New Jersey's economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

WHEREAS, the Township of West Milford is desirous of protecting its environmental resources and unique character; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey's state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007, the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007 which authorizes the State to issue \$200 million in bonds to fund New Jersey's preservation programs for one year and the Blue Acres program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the municipality encourages the voters of New Jersey to vote "Yes" on the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007 on November 6, 2007.

Adopted: October 10, 2007

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

Agenda VIII 10

~ Resolution 2007 – 354 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO A SMART GROWTH GRANT AGREEMENT

WHEREAS, West Milford Township was awarded a Smart Growth Planning Grant for the completion of certain studies; and

WHEREAS, there are remaining Smart Growth Grant funds that have not been expended that could be applied to the Streetscape Improvement Plan for the Central Business District (CBD) (hereinafter the "Plan") that may be undertaken; and

WHEREAS, that Plan would involve an amended Scope of Services as outlined below:

1. The Township of West Milford(hereafter the "Grantee") shall fulfill the obligations set forth in this grant agreement with the NJ Department of Community Affairs (hereinafter the "Grantor") and supplemented by the attached workplan. The obligations set forth in the Scope of Services Amendment dated November 23, 2005 shall be waived; however, the obligations set forth in the original scope of services signed December 8, 2000 shall remain in effect.
2. The Grantee shall use remaining Smart Future Grant Funds under this grant agreement to prepare and implement a Streetscape Improvement Plan for the Central Business District (CBD) (hereafter the "Plan")

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- a. The Grantee shall utilize Smart Future Grant funding for “soft” costs related to preperation and implementation of the “Plan”
 - b. The Grantee shall prepare the “Plan” in coordination with Smart Growth goals and policies as outlined in the State Development and Redevelopment Plan, and in coordination with the Highlands Water Protection and Planning Act.
 - c. The Grantee shall produce a report recommending building design standards for future development within the CBD.
 - d. The Grantee shall undertake a comprehensive outreach strategy to ensure the involvement of various segments of the population and stakeholders.
3. The Grantee shall include the Grantor in any decision making with regard to the selection of professional consultants who will be compensated through the use of these grant funds. The Grantee shall not enter into any subcontract for the performance of any work or services to be funded pursuant to this grant agreement without first securing the prior written approval of the Grantor. Additionally, the Grantee shall be required to obtain the prior written approval of the Grantor for any request for proposals that the Grantee proposes to utilize for the selection of a consultant or subcontractor. Any subcontract executed by the Grantee shall contain requirements requiring the submission of periodic progress reports by the consultant or subcontractor to both the Grantee and the Grantor; shall provide that the Office of Smart Growth shall be entitled to have staff members attend any meetings conducted by the Grantee with the consultant or subcontractor as well as any hearings which the Grantee and/or the consultant or subcontractor may conduct in carrying out the work or services to be funded under the grant agreement; and shall provide that the Grantor shall be considered a third party beneficiary of the subcontract.
4. The Grantor shall have the final authority to review and approve all deliverables and work product(s) that are provided by the Grantee in association with this grant agreement. These deliverables are as follows:

Two color copies and one electronic copy of the “Plan” and report as outlined above in Section C(2).

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that the Smart Growth Grant Agreement be amended so that the unexpended balance be applied to the Streetscape Improvement Plan for the Central Business District (CBD) as outlined above so that the Township may complete such a Plan.

BE IT FURTHER RESOLVED that the amended Agreement shall be forwarded to the New Jersey Department of Community Affairs Office of Smart Growth requesting State approval.

Adopted: October 10, 2007

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

Agenda VIII

~ Resolution 2007 – 356 ~

RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications; and

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:

- a. **Resolution 2007 - 357** - Cancel Taxes
- b. **Resolution 2007 - 358** - Refund Other Liens
- c. **Resolution 2007 - 359** - Refund Overpayments
- d. **Resolution 2007 - 360** - Refund Recreation Fees
- e. **Resolution 2007 - 361** - Refund Performance Guarantees

Applications:

- a. **Application** – Casino Night Raffle by St. Joseph Church

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b. Application - On Premise 50/50 Raffle by St. Joseph Church

Adopted: October 10, 2007

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

The following Resolutions were included in the consent agenda:

Agenda VIII a

~Resolution 2007- 357 ~

RESOLUTION 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: RECIPIENT UNFOUND

TWP. CHECK #	DATE	PAYABLE TO	AMOUNT
29664	2-15-07	Patricia Guerriero	\$67.33
29812	2-28-07	John DiTosto	\$2,013.01
		TOTAL	\$2,080.34

Adopted: October 10, 2007

Agenda VIII b

~ Resolution 2007 - 358 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
00-030	04/03/2000	02303-006	\$5,989.64	DCAGC MANAGEMENT CORP C/O EUGENE DENAGEL 71 CATSKILL COURT BELLE MEAD, NJ 08502
05-030	03/09/2005	02303-006	\$812.47	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
06-055	04/11/2006	07208-005	\$5,736.56	JN PROPERTIES ASSOCIATES 175 MARKET STREET #301 PATERSON, NJ 07505
07-019	04/03/2007	02303-006	\$1,426.16	EDWARD J GALBIERCZYK 329 CROSS STREET LAKEWOOD, NJ 08701
07-045	04/03/2007	06502-009	\$219.94	CHUN T LI 9 MALJIM COURT WAYNE, NJ 07470

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Grand Total	\$14,184.77
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Adopted: October 10, 2007

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~ Resolution 2007- 359 ~

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

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

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

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1208-14	D. & D. Swackhammer P.O. Box 78 Hewitt, NJ 07421	\$252.89	2007	6
5312-1.12	Jean Kolaga 4 Richmond Road Suite 112 West Milford, NJ 07480	\$252.89	2007	6
7619-12	Mascheroni, Ida Astute 845 Van Emburgh Avenue Washington Township, NJ 07675	\$46.00	2007	2
8802-26	David & Lisa Lis 127 Vreeland Road West Milford, NJ 07480	\$113.39	2007	1
11302-29	R. A. Walker 40 Broadway West Milford, NJ 07480	\$250.00	2007	6
13104-3	Philip & Heather Touw 61 High Crest Road West Milford, NJ 07480	\$253.33	2007	6
TOTAL		\$1,168.50		

Adopted: October 10, 2007

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~ Resolution 2007 - 360 ~

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

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

<u>Name & Address</u>	<u>Reason</u>	<u>Amount Refunded</u>
Kathleen Schnorr 86 Old Dutch Hollow Road Monroe, NY 10950	Refund of enrollment in Kidsafe Karate	\$75.00
Courtney Papendick 23 Park Avenue Bloomingdale, NJ 07403	Refund of enrollment in Fall Imagine with Music	\$90.00
Renee Russo-Nader 18 Van Nostrand Lane West Milford, NJ 07480	Refund of enrollment in Fall Imagine with Music	\$80.00

Adopted: October 10, 2007

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~ Resolution 2007 - 361~

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEES

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

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Carl Janeuski Pela Construction Inc. 67 Arch Street Butler, NJ 07405	11302/8	\$1,275.00	79

Adopted: October 10, 2007

Agenda IX

Payment of Bills

Agenda IX

~ Resolution 2007-362 ~

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:

<u>Acct #</u>	<u>Account Name</u>	<u>Amount</u>
1	Current Account.	\$374,241.59
2	Reserve Account	356.21
3	Animal Control Trust	3,076.70
6	Capital.	151,025.00
7	Grants.	4,256.46
8	Refuse.	110,250.00
9	Refunds.	15,598.27
12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	6,567.00
18	Development Escrow.	40.50
19	LOSAP	
20	Special Reserve	
	Total	\$665,411.73
	Less Refund Resolution	-15,598.27
	Actual Bill List	\$649,813.46
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$649,813.46

Adopted: October 10, 1007

Discussion: Councilman Nolan requested a separate vote on the payment to Glen Kienz on page 7 in the amount of \$1,333.33. Councilmen Weisbecker and Scangarello amended their motions to have a

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separate vote on this payment. Councilman Nolan noted that there is a \$235,000 payment for benefits for current and retired employees. In 2006, this payment amounted to \$244,000. The Township would have been subjected to a 10% increase if it were not for the Township Administrator re-negotiating contracts with the unions representing Township employees. He commended Mr. Kunze for this savings and Mayor DiDonato seconded those sentiments.

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

Payment to Glen Kienz, page 7, \$1,333.33

Discussion: Councilman Nolan noted that this bill is for the August retainer for the Planning Board attorney. The invoice details the work done during the month but there is no charge reflected in the total column. Mr. Kunze advised that the purpose of this invoice is to provide specifics for work done and charged to the retainer. Councilman Nolan advised that the Township is paying for two attorneys in the same firm to consult with each other.

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

Agenda X

Reports of Administrator, Mayor and Members of the Council

Mayor DiDonato congratulated the Lion's Club on their 50th anniversary and thanked them for all the work they do for this community and throughout the world. He encouraged everyone to attend the Autumn Lights Festival (ALF) on Saturday.

Administrator Kunze encouraged everyone to attend ALF. He advised that a portion of Union Valley Road will be closed and there will be detour signs posted. He advised that he will discuss with Council at the next workshop meeting a request to the County to reallocate open space funds. He advised that Township and MUA officials recently met with various state agencies to discuss the wastewater management regulations. The meeting was very positive and he will have an update for Council later in the year.

Councilman Weisbecker noting that many people work very hard on ALF encouraged everyone to come out for that event. He stated that he is very proud of this Council because of the expeditious manner in which they worked to purchase properties with open space funding. He commended his fellow Councilmen, the Administrator, and the Township Attorney. He advised that the Planning Board held a special meeting last night to discuss the proposed well testing ordinance. Matt Mulhall from M² attended to answer technical questions and he did a good job. As a result of this open communication process, this ordinance will be strong and beneficial.

Councilman Schimmenti asked business owners at Bearfort Plaza to be patient with the road closing for ALF. He noted that this is the first year the Township is trying this and, if it causes any inconvenience, he encouraged the businesses to notify the Township.

Councilman Nolan congratulated the owners of Camp Vacamas, advising that he considers them to be personal friends, on receiving funding from the State for their land. The agreement with the State allows the owners to continue to fund their programs which benefit inner city children and the land will be preserved. The museum will be open during ALF on Saturday from 10:00 a.m. to 5:00 p.m. He advised residents that, if they received a tax rebate this year, they must report it as income on their 1040 next year if they itemize their tax returns. This coming Sunday local supermarkets are hosting a food drive from noon to 4:00 p.m. Interested parties are being asked to fill a shopping bag with non-perishable food items and drop those bags off at either Shop Rite or A&P. Checks are also being accepted by North Jersey Media Group in Hackensack. He advised that Councilman James Warden has contributed \$2,500 to Sustainable West Milford to assist them with start-up costs. He read an excerpt from the September 26th meeting minutes wherein the Township Attorney advised that, if the Township Council wishes to discuss fees for copies, he would require an executive session discussion on this matter. He asked if that discussion can be scheduled for executive session at the October 24, 2007 workshop meeting. Mr. Semrau advised that this subject requires executive session discussion because of pending litigation.

Councilman Warden advised that he took an airplane ride around West Milford today and noted that the reservoirs are very low. If there are no significant rain and snow events this winter, we will be in a drought situation and he encouraged residents to conserve water. He stated that he and Councilmen Smolinski

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and Weisbecker attended the Planning Board meeting last night which was very productive. He advised that the West Milford animal shelter will be having their annual dog-walkathon on October 21, 2007 and he encouraged residents to participate. He stated that he made a contribution to Sustainable West Milford because they get things done and he expressed hope that the Council would give them money too. He stated that volunteers of this caliber fulfill their promises and they will bring tourism and business into West Milford.

Councilman Scangarello conveyed condolences to the Moeller family for their recent loss. He noted that Chief John Moeller was the first West Milford Police Chief and he passed away not long after celebrating his 101st birthday. He stated that volunteers are still needed to assist with parking for ALF. He commended the West Milford Board of Education for initiating a program to allow residents over sixty years of age free admittance to various events held at west Milford schools. He asked Administrator Kunze to ensure that appropriate staff remain vigilant in addressing complaints about dilapidated properties and properties that are being over-populated.

Council President Smolinski stated that he looks forward to working on finding additional sources of revenue to reduce the tax burden for West Milford taxpayers. Costs are rising and revenue is falling at a time when there is uncertainty about what to expect in future years. He asked that the Council work together on this issue which affects everyone. The Planning Board meeting last night was wonderful and he looks forward to receiving the comments on the well testing ordinance from the Planning Board and the Environmental Commission.

Township Attorney, Fred Semrau stated that the well testing ordinance is scheduled for discussion on October 24th. He asked that Councilmembers get their comments to him by Thursday. He reminded the Council that they asked him to research Greene Valley Estates and the two homes that were built at that site as well as the infrastructure that has been installed. He has reviewed the file and visited the site with the Township Administrator, Engineer and Planning Director. He commended Mr. Drew and Mr. McFadden for their responses to correspondence he sent to them on this subject. He advised that it is not appropriate to comment on applications pending before the Planning Board. He advised that there is preliminary subdivision approval which means that, in accordance with land use laws, the developer is authorized to install the infrastructure. Regular inspections were made as this work progresses and the work is acceptable by Township standards. The work is still subject to a final inspection. Mr. Semrau conferred with the Planning Board Attorney, Mr. Kienz, who advised that land use law provides that model homes can be built on properties that have obtained preliminary subdivision approval. The second home at this location is not part of the sixteen-lot subdivision and the owner obtained necessary permits for this single family home. He advised that the property with the subdivision application is comprised of 77 acres 49 of which are to be preserved. The remaining tract is to be used for the 16 homes. He advised that Mr. Drew and the Planning Board engineer, Mr. Kirkpatrick, have inspected each lot and have prepared a report. That report indicates that the clearing that has taken place is consistent with the plans submitted. While it was believed by some that the clearing was done to install foundations, it appears that these disturbances were for the construction of septic systems. Two septic systems were constructed for the two homes that have been built. Applications were filed for other septic systems but their construction would be premature at this time. He noted that the Council had questioned the absence of a developer's agreement and noted that the developer has a final subdivision application that he must comply with. The Planning Board will decide if the well testing was done in compliance with Planning Department regulations. If the developer were to do anything more than land clearing, he would lose his Highlands exemption. The DEP is researching that matter and the Township can participate in that aspect of the process.

Council President Smolinski asked if anything illegal has occurred at this site. Mr. Semrau replied that nothing illegal has transpired at this site. Council President Smolinski thanked Mr. Semrau for his diligence in researching this matter.

Agenda XIII

Executive Session

~ Resolution No. 2007- 363 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 10th day of **October 2007**, 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.

