
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: May 2, 2007
Time of Meeting: 7:30 P.M.
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WHEREAS, it is eminently fitting and proper that we in the Township of West Milford observe a day when all in our community may acknowledge our many blessings and express gratitude to God for them, while recognizing the need for strengthening of religious and moral values in our land; and

WHEREAS, Congress has set aside the first Thursday in May as a National Day of Prayer.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim the day of **May 3rd, 2007** as

WEST MILFORD DAY OF PRAYER

Presentations, continued

Jungle Habitat Concert

Council President Smolinski invited Al Hutchins from Headliner Musical events & Classic Rock-n-Roll Shows to the podium to speak with the Council. Mr. Hutchins provided an overview of his experience in the entertainment industry noting that he is an independent producer & director of concerts and musical events. He works with Air Dome, a Las Vegas company that allows him to produce his venues in an indoor environment. He has submitted a few different proposals to West Milford but without a specific point of contact it has been difficult for him to zero in on West Milford's expectations. A recent news article printed in the local papers shed a negative and inaccurate light on his proposals. He stated that West Milford is a beautiful community that has all the advantages that will make his proposed event a success. He provided a brief overview of some events he organized in other communities. He reviewed some of the proposals submitted pointing out that his company would seek input from West Milford officials on every aspect of the event. Non-profit organizations would be offered vendor space, and all revenue would go to West Milford; his company only takes a profit from the ticket sales.

Council President Smolinski thanked Mr. Hutchins for attending tonight. He stated that the concerns that have arisen are due to the change in the proposals wherein the Township's profit went from 50% to a 15% share. Councilman Warden asked if Mr. Hutchins has spoken with the Police Chief. Mr. Hutchins stated that, at this time because there is no contract, he has not done so nor has he been in touch with the DEP. He reiterated that, without a contact person, he has encountered difficulty moving forward with his proposal. He is proposing having a three-day event with multiple concerts and a possible influx of 2,500 to 3,000 people per day. He would have to sell about 2,000 tickets to every show to break even. His company would assume all the costs if they obtain authorization to handle the entire event. Air Dome provides facilities for these events to be held indoors so that weather is not a factor. Councilman Warden recommended that a committee be established to discuss the specifics and then report back to the full Council. Council President Smolinski concurred and asked if Mr. Hutchins will be able to get the needed sponsorship. Mr. Hutchins replied that he feels confident that he will get corporate sponsorship. Additionally, concessions would be established where artists, crafters, fair vendors and patrons would come to West Milford. This will also result in patronization of local businesses. Councilman Weisbecker questioned security arrangements. Mr. Hutchins advised that security arrangements are based on the specific needs of each event. Crowd control requires a liaison with the local police officers and there will also be paid security. If using the services of local police officers proves more cost effective, they will be used to provide these services. The Council will ultimately determine what is best for this community.

In response to Councilman Weisbecker, Mr. Hutchins advised that his company conducts a demographic study to determine what groups will be most attractive to the consumers in each area. In this instance, they will cater to baby boomers. He reviewed the process and noted that his company assumes the cost for the groups. Council President Smolinski noted that state approval is required to proceed and he asked for Council consensus to move this forward. Councilman Nolan expressed concern with the tone of a letter recently received from Mr. Hutchins' partner which, he said, sounded as if Air Dome were withdrawing from this event. He also asked if there is sufficient time to organize this event for this year. Mr. Hutchins advised that the risk is holding a date that cannot happen because the entertainers will lose money. The letter was written to express concern about a local newspaper article that could have impacted local support.

Council President Smolinski asked if the Council would consider establishing a committee to discuss the matter further with the promoter and iron out all the details. Mr. Hutchins invited the Council to call him at any time with questions or concerns. Councilman Warden asked about power for the event. Mr. Hutchins advised that his company will bring in power, dumpsters, lighting, etc. Administrator Kunze recommended that the Council appoint Renee Palermo as Mr. Hutchins liaison because of her related experience as Recreation Director. Councilman Scangarello recommended that Councilman Schimmenti serve on the committee because he has previously worked on similar events. Councilman Warden volunteered to serve and the Council instructed that the Administrator attend the meetings too.

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Unfinished Business, Final Passage of Ordinances

Agenda No. IV 1

~ Ordinance 2007-011 ~

**AN ORDINANCE CONCERNING SALARIES AND COMPENSATION
FOR THE TOWNSHIP OF WEST MILFORD AND THE
MUNICIPAL EMPLOYEES AFSCME UNION**

WHEREAS, by virtue of Resolution #2007-123, the Township of West Milford Mayor and Council authorized the execution of a contract with the AFSCME Union for the years January 1, 2005 through December 31, 2009.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, Officers and Employees shall be classified by job title with the corresponding pay ranges set forth as follows:

1. The appropriate job title and salary grade shall be as indicated on Schedule A and Schedule B of the Agreement between West Milford Municipal Employees AFSCME Union and West Milford Township for the years January 1, 2005 through December 31, 2009. (The Agreement is on file with the Township Clerk and available for public inspection.)
2. The appropriate salary ranges for each corresponding salary grade is set forth on Schedule D for 2005 through 2009 from the West Milford Municipal Employees AFSCME and West Milford Township for the years January 1, 2005 through December 31, 2009.
3. The AFSCME employees shall be compensated and receive benefits within the aforementioned Salary Range and according to the provisions of the current Agreement between West Milford Municipal Employees AFSCME and West Milford Township for the years January 1, 2005 through December 31, 2009.
4. 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 inconsistency.
5. This Ordinance shall take effect 20 days after its final passage by the Township Council.

