
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 22

The Regular 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 Regular meeting was advertised in the Herald News in its issue of December 29, 2013 and January 5, 2014; copies were provided to the Suburban Trends, the Record, 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.

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Vivienne Erk, Michele Dale, Luciano Signorino (arrived during Executive Session 7:05 pm), CarlLa Horton.
Absent: Mayor Bettina Bieri.
Also Present: Township Administrator Kenneth Gabbert, Township Clerk Antoinette Battaglia, Dawn Sullivan of Dorsey & Semrau for Township Attorney Frederick Semrau.

Agenda No. I

Reading of or Approval of Minutes

None.

Agenda No. II

Executive Session

~ Resolution No. 2014 – 294 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 17th day of September 2014 that:

1. Prior to the conclusion of this **Regular 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.
 - (X) b. (4) A collective bargaining agreement including negotiations.
 - Contract 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.
 - (X) 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.
 - Fire Co. # 2
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 22

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: September 17, 2014

Moved: Erik Seconded: Horton
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

The Governing Body went into executive session at 6:34 p.m.
The Governing Body returned to the public meeting at 7:28 pm with all present as before.
Councilman Signorino arrived during Executive Session at 6:35 pm.

Agenda No. III

Proclamation

Childhood Cancer Awareness - Kellie Newton joined the Mayor with her son Aaron, to accept the proclamation. Mayor Bieri read the proclamation and gave an update on the status of state legislation and urged people to call asking that it go for a vote. Ms. Newton thanked the Governing Body and thanked the Mayor for the legislative update. This is very important for her family. They are lucky to live in West Milford and have access to good health care. Her family is now active in the *Bowery Fund* to assist families as they go through these intense ordeals. There are many similar organizations. She listed some funds that can accept contributions for pediatric research. Children's Cancer Fund and Alice's Lemon Stand are two prominent ones. Mayor Bieri recognized Aaron who is 5 years old now. Kellie said he just turned 5 and started kindergarten at Paradise Knoll.

Agenda No. IV

Presentations

- Community Forest Management Plan – Ron Farr, 6 Riker Road, Newfoundland introduced himself advising that he has been retained to obtain a reforestation grant from the State of New Jersey. The grant application has been prepared and he is hopeful everything will be in order to seek an RFP in time for planting next Spring. There is a provision that the Mayor sign the plan and Council gave consensus to have the Mayor do so. They thanked Mr. Farr for his work.
- Consultant Report – Community Services & Recreation - Robert Casey noted that the Governing Body had not received his report in their packets. He asked that this discussion be deferred to a later date because the discussion will be more effective if the Governing Body has had a chance to review the report which is to serve as a basis for the discussion. The Council agreed and instructed the Administrator to reschedule.
- Septic Pumping Update – Health Officer – Mike Fitzpatrick addressed the Council. He was asked at a budget meeting to make recommendations for amendments to take the septic pumping ordinance from regulatory to educational. He asked for Council questions regarding the proposed amendments. Councilwoman Dale said that at budget time she recollects that Mr. Fitzpatrick alluded to the fact that to enforce this ordinance he would require additional staff. She said he would also look at how other towns have managed to implement such ordinances. Mr. Fitzpatrick said West Milford is essentially unique in the way this ordinance is written. Some other towns tried that in the 1990's but most have abandoned them. Most of those communities have gone to sewers. West Milford has more critical structure. Councilwoman Dale asked if we know how many people have complied with the legislation and Mr. Fitzpatrick responded that 65 to 75% of residents or a percentage in that range have complied. Contractors are promoting the concept that pumping will reduce potential of failure. For those that don't comply, when a house is sold it becomes mandatory. If there are problems reported, those failing systems are found. Adding all those three components he believes compliance is about 90%. Councilwoman Dale said that when the ordinance was first adopted there was community notification. She asked if there have been additional educational initiatives. Mr. Fitzpatrick said he has not done that based on the repeated discussions about amendments. He could do that in the future. Councilman Signorino asked the reporters in the room to print some information. Councilwoman Dale said that if compliance is 90% she is not in favor of adding personnel to reach 10% of the population. Mr. Fitzpatrick said the way the ordinance is written there is a burden to provide documentation that is overly burdensome. Councilwoman Dale said the contractors do that and Mr. Fitzpatrick agreed adding that his department has to log in all that information. He has managed to reduce the form and minimize the burden. They are not inputting minimal information. The burden is trying to figure out actual properties that have not complied. In other words we can find who did comply but not readily who

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 22

did not comply. Mayor Bieri said the ordinance requires pumping every 3 years. One of the issues was enforcement and the other was data entry. She thinks the compliance numbers are good. She asked for consensus to leave the ordinance as is and direct that there be more education. She said Mr. Fitzpatrick should get current in data entry and proceed from there. The ordinance as it stands appears to be effective and the Council agreed. Councilman Signorino said he would appreciate educational efforts. Mr. Fitzpatrick said there is cloudy language that he asked to have the attorney look at confusing wording. Mayor Bieri said he should review that language, make suggested revisions and submit to the attorney for consideration as long as it does not change the intent of the legislation.

Agenda No. V

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1

~ Ordinance 2014 - 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND CHAPTER 500, "ZONING", ARTICLE III, "RESIDENTIAL DISTRICTS" SECTION §500-13, "SEWER AND WATER FACILITIES" 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 500, "Zoning", Article III, "Residential Districts" Section §500-13, "Sewer and Water Facilities" be and is hereby amended to read as follows:

§500-13. Sewer and Water Facilities

Where zoning standards for sewer and water facilities are utilized, those facilities must be provided by the applicant. The systems shall be designed in accordance with the West Milford Township Municipal Utilities Authority (MUA) and the New Jersey Department of Environmental Protection requirements, including the Township's Wastewater Management Plan, and located in a designated service area. Such facilities shall be dedicated to the MUA for ownership and operation within an agreed upon period of time. If public sewer facilities are provided, but it is determined by the Planning Board that it is impractical to provide public water facilities, the Applicant may nonetheless utilize the reduced area and yard requirements of §500-12B, provided that the Applicant complies with the requirements of §470-15.1, "Water Supply and Water Quality Requirements" with respect to individual wells to serve the subdivision lots.

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: August 20, 2014
Adopted: September 17, 2014
Effective Date: October 7, 2014

This ordinance was introduced on August 20, 2014 and the Notice of Public Hearing was published in the Herald News on August 24, 2014.

The Mayor opened the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Motion to adopt ordinance.

Moved: Horton Seconded: Signorino
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Horton.
Voted Nay: None.
Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 4 of 22

Agenda No. VI

Public Comments

Ted Hajek, resident since 1954, said he has been reading comments regarding the ordinance on changing the 2,500 foot distance requirement between liquor-licensed establishments. Historically the property in question has issues going way back. He gave some details of bars in the area many years ago. Former elected officials saw a problem with establishments too close together and they passed that law to eliminate those problems. They had foresight. He gave an overview of other historic properties in town. There was thought given to laws to eliminate problems. The property in question had a lot of issues. The planning board would not look favorably at crossing the street or passing private property to get to the restaurant. If you want to push tourism, he asked, why would you push tourism about trespassing to go to eat. Then push tourism for Joey's or Paul's place. He speaks because his son & wife own Latitude 41 on Greenwood Lake with a restaurant & liquor license and they are lakefront. Push Latitude 41 first. Look at the history and be considerate of residents at Cottage Cove. They have lived through many problems.

James Aiello, 20 DeHart Avenue, Hewitt said that an application to site a liquor license within 2,500 feet of his licensed premises was broached in May and now this ordinance will eliminate protections for current licensees. He asked the state for clarification as to how many licenses there can be in West Milford. He was told the formula allows for one license for every 3,000 citizens. He said there are 30 licenses in West Milford. The only protection he has as a licensee is the 2,500' and that is being eliminated. This will mean that more licenses that are not currently being used will be able to encroach on current businesses. You are allowing licenses to come near his business. *Uncorked*, he said, does a significant business and made a major capital investment. If another business were to open up it would be direct competition to him and unfair that a business owner invests in a business and the Council will allow someone to encroach on that. He has to abide by laws. He has attended two funerals in town in past few years. One of which resulted in him becoming part of litigation where it was believed he served alcohol to someone and he didn't. The intoxicated person died and he was served by a licensee who is no longer in business. If you stress out the liquor business people will let down their guard on who they serve. This ordinance will devalue all licenses. This appears to be specific to Lakeview. He said he asked the zoning official about operations and that Mr. Lupo said Lakeview it is not zoned for that use. Now this appears to be plan B. He read from the proposed ordinance. This serves the best interest of one person and it is not good for the town. He is a lake resident about half mile away from Lakeview. He is awakened if people play loud music there. To have a bar right next to your residence is intolerable. How does this protect residents?

Alyson Invel, 17 Cottage Cove, Hewitt said she is here to speak in favor of keeping existing laws regulating a 2,500 foot distance between licensed liquor establishments. She is asking Council to keep this legislation, which has worked for many years. Amendments will create many problems for many residents. It will cause businesses to struggle. Making two or more businesses struggle or close will not help the town. Do not change legislation to benefit one person. When this was previously a bar there were many problems. There is no reason to bring back a bar. There is no hardship for the new owner who purchased the property at a discount through bankruptcy. Driving either a boat or car after consuming alcohol is a bad idea. There are no patrols on the lake, which makes boating worse. This creates risk for every boater or swimmer on the lake. The former owner did not comply with restrictions. This was a constant problem in the past. She worries how the Township will help protect residents, properties, safety and quality of life. Cottage Cove residents pay top dollar in taxes as the Council considers changes to benefit one person. Cottage Cove is residential not commercial. The new property owner pays fewer taxes because the lake lot is not developable. There is no reason to use a residential lot for commercial gain. Learn from past and vote to retain the 2,500' restrictions.

Pamela Sorenson, 17 Cottage Cove, Hewitt said she is strongly opposed to eliminating the 2,500 foot restriction between licensed premises. Allowing this license will recreate problems that existed in the past. Residents should not have to contend with these problems. The docks are large & dangerous. The lakefront lot is zoned as residential and should only be used in that manner. The rental of docks is restricted. The current business' proposed model is to have people come in from the lake through residential property to get to the commercial property. Why should this be allowed for this property? The owner does not own a restaurant. She cannot imagine why Council would consider changing laws that keep residents safe. This could also negatively affect other businesses in town. This will cause hardship and potentially cause risks for existing business. When you purchase a business you take a risk. Why amend legislation for one person who is now unhappy with the risk they took. She does not believe it is fair to residents or business owners and it is not fair to her, her family and her neighbors. The business should comply with existing laws. It is time for that business to begin to follow existing laws. Do not change the law for these people.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 22

Mary Schripa, 23 Cottage Cove, Hewitt said she owns the property directly behind Lakeview. The patrons walk directly next to her home. They often looking through her windows and making her family feel unsafe. She opposes these proposed changes. Existing businesses work hard and follow rules & regulations. Do not penalize them. Cottage Cove residents will once again be plagued by hardships. The septic system is the most dangerous hazard. The overflow has leaked into the lake. Government officials have been notified repeatedly. The health department has a significant file. The other danger is when patrons drink, drive and boat. This causes risk to families. The loud noise from the patrons is a hardship that infringes upon quality of life. Please do not change this law.

Jason Hajek, 150 Lakeside Road, Hewitt said he is the owner of Latitude 41 and he is here to ask Council to uphold current legislation. His business will not be affected by the distance. He wants more business in town but cannot see that alcohol is necessary in a family restaurant. It should not affect the Cottage Cove or alcohol sales. He concurs with a lot that has been said. He worked at Lakeview years ago and the kitchen was a mess and the septic had problems. It was a bad place. If the owner gets a renter to operate the premises it could be disastrous.

Pat Foley, Pinecliff Lake Drive, West Milford said he has concerns about proposed changes to the 2,500 distance between licensed premises. It is hard to stay in business in town. Competition is tough. Many people have tried to make these changes before. That has never been allowed. Why now? It does not make sense to devalue existing licenses. These licensees have paid top dollar for their licenses. It is not right and he opposes it.

Robert Borst, 22 Cottage Cove, Hewitt said he owned a bar for 42 years in Brooklyn. He was run out of business because laws were changed to eliminate restrictions. This will not be good for the community. It will only create problems. He pays \$11,000 in taxes and that residential lot pays \$1,100 and for that \$1,100 we are changing laws. The other residents adhere to all laws. All they get in return is the lake. The lake used to be clean but it no longer is. The septic from that bar used to flow into the water. He repeatedly reported the problems. The lake is our highest attribute. This ordinance should never be changed. He is hoping Council votes against this ordinance. It is not good for the town.

Councilwoman Dale asked for history. Mayor Bieri said she has asked the administrator for a summary before next meeting. She wants a status report on zoning and permitted uses. There is a zoning ruling that permitted uses on this property that were not otherwise allowed.

Councilwoman Horton said she has conflicting beliefs on a number of different issues. She is not inclined to support the 2,500' rule but that is totally unrelated to Cottage Cove. She also went to Cottage Cove. Whoever said that property could be used for commercial purposes is ridiculous. She is trying to look at things from a policy perspective. She does not support the idea that anybody should have to endure the hardships that are evident with the commercial docks at Cottage Cove. She has diverse opinions. She is now left saying she needs many answers before she could move forward.

Councilman Signorino said he appreciates comments. Mayor Bieri noted that hit is generally the policy to complete public comments before Council responds. However, based on comments Council will need to know definitively the conditions on those properties.

Michael Gerst, Hillview Court, West Milford said he has listened to al the comments. He understands the concerns from Cottage Cove residents. He has concerns about business. He favors allowing the marketplace to rule. Government should not protect business. Capitalism should rule.

Councilwoman Erik said the ordinance is about changing the distance requirement between premises licensed to sell alcohol. It is not about determining the conditions or the ability of one property to comply. You heard from residents & businesses they don't want it. She does not want it. Let's vote it down now.

Councilwoman Horton said from her perspective this has nothing to do with one person or one property. This one place & owner brought this to the attention of the Council. She said she did not want to make changes for one party but if she wants to make a change that would be for everyone. As a policy decision she does not make decisions to benefit one person. She does not agree with 2,500 foot rule. It comes from saying that she wants to allow business to flourish.

Councilwoman Dale said she needs to understand if there is a separation between the issues. If we find out that the property between Cottage Cove and the bar the Council can impose conditions on the license if necessary. They are two separate issues. If it is ruled residential, they cannot open a business there. If it is residential they cannot operate that business from the lake.

Mayor Bieri said she will finish with public portion and then proceed to action items. She listed the Council's options noting that they can vote for or against introduction of the ordinance, they can table it or they can withdraw it.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 6 of 22

James Foody, 2 Kushaqua Trail, Hewitt said he handed information to Council in July dealing with private roads. There are a lot of roads in town that are not private. They are dedicated but not accepted. He gave Mr. Semrau two Appellate & Supreme decisions about road dedications. The law states that after 20 years a dedicated road not accepted becomes accepted by virtue of public use. He heard Council members Dale & Horton say they would abide by court decisions and law. The roads in his community were dedicated many years ago and he has the proof. Lakeside Improvement Corporation has put liens on two more properties. This has to stop. Stop letting people run roughshod over residents. He will load this room with Lakeside residents to have this resolved. He never heard back from town officials and he will continue to come up here until action is taken. It has to stop. The roads in his community were dedicated 85 years ago. Prior councils have done nothing and he is not going away.

Pat Restaino, 108 Timber Lane, West Milford congratulated the mothers that brought Mr. Inserra before the Council. He is expecting resolve any day now and would like the Township to follow up. He urges people not to shop there until it is cleaned up. He thanked the Council for the Highlands petition on the website. He has never heard anything from the Freeholders and he asked if the Freeholders support us and if they do can we get them to pressure Trenton or make public statements. He wants to bring up salt brine. Last year the Council said they would look into it. Grits from last year still look bad on our roads. Every town that uses brine loves it and they have realized savings. When he broached it before there was a different administrator.

Gary Steele, North Glenwood Road, West Milford said he grew up with parliamentary procedure. Do not use the word table unless there is to be no further conversation. If there is something listed on the agenda bypassing the agenda or interfering with moving an agenda item it is not proper. It should be introduced.

Brian Murphy, Charcoal Road, Newfoundland favors a stipend for Dave Stires, the Recycling Coordinator. He understands it is \$5,000 average per year. He researched stipends. It is generally for someone who is performing beyond the scope of their work. He said Mr. Stires works above & beyond his position. He is solid waste coordinator. Takes care of all reports & tracking solid waste. It has been going down. He is also the clean communities coordinator and a foreman supervising 6 people. He takes care of Ringwood Township recycling & solid waste reports. That is because their coordinator does not have the credentials. We do not charge Ringwood appropriately for that. Dave Stires & Gerry Storms made this agreement to offset Ringwood lending us a vector. He takes care of ALF & recycling as well as Beautification & Recycling Day. He is at the recycling center at weekends. He has helped install welcome signs. He goes above & beyond the call of duty. Last summer with the organic waste debacle Mr. Stires was out there from July 9 through September taking brush & debris from residents and mulching it onsite and putting up with a lot of angry residents. They worked all hours. He deserves the stipend. He has worked hard. This is deserving.

Tim Dalton, 548 Lakeshore Drive, West Milford also supports a stipend for Dave Stires.

Celeste Hampton, Macopin Road, West Milford said this town has done some phenomenal work thanks to Dave Stires. She reviewed tonnage for some years saying it has been consistently going down. The recycling is a commodity bringing money to the town and it is going up. That is a big plus. West Milford has a 33% recycling rate. We need to do better yet. Consider that recycling lowers taxes. Get serious about recycling. She did a survey of a number of towns as to how they reward recyclers. Some towns do a fantastic honoring teachers, children, and businesses that recycle. They have awards. They have staff to help make all that happen. Today is the deadline for Governor's Award for environmental work. We should consider nominating Dave Stires next year.

Doris Aaronson, 19 Bearfort Road, West Milford concurs with the last three speakers and supports a stipend for Dave Stires. She showed graphs showing increases in recycling and she reviewed the data. Under the leadership of Mr. Stires we have increased recyclables and decreased solid waste. This Monday the DEP bear specialist will be making a presentation at town hall. CASA and the BOH are sponsoring a drug awareness reading contest for 7 & 8th graders. Prizes are \$100 each for 1st & 2nd place.

There being no more comments from the public Councilwoman Erik moved to close the public portion of the meeting.

Moved: Erik Seconded: Horton
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 22

Council Comments

Mayor Bieri noted that the administrator has salt brine listed as a topic to be addressed in his report. She said the Administrator is following up with Mr. Inserra. She cautioned Council about responding to comments about the recycling coordinator as it was a personnel discussion.

Councilwoman Erik said that everyone references grandfathered situations in town. The item must remain in effect continuously and if it stops for over two years grandfathering rights are lost. What is on the agenda has nothing to do with the zoning of the Lakeview property. It is strictly about 2,500 foot requirement for the siting of liquor licenses. That has nothing to do with siting the license at that particular premises. She gave examples. She said that under Federal law, grandfathered clauses expire after the grandfathered use has been abated. That business has been closed seven years. This ordinance is limited to the 2,500 feet. We need to vote this change down. She did read about the private roads and found the same conclusion as Mr. Foody. Mr. Foody's neighbors in that community get school buses, ambulance, and garbage collection. That is public use. We must fix these problems before people lose their homes. She said the Council has a good report on brine.

Council President Erk thanked Mr. Restaino for liking our petition. There is legislation being brought forth in Trenton in an effort to obtain equity for West Milford. Our two assembly people have signed the petition. She read their comments. She spoke to Senator Pennachio's office and was advised that he has signed.

Councilwoman Erik said next Tuesday at 5:30 the Freeholders will have their regular meeting in West Milford town hall.

Councilwoman Dale said she suggested making Robo calls to advise people of the petition. We have 1,300 signatures. We need more and there has been a lot of coverage. We have to band together to get support for this. She asked for consensus to authorize a Robo call about the petition, where to find it and how urgent it is to sign. Council gave consensus.

Agenda No. VIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VIII 1

~ Ordinance 2014 – 008 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 63, "ALCOHOLIC BEVERAGES", SECTION 7 "TRANSFER OF LICENSES; EXCEPTION; MEASUREMENT" OF THE TOWNSHIP CODE TO ELIMINATE AND REPEAL THE DISTANCE LIMITATIONS RELATING TO ISSUANCE OF LIQUOR LICENSES

Councilwoman Dale made a motion to withdraw this Ordinance, seconded by Councilman Hensley.

Moved: Dale Seconded: Hensley
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Horton.
Voted Nay:
Motion carried.

Agenda No. VIII 2

~ Resolution 2014 - 264 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A STIPEND FOR THE RECYCLING COORDINATOR

Councilwoman Dale made a motion to withdraw this Resolution, seconded by Councilman Signorino.

Moved: Dale Seconded: Signorino
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Horton.
Voted Nay:
Motion carried.

Agenda No. VIII 3

~ Resolution 2014 – 282 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 22

WHEREAS, the committee continues to work on the tasks enumerated and approved by the Township Council in Resolution 2014-249 adopted on July 16, 2014; and

WHEREAS, there is a need for a Cable TV Community Bulletin Board (CBB) to make the cable channel functioning; and

WHEREAS, the CBB will provide public, educational and government (PEG) announcements on the dedicated TV channel in accordance with the agreement outlined in Chapter A520, "Cable Television Franchise" of the Township Code; and

WHEREAS, the CBB will serve to inform the public of local town meetings, club meetings, civic organization meetings, school sports, services provided by the Township as well as other West Milford public events and announcements of interest to the residents of the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby provides consent to the broadcasting of a community bulletin board on the dedicated cable TV channel as provided for in Chapter A520 of the Township code; and

BE IT FURTHER RESOLVED that the Cable TV Committee or a subcommittee thereof shall screen and approve such notices and that the Township Administrator or the Administrator's designee shall have final say over any such notice to be broadcast on said cable channel.

Adopted: September 17, 2014

Agenda VIII 5

~ Resolution 2014 – 296 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$400,000 SPECIAL EMERGENCY NOTES**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Pursuant to an ordinance of The Township of West Milford, in the County of Passaic (the "Township") entitled: "Ordinance of the Township of West Milford, in the County of Passaic, State of New Jersey, authorizing a special emergency appropriation for municipal revaluation in accordance with N.J.S.A. 40A:4-34", finally adopted on March 16, 2011 (#2011-001), special emergency notes (the "Notes") of the Township are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S.A. 40A:4-1 *et seq.* and, in particular, N.J.S.A. 40A:4-55) in a principal amount not exceeding \$400,000, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

The following matters in connection with the Notes are hereby determined:

- Section 1 All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, interim chief financial officer or treasurer (the "Chief Financial Officer") of the Township, provided that no Note shall mature later than one year from the date of the first Note issued hereunder unless the Township shall have paid and retired amounts of such Notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such Notes;
- (a) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer; and
 - (b) The Notes shall be in the form prescribed by resolution heretofore adopted by the governing body of the Township determining the form of special emergency notes issued pursuant to the Local Budget Law, and the Notes shall be signed or sealed by the Chief Financial Officer, the Mayor and the Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.
- Section 2 The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determinations.
- Section 3 The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 22

- receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
- Section 4 Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
- Section 5 The Chief Financial Officer is hereby authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.
- Section 6 The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.
- Section 7 The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the Notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the Notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the Notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the Notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.
- Section 8 All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the Notes is hereby ratified, confirmed, adopted and approved.
- Section 9 This resolution shall take effect immediately.

Upon motion of Councilwoman Horton, seconded by Councilwoman Erik the foregoing resolution was adopted by the following vote:

AYES: Erik, Hensley, Erk, Dale, Signorino, Horton

NOES: None

Adopted: September 17, 2014

Agenda VIII 6

~ Resolution 2014 – 297 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,849,300 BOND ANTICIPATION NOTES**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

- Section 1. Pursuant to a bond ordinance of The Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance providing for the improvement of various roads in and by The Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefor and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$200,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 2. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by The Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 3, 2008 (#2008-40), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$133,000 shall be issued for the purpose of temporarily financing the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 11 of 22

- improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,675,000, and authorizing the issuance of \$1,142,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by The Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 20, 2011 (#2011-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,076,140 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 4. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for the improvement of Otterhole Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$565,000 therefor and authorizing the issuance of \$547,000 bonds or notes of the Township for financing such appropriation", finally adopted on May 18, 2011 (#2011-07), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$328,730 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 5. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$1,127,000, and authorizing the issuance of \$1,073,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 17, 2011 (#2011-15), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,006,430 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 6. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$1,565,000, and authorizing the issuance of \$1,490,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 15, 2012 (#2012-15), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$500,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 7. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$1,940,600, and authorizing the issuance of \$1,605,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 17, 2013 (#2013-10), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,605,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 8. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 7 described, shall be combined into a single and combined issue of bonds in the principal amount of \$4,849,300.
- Section 9. The following matters in connection with said Bond Anticipation Notes are hereby determined:
- (a) All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 7 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;
 - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
 - (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 22

- of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.
Section 10. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution...
Section 11. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale...
Section 12. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit...
Section 13. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body...
Section 14. The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable...
Section 15. This resolution shall take effect immediately. Upon motion of Councilwoman Horton, seconded by Councilwoman Erik, the foregoing

resolution was adopted by the following vote:

AYES: Erik, Hensley, Erk, Dale, Signorino, Horton
NOES: None

Adopted: September 17, 2014

Agenda VIII 7

~ Resolution 2014 – 298~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2014 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2014 in the sum of \$117,149.00 which is now available as a revenue from:

Table with 2 columns: Description of revenue source and Amount. Rows include: Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services; Public and Private Revenues Off-Set with Appropriations; Urban Mass Transp. Act of 1964 grant year 2014-2015; Federal Share (\$78,099.00); State Share (39,050.00).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 13 of 22

BE IT FURTHER RESOLVED that a like sum of \$156,199.00
 be and the same is hereby appropriated under the caption of:

General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
Urban Mass Transp. Act of 1964 grant year 2014-2015:	
Federal Share	\$78,099.00
State Share	39,050.00
Local Share: Matching funds	39,050.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: September 17, 2014

Agenda VIII 8

~ Resolution 2014 – 299 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION RESERVE AND RECEIVABLE BALANCES REMAINING IN THE VARIOUS FUNDS OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Current Fund – Fund Balance.

	AMOUNT
As of 8/8/14	\$219,437.33

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford, the list below of various receivable and reserves be cancelled.

General Capital Receivable Balances:	
St. of NJ ADA Ord. 2002-27	\$52,500.00
Wonder Lake Water Sys. Impr.	\$19,000.00
HUD-EDI Grant Ord. 2008-25	\$3,500.00
St. of NJ Bikeway	\$59,180.39
St. of NJ Marshall Hill Sidewalk	\$200,000.00
Total Receivables	\$334,180.39
Reserve for Bikeway - appropriations	\$59,180.39
Net against Fund Balance	\$275,000.00
Trust Balances To Cancel:	
Reserve for Fire Tower 19-295-56-120-521	\$12,356.00
Field Hockey Trust 19-295-56-120-208	\$83.42
Forest Hill Park 19-295-56-120-508	\$30,057.35
Water Conservation Logo 19-295-56-12-510	\$50.00
	\$42,546.77
Escrow Balances:	
9 Individual Negative escrow balances	\$1,224.82
Shortage in cash to agree to our credit balances	\$16,812.51
Total due from current fund balance	\$18,037.33
Police Outside Services Balances:	
Beginning balance per 2012 audit	\$32,913.01
Collected in 2013	-\$11,581.22
	\$21,331.79
Received from English Paving	-\$18,395.00
Difference	\$2,936.79
Summary:	
Total to fund balance from grants	\$472,864.68
Total against fund balance from gen. Cap.	-\$275,000.00
To fund balance from Other Trust	\$42,546.77

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 14 of 22

Total against fund balance from escrow	-\$18,037.33
Net to fund balance	\$222,374.12
Cancellation of Police Outside Services Balances	-\$2,936.79
Net to fund balance	\$219,437.33

Adopted: September 17, 2014

Agenda VIII 9

~ Resolution 2014 - 300 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO PHOENIX CONSULTING GROUP, LLC FOR BUDGET CONSULTING SERVICES AND USE OF PROPRIETARY SOFTWARE

WHEREAS, the Township of West Milford has a need to engage the services of a budget consultant for the 2015 budget as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Phoenix Consulting Group, LLC has submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Phoenix Consulting Group, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account #04-215-55-818-005; and

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Phoenix Consulting Group, LLC, with offices located at 10 Kentwood road, Succasunna, NJ 07876 to serve as a budget consultant, to make available to the Township related proprietary software in furtherance of the budget process, and to work with the Township Administrator and the Township CFO on the budget document.
2. Phoenix Consulting Group, LLC shall provide budget consulting services and shall provide the initial setup and installation of the budget model proprietary software in an amount not to exceed \$7,500 in accordance with their proposal dated September 1, 2014.
3. The total fee authorized for this contract shall not exceed \$7,500.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: September 17, 2014

Agenda VIII 10

~ Resolution 2014 - 301 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR LSRP SERVICES AT WEST MILFORD DPW BANKER ROAD DEPOT

WHEREAS, there exists a need for Licensed Site Remediation Professional (LSRP) services to be rendered to the Township of West Milford in connection with West Milford DPW Banker Road Depot, 29 Banker Road (Block 1001 Lot 30) to address the discharge associated with the former 550 gallon diesel underground storage tank; and

WHEREAS, the Township wishes to retain the services of Envirotactics, Inc.; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 15 of 22

WHEREAS, the CFO has certified to the availability of funds, said funds to be encumbered from account number 01-201-20-161-450; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bidding, and the contract itself, must be made available for public inspection.

WHEREAS, Envirotactics, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Envirotactics, Inc. from making any reportable contributions through the term of the contract.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153, for environmental consulting services in connection with the open NJDEP case #92-04-15-1604-31, established from the removal of a former 550 gallon diesel underground storage tank at the site known as the West Milford DPW Banker Road Depot, 29 Banker Road for a total amount estimated to be \$15,030.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$15,030.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and Christopher Neuffer, President, Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153 for their information and guidance.

Adopted: September 17, 2014

Agenda VIII 11

Resolution 2014 - 302 ~

NUMBER NOT USED

Agenda VIII 12

~ Resolution 2014 – 303 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE TRAILS MASTER PLAN DATED AUGUST 4, 2014 AS PRESENTED BY THE WEST MILFORD ENVIRONMENTAL COMMISSION

WHEREAS, the Township of West Milford Environmental Commission received a 2010 Smart Growth Planning Grant from ANJEC in the amount of \$10,000 (\$5,000 in grant funds and \$5,000 in municipal matching funds and/or in-kind services) to develop a Trails Master Plan; and

WHEREAS, the Governing Body supports the trails concept and the opportunities trails offer to the community; and

WHEREAS, by Resolution No. 2010-257, the Governing Body approved the allocation of funds from the Township’s Open Space Account to be used for the matching portion of the grant; and

WHEREAS, the West Milford Environmental Commission, assisted by their consultant, Banisch Associates, Inc., the NY/NJ Trail Conference and several other local organizations, completed the Trails Master Plan, a document that identifies the current inventory of trails and associated facilities, identifies the needs of the trail network and the overall connectivity throughout the Township, promotes the trail network, and identifies an action plan to acquire, enhance, and manage the trail networks; and

WHEREAS, the West Milford Planning Board reviewed and approved the Trails Master Plan at a regular meeting held on July 24, 2014; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 16 of 22

WHEREAS, the West Milford Environmental Commission held a public hearing on August 4, 2014, and following a presentation on the document, the Commission approved the Trails Master Plan and requested that it be forwarded to the Governing Body for review and approval as a tool for use in future planning, recreation and open space considerations.

NOW, THEREFORE BE IT RESOLVED, that the Township of West Milford hereby approves the West Milford Trails Master Plan, dated August 4, 2104, prepared by the West Milford Environmental Commission and presented at the September 3, 2014 Governing Body Workshop meeting.

Adopted: September 17, 2014

Agenda VIII 13

~ Resolution 2014 - 304 ~

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

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 22, 2014 for Snow Plowing Services; and

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

WHEREAS, the Supervising Engineering Aide has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, noting Special Rates for trucks and equipment to be used if and when needed per rates bid; and

WHEREAS, the Township Attorney has rendered an opinion; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 01-201-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for Snow Plowing Services pursuant to the recommendation and in accordance with the following outline:

BID #	CONTRACTOR	# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2	BID #	CONTRACTOR	# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2
1.	Perrone Landscaping	3	\$100.00	\$100.00	7.	P & W Excavating	8	\$103.00	\$106.00
2.	Joseph A. Padham, Jr.	1	\$101.00	\$101.00	8.	J.D. Ragonese, Jr. Excavating	2	\$103.00	\$105.00
3.	Kershaw Construction	5	\$101.50	\$103.50	9.	Tom Buske & Son Construction	13	\$104.00	\$106.00
4.	Utter Excavating, LLC	3	\$102.00	\$105.00	10.	Albert Christmann, Inc.	4	\$104.50	\$104.50
5.	Lanzo Trucking Company	4	\$103.00	\$103.00	11.	Decker & Decker Construction	7	\$104.99	\$104.99
6.	Longstaff Paving, LLC	9	\$103.00	\$103.00	12.	Bruce Corbett Excavating, Inc.	3	\$106.65	\$113.14
TOTAL TRUCKS							62		

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

Adopted: September 17, 2014

Agenda VIII 14

~ Resolution 2014 – 305 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 17 of 22

such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount, and

WHEREAS, the Township of West Milford wishes to amend its 2014 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2014 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:
State of NJ Recreational Opportunities for Individuals with Disabilities grant year 2014-2015;
State Share 20,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations
Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
State of NJ Recreational Opportunities for Individuals with Disabilities grant year 2014-2015;
State Share 20,000.00
Local Share: Matching funds 4,000.00

BE IT FURTHER RESOLVED that the Chief Financial Officer will electronically file with the State of New Jersey in accordance with LFN 2014-11.

Adopted: September 17, 2014

Agenda VIII 15

~ Resolution 2014 – 306 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE- BLOCK 7516, LOT 4

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Jacqueline Felczak-Vandergroef to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block/ lot	Amount Due
	10-080	3-23-10	7516-4 \$3,621.97

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-112 and 5-113, including due publications in the Herald News; and

WHEREAS, a public hearing has been held with no one appearing to contest the above application.

NOW THEREFORE BE IT RESOLVED, that the assignment from the Township to the said Jacqueline Felczak-Vandergroef be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted September 17, 2014

Agenda IX

~ Resolution 2014 – 307~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF A CONSENT AGENDA

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 18 of 22

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

Resolutions:

- a. **2014-308** – Refund Overpayments
- b. **2014-309** – Cancel Taxes
- c. **2014-310** – Refund Other Liens
- d. **2014-311** – Refund Police Fees
- e. **2014-312** – Reinstate Taxes

Applications:

- a. Application for a Special Permit to Extend Licensed Premises by Bearfort Plaza Inc. dba Valley View Pub for October 11, 2014 (rain date October 12, 2014).
- b. Application for Off Premise 50/50 Raffle License #2014-39 by West Milford High School Soccer Booster Club for November 12, 2014
- c. Application for On Premise 50/50 Raffle License #2014-40 by PTA Apshawa School of West Milford for November 11, 2014.
- d. Application for Bingo License #2014-41 by PTA Apshawa School of West Milford for November 11, 2014.
- e. Application for Tricky Tray Raffle License #2014-42 by PTA Apshawa School of West Milford for November 11, 2014.

Adopted: September 17, 2014

Agenda IX a

~ Resolution 2014 – 308 ~

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:

REASONS:

- | | |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen/Veteran Deduction | 4. Homestead Rebate |
| 5. Tax Appeal | 6. 100% Disabled Veteran |

Block/Lot	Name	Amount	Year	Reason
5316-1.28	Joseph Provenzale 31 Hillside Terrace Wayne, NJ 07470	\$42.14	2014	1
7516-7	Lien Times, LLC 203 Stephens Road West Milford, NJ 07480	\$1,680.57	2014	2
8101-24	David & Frances Turner 49 Cahill Cross Road West Milford, NJ 07480	\$1,484.68	2013	6
8101-24	David & Frances Turner 49 Cahill Cross Road West Milford, NJ 07480	\$3,682.11	2014	6
TOTAL		\$6,889.50		

Adopted: September 17, 2014

Agenda IX b

~ Resolution 2014 – 309 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 19 of 22

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

REASON: 100% DISABLED VETERAN

BLOCK/LOT	NAME	AMOUNT	YEAR
8101-24	David & Frances Turner	\$247.68.	2013 – third quarter
8101-24	David & Frances Turner	\$1,237.00	2013 - fourth quarter
8101-24	David & Frances Turner	\$4,958.11	2014 – full year
8101-24	David & Frances Turner	\$2,480.00	2015 – first half
5316-1.28	Margaret Menier	\$42.14	2014 – second quarter
5316-1.28	Margaret Menier	\$1,150.44	2014 – second half
5316-1.28	Margaret Menier	\$1,116.00	2015 – first half
TOTAL		\$11,231.37	

Adopted: September 17, 2014

Agenda IX c

~ Resolution 2014 – 310 ~

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 the Lien Holder
10-121	03/23/2010	12211-009	\$6,729.21	US BANK CUST FOR TLC 2012A LLC 50 SOUTH 16 TH STREET SUITE 1950 PHILADELPHIA, PA 19102-2513
12-0093	03/27/2012	09601-008	\$43,051.43	FWDSL & ASSOCIATES LP 5 COLD HILL ROAD SOUTH SUITE 11 MENDHAM, NJ 07945
12-0115	03/27/2012	12211-009	\$17,763.95	ACE PLUS LLC 1416 AVENUE L BROOKLYN, NY 11230
13-0016	03/19/2013	019915-001	\$16,267.39	ACTLIEN HOLDING INC. 45 WEST 45 TH STREET SUITE 1402 NEW YORK, NJ 10036
13-0068	03/19/2013	07801-035.02	\$33,926.01	US BANK C/F NJ BOARDWALK, LLC LOCKBOX #005191 PO BOX 645191 CINCINNATI, OH 45264-5191
Grand Total			\$117,737.99	

Adopted: September 17, 2014

Agenda IX d

~ Resolution 2014 - 311 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT TRAFFIC FEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Chief of Police the following overpayment of traffic control fees be refunded:

Name & Address	From Account No.	Amount Refunded
Smith-Sondy Asphalt Construction	19-295-56-120-327	\$122.50

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 17, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 20 of 22

150 Anderson Avenue Wallington, NJ 07057		
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Adopted: September 17, 2014

Agenda IX e

~ Resolution 2014 – 312 ~

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
1902-4	Catherine Albertson	\$1,079.67	2014
13202-10	Estate of Gloria Salvador	\$699.55	2014
13202-10	Estate of Gloria Salvador	\$9,792.45	2015
7206-10	John Pugliese	\$1,500.00	2014
7621-5	Taz Enterprises LLC	\$3,569.94	2014
7606-10	John Pugliese	\$1,000.00	2014
3902-4	Anthony Kulakowski	\$1,167.21	2014
TOTAL		\$18,808.82	

Adopted: September 17, 2014

Agenda No. X

Approval of Expenditures

~ Resolution No. 2014 - 313 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$385,166.18
3	Reserve Account	0.00
2	Grants	0.00
6	Refunds	125,054.22
1	General Ledger	0.00
26	Refuse	63,112.78
4	Capital	58,635.97
19	Animal Control	0.00
19	Heritage Trust	1,800.00
19	Open Space Trust	0.00
19	Trust	691.11
19	COAH	0.00
16	Development Escrow	2,797.50
20	Library Trust	0.00
21	Assessment Trust	0.00
Total		\$637,257.76
Less Refund Resolution		-125,054.22

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 21 of 22

Actual Bill List	\$512,203.54
Other Payments	
Payroll	528,055.46
Board of Education	4,461,686.00
Total Expenditures	\$5,501,945.00

Adopted: September 17, 2014

Moved: Signorino Seconded: Erik
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. XI

Reports of Administrator, Mayor and Council Members

Councilman Hensley said the town wide garage sale is coming up. He gave details. Please note that there may be more cars on local streets. He said he hopes it is a success and becomes annual.

Council President Erk said the Cable TV Committee continues to make great progress. They have begun scoping out phase II.

Councilwoman Dale said that Judge Cluff passed away recently. She asked if we want to do anything. ALF needs pre approval for bands payment. Checks will be distributed day of the event and she received consensus from the Council. Councilwoman Dale said information regarding the new library and the updated floor plan was distributed to Council. The Library Board is seeking written notification to send to architect to proceed. Minor adjustments were made that she is okay with. Councilman Signorino asked if the drawings have been given to our ADA committee for review. He encourages the library board to do the same. Mayor Bieri said it the new library will be fully ADA compliant. Councilwoman Dale sees no reason to delay the process. The Council gave consensus to have a letter sent. Councilwoman Dale and Councilman Hensley recommended moving forward tonight the Council instructed the Clerk to send a letter to the Library Board tomorrow advising of their approval to proceed. Councilwoman Dale noted that ALF is on October 11th and there is still a need for volunteers. Any time and effort is appreciated.

Councilman Signorino said the museum is scheduled to be reopened for ALF. He gave an update on the renovations. He thanked Administrator Gabbert for picking up on the pilot program for the Greenwood Lake Bi-State commission and he commended township employees.

Councilwoman Horton thanked Ed Steines for coming to Lakes Committee meeting to discuss updating emergency action plans. She proposed to the lakes committee and they agreed to trying to form a group to get discounts or reductions for insurance for lake communities. Pooling resources may result in savings. If you think there might be a problem with your dam, don't panic, call your lake community. The Chair of the lakes committee recommended considering policies & practices when allowing boats in from other lakes. She thanked senior advisory members who are disseminating petitions.

Councilwoman Erik said the TV committee will soon be putting notices out to local groups about the community bulletin board. House beautiful has nine houses nominated and the committee will soon make a recommendation. She read most of the books on the reading contest list and she urged parents to read them. Living Word Church is holding a CPR class on 9/25. This Monday at 7:00 many civic groups are hosting a seminar about living with bears. Please attend. The ATV committee – there are 7 spots and 21 applications. She said we may not choose tonight. Councilman Hensley said that if not appointed, interested parties can still attend meetings.

Councilman Signorino said that on the TV committee there is a review for citizen submissions. He asked if there is first amendment liability. Councilwoman Erik said the committee is working on policies & procedures. They are using JAG templates. Mayor Bieri said that there are guidelines, there is a review committee. Councilman Signorino asked who approves those policies and Mayor Bieri said that the Council has to approve policies & procedures.

Administrator Gabbert said the 2014 budget is on track. On the bottom of the bill list there is reflection of payments to BOE. The last item is the brine use. DPW has pulled together a pilot program to be done this winter. It is small scale. This community is diverse in topography & weather conditions. We may do several pilot efforts. That is underway.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 17, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 22 of 22

Dawn Sullivan, Esq. said she discussed the Freeholder meeting with Mr. Semrau. She said that elected officials can attend. However, they should not all sit together or discuss council business. They can speak but should identify themselves as a citizen or as an elected official here individually and not in an official capacity. Do not try to effectuate business and do not get up as a group.

Agenda No. XII

Appointments and Resignations

Councilwoman Erik nominated Councilman Signorino as Council Liaison to the ATV Committee, seconded by Councilwoman Dale.
Councilman Signorino nominated Councilwoman Dale as Council Liaison to the ATV Committee, seconded by Councilman Hensley.
Councilwoman Horton nominated Mayor Bieri as Council Liaison to the ATV Committee, seconded by Councilwoman Erik.

Vote for Councilman Signorino:

Moved: Erik Seconded: Dale
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Horton
Voted Nay: None.
Motion carried.

Vote for Councilwoman Dale:

Moved: Signorino Seconded: Hensley
Voted Aye: Erik, Hensley, Erk, Dale, Signorino
Voted Nay: Horton
Motion carried.

There being no further Liaison positions available, nominations were closed.

The Council agreed to defer nominations of citizen members to the ATV committee. They noted that the response is quite impressive and more applications are coming in.

*** Note: This shall serve to notify the governing body that based on the recommendation from the Fire Commissioner, Mayor Bieri appointed the following person(s):*

- Donevan R. LeMay, Junior Fire Fighter (Co. #4)
 - William Garcia III, Fire Fighter (Co. #6)
 - Andre Persad, Fire Fighter (Co. #1)
 - Rita Maria Vanderstad, Fire Fighter (Co. #3)
- (These appointment do not require any action from Council in accordance with Township Code.)*

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:59 p.m.

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

Approved: October 22, 2014

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK