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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: January 04, 2017  
Time of Meeting: 8:29 pm  
Minute Page No: Page 1 of 8  
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The Workshop Meeting of the Governing Body was called to order by Mayor 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.

**Roll Call**

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

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilwoman Erik moved to adopt the following Meeting Minutes as presented:

December 21, 2016 Regular Meeting  
December 21, 2016 Executive Session  
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Moved: Erik                      Seconded: Lichtenberg  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
Voted Nay: None  
Motion carried.  
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Township Attorney Semrau noted that Councilman McGuinness was present at the Regular Meeting but not Executive Session. He stated that the record should reflect that he abstained from voting on the Executive Session Minutes. Councilman McGuinness withdrew his vote on the Executive Session Minutes.

Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

January 18, 2017 Regular Meeting  
February 1, 2017 Workshop Meeting  
February 15, 2017 Regular Meeting

Agenda No. IV

**Executive Session**

None.

Agenda No. V

**Presentations**

None.

Agenda No. VI

**Proclamations**

None.

Agenda No. VII

**Discussion Items**

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

Minutes of: Governing Body Workshop Meeting  
 Date of Meeting: January 04, 2017  
 Time of Meeting: 8:29 pm  
 Minute Page No: Page 2 of 8  
 -----

1.	Ordinance: Burnt Meadow Road Closing - Township Administrator/Clerk Battaglia stated that the governing body received a memo from Eric Miller in the Engineering Department. She asked for the Council's input regarding this matter. Councilwoman Erik explained that the road has been washed out from Hurricane Floyd back in 1999 and it should be closed. Ms. Battaglia noted that closing would be after the last house on the road. Mayor Bieri stated that this topic will be moved to an action item at the next meeting. The council gave consensus.
2.	Resolution: 2017 CDBG Grant - Township Administrator/Clerk Battaglia explained that the township is preparing for the grant and she wanted to give the governing body an opportunity to weigh in on this proposal. The application is for the municipality to receive a bus from Passaic County. She asked if there were any proposed changes or comments. The township has until March to submit the application and a resolution will be coming before the council in the future. She asked for consensus to proceed. The council gave consensus.
3.	Discussion: Marriage Funds for Buildings and Grounds - Ms. Battaglia noted that in 2016, she came to the governing body with staff recommendations to ask if the council would dedicate the funds from the marriage licenses to a trust fund for buildings and grounds. At that time, the governing body gave consensus to proceed. The DCA has informed the township that we cannot utilize these funds for that purpose because the funds must be utilized based on the intent of the legislation and the legislation was to collect these fees. She proposed to the governing body that instead of having these fees deposited in a trust fund account, to deposit them in general revenue internally so the funds can be used in this year for that purpose. The governing body discussed DCA regulations. Mayor Bieri clarified that the township can utilize these funds for buildings and grounds but the issue is that it cannot be put into a trust account. Ms. Battaglia agreed and stated that it wouldn't be able to be carried from year to year but it would need to be monitored. As the needs arise, we would internally make that note for funding. Mayor Bieri added that the revenue from marriage licenses is normally between \$2,800 and \$3,500 a year. The governing body discussed uses for the buildings and grounds funding. Councilman Wagner noted that Veterans Park has had complaints and needs some improvement. Additionally, Don Webb is specifically looking to repaint the monument prior to Memorial Day. Ms. Battaglia asked that he contact the township. Councilwoman Erik stated that Eden Farms offered to do the planting and cleaning at Veterans Park as well. The governing body gave consensus.

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

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 Moved: Signorino      Seconded: McGuinness  
 Voted Aye: Unanimous voice vote  
 Voted Nay: None  
 Motion carried.  
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Agenda No. IX

**Council Comments**

None.

Agenda No. X

**Action Items**

Mayor Bieri asked to move all resolutions as one.

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 Moved: Erik      Seconded: Signorino  
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
 Voted Nay: None  
 Motion carried.  
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Agenda No. X 1

~ Resolution 2017 - 046 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVE THE PURCHASE OF TWO (2) STRYKER LIFT LOAD MECHANISMS FOR THE STRYKER POWER LOAD STRETCHERS FOR UGL VOLUNTEER AMBULANCE CORPS FOR MEDICAL EMERGENCIES**

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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: January 04, 2017  
Time of Meeting: 8:29 pm  
Minute Page No: Page 3 of 8  
-----

**WHEREAS**, the Upper Greenwood Lake Volunteer Ambulance Corps purchased two (2) Stryker power stretchers in a prior year and in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Township Council appropriated Capital funding in the 2016 budget for two (2) Stryker lift mechanisms for the power stretchers; and

**WHEREAS**, the lift mechanisms must match the existing Stryker power stretchers; and

**WHEREAS**, N.J.S.A. 5:34-9.1 allows for the purchase of proprietary goods or services under certain conditions; and

**WHEREAS**, this resolution authorizes the purchase of lift mechanisms that are specific to the Stryker power stretchers which lift mechanisms are not available through any other supplier; and

**WHEREAS**, the aggregate of purchases for this vendor will exceed the bid threshold; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from an account number 04-215-55-826-020.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 5:34-9.1 and N.J.S.A. 40A:11-2(39) this purchase is authorized as a purchase "Necessary for the Conduct of its Affairs"; and

**BE IT FURTHER RESOLVED** that the officers of the UGL Volunteer Ambulance Corps. be and are hereby authorized to purchase two (2) lift mechanisms for their power load stretchers from Stryker in an amount not to exceed \$63,070.00 which purchases are being approved without engaging in the competitive bidding process because Stryker, 1901 Romence Road Parkway, Portage, MI 49002 is the sole supplier of this equipment.

Adopted: January 4, 2017

Agenda No. X 2

~ Resolution 2017 – 047 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH STUART B. KLEPESCH TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #33)**

**WHEREAS**, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list #33; and

**WHEREAS**, Stuart B. Klepesch, Esq. has worked on these matters on behalf of the Township; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these Services, said funds to be encumbered from account number 01-201-20-145-503; and

**WHEREAS**, Stuart B. Klepesch, Esq. 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 Stuart B. Klepesch from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Stuart B. Klepesch for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #33 in an amount not to exceed \$29,000.00 for the entire list.
2. This contract is awarded without competitive bidding as Professional Services pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
3. This contract shall be awarded retroactively to December 21, 2016 and shall expire on completion of foreclosure List #33 or December 21, 2017 whichever comes first.

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

Minutes of: Governing Body Workshop Meeting  
 Date of Meeting: January 04, 2017  
 Time of Meeting: 8:29 pm  
 Minute Page No: Page 4 of 8

- 4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: January 4, 2017

Agenda No. X 3

**~ Resolution 2017 - 048 ~**

**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:

<b>Name &amp; Address</b>	<b>Application No.</b>	<b>Amount of Escrow</b>	<b>Amount Refunded</b>
Christopher Biancamano 271 Conklin Road West Milford, NJ 07480	16-288-56-705-079 #ZB07-15-07	\$1,750.00	\$742.80
<b>TOTAL</b>			<b>\$742.80</b>

Adopted: January 4, 2017

Agenda No. X 4

**~ Resolution 2017 - 049 ~**

**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:

<b>Recreation Basketball 5-8</b>		
Emily	\$80.00	Maria Kaminsky 1414 Macopin Road West Milford, NJ 07480
<b>Recreation Winter Basketball</b>		
Jordan	\$90.00	Amy Keller 89 Paradise Road Oak Ridge, NJ 07438

Adopted: January 4, 2017

Agenda No. X 5

**~ Resolution 2017 - 050 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER (EXPANSION OF INTERIOR PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-021-004 JAMES ANTHONY DELI & RESTAURANT INC T/A GREENWOOD LAKE DISCOUNT LIQUORS & PUB**

**WHEREAS**, an application has been received for a Place to Place Transfer (Expansion of Premises) of 2016 - 2017 Plenary Retail Consumption License No. 1615-33-021-004 held by James Anthony Deli & Restaurant Inc. trading as Greenwood Lake Discount Liquors & Pub located at 2019 Greenwood Lake Turnpike, Hewitt, NJ 07421; and

**WHEREAS**, the Township has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control, and

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

- 1. The submitted application is complete in all respects.
- 2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
- 3. The applicant has disclosed to the issuing authority the source of all financing obtained in the previous license year (July 1, 2015 - June 30, 2016).
- 4. The approval is in compliance and does not waive any municipality, county, or state laws with respect to the establishment.

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

Minutes of: Governing Body Workshop Meeting  
 Date of Meeting: January 04, 2017  
 Time of Meeting: 8:29 pm  
 Minute Page No: Page 5 of 8  
 -----

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred as an expansion of interior premises; and

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same as follows:

<b>LICENSE</b>	
<b>JAMES ANTHONY DELI &amp; RESTAURANT INC.</b>	
t/a Greenwood Lake Discount Liquors & Pub	
2019 Greenwood Lake Turnpike	
Hewitt, NJ 07421	
1615-33-021-004	

Adopted: January 4, 2017

Agenda No. XI

**Approval of Expenditures**

~ Resolution No. 2017 - 051~

**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	\$299,191.31
3	Reserve Account	6,007.33
2	Grants	6,302.10
6	Refunds	822.80
1	General Ledger	0.00
26	Refuse	83,075.00
4	Capital	68,949.48
19	Animal Control	4,819.52
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	712.80
19	COAH	0.00
16	Development Escrow	5,275.25
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
<b>Total</b>		<b>\$475,155.59</b>
Less Refund Resolution		-822.80
<b>Actual Bills List</b>		<b>\$474,332.79</b>
<b>Other Payments</b>		
	Ferriero Engineering	611.00
	P/R	505,256.29
	US Postmaster	1,694.00
	Twp. of West Milford	1,796.97
	Dorothy Wink Petty Cash	2.83
	Cathy Shanahan Petty Cash	135.11
<b>Total Expenditures</b>		<b>\$983,828.99</b>

Adopted: January 4, 2017

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 Moved: Erik                      Seconded: Signorino  
 Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg.

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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: January 04, 2017  
Time of Meeting: 8:29 pm  
Minute Page No: Page 6 of 8

---

Voted Nay: None.  
Abstain: McGuinness  
Motion carried.

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Agenda No. XII

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

Councilwoman Erik stated that she has several complaints about the snow plowing. Everyone received information in the mail about what to do with the snow including throwing it to the right of your driveway. She had a resident complain about a snow truck piling twice on his side of the street. The second complaint was on Lou Ann Blvd where the plows were scraping the road. Councilwoman Erik asked why we are paying the plows to come out if there is no snow. Township Administrator/Clerk Battaglia provided information about the particular storm. She explained that residents were calling with complaints and we started experiencing dangerous conditions so they delayed the plows as long as they could. Councilwoman Erik asked if the township has to call the entire plow force out. Ms. Battaglia clarified that they can be called out individually or all at once. In addition, Councilwoman Erik explained that on Christmas Eve she went past Town Hall and noticed that the crèche was only displayed for a couple of hours while the menorah was displayed in front of Town Hall for days. Ms. Battaglia clarified that the crèche is allowed to have a one day permit by township ordinance and the topic has been discussed at multiple times at length on the dais. The menorah is allowed every year on display for the Hanukah season. Discussion ensued regarding the duration of the crèche display. Township Attorney Semrau clarified that the township has struck a balance and there were no complaints to do it differently. Once there are changes made, then Supreme Court cases come into play and there are legal implications when there are changes and decisions. The governing body discussed previous problems with the request and multiple permits. Mayor Bieri noted that once you involve government, it gets complicated. She suggested that if the council wants to bring this up again, it should be scheduled for a workshop meeting so the governing body can be prepared with their thoughts. Township Administrator/Clerk Battaglia asked for consensus to schedule this topic for a future meeting. The governing body did not give consensus and stated that it was discussed already today.

Councilman Hensley said he is excited to get started on the business for the council this upcoming year. He is looking forward to working with Councilman Wagner on the EDC and thanked Councilwoman Erik for her work as the mayor's designee for the past few years. He stated that he is happy with how the appointments went and thinks that a lot of people are in strong positions to add their expertise to the township. He thanked all of the volunteers and wished everyone a Happy New Year.

Councilman Wagner wished everyone a Happy New Year.

Councilman McGuinness thanked the residents of West Milford for electing him to serve. He said he is honored and humbled. He is looking forward to working with everyone on the council for the betterment of West Milford. He wished everyone a Happy New Year. Mayor Bieri welcomed him aboard.

Councilman Signorino said he would like to echo those sentiments. He thanked all of the voters and residents who have supported him in the past and continue to do so. He stated that he does not take this responsibility lightly and will certainly do the best that he can to the best of his ability. He congratulated his running mate Pete McGuinness. He has always felt that he would do a great job. He wasn't even sitting on the dais yet and he was saving the township money. Councilman Signorino said he is looking forward to a good year and getting things accomplished for the town. He wished everyone a Happy New Year. Regarding the brine and municipal agreements with Passaic County, he suggested finding out the possibility of an agreement relating to the grass cutting on county roads. It's something that he would really like to see happen.

Councilwoman Lichtenberg wished everyone a great 2017. She thanked all of the volunteers in the town and announced committee vacancies. If there are any questions regarding committees, feel free to give her a call. She is here on Fridays from 10am -12pm for the public there are any ideas, suggestions, or concerns.

Township Administrator/Clerk Battaglia said as promised, Mr. Foody from the Board of Education has notified her of the presentation that has been scheduled regarding the potential solar panels at the Wallisch estates. The meeting has been scheduled for January 17<sup>th</sup> at 7pm at the Westbrook School Media Center. In accordance with the discussion we had at a meeting in 2016, we have sent a notice to the newspapers stating that the sole purpose of the meeting is hearing the presentation. She noted that she has spoken to Mr. Hefferon of the Friends of Wallisch and they are interested in hearing about the presentation so they are likely to attend. Additionally, they may seek to become involved in the conversation with the municipality and the Board of Education.

Ms. Battaglia explained that she will follow up with the Passaic County Administrator about the potential for other services. It was brought up by the Mayor regarding the county spraying the grass on the side of

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Minutes of: Governing Body Workshop Meeting  
Date of Meeting: January 04, 2017  
Time of Meeting: 8:29 pm  
Minute Page No: Page 7 of 8  
-----

the road in West Milford instead of using the weed whacker. It is her understanding that they are planning on utilizing that strategy going forward. She noted that she will bring those issues forward to Mr. DeNova. Another item that was discussed with the County Administrator was the Sandcap property. The Sandcap agreement with the county is expiring at the end of May 2017. The governing body had asked if we could reach out to the county and inquire if there is potential that the county would donate that property to the municipality. She noted that Mr. DeNova is going to take the subject to the Board of Chosen Freeholders to get their opinion before it is further discussed. Ms. Battaglia reminded everyone that the township's new CFO started this week. She was very well received by all of the staff throughout Town Hall and will be meeting with budget consultant Bob Casey tomorrow.

Township Attorney Semrau thanked the governing body for the reappointment to serve as township attorney. He stated that he working on three significant tax appeals and thinks they very close to having a resolve. They total approximately twelve years. The administration asked our expert appraiser and the assessor's office to evaluate them from a budgetary standpoint. It's really generated quite a bit of discussion and some very favorable negotiations. He said he will hopefully be able to confirm and share with the governing body shortly.

Agenda No. XIII

**Appointments and Resignations**

**~ Resolution 2017 - 007 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A RE-ESTABLISHING OF THE COMMUNITY AGAINST SUBSTANCE ABUSE (C.A.S.A.) TO SERVE AS THE MUNICIPAL ALLIANE COMMITTEE**

**WHEREAS**, it is in the best interest of health and community safety to provide Substance Abuse Prevention programs and services to the residents of West Milford; and

**WHEREAS**, the C.A.S.A. Committee to serve as the local Municipal Alliance Committee has been formed to provide these programs and services in the Township of West Milford; and

**WHEREAS**, Federal Drug Free Communities standards indicate successful communities establish a Committee comprised of a larger group of individual stakeholders; and

**WHEREAS**, the Township Council believes it is in the best interest of the community to align the C.A.S.A. Committee with Federal Drug Free Communities standards;

**WHEREAS**, the C.A.S.A. Coordinator is a non-voting member except when called upon to break a tie; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, the C.A.S.A. Committee to serve as the Township of West Milford Municipal Alliance Committee be re-established in accordance with Drug Free Communities standards to include the following member positions in 2017 and beyond:

- 1 – Business Representative
- 2 – Citizen Members
- 1 – Civic/Volunteer Organization Representative
- 1 – Health Care Professional
- 1 – Media Representative
- 1 – Member of an Organization Involved in Reducing Substance Abuse
- 1 – Religious/Fraternal Organization Member
- 1 – Youth Representative, 17 years of age or younger
- 1 – Parent Representative (PTA appointed)
- 1 – Liaison of the Governing Body (non-voting member)
- 1 – C.A.S.A. Coordinator (CS&R staff, non-voting member)
- 1 – Liaison of the Community Services & Recreation Department - Director or Designee (non-voting member)
- 1 – Liaison from the West Milford Police Department (non-voting member)
- 1 – School Representative (BOE Liaison, non-voting member)

**BE IT FURTHER RESOLVED**, that in accordance with the Township's annual re-organization meeting, members be appointed on an annual basis by the Governing Body of the Township of West Milford.

Mayor Bieri noted that the restructuring is in order to potentially qualify for grant monies.  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: January 04, 2017  
Time of Meeting: 8:29 pm  
Minute Page No: Page 8 of 8

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

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Councilwoman Lichtenberg asked if the council could cordially wait until the next meeting as we are seeking individuals for specific categories. She stated that she would rather have all of the interested applicants together and noted that there is a CASA meeting next week. The governing body discussed the CASA structure and number of members in other towns. The governing body gave consensus to postpone the CASA appointments to a future meeting.

Mayor Bieri noted that she did not forget about the four way tie for council president. She clarified that the only role of the council president is to run a meeting in her absence. She asked if the council would be entertain the re-open the nomination process to make a decision amongst the council. The governing body discussed the role of the council president and decided to leave the decision to the Mayor. Mayor Bieri explained her reasoning for her decision and announced that Councilman Mike Hensley will serve as Council President.

Agenda No. XIV

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:57 p.m.

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

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Approved: February 1, 2017

Respectfully submitted:

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Nichole Hanrahan Clerk Typist

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MAYOR BETTINA BIERI, PRESIDING OFFICER

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ANTOINETTE BATTAGLIA, TOWNSHIP CLERK