Council President Smolinski advised that this ordinance was introduced on April 11, 2007. Notice of this public hearing was published on April 15, 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.
Abstained: None.
Motion carried.

Agenda No. IV 2

~ Ordinance 2007-012 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEDICATION OF A
DRAINAGE EASEMENT FROM VINCENT LANZA AS FURTHER DESCRIBED HEREIN AND
PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE**

WHEREAS, the Township of West Milford intends to accept a storm drain outfall pipe constructed on the property known as Block 1811 Lot 5, connected to a Township drain on Cedarbrook Road, which would require a drainage easement from the owner of said property; and

WHEREAS, the Township Engineer advises that a twenty (20) foot wide easement is necessary for proper drainage and free flow of storm water over the aforesaid property; and

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

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WHEREAS, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the right to access and encroach upon said easement with the owner bearing the responsibility to maintain said easement in good, clean and structurally sound manner; and

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

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

1. The drainage easement set forth in the attached easement of dedication, being part of Block 1811 Lot 5, is hereby accepted as and for a public drainage easement.
2. The Township Attorney is authorized and directed to accept the Drainage Easement and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Council President Smolinski advised that this ordinance was introduced on April 11, 2007. Notice of this public hearing was published on April 15, 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.
 Abstained: None.
 Motion carried.

Agenda No. IV 3

~ Ordinance 2007-013 ~

AN ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of West Milford are hereby amended and established to read as follows:

SECTION	SERVICE	FEE
ADMINISTRATION		
2-30.2(A)	Fee for CD's (NEW)	\$5.00
CLERK'S OFFICE		
6.2.3	Peddlers, Hawkers & Vendors	\$100.00
6.3.3	Canvassers & Solicitors	\$100.00
6.5.4	Firearms Range	\$250.00
6.7.3	Junkyard & Recycling Centers	\$500.00
6.10.3	Garage Sales	\$10.00
7.3.4	Liquor Licenses	\$500.00
7.3.4	Transfer Fee (Liquor License) (NEW) (Per ABC)	\$50.00
7.3.4	Liquor License (Club License)	\$150.00
7.3.4	Transfer Fee (Liquor License- Club License) (NEW) (Per ABC)	\$15.00
9.4.2	Taxicabs & Limousines (owners licenses)	\$50.00
9.5.1	Taxicabs & Limousines (drivers licenses)	\$40.00
HEALTH		
8.2.3(A)	Dog License (neutered)*	\$10.00*

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8.2.3(A)	Dog License (un-neutered)*	\$20.00*
8.2.3(A)	Cat License (neutered)	\$10.00
8.2.3(A)	Cat License (un-neutered) (NEW)	\$20.00
8.2.3(A)	Late Fee (Dogs and Cats)	\$8.00
8.2.3(C)	Replacement Tags (Dogs and Cats)	\$4.00
		* Dog License Increases Effective 1/1/08
19.4.4(A)	Sewage (Soil Log: New Construction)	\$115.00
19.4.4(A)	Sewage (Soil Log: Alteration)	\$85.00
19.4.4(B)	Sewage (Plan Review: New Construction)	\$230.00
19.4.4(B)	Sewage (Plan Review: Alteration)	\$175.00
19.4.4(C)	Sewage (Plan Revision: New Construction)	\$85.00
19.4.4(D)	Sewage (Installation Permit: New Construction)	\$175.00
19.4.4(D)	Sewage (Installation Permit: Alteration)	\$175.00
19.4.4(E)	Sewage (Installation Permit: Repair)	\$85.00
19.4.4(G)	Sewage (Installers License)	\$115.00
19.4.4(G)	Sewage (Renewal of Installation Permits)	\$60.00
24.2.3(2)	Public Health (Female Cancer Screening Program)	\$40.00
24.2.3(9)	Public Health (MMR Vaccine)	\$47.00
24.2.3(14)	Public Health (Hepatitis A) (NEW)	\$20.00
24.2.3(15)	Public Health (TD/ Pertussis) (NEW)	\$35.00
FIRE		
11.7(C)	Re-Inspection Fee	\$30.00
BUILDING		
	New Construction Fee- (per cubic foot)	\$.036
12.2.1(A)(1)	New Construction Fee-(minimum)	\$1,500.00
12.2.1(A)(1)(a)	Use Group U-(minimum fee)	\$100.00
12.2.1(A)(1)(b)	Use Groups U, S1, S2- (per cubic foot)	\$.036
12.2.1(A)(1)(b)	Use Groups U, S1, S2- (minimum)	\$100.00
12.2.1(A)(1)(c)	Use Group S1 and S2 for commercial- (per cubic foot)	\$.036
12.2.1(A)(1)(d)	Residential Roof- (flat fee)	\$70.00
12.2.1(A)(1)(e)	Residential Siding- (flat fee)	\$70.00
12.2.1(A)(2)	Renovations, Alterations & Repairs or Minor Work	\$30.00 per \$1,000.00 provided that the minimum fee shall be \$70.00
12.2.1(A)(3)	Additions for all Use Groups- (per cubic foot)	\$.036
12.2.1(A)(6)	Residential Elevators, Dumb Waiter or Hoists in R-3 or R-4 Use Group	\$70.00
12.2.1(A)(7)	Structures of Temporary Uses	\$70.00
12.2.1(A)(8)	Asbestos Abatement	\$70.00
12.2.1(A)(9)	Lead Hazard	\$70.00
12.2.1(A)(10)	Application for Variation	\$150.00
12.2.1(A)(11)(a)	Retaining Walls	\$30.00 per \$1,000.00 provided that the minimum fee shall be \$70.00
12.2.1(A)(13)(b)	Demolition of all Flammable or Combustible Storage Tanks	\$80.00
12.2.1(A)(14)	Permit to Construct a Sign- (minimum)	\$70.00
12.2.1(A)(15)(a)	Certificate of Continual Occupancy	\$200.00
12.2.1(A)(15)(a)	Fee for Letter Request that No Certificate of Continual of Occupancy is Required	\$20.00
12.2.1(A)(15)(e)	Renewal of Certificate of Occupancy	\$100.00
12.2.1(B)(1)	Plumbing Subcode Fees (per fixture, piece of equipment or appliance)	\$30.00
12.2.1(B)(2)	Plumbing Subcode Fees (per special device)	\$80.00
12.2.1(B)(3)	Plumbing Subcode Fees- (minimum)	\$70.00
12.2.1(C)(1)(a)	Electrical Subcode Fees (first 25 fixtures)	\$70.00

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12.2.1(C)(1)(b)	Electrical Subcode Fees (each additional 25 fixtures)	\$30.00
12.2.1(C)(2)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$30.00
12.2.1(C)(3)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$70.00
12.2.1(C)(4)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$130.00
12.2.1(C)(5)	Electrical Subcode Fees (each electrical device, motor, transformer or generator)	\$600.00
12.2.1(C)(6)	Annual Electrical Inspection of Swimming Pools, Spas or Hot Tubs	\$70.00
12.2.1(C)(7)	Pool Bonding Inspection- (flat fee)	\$70.00
12.2.1(C)(8)	Electrical Subcode Fees- (minimum)	\$70.00
12.2.1(D)	Fire Subcode Fees (Alarm/Supervisory/Signaling- 1-6)	\$70.00
12.2.1(D)	Fire Subcode Fees (Alarm/Supervisory/Signaling- each additional five)	\$20.00
12.2.1(D)(2)(a)	Fire Subcode Fees-(1-20 Sprinkler Heads)	\$80.00
12.2.1(D)(2)(b)	Fire Subcode Fees-(21-100 Sprinkler Heads)	\$140.00
12.2.1(D)(2)(c)	Fire Subcode Fees-(101-200 Sprinkler Heads)	\$260.00
12.2.1(D)(2)(d)	Fire Subcode Fees-(201-400 Sprinkler Heads)	\$640.00
12.2.1(D)(2)(e)	Fire Subcode Fees-(401-1,000 Sprinkler Heads)	\$950.00
12.2.1(D)(8)	Fire Subcode Fees- (Central Air Conditioning Unit or Ducts)	\$70.00
12.2.1(D)(11)(a)	Fire Subcode Fees- (Permit for Flammable or Combustible Storage Tank- 1-1,000 gallons)	\$80.00
12.2.1(D)(11)(b)	Fire Subcode Fees- (Permit for Flammable or Combustible Storage Tank- 1,001-3,000 gallons)	\$200.00
12.2.1(D)(12)	Fire Subcode Fees- (Solid Fuel Burning Appliance)	\$80.00
12.2.1(D)(13)	Fire Subcode Fees- (minimum)	\$70.00
12.2.1(E)	Change of Contractor	\$70.00
POLICE		
24.2.6 shall be established and entitled "Police Department Records"		
24.2.6(A)	Reports by Mail (NEW)	\$5.00
24.2.6(B)	Off-Site Fee	\$5.00
24.2.6(C)	Audio Tape Copy	\$5.00
24.2.6(D)	Video Tape Copy	\$5.00

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

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

SECTION 4. This ordinance shall take effect upon final passage and approval in accordance with law.

Council President Smolinski advised that this ordinance was introduced on April 11, 2007. Notice of this public hearing was published on April 15, 2007. He opened the meeting to the public to speak on this matter only.

Martin O'Shea, 10 Lakeshore Road East, Stockholm distributed information to those at the dais. He questioned the method used to calculate fees and actual costs for compact discs and tapes. He requested an explanation prior to the Council vote on this matter. He noted that there are many questions posed in his letter and opined that the Council may want to seek legal counsel.

Bettina Bieri, 17 Bearfort Road, West Milford thanked the Council for the opportunity to speak a few weeks ago about dog and cat license fees. She noted that it makes sense to increase license fees for cats that are not spayed or neutered.

There being no further 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.

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Discussion: Councilman Nolan stated that, if Mr. O’Shea is correct, the Council may want to revisit the cost for the reproduction of CDs because labor cannot be included in those costs. The Township Attorney, Mr. Semrau, noted that previously, the Township charged \$10 for a CD. However, the cost for this media has been falling drastically and thus the fees are being reduced. The township used a recording system whose manufacturer recommends the use of high quality discs which cost close to \$3. The actual cost for DVDs is over \$4 and he may recommend that the Council revisit these fees again in the near future. Mr. Semrau advised that the fees for police records were determined by court cases and the settlements involved. He noted that there is an error in that section 11.7(C) should be \$30. Councilman Weisbecker amended his motion, seconded by Councilman Scangarello to make the change to section 11.7(C).

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

Agenda No. IV 4

~ Ordinance 2007-014 ~

CALENDAR YEAR 2007

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, The Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township council hereby determines that a 1.0% increase in the budget for said year, amounting to \$207,051.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, The Township Council hereby determines that any amount authorized hereinabove that it is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, BY THE Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$724,680.01, and that the CY 2007 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

There being no further 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, Schimmenti, Nolan, Warden, Scangarello.

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

Public Comments

Council President Smolinski opened the meeting to the public noting that each person wishing to speak will be afforded five minutes.

Teresa DiMenza, 10 First Avenue, West Milford stated that she has read that there are plans to allow a Walgreens store to be sited where the current deli is located on Union Valley road. This deli has been a thorn in her side for years and the Township has done nothing to assist here. There are always tractor-trailers in front of her house making deliveries and this will only increase when Walgreens is here. She already has to deal with noise issues from the deli and, with the taxes she pays, she should not have to be bothered with tractor trailers coming down her road. This is a residential, not a commercial area.

Martin O'Shea, 10 Lakeshore Road East, Stockholm stated that he has a memo from the West Milford Board of Education, which states that their cost for audiotapes is \$0.60. He noted that the Township, as a result of the ordinance passed tonight, will be charging \$5 for audio tapes and he noted that, as such, he can file a lawsuit against the town if he is charged \$5 for this recording.

Doris Aaronson, 19 Bearfort Road, West Milford stated that a rally will be held on Saturday May 5, 2007 which will highlight objection by residents to the purple blotches and developments like Eagle and Valley Ridge. She thanked the Council for their comments on the Highlands master plan. The Highlands map, she said, is in opposition to the intent of the Highland Act. She outlined reasons why development in West Milford would have a negative impact on the water supply and the potential impact on current residents. She encouraged all residents to participate in the rally.

Jim Novack, 53 Larchmont Drive, Hewitt stated that the fee ordinance adopted tonight does not address fees for photocopies. The paper used, he said, is white, not gold.

Jim Geist, 57 Bayonne Drive, West Milford noted that Joseph Elcavage recently resigned from the MUA. He encouraged the Council to consider Ed Spirko as a replacement to this vacancy.

Lucille Vandevreire, 280 Morsetown Road, West Milford stated that she is speaking as President of the West Milford Guild and as a resident. As President of the Guild, she requested that liaison of Council be appointed so that, when issues arise, the Administration and the liaison can work together to find solutions before they evolve into legal matters.

Bettina Bieri, 17 Bearfort Road, West Milford stated that, before the committee for the Jungle Habitat concert meets, they should speak with the DEP. She encouraged the council to ensure that Mr. Hutchins references are checked. She questioned if the Township will be expected to assume a proportionate share if there is a loss. The goal should be to host this event with minimal risk and retain the option to renegotiate in future years.

Doris Osterhoudt, 2 Richmond Road, West Milford stated that, in the past, a similar event was held on the City of Newark property on Green Pond Road.

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.

Council Comments

Township Attorney, Fred Semrau recommended that before any Council member speaks about a potential liaison to the Municipal Guild, they consult labor counsel. He stated that, if the fee ordinance is found to be incorrect, he will report back to Council and recommend changes if necessary. He provided clarification with regard to the rally being held on Saturday noting that the Township will be reaching out to residents in the vicinity of Eagle Ridge on the subject of well testing.

Councilman Weisbecker stated that he believes appointing a liaison to the Guild is a great idea. He expressed agreement with Ms. Bieri's comments noting that the Council has an obligation to pose the tough questions. He thanked Ms. Osterhoudt for the history.

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Councilman Schimmenti advised that he will be unable to attend Saturday's rally because of a previous commitment. He advised that a permit must be filed with the DEP as an initial step in using Jungle Habitat for any event.

Councilman Smolinski urged Ms. DiMenza to bring her concerns to the Planning department and advised that the Planning Board is scheduled to meet tomorrow evening.

Councilman Nolan asked if residents on First Avenue should have received a notice about the proposed Walgreens. Councilman Weisbecker answered that, at a certain point in the process, if there are variances, the applicant is required to notify all residents within a certain perimeter.

Councilman Warden stated that, if Walgreens is approved, it is a sellout to businesses and residents. Anybody who is against high-density development in this town should go to Planning Board meetings. He state that it is outrageous and is linked to Hovnanian.

Councilman Scangarello asked the Administrator if the road assessment program is scheduled for the next workshop meeting to which the Administrator answered in the affirmative.

New Business, Introduction of Ordinances, Resolutions

Mayor DiDonato noted that Mr. Cerullo from the Auditor's office is in attendance tonight. He asked for Council consent to move certain items in the agenda forward so that Mr. Cerullo can address the Council on these subjects. The Council agreed.

Agenda No. VII 1

~ Resolution 2007-145 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO CROSSROAD CONSTRUCTION CORPORATION FOR THE REHABILITATION OF MOUNT LAUREL PARK

WHEREAS, the Township of West Milford solicited bids on March 23, 2007 for the Rehabilitation of Mount Laurel Park; and

WHEREAS, in response to the "Notice to Bidders" the Township received four (4) bids for this project; and

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

WHEREAS, the bids received have 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 Township Recreation Director has submitted a written recommendation for the award of this contract to Crossroad Construction Corporation pursuant to the bid specifications and the work described in the base bid; *and*

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for these services shall come from account number C-04-04-944-372 and C-04-04-944-999; 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 Crossroad Construction Corporation for the Rehabilitation of Mount Laurel Park for the work to be performed in compliance with the Base Bid, Alternate #2 and Alternate #4.

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:

The Township Council hereby awards a contract to Crossroad Construction Corporation in an amount not to exceed \$283,998.00 for the Rehabilitation of Mount Laurel Park in compliance with the Base Bid, Alternate #2 and Alternate #4.

1. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Crossroad Construction Corporation in accordance with its base bid, alternate #2 and alternate #4 for the Rehabilitation of Mount Laurel Park.
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 Municipal Clerk.

Adopted: May 2, 2007

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Discussion: Councilman Nolan advised that he will vote "no: on this resolution. While many of the renovations being made are necessary, he is opposed to the skate park. Because the resolution is written as an all-or-nothing option, he wanted to explain his vote.

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

Agenda No. VII 2

~ Resolution 2007-146 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF DRAINAGE PIPE (DELIVERED) THROUGH THE 2007 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #7, BRENT MATERIAL COMPANY

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council; and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #7, Drainage Pipe (Delivered), for the 2007 year to Brent Material Company and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Drainage Pipe in 2007; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase drainage pipe through the Morris County Cooperative Purchasing Council, Contract #7, Drainage Pipe (Delivered) in an amount not to exceed \$32,500; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number C-04-55-900-624.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Gasoline, in an amount not to exceed \$32,500, through the Morris County Cooperative Purchasing Council, Contract #7, Drainage Pipe (Delivered) awarded to Brent Material Company
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: May 2, 2007

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

Agenda No. VII 3

~ Resolution 2007-147 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE 2007 ROAD RESURFACING, PHASE I PROJECTS THROUGH THE 2007 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #6, TILCON NEW YORK, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council; and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6, 2007 Road Resurfacing, for the 2007 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Township of West Milford will perform Road Resurfacing, Phase I projects in 2007 with DPW personnel performing preparatory work and Tilcon, New York, Inc. being contracted to do milling, resetting of manholes & inlets, drainage improvements and resurfacing of various roads in the Township; 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 execute the 2007 Road Resurfacing, Phase I projects through the Morris County Cooperative Purchasing Council, Contract #6, 2007 Road Resurfacing in an amount not to exceed \$550,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number C-04-06-943-624.

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

4. The Township Council hereby authorizes the Township Engineer to execute the 2007 Road Resurfacing, Phase I projects, in an amount not to exceed \$550,000, through the Morris County Cooperative Purchasing Council, Contract #6, 2007 Road Resurfacing awarded to Tilcon New York, Inc.
5. The Township's Chief Financial Officer has certified the availability of funds for same.
6. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: May 2, 2007

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

Agenda No. VII 4

~ Resolution 2007-148 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDED A CONTRACT TO JOHN JOSEPH, INC. FOR HYDRAULIC HAMMER SERVICES

WHEREAS, the Township of West Milford solicited bids on April 20, 2007 for Hydraulic Hammer Services; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bids for this service; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Engineer and the Township Attorney; and

WHEREAS, the bids received have 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 Township Engineer has submitted a written recommendation for the award of this contract to John Joseph, Inc. pursuant to the bid specifications and the work described in the base bid; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for these services shall come from account number C-04-07-943-624; 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 John Joseph, Inc. for Hydraulic Hammer Services for the work to be performed in compliance with the Base Bid in an amount not to exceed \$50,000.

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:

The Township Council hereby awards a contract to John Joseph, Inc. in an amount not to exceed \$50,000.00 for Hydraulic Hammer Services in compliance with the Base Bid.

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- 4. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with John Joseph, Inc. in accordance with the bid specifications for Hydraulic Hammer Services in an amount not to exceed \$50,000.
5. The Township's Chief Financial Officer has certified the availability of funds for same.
6. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: May 2, 2007

Discussion: Councilman Nolan questioned why the Township received only one bid. Mr. Kunze advised that this is not uncommon for this type of equipment. Councilman Warden expressed dismay that only one bid was received.

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

Council President Smolinski asked the Council to consider moving the remaining resolutions, Agenda items 5 through 13, excluding agenda item #9, as one block. Administrator Kunze asked that resolution 2007-150, agenda #6 be removed as the grant manager has advised the Township that West Milford will not be eligible grant funding because the Township does not have a certified town center. The following resolutions were moved as one block:

Agenda No. VII 5

~ Resolution 2007-149 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXECUTE A "DEDICATION BY RIDER" TO ESTABLISH DEDICATED TRUST ACCOUNT TO SECURE SALES TAX COLLECTED ON BUBBLING SPRINGS MEMBERSHIPS COLLECTIONS PER N.J.S.A. 54:32B-3(I)

WHEREAS, permission, is requested of the Director of Local Government Services for approval as a "Dedication by Rider" of revenues received by a municipality when revenue is not subject to reasonable accurate estimates in advance, and;

WHEREAS, N.J.S.A. 40A: 6A-1 allows municipalities to receive amounts for costs incurred for Sales and Use Taxes, and;

WHEREAS, N.J.S.A. 40A: 4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider,

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

- 1. The Mayor and Council hereby request permission of the Director of Local Government Services, to pay expenditures for Sales and Use tax as per N.J.S.A 40A: 4-39.
2. The Municipal Clerk of the Township of West Milford is Hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

Adopted: May 2, 2007

Agenda No. VII 7

~ Resolution 2007-151 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF THE PROPOSED BERGEN/PASSAIC COMMUTER LIGHT RAIL LINE

WHEREAS, the Passaic County Board of Chosen Freeholders has worked with State Legislators and New Jersey Transit to develop the Bergen/Passaic Commuter Light Rail Line, and;

WHEREAS, said rail service will provide transit service to Hackensack, New Jersey from Hawthorne, New Jersey, and;

WHEREAS, there also exists conceptual plans for a commuter line from North Bergen township to Butler Borough.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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1. The Mayor and Council hereby express support on behalf of the residents of the Township of West Milford for a Bergen/Passaic Commuter Light Rail to provide improved transit services from Hackensack to Hawthorne.
2. The Mayor and Council also expresses support for a commuter line from Hawthorne to Butler and further requests an opportunity to be included in the development of such service should this project move from the conceptual stage to a planning phase.
3. The Municipal Clerk of the Township of West Milford is hereby directed to forward two certified copies of this resolution to Michael LaPlace, Director of Planning, Passaic County 930 Riverview Drive, Totowa, NJ 07512.

Adopted: May 2, 2007

Agenda No. VII 8

~ Resolution 2007-152 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE AN AGREEMENT WITH THE TOWNSHIP OF WEST MILFORD, THE COUNTY OF PASSAIC AND THE GREENWOOD LAKE COMMISSION TO PROVIDE UPKEEP AND MAINTENANCE OF GREENWOOD LAKE

WHEREAS, the County of Passaic and the Greenwood Lake Commission have considered entering into a proposed Intergovernmental Agreement whereby providing for weed harvesting for Greenwood Lake commencing on the date of the execution of the Agreement through September 30, 2007; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the Agreement and hereby recommend that the Council authorize the execution of same; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number 7-01-26-290-300.

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 Mayor is hereby authorized to enter into an Intergovernmental Agreement with the County of Passaic and the Greenwood Lake Commission for weed harvesting services through September 30, 2007 in an amount not to exceed \$10,000.

BE IT FURTHER RESOLVED, that in the event there are minor changes that are not significant to the overall terms of the Agreement, the Township Administrator and Township Attorney are hereby authorized to agree to such modifications.

Adopted: May 2, 2007

Agenda No. VII 10

~ Resolution 2007-154 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF A VEHICLE FROM THE COUNTY OF PASSAIC

WHEREAS, the County of Passaic is in possession and no longer is in need of a 1994 Ford 4-door vehicle, VIN number 2FALP 71W9V X1809 54; and

WHEREAS, the County of Passaic has offered to donate this vehicle to the Township of West Milford; and

WHEREAS, the Township of West Milford has a need for such a vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they hereby accept the donation of the used vehicle with VIN 2FALP 71W9V X1809 54 from the County of Passaic on behalf of the Township; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford, County of Passaic and State of New Jersey authorizes the Township Administrator to sign any necessary transfer of title documents from the County of Passaic to the Township of West Milford; and

BE IT FURTHER RESOLVED that the Township Administrator communicate to the County of Passaic of the Township's appreciation for the donation of used vehicle for fire department use.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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This Resolution shall take effect immediately.

Adopted: May 2, 2007

Agenda No. VII 11

~ Resolution 2007-155 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
A SPECIAL EVENT PERMIT APPLICATION TO THE NEW JERSEY DIVISION OF PARKS AND
FORESTRY FOR THE USE OF THE FORMER JUNGLE HABITAT PROPERTY TO HOLD A
FIREWORKS DISPLAY**

WHEREAS, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 3, 2007 with a rain-date of July 7, 2007; and

WHEREAS, the use of the former Jungle Habitat property requires approval by the New Jersey Division of Parks and Forestry; and

WHEREAS, the Recreation Director has obtained said approval from the State of New Jersey Department of Environmental Protection for the use of the property for this purpose.

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and Garden State Fireworks to the New Jersey Division of Parks and Forestry, Ringwood State Park for the use of the former Jungle Habitat property to conduct a fireworks display on July 3, 2007 with a rain-date of July 7, 2007 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.

Adopted: May 2, 2007

Agenda No. VII 12

~ Resolution 2007-156 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING
A SPECIAL EVENT PERMIT APPLICATION TO UPPER GREENWOOD LAKE PROPERTY OWNERS
ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH
AREA**

WHEREAS, the Upper Greenwood Lake Property Owners Association wishes to hold a display of fireworks on June 30, 2007 at the Upper Greenwood Lake launch area; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

WHEREAS, the Upper Greenwood Lake Property Owners Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on June 30, 2007 at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owners Association will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. The cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owners Association in advance or through the bond posted.

Adopted: May 2, 2007

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VII 13

~ Resolution 2007-157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICE WITH THE COUNTY OF PASSAIC FOR A PARIS GRANT PROGRAM

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2007-2008 grant cycle, priority funding was given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of West Milford desires to collaborate with Passaic County in the performance of an archives and records management inventory, needs assessment, and strategic plan; and

WHEREAS, the Township of West Milford urges the County to develop a proposal to perform county-wide municipal inventories, needs assessments, and strategic plans; and

WHEREAS, the Township of West Milford is acknowledging that Passaic County would be both the lead agency and the applicant for such a proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Adopted: May 2, 2007

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

Agenda No. VII 9

~ Resolution 2007-153 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING FOR SUMMARY PROCEEDINGS IN REM, OF A NUMBER OF TAX SALE CERTIFICATES AS LISTED IN THE TAX FORECLOSURE LIST

BE IT RESOLVED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, the governing body of the Township of West Milford, that the Tax Sale Certificates as shown on the attached foreclosure list now held by the Township of West Milford be foreclosed by summary proceedings In Rem, as described by New Jersey Statutes R.S. 54:5-104.29 to R.S. 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

Adopted: May 2, 2007

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. VIII

~ Resolution 2007-158 ~

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 2007-159** – Refund Overpayments
- b. **Resolution 2007-160** – Refund MUA Overpayments
- c. **Resolution 2007-161** – Refund Other Liens
- d. **Resolution 2007-162** – Reinstate Taxes

Applications:

- a. **Application** – Off Premise 50/50 Raffle – Queen of Peace HSA
- b. **Social Affairs Permit** – American Legion Post 289 – May 28, 2007

Adopted: May 2, 2007

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

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. VIII 1a

~ Resolution 2007-159 ~

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

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
1603-24	Drew K. Murray 230 West Parkway Suite 3-A Pompton Plains, NJ 07444	\$1,133.00	2007	2
1902-10	Empire Title Insurance Agency 345 Route 17 South Upper Saddle River, NJ 07458	1,039.00	2007	2
2706-10	Charles Joseph Amrhein P.O. Box 555 Hewitt, NJ 07421	\$770.63	2007	1
5505-3.14	Elizabeth Shenise 5314 Richmond Road West Milford, NJ 07480	\$78.34	2007	1
6604-1	Crusader 179 Washington Lane Jenkintown, PA 19046	\$1,545.04	2007	6
	TOTAL	\$4,566.01		

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: May 2, 2007

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 Agenda No. VIII 1b

~ Resolution 2007-160 ~

**RESOLUTION AUTHORIZING PAYMENT TO THE MUA OF FUNDS COLLECTED AT TAX SALE ON DELINQUENT MUA ACCOUNTS**

**WHEREAS**, certain delinquent 2006 MUA Accounts were listed for sale at the township's annual tax lien sale; and

**WHEREAS**, liens were sold on these accounts and the funds deposited with the township; and

**WHEREAS**, there appears on the tax records overpayments as shown below caused by the collection of these delinquencies in MUA accounts; and

**WHEREAS**, such overpayments are owed to the MUA and need to be sent to the MUA.

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be and is hereby authorized and directed to remit payment to the MUA for the accounts and in the amounts as shown below:

| BLOCK/LOT  | NAME                | AMOUNT             | YEAR |
|------------|---------------------|--------------------|------|
| 7801-18.06 | B. Williams         | \$793.32           | 2006 |
| 6710-4     | M. & L. Tallia      | \$626.95           | 2006 |
| 9406-23    | T. & D. Quigley     | \$932.02           | 2006 |
| 8802-14    | D. Pisano           | \$1,419.20         | 2006 |
| 7801-15.08 | T. & R. Papa        | \$921.54           | 2006 |
| 9404-8     | O. & Y. Noda        | \$1,135.02         | 2006 |
| 5501-8     | P. & C. McGuire     | \$820.58           | 2006 |
| 3602-1     | A. Lembo            | \$330.02           | 2006 |
| 7801-49.08 | D. Krantz           | \$578.18           | 2006 |
| 7801-4.06  | E. & V. Evans       | \$574.08           | 2006 |
| 4010-5     | D. & M. DeBenedetto | \$668.03           | 2006 |
| 3602-3     | Acevedo             | \$688.62           | 2006 |
| 7801-49.05 | R. & M. Anderson    | \$590.86           | 2006 |
|            | TOTAL               | <b>\$10,078.42</b> |      |

Adopted: May 2, 2007

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 Agenda No. VIII 1c

~ Resolution 2007-161 ~

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 Amount	Pay to the Lien Holder
68-100	12/12/1968	08501-025	\$282.16	JOHN GLUECK 60 DOCKERTY HOLLOW ROAD WEST MILFORD, NJ 07480
00-069	04/03/2000	08501-025	\$10,441.23	DCAGC MANAGEMENT CORP C/O EUGENE DE NAGEL 71 CATSKILL COURT BELLE MEAD, NJ 08502
05-020	03/09/2005	01910-003	\$18,312.74	WACHOVIA AS CUST FOR PHOENIX FUNDING TAX LIEN SERVICE GROUP 123 SO. BROAD ST PA 1328P PHILADELPHIA, PA 19109
05-026	3/09/2005	02015-005	\$210.89	LAURA GREEN 14 CRESCENT DRIVE GOSHEN, NY 10924
06-044	4/11/2006	05703-004	\$10,760.56	PARK FINANCE LLC P.O. BOX 109

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				CEDAR KNOLLS, NJ 07927
06-062	04/11/2006	08501-025	\$2,583.01	HARMONY FINANCIAL SERVICES LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
06-82	4-11-2006	14113-010	\$47,430.72	ROBERT ROTHMAN 411 GRAND AVENUE ENGLEWOOD, NJ 07631
07-04	4/03/2007	00807-002	\$11,311.29	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
07-009	4/03/2007	01504-011	\$13,926.68	AMERICAN TAX FUNDING LLC BMO CAPITAL MARKETS CORP. P.O. BOX 862658 ORLANDO, FLORIDA 32886-2658
07-015	04/03/2007	02005-008	\$7,452.15	PLYMOUTH PARK TAX SERVICE LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
07-044	04/03/2007	06404-013	\$60,815.99	US BANK-CUTS/SASS MUNI V DTR US BANK CORP. TRUST SERVICES TAX LIEN SERVICES GROUP 2 LIBERTY PLACE SO. SOUTH 16 TH STREET STE 1950 PHILADELPHIA, PA 19102
07-048	04/03/2007	07105-003	\$11,559.00	MOORING TAX ASSET GROUP LLC 8614 WESTWOOD CENTER DRIVE SUITE 500 VIENNA, VA 22182
07-050	04/03/2007	07801-018.06	\$4,677.37	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
07-057	04/03/2007	08501-025	\$1,869.46	HARMONY FINANCIAL SERVICES LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
07-061	04/03/2007	09406-023	\$2,950.66	PLYMOUTH PARK TAX SERVICES LLC P.O. BOX 2288 MORRISTOWN, NJ 07962
07-076	04/03/2007	12311-017	\$4,990.33	MOORING TAX ASSET GROUP, LLC 8614 WESTWOOD CENTER DRIVE SUITE 650 VIENNA, VA 22182
Grand Total			\$209,574.24	

Adopted: May 2, 2007

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 Agenda No. VIII 1d

~ Resolution 2007-162 ~

**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

| <u>BLOCK/LOT</u> | <u>NAME</u>                        | <u>AMOUNT</u>   | <u>YEAR</u> | <u>REASON</u> |
|------------------|------------------------------------|-----------------|-------------|---------------|
| 16101-2          | T. Murphy & Jennifer & Crocker, E. | \$635.00        | 2007        | 1             |
|                  | <b>TOTAL</b>                       | <b>\$635.00</b> |             |               |

Adopted: May 2, 2007

**Payment of Bills**

None.

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

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

Minutes of: Township Council  
Date of Meeting: May 2, 2007  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 19 of 20

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Administrator Kunze asked the Council to complete the forms on the dais which would indicate their availability to meet with the BOE for the defeated school budget. Noting that Councilman Nolan had requested an update on his request for the Planning and Zoning Boards to review bills, he advised that the Zoning Board has voted to continue with their present practices and the Planning Board is still reviewing the request.

Councilman Weisbecker stated that he spoke with Ed Spirko on Saturday. Mr. Spirko's letter of interest in serving on the MUA is on file with the Clerk. He expressed support for Mr. Spirko's nomination. He asked the Administrator when the Wallisch, Hillcrest and other BOE issues are to be discussed. Administrator Kunze advised that the BOE is reviewing the estimate for Hillcrest and they will be preparing a response for Council. Councilman Weisbecker stated that he would like to discuss the formation of a committee at the next workshop to meet with a subcommittee from the BOE. He asked for and received consensus from the Council to have the Administrator send a letter to Senator Menendez requesting grant money appropriated in the federal energy bill that recently passed.

Councilman Schimmenti commended the 4<sup>th</sup> and 5<sup>th</sup> grade travel teams on their many successes. He encouraged all adults to assume the same level of pride in this community as these children display.

Councilman Nolan notified the seniors at Bald Eagle that he will not be attending the candidates event scheduled for May 24<sup>th</sup> because he will be at work. It appears, he said, that the Garden State Preservation Trust Fund will be renewed and the question may appear on the November ballot. He advised that, when the Mount Laurel renovations were first discussed in 2004, the estimated cost was \$300,000. That figure has increased 38% to \$417,698 and residents in the area oppose the skate park. He stated that it has been years since the West Milford Planning Director has drafted an ordinance for West Milford. He has stonewalled an ordinance that the Council requested and now the Township Attorney must draft that legislation. He advised that the MUA has sided with the Boulder Pond expert and not the Town's hydro-geologist. He reviewed the legal expenditures associated with Valley and Eagle Ridge last month. He requested to review the attorney bills from May 2005 to determine how much has been spent on these matters. He asked for a breakdown of costs for services used by the MUA that are paid for by the West Milford taxpayers. He stated that all Zoning Board bills should appear on a separate bill list so that he can vote them down. He encouraged everyone to come out to the rally this coming Sunday and advised that the blood drive will be held on May 20<sup>th</sup>. The West Milford Museum tennis tournament is scheduled for May 19<sup>th</sup> and 20<sup>th</sup> and forms are available on-line. At the Pequannock River Coalition meeting to be held on May 8<sup>th</sup>, several West Milford residents will receive awards.

Councilman Warden expressed support for Councilman Nolan's stance on the Zoning Board bills. He noted that neither he nor Councilman Nolan have made appointments to this board and the board members are thumbing their noses at the taxpayers. Walgreens, he said, is a travesty. It is no coincidence that a Walgreens is planned when Hovnanian is back on the drawing board and Trammel Crow is still in the picture. He expressed support for Ed Spirko as a member of the MUA noting that he has a wealth of experience. Noting that the GRC is bringing the MUA to court for withholding executive session minutes, he stated that neither he nor Councilman Nolan have any appointments on this Authority and he asked the Township Attorney if the Council can investigate their actions. Mr. Semrau advised that the MUA is autonomous but he will research the matter and report back to Council. Councilman Warden expressed dismay that the MUA is seeking a Council vote to relieve them of their responsibilities and he said he will not endorse any letter from the MUA. He stated that Senators Pennachio and DeCroce would not support a boat launch fee for Greenwood Lake because this is an election year.

Councilman Scangarello said his is not an election speech. However, he wished to advise that West Milford resident, Bill Gervens, will be honored by police and law enforcement at a non-political, bi-partisan event and he asked everyone to show support.

Council President Smolinski stated that the cost for Mount Laurel had increased during the past four years by \$28,000 in part because the cost of asphalt during this period has almost doubled. There are safety issues at Mount Laurel that need to be addressed. He recognized Mr. Ed Olsen who will be honored for 52 years of service to the West Milford fire department.

Report of Township Attorney

Mr. Semrau stated that he will have the Valley Ridge brief filed next week. He asked that the scheduled executive discussion of SOS be postponed. He advised that letters are being sent to residents in the vicinity of Eagle Ridge wells. The letter will advise residents of a meeting to discuss this matter and answer any questions. He and the Township's hydro-geologist will conduct the meeting.

**Appointments, Resignations, Terminations**

