
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 31

The Workshop Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of December 25, 2016 and January 1, 2017; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits - located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Pledge of Allegiance

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

Agenda No. I

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Tim Wagner, Peter McGuinness, Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. II

Reading of or Approval of Unapproved Minutes

January 4, 2017 Reorganization Meeting
January 4, 2017 Workshop Meeting

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None.
Motion carried.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

February 15, 2017 Regular Meeting
March 1, 2017 Workshop Meeting
March 15, 2017 Regular Meeting

Agenda No. IV

Presentations

Eagle Scout – Timothy Patrick Schutte – Mayor Bieri invited Timothy to join her at the podium. Tim mentioned that he is currently attending Passaic County Community College in Computer Science and that he has been in scouting since 1st grade. Tim’s Eagle Scout project was the renovation of the storage closet and extra storage options for the preschool program at West Milford High School. After drawing up plans and obtaining approval from the Principal; Timothy built four different storage units. The materials were purchased with donated money. Tim’s plans to attend PCCC and upon obtaining his 2-year degree will transfer to Ramapo and continue Computer Science. Timothy thanked his parents. Mayor asked Tim’s parents to join him at the podium and congratulated all. The Mayor also stated that the Township has a high number of Eagle Scouts.

EDC Awards – Be Creative and Track Time – Mayor Bieri stated that don’t know the EDC stands for Economic Development Committee. It’s a group of volunteers that try to generate business and recently came up with the program to recognize one longer term business and one new business award. She invited Joann Bloom Chair of the EDC up to the podium. Joann stated it’s an honor tonight to recognize Nancy Hunt of Be Creative in Bearfort Shopping Plaza. Be Creative has been around for over 20 years in

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 31

the flooring business. It's very important to shop local and presented a certificate to Be Creative. Nancy thanked Joann and stated it's their 20th anniversary of Be Creative in West Milford and thanked all the residents, other business owners and the Township. The carpeting in the main meeting room was done by Be Creative. We've been fortunate that we're supported by everyone in town. Over the past 20 years the flooring industry has changed a lot and we're excited with the new direction. All our installers are local and all masters at what they do and we pride ourselves on our service. Thank you to the town and everyone for supporting us.

The new business Track Time was not in attendance because they are so busy. They are located on Marshall Hill Road. Their hours are Sunday 10:00 am-4:00 pm, Tuesday through Thursday 3:00 pm - 8:00 pm, Friday 3:00 pm -6:00 pm and Saturday from 11:00 am to 8:00pm. They have parties and do repairs. Joann presented the Certificate to Track Time.

Mayor Bieri announced we will take a 10 minute break for the audience to leave.

Present: Councilmembers Ada Erik, Mike Hensley, Tim Wagner, Peter McGuinness, Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Plenary Retail Consumption License Transfer - License No. 1615-33-017-008 from Gioia Restaurant, LLC to Nonna Nina, LLC

Mayor Bieri asked if there was anyone wishing to be heard on this license transfer. There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Agenda No. V

Executive Session

**~ Resolution No. 2017 – 052 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 1st day of February, 2017 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () 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.
 - Contracts – Passaic County
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 1, 2017

Agenda No. VI

Proclamation

None.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 31

Agenda No. VII

Discussion Items

Table with 1 column and 1 row. Item 1: Discussion: Selection of Council President: Attorney Semrau stated that it started with an article in the newspaper and in a unique circumstance in a tie for Council President, the Township Code has a provision that addresses a tie breaker. The tie breaker says that if the Governing Body is unable within five ballots taken within two days of the organization meeting to elect a Council President then the member who in the election for members of the municipal council received the greatest votes shall be the Council President. Should such person decline to accept the office, then the person receiving the next highest vote shall be Council President and then so on until the office is filled. That provision is a leftover from the prior former government. It really is not one that fits this form of government. It relates to how the ties were broken back before 2002 with the Council Administrator form of government which we presently do not have. Along the way with a code of this size and this type of history the names and positions get changed, for example there are no longer wards. With that being said, in this form of government the Mayor by statute breaks the ties when there is a deadlock. It is important to clarify to the Council that under the circumstances, the Mayor always breaks a tie. This would be the exception to the rule because it is not a legislative tie, or the spending of money, contracts, or necessarily an appointment it's something amongst the Council itself. So I leave it to the Governing Body even though it doesn't necessarily fit, that is what is on the books. The governing body has the right to choose much like was done with the nomination process a few years ago. The choice is to leave it as is or rely upon the ordinance itself and make that nomination. No matter what you decide to do, even if you don't take any action it would be appropriate moving forward to address this in the code. It doesn't fit this type of government and it should be addressed as an Ordinance amendment. Councilman Wagner said that at the appropriate time the town code should be addressed but the town code should be followed as it stands. This was codified and approved and we might not like it but I don't think we should be picking and choosing the Town code to follow. If we want to change the ordinance then we need to do that like any other Ordinance and that will take a couple of readings and a majority of the Council to go forward. So if it is up to me I think we need to follow the Town code the way it stands and go forward. Councilwoman Lichtenberg said that in in the past we have had other issues in the Town code that were old and not appropriate to this form of government I would like to see it amended to meet this form of government which what the people have chosen when the government changed. So whether I like this form of government or not, this is the form of government so the code to match this form of government. Councilman Wagner said that in the meantime the Council President role needed to be Councilman Hensley thanked Fred for the work he did to clarify this issue for the Council to consider. He found it moving that the people of the township voted via referendum for this form of government. The code that Councilman Wagner is speaking of reflects a form of government that was rejected by the people of West Milford by vote and the spirit of the law does not exist in any case. The spirit of the law needs to reflect the will of the people and the form of government that we have today. By doing so in that spirit of following the will of the people I would like to make a motion to accept the action that was taken at the January 4th meeting that's consistent with the current form of government in the selection of the Council President. Councilwoman Lichtenberg 2nd that motion. Councilman Signorino mentioned the spirit of law and the law is law. When the change of government took place one of the first things the Governing Body did was to go over the code book, reenact codes that needed reenacting, and made the changes they saw as they moved along. That is the first order of business. We're not talking about an election in the spirit of law we're talking about the law. Somethings were changed somethings weren't and that was something they worked on as soon as the form of government happened. Councilwoman Lichtenberg asked Administrator Battaglia did we go through the total code codification from page 1 to the end. Administrator Battaglia stated to the best of her recollection this all happened prior to her coming to the Township. She believed that the form of government was brought to the voters in 2002 and the new form of government changed in 2004. At that time she did not believe there had been any codification for a number of years before that. The sitting Township Attorney at the time was retained at significant costs by the Council to do a codification. It was a work in progress and presented to the Governing Body. She didn't know that anyone could say that it was a true codification since there seems to have been a redlining of the existing legislation. In 2006 when she came to the municipality the governing body made a recommendation to engage in a true

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 4 of 31

codification. The Governing Body appropriated funding sufficient to do so and the services of a codification company were used. The township codified in 2007. In doing so an effort was made to find what we could in the code that needed correction and corrected it, but there are a lot of inconsistencies. Inconsistencies that have been found throughout the years and there are still inconsistencies that exist in the code. We have consistently asked the Governing Body to be patient and address them as they come up.

Mayor Bieri asked how the inconsistencies were handled in the past.

Councilman McGuinness stated that it didn't matter and that the motion is out of order.

Mayor Bieri stated that there is a motion and a second and she deferred to the Attorney to determine if it is out of order.

Councilman Signorino stated there are a lot of inconsistencies but unfortunately it is on the books. There are a lot of things on the books that should not be there and maybe we should go over it again but certainly if we recognize there is a problem then we should deal with the problem.

Mayor Bieri stated she is trying to find out historically what was done. Since it was pointed out that there have been errors noted in the past how were they handled. Was it that the code revised, was it was it in writing and revised later so that we are consistent in the manner in which we address these issues.

Councilman Wagner asked Attorney Semrau how to handle this year's Council President.

Attorney Semrau stated that there was a lot of work done to the code over the years. If as a governing body you want to follow the code it would be the legal binding decision of the governing body. If the governing body does not make any other decisions or any other actions, then it stays the way it was decided on January 4th. Councilman McGuinness asked Attorney Semrau if the governing body had to make a motion to follow the existing codes.

Attorney Semrau said that if the governing body made a motion for Council President then the code would have to be followed and if no motions are made then it would stand as the action that was taken on January 4th.

Councilman Wagner made a motion.

Attorney Semrau said that there is a motion and the motion has no affect. If the vote is yes or no it leaves that action that was taken, it is ratifying something that was already done.

Councilman McGuinness stated that it wasn't done correctly.

Attorney Semrau stated that was correct. It has no effect.

Councilman Wagner stated that the tie vote has to go back to the Town code which is whoever had the most votes when they were elected.

Attorney Semrau answered that if that is what the governing body decides.

Councilman Signorino made a motion for Council President. Attorney Semrau said that that governing body will proceed with the motion that Councilman Hensley made to accept the action of the Council in selection of Council President on January 4th which I would say does not have any effect because you either leave it the way it is or you make a motion for Council President. You're asking to ratify something that already happened by the Governing Body and I would not say that has any effect.

Mayor Bieri stated just to clarify if no action is taken then the January 4th would stand so that would indicate there is consensus to do so. If there's a motion to change it then we would have to move forward with a motion.

Attorney Semrau stated that in his opinion unless agreed otherwise, it would be settled by what's in the Township code right now and that is what was read earlier.

Councilman Hensley stated that he would like to amend his motion to update the Township code as it stands so that it would be reflecting the spirit of the current form of government in which the Mayor predominately breaks any tie.

Council Signorino made a motion to elect a Council President. Councilman McGuinness second. Councilman Lichtenberg seconded Councilman Hensley's motion.

Mayor stated there are 2 separate issues. There was a motion on the floor and Councilwoman Lichtenberg 2nd it which would be to amend the Town code to reflect the current form of government. That is an ordinance amendment so after there is a motion and a 2nd a vote would have to be taken but either way that would be a two-step process. Part one would work tonight but part two would happen at a separate time.

Councilman Signorino asked Attorney Semrau it worked having two motions.

Mayor Bieri stated there was another motion which was to take a formal vote on the Council President and I would defer to the Attorney and say two motions were made simultaneously I heard one second; I'm not saying there wasn't another second but I did not hear the other second so how do we proceed.

Attorney Semrau said that motion did have a second so that would have the floor.

Mayor Bieri said that she did not think the order mattered.

Administrator Battaglia mentioned that the motion for the amendment to the code is not

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Governing Body Workshop Meeting
February 1, 2017
6:30 pm
Page 5 of 31

to amend the code. That's just asking for an ordinance to be drafted which would come for introduction. We could have the ordinance prepared for introduction at the next meeting and then a second meeting.

Mayor Bieri so it can be introduced February 15th and it could be voted on March 1st or March 15th.

Attorney Semrau stated that would be very good as a housecleaning item but generally speaking, this would not be in front of the governing body until next year, Mayor Bieri went back to Councilman Hensley's motion which did get a second which was to make a introduction of an ordinance which the governing body would need a discussion on anyway to know what is being introduced to break ties for that position and then there would be a second reading either way. For Councilman Signorino's motion that was second by Councilman McGuinness which was to move forward with the vote for Council President tonight. Councilman Wagner stated that for my own clarification if the Council wants to move forward because it's an ordinance that governing body would need four votes.

Attorney Semrau stated that the governing body would need four votes to introduce an ordinance. This would need a consensus to place on a future agenda.

Mayor asked if all are in consensus. All agreed except Councilman McGuinness.

Consensus to move forward at a subsequent meeting with a discussion and eventual introduction of an ordinance to amend the code.

Councilman Hensley withdrew his motion and Councilwoman withdrew her second. In the meantime, there's the other motion to select the Council President.

Councilman Hensley stated he would like to table the motion to elect for Council President until the code is amended.

Mayor stated there is a motion and a second and there's a request for a table. Attorney Semrau said the motion for the table takes priority. So that motion gets voted on. If the governing body wants to table it when would it be listed on the agenda. Councilman Hensley stated that he would like it on the workshop.

Attorney Semrau stated that if that motion were to carry, it was the will of the Governing Body was to appoint a Council President which is supposed to be done at the reorganization meeting. The governing body would be going against the code as it pertains to the tie breaker and going against the code by not having the appointment take place. Councilman Hensley stated that a table takes precedence and that's how it works in parliamentary. It can be decided upon at a later date and the Mayor rarely misses meetings.

Attorney Semrau stated that under the circumstances it would not be appropriate to table this issue. The Council has an obligation to vote on a full membership.

Mayor Bieri stated that while normally a table would take precedence in this case the Attorney is not recommending doing so. So there is a motion and a second.

Councilman Hensley asked if the governing body had to vote on the table.

Attorney Semrau stated that from the standpoint of a functioning government, it should be recognized. Councilman Hensley said that procedurally it would take precedence.

Attorney Semrau answered that procedurally it would.

Councilman Hensley stated that everyone on this dais has admitted that the Township code reflects a government was rejected by the voters of West Milford.

Attorney Semrau stated that the code may have been drafted under that form of government but it is not necessarily illegal. This form of government is supposed to reorganize within one week of the first of January.

Councilman Hensley explained for the viewing public that the code requires that whoever was the highest vote getter would receive the title of Council President. It made sense in the old form of the government because everybody was elected on the same voting year. So, it would make sense in the old form of government that whoever received the highest vote total would then be Council President if they were a tie. It doesn't make sense to go by that in the spirit of this type of government. Two of the governing body members get selected every year so there are three different election years being considered with, different voter turnouts, and different numbers of people going to the poles. A presidential election brings more people out, so vote totals don't necessarily reflect the popularity or the will of the people to favor one Councilperson over the other.

Councilman Signorino mentioned that it does not follow the spirit of the law.

Mayor Bieri said that the code in itself is unreasonable and flawed because of that theory. Nevertheless it is the code at this point in time, but it does not make sense in the current form of this government. That doesn't negate the fact that it is currently on the books.

Councilman Wagner stated that the organization of this Governing Body has to take place, it's the first order of business before the year starts. It has to take place in accordance with the Town code. He felt it was wrong that it be tabled.

Mayor Bieri stated they needed a motion and a second based on the Attorney's advice.

The motion to table, while it normally takes precedence over the motion, in this case the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 6 of 31

	<p>Attorney feels it would not be the appropriate thing to do. In which case there is a motion and a second for a vote on the Council President. .</p> <p>Councilman Signorino stated that he would expect it to be done over. He amended his motion to nominate Mr. Wagner for Council President seconded by Councilman McGuinness.</p> <p>Councilman Wagner nominated Councilman Signorino seconded by Councilman McGuinness.</p> <p>Councilwoman Erik nominated Councilman Hensley second by Councilwoman Lichtenberg.</p> <p>Councilman Wagner declined his nomination.</p> <p>Councilman Signorino nominated Councilman McGuinness. Councilman McGuinness declined.</p> <p>Mayor Bieri stated that there were two nominations on the floor closed by Councilman McGuinness and seconded by Councilman Signorino. All in favor .</p> <p>Lou Signorino</p> <hr/> <p>Voted Aye: Wagner, McGuinness, Signorino Voted Nay: Erik, Hensley, Lichtenberg Motion carried.</p> <hr/> <p>Michael Hensley</p> <hr/> <p>Voted Aye: Erick, Hensley, Signorino Voted Nay: Wagner, McGuinness, Signorino. Motion carried.</p> <hr/> <p>Attorney Semrau stated under the code unlike any other legislation in this particular matter the Mayor does not break the tie. The code says after five votes and two days the ballots are taken if the governing body so chooses. Then the presidency would go to Mr. Signorino according to the records.</p> <p>Councilman McGuinness made a motion to accept the code then withdrew.</p> <p>Attorney Semrau stated in accordance with the code and the information from the last general election for each member of the Governing Body that would make Mr. Signorino the Council President in accordance with the code and that would be the close of this issue.</p> <p>Councilman Signorino would like to thank Mr. Wagner and Mr. McGuinness for their support. Congratulations Lou</p>
2.	<p>Discussion: ALF Event – Councilman Wagner stated that he had a conversation with Rocky Hazelman. The first meeting is scheduled for March 21 at 7:00 pm in the Main Meeting Room. The survey that was taken to thirty properties and four responded. Three were negative but did not give reasons behind their negative responses. Councilman Wagner felt it was mailed to the property but it didn't go to the businesses because each property could have three to four different businesses Councilman Signorino felt that the businesses were not bothered by the festival otherwise they would have responded. Councilman Wagner stated that a meeting was scheduled for March. The event will remain where it has been.</p> <p>Mayor Bieri stated that no matter where the festival is located there will be negative feedback since there is limited traffic It's a Town-wide celebration and no matter what is done some are going to benefit and some are not going to benefit. Overall it's a positive event for the Township and there will always be some negative feedback.</p> <p>Councilman Wagner stated a big part of the event is the showcase the local businesses and it brings a lot of outside business in. It's just a great event. Mayor Bieri agreed and said that concerns needed to be addressed.</p> <p>Councilman Signorino felt the event should remain where it is remembering that there are 17,000-18,000 people that come out that day on Union Valley Road. It's a beautiful thing for this town Councilwoman Erik stated that Shoprite was a major financial contributor.</p> <p>Mayor Bieri said that was her point in case and there were other businesses that initially complained in the past and since then they have come on board with the festival. The festival has grown bigger and better each year and issues are addressed. It is located in a section of the town which highlands the beauty of West Milford and all are in favor of leaving the ALF event where it is.</p>

Agenda No. VIII

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 31

Tim Roetman, Director of Community & Services Recreation thanked all the senior members for coming out since the topic of transportation is very important. The CS&R department has been negotiating and discussing this program with the Council since about April of 2016. In July 2016 it was confirmed that the Federal grant monies were in jeopardy as the Township status of a rural route was being switched to a suburban route under the consensus bureau's new designation. This was a Federal change that filtered down to the states and then the municipality level. Since July, the Township has been actively seeking other ways to finance the transportation program. Other grants were researched, but funding has been significantly reduced across the Federal and State levels due to multiple factors. The State of NJ receives a majority of their transportation funding through tax revenues generated through the casinos. They are struggling and their revenues are declining which results in fewer funds for the transportation program for the State of NJ. The Federal grant money was 75% of the Township's operating budget for the local transportation program. The Transportation budget with Federal funds was approximately \$145,000.00 with the Township share of approximately 25% which was approximately \$36,900.00. As a result of the grant conclusion, \$36,900.00 is appropriated for the local transportation program. Running the bus 5 days a week, 9 hours a day was the norm for the past 5 years. Unfortunately due to fuel costs, salaries, maintenance costs that type of budget would not sustain those hours. A route that can be sustained is 3 days per week on Monday-Wednesday-Friday as the most viable option to get people around town. Operation hours were reduced from 8:00 am-5:30 pm to 9:30am-5:00 pm on Monday-Wednesday-Friday. One of the Council directives was also to attempt to serve a greater scope of West Milford residents. A month's worth of data was collected and early indications are showing that some neighborhoods are taking advantage of the services; other neighborhoods haven't shown any ridership statistics as of yet. Awostring has not used the service. Bald Eagle Commons used to be serviced seven days a week under the old transportation model. Currently, they are being serviced 5 times a week. We saw a potential need for one more service time right before lunch. We're sensitive to everyone's concerns. If residents are looking for information they can call the Recreation Department at 973-728-2860 or visit the website at westmilford.org and lookup the transportation schedule.

MaryAnn Terracino 110 Richmond Road, West Milford said the residents of West Milford are upset about the bus schedule being only three days a week. It's not only for the Seniors at Bald eagle Commons The people use the bus service for various reasons, food shopping, doctor visits and pharmacy runs to mention a few. Bald Eagle Commons used to have a transportation committee and to make a long story short the owner did away with it. . Three days is not enough. Councilwoman Lichtenberg, the Senior Advisory Committee Council Liaison, and Councilwoman Erik drove a few of us went and spoke to Mayor Kaminski and I think they are tired of hearing us. There are Freeholders, Assemblymen, Congressmen and a Governor. We need some help, we need resources and have to find as many as we can to get help. The County has to do more, they get a bigger portion of our taxes and they should be giving back. The County says they have no money but Passaic is going to get \$10 million for a new river front project and they are getting a \$5 million grant from our Freeholders and we're paying our Freeholders and we're paying our taxes. More and more people are giving up their driver's license because they can't drive anymore and they're depending on the bus. Thank you for listening.

Josephine Falzarano 7414 Richmond Road West Milford said that he agreed with MaryAnn The 9:30 bus used to return at 11:00 which was fine and now it returns at 11:25. So from 11:00 at the Shoprite my pasta defrosted while on the bus. Why is West Milford considered urban? Where are we urban? I can't walk anywhere. When the bus driver goes on vacation, there is no bus driver. No one to back him up. So from January 9 to January 18 we were paralyzed because there was no bus.

Stewart Weissenberg Lincoln Avenue, West Milford said that a number of his questions had been answered by Tim but he would like to add. He said they were cut at least 100 days from the five day per week schedule. Of those days there were 12 holidays. If the driver got sick, there would be no service.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting second by Councilman Signorino.

All in favor:

Agenda No. IX

Council Comments

Mayor asked Tim Roetman approached the podium to address the concerns. He said that the Township actually has an advertisement posted for a backup bus driver A part-time back up has already been hired. The township is actively seeking a new driver. The hourly rate of pay is \$18.00 to start. Tim stated that he asked the BOE and they only have two backup drivers on their entire crew. There's really a shortage and unfortunately about 90% of the BOE operating days those drivers are being called in evidently due to one of the regulars calling in sick. It is a challenge. Mayor Bieri said that the township can make some corrections.. Obviously the township needs to satisfy the need of the seniors, disabled people or anybody else needing rides for whatever reason throughout the Township. She assumed the larger majority of riders were located in Bald Eagle Commons and that a more direct route could be scheduled. Councilwoman Lichtenberg called our Congressman also and that office had someone call her from the census bureau. Mayor Bieri stated that elected officials listen to loud voices and that if the residents all

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 31

pull together and contact the new Congressman Joshua Gottheimer and Federal Senators Robert Menendez and Cory Booker and start a petition. Bombard them with phone calls, bombard them with letters and maybe get some funding back.

Councilman Wagner appreciated everyone attending and wants to do their best and work within our budget and find a way. This is an emergency and the township cannot restrict people from getting to important places on a three-day a week schedule. We need to find a solution but in the meantime we have emergency appropriations and the township needs to come up with the money ASAP to get these buses on schedule so everyone goes back to their daily routine, as seniors are important to this Township. He asked the Township Attorney and Township Administrator if we could get appropriate funds while we try to find a solution. Administrator Battaglia mentioned it would be quite challenging to give an answer right now. Research would need to be conducted to find out how we would operate the program. She felt the township could operate a comprehensive transportation program for less. The township has the buses, but not the drivers. Discussion on the Transportation program ensued.

MaryAnn Terracino was called back to the podium to speak. She said that Bald Eagle Commons did have some sort of bus service and residents paid \$35.00 to join and the price was increasing. People are living on fixed incomes and can't afford this. A lift to Shoprite cost \$20.00 More discussion ensued and it was decided that Tim Roetman would provide an analysis with a 5-day per week bus service.

Agenda No. X

Action Items

Mayor Bieri stated there are several ordinances for action 2017-001, 2017-002, 2017-003, 2017-004 and 2017-005.

Councilwoman Erik made a motion second by Councilman Signorino to open for discussion:

Discussion: Councilman Signorino stated that he has asked for a redlined version when introducing Ordinances when they are being revised.

Administrator Battaglia mentioned that the state model was available. The Mayor felt that it was helpful to have a redlined version.

Since there were no further discussions, Mayor Bieri asked for a vote to introduce all ordinances as one.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None.
Motion carried.

Agenda No. X 1

~ Ordinance 2017 – 001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND CORRECTING CHAPTER 226, "NOISE", OF THE REVISED GENERAL ORDINANCES

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

WHEREAS, the originally submitted ordinance lacks or alters definitions in the areas of Emergency Work and Real Property Line; there are section citation errors to N.J.A.C. 7:29 in the text, and Table IV is missing, the following amendments are hereby made:

§226-1. Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 31

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 31

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§226-2. Applicability.

- (A) This noise ordinance applies to sound from the following property categories:
 - 1. Industrial facilities;
 - 2. Commercial facilities;
 - 3. Public service facilities;
 - 4. Community service facilities;
 - 5. Residential properties;
 - 6. Multi-use properties;
 - 7. Public and private right-of-ways;
 - 8. Public spaces; and
 - 9. Multi-dwelling unit buildings.

- (B) This noise ordinance applies to sound received at the following property categories:
 - 1. Commercial facilities;
 - 2. Public service facilities;
 - 3. Community service facilities (i.e. non-profits and/or religious facilities)
 - 4. Residential properties;
 - 5. Multi-use properties;
 - 6. Multi-dwelling unit buildings.

- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§226-3. Declaration of findings and Policy.

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, **WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and, **WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Township of West Milford.

§226-4. Noise control officers.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 11 of 31

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- (D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and to the definition of "real property line" as contained herein.
- (E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b) 2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§226-6. Restricted uses and activities.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 31

- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

- H. Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.
- 1) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
 - 2) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
 - 3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
 - 4) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§226-7 Enforcement; violations and penalties.

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 13 of 31

voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
1. Mitigating or any other extenuating circumstances;
 2. The timely implementation by the violator of measures which lead to compliance;
 3. The conduct of the violator; and
 4. The compliance history of the violator.
- (J) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (K) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (L) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

Introduced: February 1, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. X 2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 14 of 31

JERSEY ACCEPTING PAUL STREET, WALNUT STREET AND PORTIONS OF JEFFERSON STREET AND HARRISON STREET AS TOWNSHIP ROADS

WHEREAS, there exists certain dirt/gravel roadways namely Paul Street, Walnut Street and portions of Jefferson Street and Harrison Street wholly contained within the boundaries of the Township of West Milford; and

WHEREAS, there is a dedication to the Township of West Milford by virtue of maps no. 1416 and no. 1417 filed with the Passaic County Register on January 25, 1954; and

WHEREAS, the Township of West Milford does hereby determine to accept and improve Paul Street, Walnut Street and portions of Jefferson Street and Harrison Street for Township use as set forth herein for the benefit of the Township of West Milford and the public in general; and

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

1. The Township of West Milford formally accepts the entire 50' wide right-of-way of Paul Street, lying east of and intersecting Harrison Street for a distance of 490 feet more or less, for use as a Township road.
2. The Township of West Milford formally accepts the entire 50' wide right-of-way of Walnut Street, lying between Paradise Road and Jefferson Street for a distance of 580 feet more or less, for use as a Township road.
3. The Township of West Milford formally accepts a portion of the 50' wide right-of-way of Jefferson Street, lying between Grove Street and New Jersey State Highway Route 23 for a distance of 520 feet more or less, for use as a Township road.
4. The Township of West Milford formally accepts a portion of the 50' wide right-of-way of Harrison Street, lying between Grove Street and Paul Street for a distance of 260 feet more or less, for use as a Township road.
5. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
7. This Ordinance shall take effect after publication and passage according to law.

Introduced: February 1, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. X 3

~ Ordinance 2017 - 003 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY FOR THE CLOSING OF A PORTION OF BURNT MEADOW ROAD (TOWNSHIP OWNED ROAD)

WHEREAS, the Director of Public Works has requested relief from the maintenance of the dirt/gravel portion of Burnt Meadow Road between the last residential property and the Ringwood Borough line; and

WHEREAS, the year-round maintenance of the subject section of road has been continuously provided without a definitive daily purpose; and

WHEREAS, pursuant to N.J.S.A. 40:67-16.9, the governing body of any municipality may, by ordinance, close any street or portion thereof for preservation of the public safety, health or welfare; and

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

1. The Township Council hereby authorizes the closing of a portion of Burnt Meadow Road, in the Township of West Milford, County of Passaic and State of New Jersey, more particularly described as follows:

Beginning at a point on Burnt Meadow Road at the southerly property line of Lot 58, Block 4701 and running south and southeast approximately 1,660 feet to terminate at the point where Burnt Meadow Road intersects the Ringwood Borough line.
2. The Township Administrator is hereby authorized to direct the installation of proper warning signs.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 15 of 31

- 3. This ordinance shall take effect after publication and passage according to law.
- 4. A certified copy of this ordinance shall be available in the office of the Township Clerk.

Introduced: February 1, 2017

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: None
 Motion carried.

Agenda No. X 4

~ Ordinance 2017 – 004 ~
ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES,” OF THE REVISED GENERAL ORDINANCES AMENDED

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

§ 135-2 Department of Community Services & Recreation

The Department of Community Services & Recreation is authorized to charge the following fees:

- A. Bubbling Springs membership and badge:
 - (1) Family: consists of parent(s) and all children up to and including full-time students living at home: \$250.00 plus 2 guest badges for Early Bird Fee - Regular Fee after (6/26) - \$275.00. Non-resident family sponsored by resident family: Early Bird Fee \$300.00 (Number will be limited). Regular Fee (after 6/26) - \$325.00
 - (2) Parent /Child is one adult and one child under the age of 18 living in the same residence – Early Bird Fee \$200.00 – Regular Fee (after 6/26) \$225.00
 - (3) Individual (Age 13-61) Early Bird Fee: \$125.00 Regular Fee after (6/26/) \$150.00
 - (4) Senior Citizen: Individual (Age 62+): Early Bird Fee \$20.00 Regular Fee (after 6/26) \$25.00
 - (5) Senior Citizen Couple (Age 62+) – Early Bird Fee \$35.00 – Regular Fee (after 6/26) - \$40.00
 - (6) Late fee: Additional fee added to membership fee after the June deadline of each year - \$20.00

- B. Bubbling Spring Park guest membership (per person/per day):
 - (1) A person under two years of age: No charge
 - (2) A person from two years to seventeen years of age: \$ 5.00
 - (3) A person from eighteen to 61 years of age: \$10.00
 - (4) Seniors (Ages 62+) \$ 3.00

- D. Day Camp: children kindergarten through sixth grade.
 - (1) Fees:

	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD				
Through April 3, 2017:	\$ 990.00	\$145.00	\$30.00/week	\$30.00/week
REGULAR PRICE				
April 4 to June 5, 2017	\$1,110.00	\$155.00	\$30.00/week	\$30.00/week
LATE FEE				
After June 5, 2017	\$1,330.00	\$175.00	\$35.00/week	\$35.00/week

CAMP HOURS: 9:00 AM – 4:00 PM
 BEFORE CARE: 7:00 AM – 9:00 AM
 AFTER CARE: 4:00 PM – 6:00 PM

- E. Teen Camp: children entering seventh and eighth grade.
 - (1) Fees:

	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD				
Through April 3, 2017:	\$ 990.00	\$145.00	\$30.00/week	\$30.00/week
REGULAR PRICE				
April 4 to June 5, 2017	\$1,110.00	\$155.00	\$30.00/week	\$30.00/week

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 16 of 31

LATE FEE
After June 5, 2017 \$1,330.00 \$175.00 \$35.00/week \$35.00/week

CAMP HOURS: 9:00 AM – 4:00 PM
BEFORE CARE: 7:00 AM – 9:00 AM
AFTER CARE: - 4:00 PM – 6:00 PM

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

Introduced: February 1, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. X 5

~ Ordinance 2017 - 005 ~
ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND SECTION §174-10, "ANNUAL TOWN-WIDE GARAGE SALE" OF THE TOWNSHIP CODE

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

SECTION 1. Chapter 174, "Garage Sales", be and is hereby amended to read as follows:

§174-10. Annual Town-Wide Garage Sale

Each year on the third Friday, Saturday and Sunday of September there shall be a "Town-Wide" Garage Sale. For the three days of the town-wide garage sale the permit, fee and sign requirements contained in this chapter shall be waived. During such sales all non-property owners must obtain approval from the property owner to participate in the town-wide garage sale. All other provisions of the chapter shall prevail during the town-wide garage sale.

SECTION 2. 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 3. This Ordinance may be renumbered for purposes of codification.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: February 1, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Mayor Bieri asked to move all resolutions 2017-053 through 2017-072 as one.

Discussion: Councilman Wagner asked a question on resolution 2017-060 which had an increase in the salt budget. It takes approximately one week to get salt. He didn't feel an increase to the budget was necessary. He said that the salt was stockpiled and that he spoke with Ed Steins, the Director of DPW, and he felt there was enough for a few storms. He stated that the township is using a lot less grit and experimenting with the brine product which has been successful. Discussion about the resolution ensued. Since no further discussion, Mayor Bieri asked a vote to be taken.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Resolution 2017-060 was defeated by the following vote:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 17 of 31

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley
Voted Nay: Wagner, McGuinness, Signorino, Lichtenberg
Motion carried.

Agenda No. X 6

~ Resolution 2017- 053 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE CDBG APPLICATION BEING SUBMITTED TO THE COUNTY OF PASSAIC COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FOR COMMUNITY TRANSPORTATION PROGRAM BUS IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, at a meeting held February 1, 2017, the Mayor and Township Council of the Township of West Milford adopted the following resolution:

Project:

Community Transportation Program Bus	Total Project Funding: \$57,900.00
West Milford Township	County Funds Requested: \$57,900.00
1480 Union Valley Road, West Milford, NJ 07480	
Block 7903 Lot 14	

WHEREAS, the Township Council authorizes an application to the Passaic County Community Development Block Grant (CDBG) Program for a transportation vehicle as described in the proposal; and

WHEREAS, if awarded CDBG funds, the Township of West Milford shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, that it hereby authorizes the submission of an application for grant funding from the Passaic County CDBG for the purchase of a transportation vehicle to service the local transportation program with the full support of the Governing Body in the Application and the Project.

This Resolution shall take effect immediately.

Adopted: February 1, 2017

Agenda No. X 7

~ Resolution 2017 – 054 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO A PROJECT AT BLOCK 1701, LOT 42, IN THE TOWNSHIP OF WEST MILFORD WHICH REQUIRES A TREATMENT WORKS APPROVAL (TWA) APPLICATION, STATEMENT OF CONSENT, FORWARDED TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS ZANADO ENTERPRISES, INC. (applicant) is the owner of the property known as Fairview Drive and Bobby Lane in the Township of West Milford, which is known as Block 1701 and Lot 42; and

WHEREAS the applicant has made an application for a new 3 bedroom dwelling and;

WHEREAS the applicant has proposed a septic disposal area where there is a zero setback distance from the adjoining property line and the disposal bed which is a deviation from the septic code; and

WHEREAS the septic code (7:9A-4.3 (15) i) allows for such deviation provided that, "If the property line abuts a roadway or utility easement on the side of the property where the reduction in the separation distance is being sought and there are no subsurface utilities located within the separation distance specified in Table 4.3, a notarized statement from the owner of record of the roadway or utility easement acknowledging that no subsurface utilities will be installed in that area" is provided; and

WHEREAS the Engineering Department, by means of an email dated 1/5/17 has confirmed that there "are currently no utility conflicts". The proposed sewage disposal system is located in the most advantageous location; and

WHEREAS a New Jersey Department of Environmental Protection (NJDEP) Treatment Works Approval (TWA) is required to construct a disposal area that deviates from the code; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 18 of 31

WHEREAS the Township Health Officer has reviewed the Treatment Works Approval (TWA) application submitted to the Department of Environmental Protection on behalf of the aforementioned property; and

WHEREAS the Township Health Officer has certified, as part of the Statement of Consent, that the application proposed conforms with the requirements of municipal ordinances pertaining to the proposed disposal system; and

WHEREAS approval for this Treatment Works application requires the municipality to, by way of a Resolution, consent to the project; and

WHEREAS a copy of the application is on file in the West Milford Township Health Department; and

WHEREAS the Township Health Officer recommends to the Mayor and Council that it, in fact, consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby consents to the Treatment Works Application as submitted for the property known as Fairview Drive and Bobby Lane in the Township of West Milford, which is known as Block 1701 and Lot 42, with respect to the septic system.

Adopted: February 1, 2017

Agenda No. X 8

~ Resolution 2017 – 055 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE WIDENING AND RESURFACING OF RESERVOIR ROAD BETWEEN ROUTE 23 AND OAK RIDGE ROAD

WHEREAS, the NJDOT is accepting applications for the fiscal year 2017 Municipal Aid Program; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the widening and resurfacing of Reservoir Road between Route 23 and Oak Ridge Road; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Reservoir Road – Section 3	
Widening and Resurfacing of Reservoir Road between Route 23 and Oak Ridge Road (1.91 miles), including Storm water Compliance	
Grant Application:	\$350,000
Township Contribution:	\$120,000
Estimated Cost for Entire Project:	\$470,000
Grant Application No.	MA-2017-Reservoir Road - Section 3-00572

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: February 1, 2017

Agenda No. X 9

~ Resolution 2017 – 056 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 19 of 31

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF CANISTEAR ROAD BETWEEN ROUTE 23 AND HENDERSON ROAD

WHEREAS, the NJDOT is accepting applications for the fiscal year 2017 Municipal Aid Program; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Canistear Road between Route 23 and Henderson Road; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Canistear Road – Section 3	
Milling and resurfacing of Canistear Road between Route 23 and Henderson Road (1.45 miles), including Storm water Compliance	
Grant Application:	\$330,000
Township Contribution:	\$100,000
Estimated Cost for Entire Project:	\$430,000
Grant Application No.	MA-2017-Canistear Road - Section 3-00574

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: February 1, 2017

Agenda No. X 10

~ Resolution 2017 – 057 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR BIKEWAY IMPROVEMENTS TO CAHILL CROSS ROAD BETWEEN MORSETOWN ROAD AND PETER ROAD, INCLUDING WIDENING, RESURFACING AND STORMWATER COMPLIANCE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2017 Bikeway Program; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for Bikeway Improvements to Cahill Cross Road between Morsetown Road and Peter Road, including widening, resurfacing and stormwater compliance; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Cahill Cross Road	
Bikeway Improvements to Cahill Cross Road between Morsetown Road and Peter Road (0.74 miles), including Widening, Resurfacing and Stormwater Compliance	
Grant Application:	\$300,000
Township Contribution:	\$100,000
Estimated Cost for Entire Project:	\$400,000
Grant Application No.	BIKE-2017-Cahill Cross Road-00054

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 20 of 31

Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: February 1, 2017

Agenda No. X 11

~ Resolution 2017 – 058 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE WEST MILFORD FAMILY PUMP TRACK TO OPERATE UNDER THE AUSPICES OF THE TOWNSHIP'S DEPARTMENT OF COMMUNITY SERVICES & RECREATION

BE IT RESOLVED, by the Mayor and Council of the Township of West Milford that the West Milford Family Pump Track, a volunteer organization shall operate the Pump Track at Farrell Field under the auspices of the Township's Department of Community Services & Recreation.

Adopted: February 1, 2017

Agenda No. X 12

~ Resolution 2017- 059 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING GRANT FUND AMOUNTS IN RESOLUTION 2016-353 THAT AUTHORIZED THE SUBMISSION AND ACCEPTANCE OF A SUB GRANT AWARD FOR FISCAL YEAR 2016 HOMELAND SECURITY GRANT PROGRAM EMERGENCY MANAGEMENT AGENCY ASSISTANCE FUNDING

WHEREAS, The Township of West Milford adopted Resolution 2016-353 on November 9, 2016; authorizing the Office of Emergency Management to apply for the Homeland Security Grant Program Emergency Management Agency Assistance Sub Grant # FY16-EMPG-EMAA-1615 period 7/1/2016 – 6/30/2017 from the New Jersey State Police Office of Emergency Management; and

WHEREAS, the Office of Emergency Management is amending the grant fund amounts in Resolution 2016-353 with the Grant Budget Detail Worksheet by direction from the Attorney General as follows:

WHEREAS, the Sub Grant consisting of a total amount of \$19,668.00, including \$9,400.00 Federal Award and \$10,268.00 Local Matching Funds is for the purpose of enhancing the Township of West Milford's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the application for the Sub Grant Award calls for a match in the amount of \$10,268.00 which the West Milford Office of Emergency Management adequately satisfies through the 2016 Township of West Milford's approved budget for division salaries, wages, and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does authorize the Office of Emergency Management to apply and accept the award of the FY16 Homeland Security Grant Program Emergency Management Agency Assistance Sub Grant in the amount of \$9,400.00 Federal Funds from the New Jersey State Police Office of Emergency Management; and

BE IT FURTHER RESOLVED that the West Milford Township Administrator, the Township Chief Financial Officer, the Township Emergency Management Coordinator, and the Township Deputy Emergency Management Coordinator are authorized to the sign the appropriate Sub Grant award documents; and

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: February 1, 2017

Agenda No. X 13

~ Resolution No. 2017 - 060 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A CHANGE ORDER NO. 1 – FINAL TO CARGILL INCORPORATED

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 21 of 31

DEICING TECHNOLOGY FOR PURCHASE OF ROCK SALT FOR AN OVERALL INCREASE NOT TO EXCEED \$700,128.00

WHEREAS, by virtue of Resolution 2016-261 adopted August 17, 2016 the Township Council did authorize the award of a competitive bid contract for the 2017 Rock Salt to Cargill Inc. Deicing Technology Business; and

WHEREAS, the Department of Public Works has found it necessary to request a Change Order No. 1 to the contract with Cargill Inc. Deicing Technology Business, 24950 Country Club Blvd., Suite 450, North Olmsted, Ohio 44070; and

WHEREAS, due to the number and type of storms this season there is a need to amend our contract for the purchase of salt in order to be prepared for the remainder of this season; and

WHEREAS, Change Order No. 1 in the amount not to exceed \$116,688.00 for the purchase of up to 1700 tons of rock salt at the current contract price of \$68.64 per ton is requested. This amount is 20% of the original contract amount of \$583,440.00.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 01-201-26-294-363; and

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 a change order to exceed the original contract award of \$583,440.00 to Cargill Incorporated Deicing Technology for Rock Salt by an amount not to exceed \$116,688.00
2. The Township Administrator is hereby authorized and directed to execute a change order for the contract with Cargill Inc. Deicing Technology Business in an amount not to exceed \$116,688.00 representing an increase to the original contract amount not to exceed \$700,128.00.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution change order and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: February 1, 2017
 Resolution 2017-060 was defeated by the following vote:

 Moved: Erik Seconded: Lichtenberg
 Voted Aye: Erik, Hensley
 Voted Nay: Wagner, McGuinness, Signorino, Lichtenberg
 Motion carried.

Agenda No. X 14

~ Resolution 2017 – 061 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 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 Lien Holder
13-0050	03/19/2013	06002-034	\$ 51,168.13	FWDSL & ASSOCIATES LP 17 WEST CLIFF STREET SOMERVILLE, NJ 08876
15-0096	10/13/2015	15510-001	\$ 41,679.87	FIG CAPITAL INVESTMENTS NJ13, LLC MTAG CST FIG CAP INV NJ 13 8323 RAMONA BLVD W. STE 2 JACKSONVILLE, FL 32221
15-0099	10/13/2015	16606-001	\$ 65,220.41	FWDSL & ASSOCIATES LP 17 WEST CLIFF STREET SOMERVILLE, NJ 08876

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 22 of 31

16-0046	10/11/2016	04701-038.02	\$ 99,127.45	CHRISTINA TRUST AS CUSTOMDIAN GSRAN-Z, LLC DEPOSIT ACCO UNTPO BOX 71276 PHILADELPHIA, PA 19176
Grand Total:			\$257,195.86	

Adopted: February 1, 2017

Agenda No. X 15

~ Resolution 2017 – 062 ~

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

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

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

REASON: 1. Senior Deduction 2. Veteran Deduction 3. Tax Appeal

Block/Lot	Name	Amount	Year	Reason
202-21	Robert & Elaine Buchtman 69 Goldfinch Lane Hewitt, NJ 07421	\$250.00	2016	1
1006-7	Donald & Patricia Bayne 29 Hanover Road Hewitt, NJ 07421	\$250.00	2016	2
1006-7		\$111.27	2016	3
1207-2	Cory Favre 38 Barnegat Road Hewitt, NJ 07421	\$133.52	2016	3
1301-1	Ashley Toey & Michael Scattergood PO Box 335 Hewitt, NJ 07421	\$250.00	2016	2
3610-9	Michael J. White 947 Westbrook Road West Milford, NJ 07480	\$65.54	2016	3
10102-26	Kevin McNamara & Theresa Post 8 Clover Road Newfoundland, NJ 07435	\$178.03	2016	3
11701-4	Roman Szymansky 22 Lake Isle Drive West Milford, NJ 07480	\$140.94	2016	3
TOTAL		\$1,379.30		

Adopted: February 1, 2017

Agenda No. X 16

~ Resolution 2017 – 063 ~

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

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

WHEREAS, Resolution 2016-338 included the above for a reinstatement of taxes in error. The original tax payment was good but the homeowner sent in a second payment to replace the bounced check that was not returned.

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

REASON:

1. Incorrect Payment	2. Duplicate Payment
3. Senior Citizen	4. Veteran
5. Homestead Rebate	6. Tax Court CB
7. State Court Tax Appeal	8. 100% Disabled Veteran

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 23 of 31

Block & Lot	Name and Address	Amount	Year	Reason
4303-010	Sharon Hughes 54 Lockley Ct. Wayne, NJ 07470	\$1,552.40	2016	2
TOTAL		\$1,552.40		

Adopted: February 1, 2017

Agenda No. X 17

~ Resolution 2017 - 064 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4 - 58

WHEREAS, there appears to be a surplus in the 2016 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Streets & Roads S&W	26-290-101	\$54,401.00
TOTAL TRANSFERS OUT		\$54,401.00

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2016 budget year:

Administration S&W	20-100-101	\$1,400.00
Tax Assessor S&W	20-150-101	\$1.00
Police Patrol S&W	25-240-101	46,500.00
Police Detectives S&W	25-241-101	5,000.00
Police Administration S&W	25-242-101	1,500.00
TOTAL TRANFERS IN		\$54,401.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2016 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: February 1, 2017

Agenda No. X 18

~ Resolution 2017 - 065 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Planning Department, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
David & Helen Wall 74 Lakeside Road Hewitt, NJ 07421	16-288-56-05-015 ZB04-12-05	\$950.00	\$362.10
TOTAL			\$362.10

Adopted: February 1, 2017

Agenda No. X 19

~ Resolution 2017 - 066 ~

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 Director of Community Services and Recreation be refunded:

Recreation Basketball		
Lilianna Sanchez	\$160.00	Tara Veselsky

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 24 of 31

Kayleen Orta		71 Vine Avenue West Milford, NJ 07480
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Adopted: February 1, 2017

Agenda No. X 20

~ Resolution 2017 – 067 ~

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

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

WHEREAS, the Collector of Taxes recommends the 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
2416-8	Steven Klein	\$1,375.89	2016
14201-13	Magdalena & Krzysztof Zgiet	\$ 500.00	2016
12206-1	Patrick Lenihan	\$1,334.20	2016
4701-61 CELL	Jack Levkovitz	\$4,431.45	2016
TOTAL		\$7,641.54	

Adopted: February 1, 2017

Agenda No. X 21

~ Resolution 2017 – 068 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, West Milford Township is the owner of Tax Sale Certificate #94-132 relating to Dockerty Hollow Road, Block 8501, Lot 18 in the Township of West Milford; and

WHEREAS, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

WHEREAS, the Tax Sale Certificate is held by the Township of West Milford; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

WHEREAS, the Township of West Milford has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 94-132 pertaining to Dockerty Hollow Road, Block 8501, Lot 18 in the Township of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issued by the Township.

This resolution shall take effect immediately.

Adopted: February 1, 2017

Agenda No. X 22

~ Resolution 2017- 069 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, West Milford Township is the owner of Tax Sale Certificate #99-076 relating to East Shore Road, Block 4202, Lot 4 in the Township of West Milford; and

WHEREAS, the original Tax Sale Certificate originally issued in connection with this

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 25 of 31

matter has been lost and cannot be located; and

WHEREAS, the Tax Sale Certificate is held by the Township of West Milford; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

WHEREAS, the Township of West Milford has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 99-076 pertaining to East Shore Road, Block 4202, Lot 4 in the Township of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issued by the Township.

This resolution shall take effect immediately.

Adopted: February 1, 2017

Agenda No. X 23

~ Resolution 2017 – 070 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2016- 2017 LICENSE YEAR WITH CONDITIONS

WHEREAS, application for renewal of pocket Plenary Retail Consumption License for the 2016-2017 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, the license has received a Tax Clearance Certificate and Special Rulings 12.39 and 12.18 from the Director of ABC pursuant to NJSA 33:1-12.39 to issue a license for the 2016-2017 year; and

WHEREAS, the Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control revised; and

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant had disclosed to the issuing authority the source of all additional financing obtained in the previous license year.
4. Special Rulings from the Director of the New Jersey Division of ABC have been received.

WHEREAS, the Police Department has recommended that the license be renewed to the current owners as a pocket license with conditions.

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

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
<p>MERSIMI & MAHMUDI, INC. 1 North Gate Park Ringwood, NJ 07456 1615-33-032-009</p>	<ol style="list-style-type: none"> 1. Licensee must file a Place-to-Place Transfer application to site this license, or a Person-to-Person and Place-to-Place Transfer application to transfer ownership and site this license in the Clerk’s office. 2. Fire, Health, Building, Zoning and Police inspections must be made and satisfactory recommendations received in the Clerk’s Office prior to transfer activation or opening this license. 3. A Health Department Retail Food Establishment license must be acquired prior to opening if applicable. 	<p>Pocket</p>

Adopted: February 1, 2017

Agenda No. X 24

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 26 of 31

~ Resolution 2017 - 071 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-017-008 FROM GIOIA RESTAURANT, LLC TO NONNA NINA, LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of Plenary Retail Consumption License 1615-33-017-008 presently held by Gioia Restaurant, LLC to Nonna Nina LLC t/a Silvio's for premises at 9 Lakeside Road, Hewitt, NJ 07421 that has been reviewed; and

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

WHEREAS, as a result of that review the Mayor and Township Council have determined as follows:

- 1. The submitted application is complete in all respects.
- 2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, the Police Department has recommended that the license be transferred with all current conditions if applicable; and

WHEREAS, the license may be transferred with the following condition:

- 1. Prior to activating the liquor license a copy of the current Retail Food Establishment license must be submitted to the Township Clerk's office.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is directed to endorse the transfer and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

Adopted: February 1, 2017
Agenda No. X 25

~ Resolution 2017 - 072 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2017

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2017 license year; and

WHEREAS, reports of recommendation have been received from applicable 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 2017 Licenses as listed below and;

License No.	2017 TAXI OWNER LICENSES
2017-05	Leigh M. Weiss – Lee's Medical Car Service
License No.	2017 TAXI DRIVER LICENSE
2017-05	Lee's Medical Car Service – Leigh M. Weiss

Adopted: February 1, 2017
Agenda No. XI

Consent Agenda

None
Agenda No. XII

Approval Of Expenditures

**~ Resolution No. 2017 - 073 ~
RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: February 1, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 27 of 31

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

Acct #	Account Name	Amount
1	Current Account	875,769.90
3	Reserve Account	215,509.29
2	Grants	182.04
6	Refunds	3,543.80
1	General Ledger	5,728,065.29
26	Refuse	139,349.04
4	Capital	191,278.64
19	Animal Control	545.79
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	7,425.90
19	COAH	0.00
16	Development Escrow	4,775.25
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	1,312.50
Total		\$7,167,757.44
	\$Less Refund Resolution	-3,543.80
	Actual Bills List	\$7,164,213.64
	Other Payments	
	P/R	543,274.30
	Cristiana Trust Lien Cert. Rel. 1/18 mtg.	99,127.45
	FIG Capital Lien Cert.	41,679.87
	FWDSL & Assoc, Lien Cert.	51,168.13
	FWDSL & Assoc. Lien Cert..	65,220.41
	DTC Bond Payment	1,506,000.00
	DTC Bond Int. Payment	168,838.97
	MCMJIF Ins.	460,269.68
	Total Expenditures	\$10,099,792.45

Adopted: February 1, 2017

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: None
 Motion carried.

 Agenda No. XIII

Reports of Mayor, Administrator, Council Members, Attorney and Clerk

Councilman Hensley did not have anything to report.

Councilman Wagner said that since it’s been along meeting, he no report.

Councilman McGuinness Said that since the governing body discussed beautification and upgrading the monument out front, I have no report at this time.

Councilman Signorino said that the Museum is open every on Saturday from 1:00 pm to 4:00 pm to the public. If there is an interest in the beauty and history of West Milford please visit the museum. The volunteers are eager to share their stories, memorabilia, artifacts and history of the town.

Councilwoman Lichtenberg mentioned that the Highland Family Success Center is hosting their 2nd annual Sweethearts Dinner and Dance on February 17th. This is open to the West Milford residents at the Journey Church from 7-10 pm. For information call 973-560-6575 or email highlandsfsc@gmail.com. They will need a headcount. Starting February 2nd, I will be at Town Hall for the public on Thursday instead of Fridays from 10:00 am to noon.

Councilwoman Erik did not have anything to report.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 28 of 31

Administrator Battaglia said that her first item was to request a Special Meeting on February 8th at 6:30 pm if the Governing Body is amenable. This meeting would address the capital budget, facilities and the emergency appropriations for bussing. A young man from Eden Farms has provided the township with a proposal to update Veterans Park and Eden Farms will maintain the park. Mayor Bieri asked for a formal motion. Councilwoman Erik made motion seconded by Councilman Signorino. Council gave consensus for Eden Farms to update their plans to include the direction from our staff members and professionals.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Attorney Semrau did not have a report.
Agenda No. XIV

Appointments and Resignations
Agenda No. XIV 1

~ Resolution 2017 - 074 ~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RECOGNIZING A VACANCY ON THE HERITAGE COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby posthumously recognize the service and contributions made by Adrian Birdsall to the Township of West Milford by virtue of his service on the Heritage Committee; and

BE IT FURTHER RESOLVED, that the Township Council hereby makes it known that a vacancy exists on this committee for the unexpired term of Adrian Birdsall, said term to expire on December 31, 2017.

Adopted: February 1, 2017

Moved: Erik Seconded: Signorino
Voted Aye: All in favor - Aye
Voted Nay: None
Motion carried.

Agenda No. XIV 2

Municipal Alliance Committee – CASA

Administrator Battaglia mentioned that when this committee was first reviewed, the Clerk’s Office made recommendations, although this is not standard procedure this will help to guide the governing body since specific roles needed to be filled. So, this is just a recommendation. Councilwoman Lichtenberg mentioned that CASA has a meeting scheduled for Monday night and that she was on the committee to interview the coordinators.

Council Liaison

Councilwoman Erik made a motion to nominate Marilyn Lichtenberg as Council Liaison seconded by Councilman Signorino. Motion to close Councilwoman Erik seconded Councilman Signorino

All in favor

Business Representative

Councilwoman Lichtenberg made a motion to nominate Michele Dale as Business Representative to the CASA committee second by Councilman Hensley.

Councilwoman Lichtenberg mentioned that Michele Dale brought up the concept and grant before the CASA and followed through with all the information that was needed.

Councilman Signorino made a motion to nominate Andrena Pegel as Business Representative to the Municipal Alliance Committee CASA seconded by Councilman McGuinness.

Michele Dale

Voted Aye: Erik, Hensley, Lichtenberg
Voted Nay: Wagner, McGuinness, Signorino

Andrena Pegel

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 29 of 31

Voted Aye: Wagner McGuinness, Signorino
Voted Nay: Erik, Hensley, Lichtenberg

Mayor Bieri reiterated what Councilwoman Lichtenberg mentioned that Michele Dale first suggested the restructuring of the CASA and looking into the grants and in regard to that she wanted Ms. Dale to follow through. Mayor Bieri appointed Michele Dale

Civil/Volunteer Group Representative
Kelly G. Hart

Voted Aye: Erik, Hensley, Lichtenberg
Voted Nay: Wagner, McGuinness, Signorino
Motion to Close: Signorino

All in Favor – Aye

Andrena Pegel

Motion to Close: Signorino 2nd McGuinness
Voted Aye: Wagner McGuinness, Signorino
Voted Nay: Erik, Hensley, Lichtenberg

Councilman Signorino withdrew his nomination

Mayor Bieri asked the Council to make a motion to increase the Citizen Members and amend the current structure of the Municipal Alliance Committee CASA Citizen Members from 2 to 4. The total committee would go from 15 to 17 and get people on that are willing to serve and have various qualifications. Councilman Wagner made a motion for the above seconded by Councilman Hensley.
All in Favor - Aye

Citizen Members #1, #2, #3, #4
Councilwoman Erik nominated Eric R. Koster 2nd by Councilwoman Lichtenberg.
Councilman McGuinness nominated Andrena Pegel 2nd Councilman Signorino
Councilman Hensley nominated Thomas A. Roth 2nd by Councilwoman Erik
Councilman Hensley nominated Lisa A. LaCurto-Green
Councilwoman Erik nominated Jackie Boshart
Motion to close: Erik 2nd: McGuinness

Eric R. Koster

Voted Aye: Erik, Hensley, Wagner, Lichtenberg
Voted Nay: McGuinness, Signorino

Andrena Pegel

Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None

Thomas A. Roth

Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None

Lisa A. LaCurto-Green

Voted Aye: Hensley
Voted Nay: Erik, Wagner, McGuinness, Signorino, Lichtenberg

Jackie Boshart

Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino
Voted Nay: Lichtenberg

Mayor Bieri mentioned for the 4th position the top 4 top vote getters would be Jackie Boshart, Tom Roth, Eric Koster and Andrean Pegel

Health Care Professional
Councilwoman Lichtenberg nominated Dorrie Torp 2nd by Councilwoman Erik.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 30 of 31

Motion to Close: Erik 2nd: Signorino
All in Favor

Media Representative

Councilwoman Lichtenberg nominated Linda Smith-Hancharick 2nd by Councilman Signorino.

Motion to Close: Erik 2nd: Signorino
All in Favor

Organization Involved in Reducing Substance Abuse Representative

Councilwoman Lichtenberg nominated Wilson A. Santos 2nd by Councilwoman Erik.

Motion to Close: Erik 2nd: Signorino
All in Favor

Religious/Fraternal Organization Representative

Councilwoman Lichtenberg nominated Nicholas J. Padovani 2nd by Councilman McGuinness.

Motion to Close: Erik 2nd: Signorino
All in Favor

Beautification and Recycling Committee

Councilwoman Erik made a motion to nominate David Kirk to the Beautification Committee 2nd by Councilman Signorino. No more nominations.

Motion to Close: Erik 2nd: Signorino
All in favor

Council Subcommittees

Mayor Bieri asked the Council if you want to stay on any committee please mentioned that as we will need the consensus of the Governing Body

Personnel Committee

Councilman Signorino would like to stay as Council Member on the Personnel Committee

Councilman McGuinness nominated Mr. Signorino

Councilman Signorino nominated Mr. McGuinness

Councilwoman Lichtenberg nominated Ms. Ada Erik as Council Member rather than alternate

Councilman Hensley nominated Tim Wagner who declined the nomination.

Councilwoman Erik would like to stay as Alternate.

Council Personnel Committee is Lou Signorino, Pete McGuinness as Council Members and Ada Erik as Alternate

New Library Construction Committee

Mayor Bieri suggested the committee stay the same as the end of the project is near with Lou Signorino as Council Member and Marilyn Lichtenberg as Alternate.

All in Favor

Board of Education Committee

Mayor Bieri mentioned in the past it was Member Lou Signorino and Alternate Marilyn Lichtenberg.

Marilyn suggested Mike Hensley. Lou suggested Pete McGuinness as he's involved a lot with the kids in town and would be good on education. Lou Signorino would like to stay on. Mr. McGuinness asked if

Mike would like to be an Alternate since he's on another position. Mike Hensley was in agreement.

Mayor Bieri mentioned the members would be Lou, Pete and Mike as Alternate.

Independence Committee

Mayor Bieri mentioned in the past it was Member Tim Wagner and Alternate Ada Erik. Tim would like to stay on and Ada would like to be a full member rather than alternate. Council agreed an alternate was not needed.

Facilities Committee

Current members are Ada and Marilyn. Marilyn does not want to be alternate and suggested Lou and Pete. Tim would like to be nominated. Lou mentioned he has interest. Mayor mentioned last year the facilities committee was about evaluating the services and the needs of the community. At this point it's more construction issues and the Mayor suggests Lou. Mayor mentioned Tim has interested and asked Ada how she felt about being a member. Ada agreed to let Councilmen Signorino and Wagner have it. The Facilities Committee is Lou as Member and Tim as Alternate.

Revitalization Committee

Current members are Ada and Mike. Mike and Ada still want to stay on. Council gave consensus to both.

Snow Removal Committee

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 1, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 31 of 31

Current members are Tim, Ada with Lou as Alternate. Tim, Ada and Lou still want to stay on. Council gave consensus to all.

Mayor Appointments to Environmental Commission

Mayor Bieri received a memo from the Environmental Commission requesting to fill a vacancy Citizen Member and shift the Alternates. Mayor Bieri appoints Dave Ofshinsky from Alternate 1 to Citizen 1 and Clinton Smith is appointed Alternate 1 from Alternate 2.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:06:39 p.m.

Moved: McGuinness Seconded: Signorino
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Approved: March 1, 2017

Respectfully submitted:

Diane Curcio, Assistant Municipal Clerk

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK