
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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office. Mayor DiDonato thanked Assemblyman DeCroce and requested that he convey his thanks to the other legislators in district 26.

Proclamations

None.

Agenda IV

Unfinished Business, Final Passage of Ordinances

Agenda IV 1

~ Ordinance 2007 - 030 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

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

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of West Milford of a general and permanent nature adopted by the Township Council of the Township of West Milford, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 500, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of West Milford," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force. The 1976 Revised General Ordinances of the Township of West Milford, as amended, is hereby specifically superseded by the Code of the Township of West Milford.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of West Milford by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of West Milford" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of West Milford, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of West Milford to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more

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than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 9-26-2007.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result there from.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. In addition, the changes, amendments, or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

Mayor DiDonato advised that this Ordinance was introduced on November 7, 2007. Notice of this public hearing was published on November 11, 2007. He opened the meeting to the public to speak on this matter only.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that there is a reference on page 35 to a noise ordinance where decibel frequencies are spelled out. He congratulated the Council for this long overdue process but stated that he does not believe the noise ordinance was contained in the previous code. He asked if everything was moved from State statutes and/or the former code.

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

Ms. Battaglia advised that the re-codification effort did not include any new legislation. This process simply allows for existing legislation to be incorporated into a legible document. Mayor DiDonato added that amendments will be made to the code throughout the upcoming year as necessary.

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

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Agenda IV 3

~ Ordinance 2007 - 032 ~

Mayor DiDonato advised that the Township Attorney has an extensive report on this ordinance. He asked that this matter be deferred until Mr. Semrau arrives. The Council agreed.

Agenda IV 3

~ Ordinance 2007 - 032 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING ORDINANCE 2005-28 CONCERNING SALARIES AND COMPENSATION FOR TEMPORARY, SEASONAL AND PART-TIME EMPLOYEES

BE IT ORDAINED by the Township Council of the Township of West Milford, in the County of Passaic, State of New Jersey, that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the township of West Milford, New Jersey, 1976 the following employees here below stated shall be classified by job title with the corresponding pay ranges:

1. TEMPORARY, PART-TIME AND SEASONAL EMPLOYEES

Effective January 1, 2008 (Hourly Wage)

<u>Job Title</u>	<u>Jan. 1, 2008</u>	<u>Jan. 1, 2009</u>	<u>Jan. 1, 2010</u>
Special Police Officer – Class I	18.16/hour	18.70/hour	19.26/hour
Special Police Officer – Class II (with 200 hours of training & firearm qualified)	18.85/hour	19.42/hour	20.00/hour
Night Rate (additional per hour) (12:00 midnight to 7:00 a.m.)	1.50	1.50	1.50
Municipal Court Attendant	18.16/hour	18.70/hour	19.26/hour

2. CLOTHING ALLOWANCE – Special officers qualify for a clothing and maintenance allowance of up to \$350.00 annually. \$175.00 payable on or about December 1 of each year for those officers working a minimum of 35 hours since January 1 of that year, with an additional payment of \$2.50 each hour worked in addition to the minimum 35, with the total allowance not exceeding \$350.00 regardless of the number of all hours worked.

3. HOLIDAY PAY – Officers shall be entitled to time and one-half pay for all hours worked on New Year’s Day, Memorial Day, July 4th and December 25.

4. CALL-OUTS – All callouts are payable for time worked, with a minimum of two hours pay.

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

EFFECTIVE DATE – This ordinance shall take effect upon final passage and approval in accordance with law.

Mayor DiDonato advised that this Ordinance was introduced on November 7, 2007. Notice of this public hearing was published on November 11, 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 Smolinski, to close this public portion of the meeting. Approved by unanimous roll call vote.

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

Agenda V

Public Comments

Mayor DiDonato opened the meeting to the public after advising that each person wishing to be heard will be given an opportunity to speak. All persons wishing to be heard shall be limited to five minutes.

Mark Kleindienst, 62 Allison Avenue, West Milford advised that the owner of 5 Allison Avenue, Richard Slifer, has cut down trees, installed a driveway and brought vast quantities of dirt onto that site without approvals. He subsequently went to the Planning Board to obtain approvals and, during the past two years, has failed to follow the Planning Board requirements. There are people living in this structure yet a certificate of occupancy has not been issued. This matter has now gone to court because the planning and zoning departments finally issued summonses to Mr. Slifer. This property is located on Route 23 and is the first impression many people have of West Milford. The Space Center looks great but Mr. Slifer’s property is an eyesore. He asked for the Council to become involved and help get this matter resolved. Mr. Slifer does not follow the law and all the residents in this area are suffering the consequences. His property looks like a used car lot gone bad. He parks trucks on the property and there do not appear to be any consequences for his repeated violation of ordinances. He installed a huge sign which sits blank.

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He recently installed lights around the sign simply to upset the neighbors. The other businesses located in this area are great neighbors. However, Mr. Slifer has proven to be inconsiderate and he asked that the Council help the residents in any way they can.

Brian Leet, Allison Avenue, West Milford stated that he lives next door to Mr. Slifer's property which is a pig sty. He has pictures of trees that were removed without approvals causing runoff onto watershed property. The felling of these trees destroyed the buffer on the watershed property and Mr. Slifer also buried the stumps which is illegal. He brought in 27 trucks of dirt that was never tested and has never posted a bond. The sign is simply an eyesore and Mr. Slifer put Christmas lights on it simply to make it worse. He has never obtained the permits for that sign yet it remains on his property. He parks commercial and construction vehicles on his property and the streets. The residents on Allison Avenue are exceptional people who are community-oriented. He begged the Council to help those residents.

MaryAnn Vermuelen, 8 Allison Avenue, West Milford stated that she lives across the street from Mr. Slifer's property. The manner in which he maintains his property causes her grave concern about the value of her property. Mr. Slifer has been issued a summons for not having landscaping work done as required by the Planning Board. He has been issued a separate summons to remove the trucks from the property yet they are still on site. She has been in touch with the Planning Director almost weekly. These matters are scheduled to be heard in municipal court tomorrow. Mr. Slifer should not be allowed to continue to get away with these activities. He has been told by the Planning Board to make the property presentable to no avail. His actions are having a negative effect on the other properties in the area. She asked the Council to help noting that Mr. Slifer is now being arrogant.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he read an article in today's Trends that former Mayor Moshman is opposed to the dissolution of the Wanaque Valley Regional Sewerage Authority (WVRS). The article stated that Mr. Moshman met with the Council in executive session to discuss this matter. He stated that, as a general rule, he does not have an issue with the need to discuss certain matters in executive session. However, he is trusting that when the Council met with Mr. Moshman in executive session, it was necessary. The statements Mr. Moshman made to the paper are public and he is hoping that the executive session discussion was on the up-and-up.

Jim Novack, Mount Laurel, West Milford asked the Township Administrator to ensure that the walkways and entrances to Town Hall are salted during icy weather on meeting nights. Noting that the Council will consider a change order for work being done on Stainsby Road, he advised that the contractor was digging on the right of way in that area yesterday. He stated that this property belongs to John Aiello and he hopes that this is not the work being approved in the change order. He stated that Ringwood just approved a new garbage contract. They had five bidders and the lowest bid saved them \$180,000 per year.

Elaine Oldach, 13 Allison Avenue, West Milford stated that she lives two doors away from Mr. Slifer's property and is here tonight to ask the Council to help the residents in this area. She moved to West Milford three years ago because the area is beautiful and this particular neighborhood is great. This person, however, came into the neighborhood and has no respect for the residents. She agrees with all the statements made by other residents on Allison Avenue. Mr. Slifer dug out a new driveway on Route 23 which is a mud hill. Every time it rains, the mud washes into the street causing a severe hazard. Despite the fact that he is aware that he has violated many ordinances, Mr. Slifer was digging again on the day after Thanksgiving. He is disrespectful to the neighbors and she is pleading with the Council for their help.

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

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

Agenda VI

Council Comments

Township Administrator Richard Kunze stated that 5 Allison Avenue has been a long-standing issue and Township staff has been working on the related matters. The property owner failed to obtain proper approvals and the matter came before the Planning Board for site plan approval. Councilman Nolan stated that these matters take too long to address and should be handled better. Councilman Warden stated that the Council hears about such matters when it is too late to be addressed. He asked how this was allowed to go on for two years. Administrator Kunze advised that he will have staff prepare a report on this matter for Council. Councilman Weisbecker advised that he has been listening to these hearings as a member of the Planning Board. The Planning Board and the Planning Director have been working

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very hard and they are also frustrated with this on-going problem. He cannot say too much because there is an open application before the Board. Councilman Smolinski expressed concern that residents have to come before Council before they get action from Town Hall. While he does not know specifics of this particular situation, two years is a long time for residents to endure constant violations. Councilman Nolan urged residents to contact their elected officials if they do not get action from staff at Town Hall noting that the elected officials do not know when complaints are filed.

Township Attorney, Fred Semrau stated that when Mr. Moshman addressed the Council in executive session, he did so as a representative to the WVRSA. The specifics of that discussion were confidential even though some information has been addressed in a public forum. He stated that he, as Township Attorney, the Mayor and Council are always careful that the matters discussed in executive session are in conformance with that allowed by law. Therefore, Mr. Moshman was advised that only confidential matters would be discussed in executive session and anything not of a confidential nature was to be addressed in a public format. He advised that Councilman Nolan has requested that the minutes of that executive session be released as soon as possible and he will review and provide an opinion before the next meeting.

Agenda IV 2

~ Ordinance 2007 - 031 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY DISSOLVING THE WANAUKE VALLEY REGIONAL SEWERAGE AUTHORITY, COUNTY OF PASSAIC, STATE OF NEW JERSEY

BY UNANIMOUS ROLL CALL VOTE THIS RESOLUTION WAS TABLED TO DECEMBER 12, 2007 MEETING.

Discussion: Mr. Semrau stated that the ordinance before the Mayor and Council would authorize the dissolution of the Wanaque Valley Regional Sewerage Authority (WVRSA) and authorize the Mayor to enter into an agreement with Ringwood, Wanaque and the Wanaque Sewerage Authority to take the Township's interest and Ringwood's interest in the WVRSA and transfer that to the Wanaque Sewerage Authority. He has researched the technical requirements to effectuate such a dissolution and has found that there are many requirements that the municipalities must comply with. Each participating entity must adopt ordinances that should be approved by the local finance board and then those ordinances, with an application to dissolve, must be presented to the local finance board. The application must be completed with specific requirements as to the obligations, assets, etc. of the WVRSA. Additionally, before final adoption, the proposed ordinance must be approved by the local government finance board. Ringwood does not have an approved ordinance at this time and Wanaque has forwarded an ordinance to the board. No ordinance has yet been approved. He expressed concerns from a legal perspective because he is not comfortable that taking action this evening will be consistent with the law. Each municipality must adopt a parallel ordinance and submit as proposed to the local finance board. At this time, West Milford does not know how Ringwood plans to proceed. Each party must be party to the application to be sent to the local finance board and that subject has not been broached as yet. There must be consistency amongst the parties. He recommended that, if Council wishes to proceed with dissolution, consensus be obtained from all involved parties, a meeting arranged, and agreement to coordinate the necessary steps be arranged.

Councilman Scangarello recused himself from this discussion and left the meeting.

Mayor DiDonato opened the meeting to the public to speak to this ordinance only.

Ada Erik, Macopin Road, West Milford stated that there are three partners in this Authority. Wanaque wants dissolution because they do not want to pay duplicate fees because they have their own separate sewerage authority. The establishment of the Authority was drafted in such a way that all parties must agree to dissolution. However, Wanaque can dissolve its own sewerage authority. West Milford, she said, paid a lot of money for those seats and she urged the Council to retain the seats.

Jim Novack, Mount Laurel, West Milford thanked Mr. Semrau for obtaining all the necessary information. He stated that the Township should not give up these seats and asked that the matter be put before the voters in a referendum. The Township, he said, paid over \$½ million for those seats and \$150,000 is a slap in the face. He stated that this matter should be held over from the incoming Mayor and Council to review. There is only one meeting left this year. The Mayor could veto the Council's decision and the Council would not have a meeting to override the Mayor's veto. If Wanaque wants West Milford out of the WVRSA, they should negotiate in good faith and the negotiations should ensure that septic trucks from West Milford are given priority consideration and a good rate.

Andrew Gargano, 45 Apshawa Crossroad, West Milford noted that there was an article in a local publication on December 4th wherein Mr. Elcavage made inaccurate statements about the WVRSA. The capacity at the WVRSA is committed to Wanaque and plant overflows are released into the Wanaque

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River which has a category 1 status. This status precludes any additional effluent being allowed in which in turn prohibits any further expansion at the plant. Mr. Elcavage's contention that West Milford lakes are contaminated because of septics is ridiculous. There is not value to remaining a member of the WVRSA when there is not capacity at that facility. While \$150,000 may seem like a paltry sum, it is the best West Milford can get and the Township should cut losses, take the money and vote to dissolve the WVRSA.

Wayne Gottlieb, 20 South Richfield Road, Hewitt noted that the Township is still unsure as to the actual value of the WVRSA and the Township's seats. Before proceeding, that value should be determined. He attended the meeting where the Mayor-elect of Wanaque spoke before the Council in a threatening but unimpressive manner. He recalled that Mr. Moshman stated that West Milford has a right to send septic trucks to the WVRSA. That, he said, is a point of value. If the Township were to accept the \$150,000 over ten years as proposed, that would ultimately equate to \$92,000 in today's money. If the Township were to lose access for septic trucks it would constrict the supply of disposal fields. If the Township adopts a septic ordinance as is being proposed, there will be a greater demand for such disposal facilities at a time when West Milford is losing a viable option. Other disposal facilities may raise their fees. He urged the Council to determine the value and work from there.

There being no further comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Nolan and passed by unanimous roll call vote, to close the public portion of the meeting.

Discussion: Councilman Nolan expressed concern that the Township was unaware of the technical requirements until this time. The Township is obliged to follow the proper procedure and comply with the requirements of the local finance board before taking action. He recommended following Mr. Semrau's advise, table action on this matter and address it properly in 2008. Councilman Weisbecker stated that he never condoned sending additional effluent to Wanaque as been implied. He stated that there is no liability to West Milford retaining the seats on the WVRSA because the Township is not a user. \$150,000 is not enough to sell West Milford out to Wanaque. If Wanaque was truly interested in doing this right, they should have researched and advised all the parties of the requirements to dissolve. He is opposed to the dissolution of the WVRSA. Council President Smolinski thanked Mr. Semrau for his research and for bringing the information to the Council's attention. He recommended that this matter be dealt with next year in accordance with the requirements for dissolution of an Authority. Councilman Schimmenti recommended that the Council put their faith in the Township Attorney and follow his advise. Councilman Nolan noted that Mr. Semrau filed an OPRA request in Wanaque in an effort to obtain all the necessary information which included a 2003 study. That study contains notes which pertain to contracts with the West Milford MUA. He asked if anyone knows of such a relationship. That report also states that the plant is at capacity and there is no benefit to West Milford and Ringwood retaining membership.

Council President Smolinski recommended that the Council obtain input from the Planning Board and perhaps hire an expert in wastewater management to conduct an audit to assist the Council in making a decision. The Council gave consensus to have Mr. Semrau to continue his research into this matter and advise Wanaque that the matter was tabled so that the legalities and technicalities can be researched. Mr. Semrau clarified that he is being directed to communicate with Wanaque to say that the consensus of the council is as follows. West Milford finds the form of agreement and the terms acceptable for dissolution of the WVRSA but, prior to proceeding, there is a need for all parties to meet and present an application to the local finance board.

Councilman Nolan made a motion to table this ordinance, seconded by unanimous roll call vote. A subsequent motion was made to table this ordinance until December 12, 2007.

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

Mr. Scangarello returned to the meeting at this time.

Agenda VII

New Business Introduction of Ordinance, Resolutions

1)	Membership in Joint Insurance Fund – Mr. Semrau left the room for the duration of this discussion and Mayor DiDonato advised that Mr. Semrau will not participate in this discussion. Administrator Kunze reviewed the Township's current coverage and premiums. He recalled that the Township retained the Voza Agency as a consultant to explore the Township's options and determine if savings could be realized. The consultant analyzed the Township's current coverage and compared it to the services available in the Morris JIF. The Morris JIF would offer the Township coverage at \$706,000 while the current provider would charge \$711,000. There are also differences in the membership structure. He reviewed the positive components of the
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	<p>Morris JIF and highlighted some services they offer that are not offered by the current provider. If the current JIF were to offer the same coverages as the Morris JIF, premiums would increase. The financial condition of the Morris JIF is stronger. The Morris JIF requires members to complete a risk control program and each municipality must adopt the model personnel manual within six months. Premiums are based on claims and the estimate provided is based on the membership application. Councilman Nolan stated that the Township will get a lot more coverage for the same cost than the lesser amount coverage is now costing. Each municipality is assessed separately and refunds are issued if the actual cost proves to be less than estimated. He also noted that the present policy for insuring a fire truck would pay cash value if that truck is totaled where the Morris JIF would pay replacement cost. The Morris JIF would assist the Township in setting up a safety committee to reduce workers compensation claims which have driven up costs in recent years. The Insurance Committee has reviewed Mr. Vozza's report and recommended membership in the Morris JIF. The Council gave consensus to proceed with resolutions for next week's meeting which would approve membership in the Morris JIF and appoint Mr. Vozza as risk control manager.</p>
2)	<p>Chilton Memorial Hospital Contact – 2008 Community Health Education – Administrator Kunze advised that the township uses Chilton Memorial Hospital for certain health services. This arrangement has worked well in the past and they have offered a one-year contract at the same rate as that provided in 2006 and 2007. The Public Health Nurse recommends renewal. The Council gave consensus to proceed.</p>
3)	<p>Renewal of Pompton Lakes Interlocal Agreement – Health Services – Administrator Kunze advised that West Milford provides health services to Pompton Lakes wherein they avail of the services of the Township's Health Officer based on prorated calculations. This has worked well in the past. Since the packets went out to Council, he has heard from Pompton Lakes. They are asking for reduced hours using the same formula. They previously contracted for six hours every week and are now seeking three hours. This equates to an annual cost of \$13,600 as opposed to the \$24,200 paid for these services in 2007. The Council instructed the Administrator to provide them with the updated information when he receives official word from Pompton Lakes.</p>
4)	<p>Renewal of Bloomingdale Interlocal Agreement for Registrar Services – Administrator Kunze advised that the Township has had an arrangement with Bloomingdale for the sharing of registrar services in 2007. Bloomingdale has offered to continue this arrangement and is requesting a 4% increase based on their salary increase for personnel. The Council gave consensus to proceed. Councilman Scangarello noted that this arrangement continues to work well because the former Registrar, Mr. Rodda, continues to volunteer a lot of time to the Township.</p>
5)	<p>Traffic Signal Warrant Analysis at Various Intersections – Administrator Kunze advised that the Township had appropriated funds for two analyses at various intersections in town. RFP's went out and the Township received five proposals. They have been reviewed by the Township Engineer who has recommended award of a contract to the second lowest bidder for \$5,000. The Council gave consensus to proceed.</p>
6)	<p>Bid – Turnout Gear – Administrator Kunze advised that the Township received six bids for turnout gear which is part of the annual replacement program. The lowest bidder is Guardline Fire & Safety and the Fire Commissioner has recommended that they be awarded the contract. Council President Smolinski advised that when he spoke with the Fire commissioner he expressed some concerns about this contractor. He recommended that the Council table action tonight pending confirmation from the Fire Commissioner that he wishes to proceed.</p>
7)	<p>Bid – Fire Truck – Administrator Kunze advised that the Township received one bid from Pierce Manufacturing for \$446,409 which is within the amount appropriated. The Fire Department has reviewed the bid and recommends awarding a contract. The fire Commissioner called those people who picked up the specifications but did not submit a bid to ask why they did not bid on this apparatus. The unanimous response to the query was that they did not think they could respond within the amount of appropriation for this truck. Administrator Kunze advised that he is recommending award without accepting the payment options but taking the trade-in of \$5,000 for the old vehicle. The resolution will be drafted subject to attorney review of the bid.</p>
8)	<p>Bid – Tandem Dump Truck – Administrator Kunze advised that staff is still working on a recommendation and he hopes to have that ready by next week.</p>
9)	<p>Transfer Resolution – Administrator Kunze advised that a transfer resolution is adopted every December. State law allows transfers after November 1st in a given year. In response to Councilman Nolan, Mr. Kunze advised that the December billing for utilities has not been received as yet and therefore, if there is a larger surplus after that billing cycle, those funds can be transferred at that time.</p>
10)	<p>Release of Executive Session Minutes – Mr. Semrau advised that he and the township Clerk regularly review executive session minutes for release to the public. Councilman Nolan had some questions which he will address before next week.</p>
11)	<p>Appointments – Mayor DiDonato advised that the Clerk has provided information and will continue to do so through the end of the year so that Council can prepare for the reorganization meeting in January. Councilman Schimmenti noted that there is a current vacancy on the Planning Board and he recommended that Mayor DiDonato appoint James Olivo to this vacancy. Mayor DiDonato instructed the Clerk to prepare an appointing resolution for next week. Councilman Nolan objected stating that the Mayor should not make lame duck appointments to the Planning Board. He recommended that Mayor DiDonato should allow the Mayor-elect to make that appointment on January 2nd. Mayor DiDonato stated that he will take that recommendation under advisement.</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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12)	Sale of Fire Truck (Tanker 1) to Helmetta Fire Department – Administrator Kunze advised that the Borough of Helmetta has expressed interest in purchasing a 1989 tanker which was recently replaced with a new fire truck. They have inspected the vehicle and want to offer the Township \$7,000 to purchase it. The Council instructed the Clerk to prepare a resolution for next week and they further instructed the Township Attorney to draft an agreement which would include an “as-is” provision as well and an indemnity clause.
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Agenda VII 1

~ Resolution 2007 – 398 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE TOWNSHIP’S PLANNING BOARD AND AUTHORIZING SUBMISSION OF A PETITION FOR SUBSTANTIVE CERTIFICATION TO THE COUNCIL ON AFFORDABLE HOUSING

WHEREAS, the Planning Board of the Township of West Milford, County of Passaic, State of New Jersey, adopted the Housing Element of the Master Plan on November 29, 2007; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on November 29, 2007; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of West Milford, County of Passaic, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Township of West Milford Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Township of West Milford, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing’s Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of West Milford, municipal clerk’s office located at 1480 Union Valley Road, West Milford, NJ 07480, during the hours of 8:30 a.m. through 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

This Resolution shall take effect immediately.

Adopted: December 5, 2007

Discussion: Councilman Nolan asked if Mr. Semrau had reviewed this resolution. Mr. Semrau advised that he reviewed the resolution and has found it to be consistent with the presentation previously made by the Planning Director. He noted that this is a positive situation for West Milford. The COAH rules may change but this brings the municipality into compliance. Councilman Nolan stated that the report refers to Greene Valley Estates and anticipates that this development will proceed in 2009. Mr. Semrau advised that it is best to include this development because it is used to calculate the gross amount of potential development. If it is not included in the growth share, COAH could take exception. The Highlands exemption is still an issue but it is better to include it in calculating the Township’s fair share exemption. It is always best to capture potential development.

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

Agenda VII 2

~ Resolution 2007 – 399 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AUTHORIZING CHANGE ORDER NUMBER 1- TOMARO

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular Meeting
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CONTRACTING CO., INC. FOR THE STAINSBY ROAD, LAMBERT ROAD, BURR COURT, YONDER LANE AND DURANT ROAD IMPROVEMENT PROJECT FOR AN OVERALL INCREASE IN THE AMOUNT OF THE CONTRACT OF \$20,000.00

WHEREAS, the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey authorized the award of a contract for the Stainsby Road, Lambert Road, Burr Court, Yonder Lane and Durant Road Improvement Project to Tomaro Contracting Co., Inc. in an amount not to exceed \$292,000.00; and

WHEREAS, during further course of the contract, it has been discovered that several unforeseen items will have to be completed including additional roadway excavation and installation of dense graded aggregate to repair numerous soft areas in the roadway subbase, additional piping required to tie in sump pump drains that were not visible during the initial survey, additional road excavation and paving to better blend in the existing parking lot at the beginning of Stainsby Road and the removal of three additional trees required for proper blending of the adjacent properties to the new road grade; and

WHEREAS, pursuant to the attached correspondence, the total amount of increases for the project are \$20,000.00 for a total change to the contract of \$20,000.00, or 6.8%; and

WHEREAS, based upon the aforementioned total change to the contract, the adjusted total amount of the contract is now \$312,000.00; and

WHEREAS, the Township Engineer and its Attorney have reviewed and certified as to the need for this change order, and has further certified that they comply with the spirit and intent of the regulations governing change orders promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the funds are available to pay for this change order through the previously approved capital funds, Account No. C-04-07-943-624, as the revised total for the contract continues to remain less than the amount originally approved for this project; and

WHEREAS, the Township Council deems it appropriate to authorize said change order;
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 it hereby authorizes the issuance of Change Order Number 1 to the Contract with Tomaro Contracting, Co., in the amount of \$20,000.00 which is attached to this resolution and made a part hereof.

This Resolution shall take effect immediately.

Adopted: December 5, 2007

Discussion: Administrator Kunze advised that this change order is for specific conditions found on site after cutting the roadway to the sub-base. The right-of-way for Stainsby Road runs alongside Mr. Aiello's property and that is the Township Road not a private parking lot.

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

Agenda VII 3

~ Resolution 2007- 400 ~

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

WHEREAS, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available in the 2007 budget for the purchase of six (6) police vehicles for the Township's police department; and

WHEREAS, on September 26, 2007 by virtue of Resolution 2007-332, the Township Council authorized the purchase of five of the six vehicles under state contract number A67129 at a cost of \$20,548.74 each; and

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

WHEREAS, the remaining vehicle, a 2008 Ford Expedition, is available under the Morris County Cooperative Purchasing Council Contract 15-C and said contract was awarded to Warnock Fleet of 175 Route 10, East Hanover, NJ 07936 through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, a purchase order shall be executed for this purchases in accordance with the Township's policy in an amount of \$24,825.54; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number 7-01-25-240-900.

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

Adopted: December 5, 2007

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

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~ Resolution 2007- 401 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY REJECTING BIDS FOR TUB GRINDER SERVICES AND AUTHORIZING
REBIDDING OF SAME**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on November 16, 2007 at 10:30 a.m. for Tub Grinding Services; and

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

WHEREAS, the Township Attorney has found the bid specifications to contain a fatal defect in that there was conflicting information with regard to requirements for a consent of surety thus necessitating a substantial revision to the specifications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bids received on November 16, 2007 for tub grinding services be and are hereby rejected.

BE IT FURTHER RESOLVED that the Township Engineer be and is hereby authorized to revise the specifications as needed and rebid for these services

Adopted: December 5, 2007

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

Agenda VII 5

~ Resolution 2007- 402 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF
PASSAIC, STATE OF NEW JERSEY AWARDDING A CONTRACT TO GUARDLINE FIRE EQUIPMENT
FOR TURNOUT GEAR FOR THE FIRE DEPARTMENTS**

BY UNANIMOUS ROLL CALL VOTE THIS RESOLUTION WAS TABLED TO DECEMBER 12, 2007
MEETING.

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

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~ Resolution 2007 - 403 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO PIERCE MANUFACTURING FOR ONE (1) TRIPLE COMBINATION PUMPER FOR THE GREENWOOD FOREST VOLUNTEER FIRE CO.

WHEREAS, the Township of West Milford solicited bids on November 16, 2007 at 10:15 a.m. for one (1) Triple Combination Pumper for the Greenwood Forest Volunteer Fire Co.; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bid from *Pierce Manufacturing, Inc.*; and

WHEREAS, said bid has been duly reviewed and analyzed by the Fire Commissioner; and

WHEREAS, the bid received from *Pierce Manufacturing, Inc.* has been found to be substantially 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 Fire Commissioner has submitted a written recommendation for the award of this contract to *Pierce Manufacturing, Inc.*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account numbers C-04-07-945-266; and

WHEREAS, the bid received included an option wherein *Pierce Manufacturing, Inc.* included an optional trade-in of \$5,000 for a 1988 E-One Pumper; and

WHEREAS, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *Pierce Manufacturing, Inc.* for the purchase one (1) Triple Combination Pumper for the Greenwood Forest Volunteer Fire Co. subject to attorney review by the Township Attorney.

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 *Pierce Manufacturing, Inc.* in the amount of \$446,409.00 minus \$5,000 for the trade-in of one E-One Pumper for a total contract amount of \$441,409.00.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with *Pierce Manufacturing, Inc.* in accordance with its bid for the purchase one (1) Triple Combination Pumper for the Greenwood Forest Volunteer Fire Co.
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: December 5, 2007

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

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~ Resolution 2007- 404 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO THE LOUIS BERGER GROUP, INC. FOR ENGINEERING SERVICES TO CONDUCT A TRAFFIC SIGNAL WARRANT ANALYSIS AT VARIOUS INTERSECTIONS IN AN AMOUNT NOT TO EXCEED \$5,000.00

WHEREAS, the Township of West Milford requested proposals for engineering services to conduct a traffic signal warrant analysis at intersections of Warwick Turnpike and Lake Shore Drive, and Union Valley Road, Greenwood Lake Turnpike, Lakeside Road and Stainsby Road; and

WHEREAS, the Township Engineer has recommended that The Louis Berger Group, Inc. be retained to perform this work in accordance with their 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 and the contract itself must be available for public inspection; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account # 7-01-20-165-450; and

WHEREAS, the Township Clerk has reviewed and approved the Pay-To-Play Business Entity Disclosure Certification and C. 271 Political Contribution Disclosure Form.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with the Louis Berger Group, Inc. to perform a Traffic Signal Warrant Analysis in accordance with their proposal for same in an amount not to exceed \$5,000.00.
2. The total fee authorized for this contract shall not exceed \$5,000.00 without the prior written approval of the Township Council.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: December 5, 2007

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

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~ Resolution 2007- 405 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CHILTON MEMORIAL HOSPITAL

BY UNANIMOUS ROLL CALL VOTE THIS RESOLUTION WAS TABLED TO DECEMBER 12, 2007 MEETING.

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

Agenda VIII 9

~ Resolution 2007 - 406 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SETTING THE DATE FOR THE TOWNSHIP'S 2008 REORGANIZATION MEETING

WHEREAS, the Mayor and Township Council may set the date for its Reorganization Meeting by Resolution provided said meeting is scheduled to occur any day during the first week of January

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that the 2008 Reorganization Meeting shall be held on Wednesday, January 2, 2008 at 7:30 p.m. at the Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey.

Adopted: December 5, 2007

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

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~ Resolution 2007 - 407 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A REFUND OF TWO PERFORMANCE (CASH) BONDS FOR CHARISSA COURT AND BEAR TRAIL/EVERGREEN ESTATES PHASE I & II

WHEREAS, the Township Engineer has submitted a recommendation dated October 16, 2007

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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for the refund of two Performance (Cash) Bonds for Charissa Court And Bear Trail/Evergreen Estates Phase I & II posted by Vincent Lanza, Environmental Construction, P.O. Box 746, Ringwood, NJ 07456; and Ron Kidd, Landmark Development 11 Erie Avenue, Wanaque, NJ 07465, in the following amounts: \$4,684.50 Vincent Lanza, Environmental Development and \$3,636.00 Ron Kidd, Landmark Development; and;

WHEREAS, said recommendation is based upon a site inspection of work having been completed and a request for the release of the Performance (Cash) Bonds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of the two Performance (Cash) Bonds held for Charissa Court And Bear Trail/Evergreen Estates Phase I & II.

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

Adopted: December 5, 2007

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

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~ Resolution 2007 – 408 ~

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

WHEREAS, applications have been made by various Junkyard owners for the renewal of Licenses for the year 2008; and

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

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

Junkyard Lic. No.	Junkyard Owner Name	T/A	Premise Address	Block/Lot
2008 – 1	Allen Fisher, Carl Del Campo	Concourse Auto Recyclers	1894 Route 23 N, West Milford	13602/7.01
2008 – 2	Frank Kasabri	West Milford Auto Recyclers	112 Weaver Road, West Milford	12501/18 & 19
2008 – 3	John Kardanow	Mountaintop Auto	333 Warwick Turnpike, Hewitt	2802/3
2008 – 4	Jeannette Marchiafava	Estate of Victor Marchiafava	110 Weaver Road, West Milford	12501/22

Adopted: December 5, 2007

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

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~ Resolution 2007 – 409~

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

WHEREAS, applications have been made by various Taxi/Limousine Owners and Drivers for the renewal of Licenses for the year 2008; and

WHEREAS, reports of recommendation have been received from the Police Department recommending the issuance of said licenses as listed below;

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Taxi/Limo Owner License No.	Taxi/Limo Driver License No.	Taxi/Limo Owner Name	Taxi/Limo Owner Address	Trading As
2008 – 1	2008 – 1	Sande Hoffman	1582 Greenwood Lake Tpke. Hewitt, NJ 07421	N/a
	2008 – 2	Juan Galindo	211 Stiles St. Elizabeth, NJ 07208	N/a
2008 – 2	2008 – 3	Maria F. Gamba	1582 Greenwood Lake Tpke. Hewitt, NJ 07421	N/a
2008 – 3	2008 – 4	Thomas Murphy	1501 Macopin Rd. West Milford, NJ 07480	Satin Limousine
2008 – 4	2008-5	Frank McCagh	18 Sweetman Lane West Milford, NJ 07480	Distinguished Limo
2008 - 5	2008 – 6, & 2008 - 7	Michael Hale	9 Gladstone Road Hewitt, NJ 07421	Fortress Limo

Adopted: December 5, 2007

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

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~ Resolution 2007 – 410~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF AMUSEMENT GAME AND POOL TABLE LICENSES FOR LICENSE YEAR 2008

WHEREAS, applications have been made by various business owners for the renewal of Amusement Game and Pool Table Licenses for the year 2008; and

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

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

Amusement Game License No.	Pool Table License No.	Applicant Name	Licensed Premise Address
2008 – 1	2008 – 1	Gerald R. Plunkett	American Legion Post 289 177 Lincoln Avenue West Milford, NJ 07480
	2008 – 2	Andrew Mate, Jr.	Shenanigan’s 23 1856 Route 23 West Milford, NJ 07480
	2008 – 3	James Simon	McKeages Tavern 341 Macopin Road West Milford, NJ 07480

Adopted: December 5, 2007

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

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~ Resolution 2007 – 411~

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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 - 412 Reinstatement of Taxes
- b. Resolution 2007 - 413 Cancel Taxes
- c. Resolution 2007 - 414 Overpayment Refund
- d. Resolution 2007 - 415 Overpayment Refund #2
- e. Resolution 2007 - 416 Recreation Refund
- f. Resolution 2007 - 417 Refund Bonds
- g. Resolution 2007 - 418 Refund Performance Guarantees

Applications:

Adopted: December 5, 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 – 412~

RESOLUTION 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
4901-13	L. Spinelli	\$3,120.68	2007
10602-68	A. Zazi & L. Romachkine	\$1,894.96	2007
TOTAL		\$5,015.64	

Adopted: December 5, 2007

Agenda VIII b

~ Resolution 2007 – 413~

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: 100% TOTALLY DISABLED VETERAN

BLOCK/LOT	NAME	AMOUNT	YEAR
12701-5	Peter & Faith Delaney	\$768.25 Pro-Rated 3 rd Quarter	2006
12701-5	Peter & Faith Delaney	\$2,082.99 4 th Quarter	2006
12701-5	Peter & Faith Delaney	\$8,024.24	2007

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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		Full Year	
12701-5	Peter & Faith Delaney	\$4,012.00	2008
		First Half	
	TOTAL	\$14,887.48	

Adopted: December 5, 2007

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~ Resolution 2007 – 414 ~

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:

REASON: STATE TAX COURT APPEAL INTEREST

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
11701-4	Caroline C. Szymansky	\$238.64	2005
TOTAL		\$238.64	

Adopted: December 5, 2007

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~ Resolution 2007 – 415~

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 | 5. Tax Appeal |
| 2. Duplicate Payment | 6. Erroneous Payment |
| 3. Senior Citizen/Veteran Deduction | 7. 100% Total Disabled Veteran |
| 4. Homestead Rebate | |

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
1504-11	Jeffrey Marsella 46 Hillcrest Drive Hewitt, NJ 07421	\$1,722.00	2007	2
1807-16	Charles P & Marie Monego 11 Sade Terrace Hewitt, NJ 07421	\$133.35	2007	2
1902-12	Robert & Barbara Schmidt 26 Lovell Drive Wanaque, NJ 07465	\$1,177.64	2007	2
2006-3	Kathleen Leinberger & Don Henry 14 Paterson Road Hewitt, NJ 07421	\$200.00	2007	1
2303-10	Wells Fargo Home Mortgage MAC X9903-053, CRT 2650 Wells Fargo Way Minneapolis, NM 55408	\$1,738.76	2007	2
3610-7	Brian Eckhardt 52 Tintle Avenue West Milford, NJ 07480	\$150.52	2007	2
3705-43	Glenn Juhlin 2-43 Hartley Place Fair Lawn, NJ 07410	\$11,152.00	2007	2

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6602-14	Juana Polanco LLC 10 Elizabeth Street Glen Rock, NJ 07452	\$127.00	2007	2
7401-20	Robert & Sandra Bandov 228 Bearfort Road West Milford, NJ 07480	\$1,635.84	2007	2
8602-27	Barbarula Law Offices 23 Professional Building 1242 Route 23 North Butler, NJ 07405	\$3,971.72	2007	2
10510-9	Rodman & Evelyn Marshall 11 Baldwin Drive West Milford, NJ 07480	\$5,902.40	2007	2
12201-13	Marieanne Moncrief 18 Deer Path West Milford, NJ 07480	\$1,209.48	2007	2
14901-10	Raijean Csigay 544 S.W. Indian Key Drive Port St. Lucie, Florida 34986	\$65.80	2007	1
16605-16	Nicholas & Heather Rattacasa 44 Jefferson Street Oak Ridge, NJ 07438	\$1,828.16	2007	2
16907-1	Harmony Financial Services 759 Bloomfield Avenue #246 West Caldwell, NJ 07006	\$650.24	2007	2
Unallocated	Township of West Milford Clerk's Office 1480 Union Valley Road West Milford, NJ 07480	\$200.00	2007	6
12701-5	Peter & Faith Delaney 94 Apshawa Cross Road West Milford, NJ 07480	\$2,851.24	2006	7
12701-5	Peter & Faith Delaney 94 Apshawa Cross Road West Milford, NJ .7480	\$8,024.24	2007	7
510-9	Jean Ann Morreale 372 Warwick Turnpike Hewitt, NJ 07421	\$250.00	2007	3
6303-26	William & Adele Durr 36 Adelaide Terrace West Milford, NJ 07480	\$250.00	2007	3
7402-11	Genevieve Grofsik 251 Bearfort Road West Milford, NJ 07480	\$250.00	2007	3
9706-23	Marjorie L. Chorba 27 Monmouth Avenue West Milford, NJ 07480	\$250.00	2007	3
12901-36	Anthony Belsante 381 High Crest Drive West Milford, NJ 07480	\$250.00	2007	3
12901-41	Charles & Marianne Aunicky 405 High Crest Drive West Milford, NJ 07480	\$250.00	2007	3
13103-4	William West 2 Upper High Crest Drive West Milford, NJ 07480	\$250.00	2007	3
14501-13	Harry Fitzpatrick 53 Blakely Lane Newfoundland, NJ 07435	\$250.00	2007	3
510-9	Jean Ann Morreale 372 Warwick Turnpike Hewitt, NJ 07421	\$250.00	2007	3
902-5	Elaine Stolarz P.O. Box 71 Hewitt, NJ 07421	\$250.00	2007	3
1701-26.01	Brian & Barbara Scarnecchia 11 Bayonne Drive Hewitt, NJ 07421	\$250.00	2007	3
2512-30	Daniel & Martina Sester 304 Lakeshore Drive Hewitt, NJ 07421	\$250.00	2007	3
3803-5	Denise & Elliot Victoria	\$250.00	2007	3

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	P.O. Box 1470 Greenwood Lake, NY 10925			
9201-23	John & Marie Weber 669 Otterhole Road West Milford, NJ 07480	\$250.00	2007	3
9713-6	Sandra & F. Ernst 37 Morris Avenue West Milford, NJ 07480	\$250.00	2007	3
12307-24	Nina B. Weil 22 Setting Sun Trail West Milford, NJ 07480	\$250.00	2007	3
13102-1	Fred & Laura Miller 25 Pawnee Terrace West Milford, NJ 07480	\$250.00	2007	3
14901-4	Gus & Betty Dorando 71 Oxbow Lane Newfoundland, NJ 07435	\$250.00	2007	3
15401-30	George & Joanne Dekorte 29 Meadow View Court Newfoundland, NJ 07435	\$250.00	2007	3
16704-1	Richard & Sharon White 4 Old Hoop Pole Road Oak Ridge, NJ 07438	\$250.00	2007	3
TOTAL		\$47,740.39		

Adopted: December 5, 2007

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~ Resolution 2007 – 416~

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:

<u>Name & Address</u>	<u>Reason</u>	<u>Amount Refunded</u>
Sandee Messina 22 Windsor Road West Milford, NJ 07480	Refund of enrollment in Junior Wrestling	\$65.00
James Somers 22 Spruce Point Trail Hewitt, NJ 07421	Refund of Room Rental Fee	\$52.50

Adopted: December 5, 2007

Agenda VIII f

~ Resolution 2007 – 417~

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	Reimburse Amt	Pay to the Lien Holder
05-001	03/09/2005	00102-017	\$31,223.54	FIDELITY TAX LLC. P.O. BOX 5707 FORT LAUDERDALE, FL 33310
05-041	03/09/2005	02708-001	\$133.97	LAURA GREEN 7 MAIN STREET WARWICK, NY 10990
06-020	04/11/2006	02506-001	\$15,281.19	PAM INVESTORS C/O PATRICK CARABELLESE 127 SOUTH WASHINGTON AVE BERGENFIELD, NJ 07621

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07-056	04/03/2007	08001-001	\$109,154.60	USBANK-CUST/SASS MUNI V DTR 2 LIBERTY PLACE 50 SOUTH 16TH ST. STE 1950 PHILADELPHIA, PA 19102
<u>Grand Total</u>			\$163,793.30	

Adopted: December 5, 2007

Agenda VIII g

~ Resolution 2007 – 418~

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>
Estate of Victor Marchiava 49 Timber Lane Newfoundland, NJ 07435	1900 Route 23	\$5,000.00 \$2,000.00	74 74
Thomas Lee 25 New Dockerty Hollow Road West Milford, NJ 07480	8501/3	\$ 700.00	72
JVS Enterprises Inc. 243 Stonetown Road Ringwood, NJ 07456	1607/4	\$ 900.00	69

Adopted: December 5, 2007

 Agenda IX

Payment of Bills
 None.

Agenda X

Reports of Administrator, Mayor and Council Members

Mayor DiDonato thanked Assemblyman DeCroce, Senator Martin and Senator-elect Pennachio for the certificates presented to him and Councilman Warden tonight. He thanked everyone who attended the tree lighting on Monday, notwithstanding the cold weather. He conveyed special thanks to the High School band.

Administrator Kunze stated that this will be his last meeting of the year as his daughter has a holiday concert next week. He stated that he has enjoyed working with Councilman Warden and he wished him the best in his future endeavors. He thanked Mayor DiDonato for hiring him and for the working relationship they have had noting that it has been a very gratifying experience. He wished everyone a safe and happy holiday season.

Councilman Weisbecker reviewed the recycling report for October. He advised that hazardous waste day was held on October 6th and he reviewed the specifics of that initiative. He asked that discussion of billboards and signs be scheduled for a future workshop meeting. He wished Administrator Kunze and his family a happy holiday.

Councilman Schimmenti wished everyone a happy and healthy holiday. He stated that he is looking forward to working with the new members on the dais next year and wished the best to those leaving.

Councilman Nolan noted that, while there is another meeting scheduled in December, tonight's is the last televised meeting of the year. He conveyed his best wishes to all for whatever holiday they are celebrating. The monthly blood drive will be held on December 16th and giving blood is giving the gift of life. At a future workshop he would like to discuss government transparency. He noted that West Paterson televises and transmits their meetings live. He believes that the Planning Board and Zoning Board meetings in West Milford should be televised in addition to all Council meetings. He noted that there is a resolution in the packets from the Library Board asking that the library CAP levy be placed outside the CAP. There is a pending Assembly bill asking that the municipal funding mandate be reduced to alleviate the tax burden. West Milford's Library has a surplus because of the funding mandate and he

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would like the Council to send a resolution in support of the Assembly bill in 2008. He thanked Councilman James Warden for three years of service to West Milford. Councilman Nolan has served as Council liaison to many committees and he thanked the members of the Heritage Committee, Insurance Committee and the Telecommunications Committee individually by name. He noted that the Insurance Committee will meet every two months in 2008 to ensure that everything moves forward.

Councilman Warden stated that it has been his privilege to have served on the West Milford Council. He thanked Assemblyman DeCroce for his recognition. He congratulated Mayor DiDonato and thanked him for the time and effort he has devoted to the Township. He stated that they rarely agreed but did agree on the most important issue which was the hiring of the Township Attorney, Mr. Semrau, which brought the Township in the right direction. He considers all Council members his friends and stated that a government without debate is doomed to failure. He thanked Councilman Bob Nolan for all his help and stated that the Township will be in great hands with the Mayor-elect Bettina Bieri.

Township Attorney, Fred Semrau asked the Council to reconsider the motion to table the WVRSA ordinance and asked that the Council make a motion to table that matter to the December 12th meeting. This will afford the Council the ability to take action should there be a need on December 12th. The Council agreed and Mayor DiDonato instructed the Clerk to advertise a public hearing on that matter for December 12, 2007.

Mr. Semrau advised that Lindy Lakes is a property owner association which, over the past several years, has undertaken a dam improvement at a cost of approximately \$500,000. A couple of years ago, the Township entered into a co-borrower agreement for a \$175,000 loan. The repairs were made earlier this year and interest payments started this year. The Township is preparing to assess residents for the amount of the improvements and the association has agreed to make the payment to the DEP. However, they are seeking a commitment that the Township will include this payment as part of the assessment and repay the association when the Township begins assessments. The payment is \$6,981. Councilman Weisbecker made a motion seconded by Councilman Nolan to reimburse the Lindy Lakes Association for a loan payment in the amount of \$6,981 which they will make pending the approval of the assessment. The motion was adopted by unanimous roll call vote.

Agenda XIII

Executive Session

~ Resolution No. 2007 - 419~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 5th day of **December** 2007, that:

1. Prior to the conclusion of this **Regular & Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Intersection of Warwick Turnpike & Lakeshore Drive
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - West Milford Convenience Center, Route 23 at Paradise Road
 - () b. (8) Personnel matters.
 - Township Administrator
 - () 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: December 5, 2007

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

The Council went into Executive Session at 10:49 p.m.
The Council reconvened in public at 11:20 p.m.

Agenda XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:20 p.m.

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

APPROVED: January 9, 2008

MAYOR JOSEPH DiDONATO
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK