
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 13

The Regular Meeting of the West Milford Township Council 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 19, 2010; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News 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 Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the July 7, 2010 Workshop Meeting as presented:

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Jurkovic.
Voted Here: Signorino
Abstain: Rosone
Motion carried.

Agenda No. II

Presentations

Girl Scout Kayla Vanderbeek Gold Award -

Mayor Bieri invited Kayla and her family to join her at the podium advising that Kayla achieved the Gold Award which is comparable to an Eagle Scout designation. Mayor Bieri advised that her ceremony has been scheduled and cancelled twice due to snow. Kayla introduced her Dad, her Grandma and her Girl Scout leaders. Her project involved 75 hours of community service redoing the path from Westbrook Park to the field. Her project redirected water, installed piping, took out brush and trees and installed a walkway. Kayla's Grandma said she did a fantastic job. Mayor Bieri congratulated her on her many achievements including her current attendance at the University of Delaware. Mayor Bieri read the plaque that she will be presenting when her ceremony is finally held and she further acknowledged that Kayla received best wishes from George W. Bush today.

Swearing In of New Police Officer Nicholas Snook -

Mayor Bieri invited Nicholas Snook, his family & Acting Chief Chiose to join her at the podium. She introduced Benjamin Snook who is attending his first Council meeting at 12 weeks old. Mayor Bieri administered the oath of office as Acting Chief Chiose held the bible. Officer Snook introduced his wife and son and his family. He thanked the Township and the Chief for this employment opportunity saying that he is committed to making everyone proud. Acting Chief Chiose gave some background information about Officer Snook advising that he served in the Morris County Sheriff's office for three years and during that time served in the canine corps. He is available because of layoffs. Mayor Bieri stated that the Township has 42 officers now and the goal is to continue to slowly replenish the force. She thanked Officer Snook for joining West Milford and welcomed him aboard.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

None.

Agenda No. V

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 13

Public Comments

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

Michael Gerst, Hillview Court, West Milford stated that Mayor Bieri asked people to volunteer. He saw that there are openings on heritage committee and he applied. There was an article on recycling and the law in the paper lately and prior to that he did not know it was illegal to pick up garbage on the street. He stated that laws have unfounded consequences and people should not be punished for picking up a bike that is being scheduled for garbage. He stated that this proposed legislation will be discussed at the next workshop meeting but he cannot attend that night. He asked the Council to refrain from making it illegal to pick up a free bicycle. He stated that he has a passion for genealogy and understands that his great grandfather was a junkman. In West Milford that practice would label him a criminal.

Doris Aaronson, 19 Bearfort Road, West Milford stated that at the reorganization meeting the Council denied her application to be appointed to Board of Health. She stated that she would like to hear the reasons for that denial. She gave an overview of her qualifications and background both by virtue of her education and prior service in West Milford. She provided an overview of her involvement in proposing and drafting certain ordinances that have benefited West Milford and help protect our resources. She stated that at all times she was acting at the direction of the Board of Health, and was not acting alone.

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

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. VI

Council Comments

Councilman Weisbecker stated that the Council has not adopted an ordinance prohibiting residents from picking up garbage.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

The Council took action on the following resolutions as one, 2011-059, 2011-060, 2011-061, 2011-062, 2011-063, and 2011-064 and 2011-072.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. VII 1

~ Resolution No. 2011- 059~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY SEEKING STATE INTERVENTION TO
INCREASE SAFETY AND PUBLIC AWARENESS ON STATE HIGHWAY ROUTE 23**

WHEREAS, State Highway Route 23 was established in 1927, running 52.63 miles from Verona New Jersey to the New York State border at Wantage, New Jersey; and

WHEREAS, the Township of West Milford has no authority to interfere with the structure, maintenance and/or design of this road which functions are within the purview of various divisions within State government; and

WHEREAS, State Highway Route 23 weaves through the Township of West Milford at a number of points along its course requiring that the Township provide emergency response services to provide for the safety of all those who travel this State highway; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 13

WHEREAS, in the 1960's the route was planned to be upgraded which plans were cancelled in the 1970's; and

WHEREAS, in the 1980's certain portions of State Highway Route 23 south of the Township of West Milford were improved expanding certain portions to a six-lane highway; and

WHEREAS, the sections of Route 23 that traverse the Township of West Milford constitute the original route designed prior to 1927 and constructed in accordance with the needs of that time & the construction standards of the day; and

WHEREAS, there is a specific section of State Highway Route 23 encompassing the US postal addresses from 1899 Route 23 to 2200 Route 23 that is of particular concern to West Milford Township Officials; and

WHEREAS, that particular length of highway comprises a number of "S" turns may have contributed to higher than average incidences of motor vehicle collisions of varying severity including fatal accidents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey that, in the interests of the residents of the Township, residents of surrounding communities both North and South of West Milford who regularly commute on Route 23, and all persons who have cause to operate an automotive conveyance on New Jersey State Highway Route 23, they do hereby request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23 and in particular along that portion of said highway from US postal address 1899 Route 23 to 2200 Route 23 that encompasses a series of "S" turns; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Chris Christie, Senator Joseph Pennachio, Assemblymen Alex DeCroce & Jay Webber, NJDOT Commissioner James S. Simpson; the sixteen municipalities within Passaic County, the Passaic County Board of Chosen Freeholders, each municipality within the Counties of Morris & Sussex and the Boards of Freeholders for Morris & Sussex Counties seeking their endorsement and support of this request.

Adopted: January 19, 2011

Discussion: Council President Smolinski stated that the resolution does refer to the frequency of the 911 calls or an attachment that should be not included. Mr. Boyle stated that the attachment will be sent out with the resolution. We have not received all pertinent information and will forward it on as it comes in.

Agenda No. VII 2

~ Resolution No. 2011- 060 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 13

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford in the County of Passaic and State of New Jersey that they do hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Sheila Oliver, Senator Joseph Pennachio, Assemblymen Alex DeCroce & Jay Webber, and to the New Jersey League of Municipalities.

Adopted: January 19, 2011

Agenda No. VII 3

~ Resolution No. 2011- 061 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING THAT DEBT SERVICE NOT BE EXEMPTED FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2%; and

WHEREAS, said legislation creates a number of exemptions designated by the legislature and intended to allow for municipalities to effectively operate within the CAP; and

WHEREAS, the legislature has exempted debt service from the 2% CAP; and

WHEREAS, the Township Council of the Township of West Milford supports the concept of having a CAP in an effort to contain the costs associated with operating municipal government; and

WHEREAS, the Township Council is concerned that exempting debt service from the CAP will ultimately result in there being a loophole which will allow government officials to selectively designate certain operational projects as capital projects with the purpose and intent of circumventing the CAP; and

WHEREAS, if such a loophole were to exist the effect on the property taxpayers of this state could be far more detrimental than that caused by increased operational costs as the result could be that future generations will pay a significant price for the decisions made by a prior administration or governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford in the County of Passaic and State of New Jersey that they hereby urge the New Jersey State Legislature to designate debt service as being within the 2% CAP; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, Senator Joseph Pennachio, Assemblymen Alex DeCroce & Jay Webber, and to the New Jersey League of Municipalities.

Adopted: January 19, 2011

Agenda No. VII 4

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 13

~ Resolution No. 2011- 063 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDED AGREEMENT BETWEEN THE TOWNSHIP AND THE WEST MILFORD BOARD OF EDUCATION FOR THE USE OF THE SYNTHETIC TURF FIELD AT McCORMACK FIELD

WHEREAS, the Township of West Milford, by way of Resolution #2010-361, approved an agreement with the West Milford Board of Education for the use of the synthetic turf field at McCormack Field; and

WHEREAS, the Council has reviewed the proposed changes to the agreement and the Administration recommends and finds same to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to enter into an Agreement with the West Milford Board of Education for the use of the synthetic turf field at McCormack Field.

BE IT FURTHER RESOLVED that the amended Agreement is on file in the Township Clerk's Office.

Adopted: January 19, 2011

Agenda No. VII 5

~ Resolution No. 2011- 064 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A PEDDLER'S LICENSE TO ROGER DREW, T/A DOGGIN AROUND

WHEREAS, Roger Drew, t/a Doggin Around, has filed with the Township Clerk's Office an application for a Peddler's License pursuant to Section §263-1, et al; and

WHEREAS, the Township Clerk's Office has reviewed the application and the history of this peddler's license; and

WHEREAS, pursuant to Section §263-6, peddling shall not be permitted at a stationary location; and

WHEREAS, a review of the application and history indicates that on July 1, July 21, September 8 and September 25, 2010, while the applicant was previously licensed, it was identified as operating as a "stationary" vendor without a zoning or outdoor event permit from the Township; and

WHEREAS, this type of activity is inconsistent with the Township Code and provisions of the licensing permit issued by the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that pursuant to Section §263-1 to §263-7 of the Township Code, a Peddler's License shall be issued to Roger Drew t/a Doggin Around.

BE IT FURTHER RESOLVED that as a condition of this approval, in the event the peddler is found to have operated as a stationary vendor it shall be grounds for immediate revocation of said Peddler's License by the Township Clerk's Office and the peddler shall not have the right to operate without the filing of an appeal and approval from the Mayor and Township Council.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Health Department, Township Zoning Officer and the Chief of Police who is the enforcement authority pursuant to Section §263-7 of the Township Code.

Adopted: January 19, 2011

Agenda No. VII 6

~ Resolution No. 2011- 062 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EMPLOYMENT OF MONICA GOSCICKI AS THE TEMPORARY

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 13

INTERIM CHIEF FINANCIAL OFFICER FOR A TERM TO EXPIRE ON FEBRUARY 28, 2011 OR UNTIL A PERMANENT APPOINTMENT IS MADE, WHICHEVER IS SOONER

WHEREAS, the Township CFO retired on June 30, 2010; and

WHEREAS, the Township is desirous of appointing a temporary interim Township Chief Financial Officer without any rights of holdover to assist the Township while the Township continues to negotiate employment terms for a Township Chief Financial Officer; and

WHEREAS, the Township Administrator hereby recommends the appointment of Monica Goscicki as the temporary interim Chief Financial Officer for the Township of West Milford for a term to expire on February 28, 2011 or until a permanent appointment is made, whichever comes first, and without any rights of holdover; and

WHEREAS, the Mayor hereby appoints of Monica Goscicki as the temporary interim Chief Financial Officer for the Township of West Milford for a term to expire on February 28, 2011 or until a permanent appointment is made, whichever comes first, and without any rights of holdover in accordance with the recommendation of the Township Administrator and contingent upon the advise and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township hereby appoints Monica Goscicki as the Township's temporary interim Chief Financial Officer without any rights of holdover for a term to expire on February 28, 2011 or until a permanent appointment is made, whichever comes first, at an hourly rate of \$55 per hour and in an amount not to exceed \$3,500.00; and

BE IT FURTHER RESOLVED that notice of this action shall be published once in the Township's official newspaper as required by law.

This Resolution shall take effect immediately.

Adopted: January 19, 2011

Agenda No. VII 7

~ Resolution No. 2011- 072 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ENTER INTO AN AGREEMENT WITH TENNESSEE GAS PIPELINE FOR INSTALLATION OF A 30" OUTSIDE DIAMETER UNDERGROUND LOOP PIPELINE FACILITY ON THE WALLISCH PROPERTY

WHEREAS, the Township of West Milford and the West Milford Board of Education are the owners of approximately 89 acres of land located within the Township which were devised by the Last Wills and Testaments of John Wallisch and Louis Wallisch; and

WHEREAS, more specifically the property is known as Block 6601, Lot 1; Block 6401, Lot 6.01; Block 6501, Lot 4; Block 6401, Lot 5 and Blocks 6607 and 6608; and

WHEREAS, Tennessee Gas Pipeline Company with offices located in Houston, Texas is the owner of an existing gas pipeline that runs through said property by virtue of easements granted by the former owners of the property; and

WHEREAS, Tennessee Gas Pipeline Company has submitted application to and received approval from Federal authorities to expand upon and increase the scope of its operations such approvals authorizing the construction, installation, modification, replacement, operation, maintenance, repair, monitoring, restoration, and other similar activities for certain facilities on the Property, including a thirty (30") inch outside diameter underground loop pipeline facility ("325 Loop Segment") to be located generally parallel to an existing twenty-four (24") inch pipe line located on a number of properties including the Wallisch property; and

WHEREAS, a Right of Entry Agreement to memorialize specific terms as to (1) disturbance, (2) wetlands mitigation, (3) Federal compliance and (4) preservation of historic trees on site will be executed between both parties; and

WHEREAS, the Township's Administrator and Attorney will review and modify as necessary this Right of Entry Agreement between the parties in the best interest of the Township and ensure proper filing of same in the Office of the Township Clerk; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 13

WHEREAS, the Township Administrator recommends proceeding with this project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor and Township Clerk be and are hereby authorized to enter into an agreement with Tennessee Gas Pipeline and the West Milford Township Board of Education to authorize a Right of Entry Agreement to provide for the Federally approved expansion of the pipeline in accordance with the Federally approved application for same, and the terms of the Right of Way Agreement approved.

BE IT FURTHER RESOLVED that this agreement commits Tennessee Gas Pipeline Company to the realignment of the project as outlined in their presentation to the Township Council at the workshop meeting on January 5, 2011 wherein the project lines were adjusted and modified to provide for protection and preservation of four (4) historically significant trees located on the property.

BE IT FURTHER RESOLVED the Township's Administrator and Attorney will review and modify as necessary this Right of Entry Agreement between the parties in the best interest of the Township and ensure proper filing of same in the Office of the Township Clerk.

This Resolution shall take effect immediately.

Adopted: January 19, 2011

Discussion: Township Attorney Mr. Semrau stated that Resolution 2011-072 is an agreement with Tennessee Gas Pipe. It is an access agreement, and what that means is by way of this resolution it gives Tennessee Gas Pipeline the right to access the property and commence their work. As part of this agreement and this resolution it's going to authorize myself and the Administrator to finalize the actual terms of the access agreement. The access agreement will also contain the following: 1) compensation will ultimately be to the Township either the amount of \$27,000.00 or more depending upon what the Council directs me in the future as far as compensation is concerned; 2) secondly, there will be language in the agreement that locks in Tennessee Gas Pipeline it precludes them from filing a tax appeal for a period of five years provided that they can agree upon the formula with the assessor which is now in the works. Also it gives the Township the right, if we cannot resolve these issues under eminent domain so the property is ultimately acquired by Tennessee Gas Pipeline the Township would have the right to obtain its own appraisal and have a jury trail as to the amounts. I'm going to ask that this agreement be executed by Tennessee Gas Pipeline within two weeks. This is in accommodation to get them out there working on the site, but if they fail to adhere to these terms that have been agreed to then we would ask them to cease and desist until we finalize these terms. The other term that is incorporated as part of this agreement is they will guarantee us that the re-routing they presented at the January 5th meeting will be part of any ultimate agreement or easement or right-of-access agreement with the Township. So they don't have the right to change that routing that affects some of the environmental concerns that have been previously raised. I'm just putting all this on the record because the resolution is done as an accommodation so they can get started. It gives Kevin and myself the right to finalize the agreement with these terms that I just highlighted to the Governing Body and if they fail to do so by the next meeting which is February 2nd then the Township would have the right to have them cease and desist and we would go back to where we are. But right now based on their representation and some of the changes they made as far as re-routing of the lines that Kevin recommends and I can understand that we would like to move forward and continue to work with Tennessee Gas Pipeline.

Consent Agenda

Agenda No. VIII

~ Resolution No. 2011- 065 ~

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

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

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

Resolutions:

- a. **2011 - 066** - Health Department Refund
- b. **2011 - 067** - Overpayment Refunds
- c. **2011 - 068** - Refund Other Liens
- d. **2011 - 069** - Refund Recreation Fees

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: January 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 8 of 13

Applications:

1. Application for Special Permit for Social Affair by Saint Joseph Church for 03/26/11.
2. Application for Off Premise Draw Raffle No. 2011-08 by the Upper Greenwood Lake PTA for April 20, 2011.

Adopted: January 19, 2011

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Voted Nay: None.
 Abstain: None.
 Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2011- 066 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT FEE

BE IT RESOLVED, that upon the report of the Health Official, the following cancelled soil log fee be refunded:

Refund To	Location	Refund Amount
Mr. Theodore Fautot 37 Lake Park Terrace Hewitt, NJ 07421	Block 4201 Lot 18	\$90.00

Adopted: January 19, 2011

Agenda No. VIII b

~ Resolution No. 2011- 067 ~

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 overpayments as shown below; and

WHEREAS, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

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

REASONS:

1. Incorrect Payment
2. Duplicate Payment
3. Senior Citizen/Veteran Deduction
4. Homestead Rebate
5. Tax Appeal

Block/Lot	Name	Amount	Year	Reason
902-4	Drigan Alexander & Falk-Drigan B 616 Warwick Turnpike Hewitt, NJ 07421	\$126.93	2010	5
3605-8	Brian Sarkisian 6 Prescott Avenue West Milford, NJ 07480	316.55	2010	5
5505-3.21	Alexander Kadoukoff 5321 Richmond Road West Milford, NJ 07480	250.00	2010	3
5601-8	Ruth Dransfield 84 Vine Avenue West Milford, NJ 07480	250.00	2010	3
12201-6	Ronald Stillman P.O. Box 618 Hewitt, NJ 07421	250.00	2010	3

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Regular
 January 19, 2011
 7:30 P.M.
 Page 9 of 13

13203-24	Guy Waarst 383 Macopin Road West Milford, NJ 07480	250.00	2010	3
13202-9	Joseph Ruscica 34 Macopin Terrace West Milford, NJ 07480	250.00	2010	3
14701-45	Joseph Emaus 11 Kanouse Road Newfoundland, NJ 07435	250.00	2010	3
TOTAL		\$1,943.48		

Adopted: January 19, 2011

Agenda No. VIII c

~ Resolution No. 2011- 068 ~

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

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amt	Pay to the Lien Holder
07-067	04/03/2007	11002-002	\$36,959.30	HARMONY FINANCIAL SERVICES; LLC 759 BLOOMFIELD AVE #246 WEST CALDWELL, NJ 07006
08-050	04/08/2008	04201-004	\$44,505.94	ATF; LLC BMO CAPITAL MKTS CORP AS P.O. BOX 862658 ORLANDO, FL 32886-2658
08-086	04/08/2008	10704-007	\$43,361.32	CRUSADER LIEN SERVICES 179 WASHINGTON LANE JENKINTOWN, PA 19046
10-069	03/23/2010	06701-007.07	\$6,523.43	US BANK CUST FOR PRO CAPITAL I LLC US BANK TLGS 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
10-106	03/23/2010	10803-006	\$16,467.05	ROTHMAN REALTY CORP PROFIT SHARE 411 GRAND AVENUE ENGLEWOOD, NJ 07631
10-126	03/23/2010	13203-002	\$30,613.61	US BANK CUST/SASS MUNI VI DTR TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$178,430.65	

Adopted: January 19, 2011

Agenda No. VIII d

~ Resolution No. 2011- 069 ~

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:

PARTICIPANT	AMOUNT	MADE PAYABLE TO:
Kids In The Kitchen		
Courtney	\$50.00	Tracey Starace

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 13

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

Councilman Ramaglia asked Administrator Boyle to have trees on County roads checked. He asked that the condition of the municipal parking lot be addressed.

Councilman Rosone congratulated Kayla Vanderbeek on her achievements and welcomed Officer Snook to the Township. He asked Administrator Boyle to look into the cost analysis from Staples.

Councilman Signorino stated that today's insurance committee meeting went well. He thanked Mr. Boyle and noted he is impressed with the Township's Risk Manager, Frank Covelli. It was mentioned at the meeting that fire companies are joining the JIF. He stated that he broached the subject of offering HSA accounts for employees as an alternative to traditional health benefits. The cost for health benefits are rising at an alarming rate and HSAs could result in savings. He stated that he is hoping it can be explored. Mr. Boyle explained that health savings accounts put the onus & responsibility on each individual who has needs to make the right decisions based on their own circumstances. It is a new concept with benefits to both the employer and employee if properly managed.

Councilman Jurkovic congratulated Jill Knipp, Gerry Storms and Ed Steines for getting reimbursements for the April 2010 floods. We will get back over \$217,000. He pointed out that our risk manager has been working on getting fire departments and first aid squads into the JIF for some time. It appears that Fire Co. No. 1 and the Greenwood Lake Volunteer Ambulance Corps have availed of this offer. This will result in substantial savings to both organizations. He encouraged other groups to do likewise advising them that Frank Covelli is available to answer questions. The facilities assessment committee (FAC) met and they are struggling with developing a plan for Johner. To date they can only get the estimate down to \$1.5 million which may be higher than is feasible in this economic climate. They are trying to scale it down. In the course of discussions about that number it became apparent that it may be possible to construct a pole barn to be used as office space. The problem would be location. They have looked at the Crosswinds facility by Bubbling Springs which was an old restaurant with a preexisting septic. He asked Administrator Boyle to have septics evaluated for both Crosswinds and Johner. Both of these septic fields must be scoped out with cameras to get an accurate understanding of their capacity and condition. The goal is to get back to Council by April with a presentation. A third item of discussion was Town Hall and moving services out of here to other facilities. The FAC thought it would be cost prohibitive to revamp this building to comply with ADA and other regulations and they are seeking Council direction. He believes that the goal of the committee is to present multiple options to the Mayor & Council. He asked Administrator Boyle to have Paul Ferriero or Chuck McGroarty opine about Highlands impact at Crosswinds. Mayor Bieri asked if the FAC is going to ask for Mr. Ferriero to look at all the options. Councilman Jurkovic stated that is essentially what he is asking for. Mayor Bieri asked if consideration was given to the library building which will be vacated some time in the near future. Councilman Jurkovic stated that there are concerns about the septic there that he will share with the Mayor. There are also structural issues and ADA issues with that building. There has been some discussion about potential space utilization at the proposed new library. He will bring this matter back in the future.

Councilman Weisbecker stated that this entire building needs updating. He stated that the BPU oversees WVT communications but as of now, they have continuously raised rates and dropped channels. They have not communicated well with Township. When do we notify BPU that we are not satisfied with the way they are treating the municipality. There are people in Upper Greenwood Lake that are not happy. Mr. Semrau stated that he will follow up on deadlines and obligations and send a memo to the Governing Body with options. Councilman Weisbecker asked Administrator Boyle to check with BPU about the status of the license application with them. Dovetailing on Councilman Ramaglia's comments about trees on Union Valley Road, there are instances in town where trees in various areas are a hazard. Mr. Boyle stated that he will look into it. Councilman Weisbecker stated that West Milford has had a lot of snow this winter and there will be more tomorrow and next Wednesday. Intersections are experiencing mounds of snow and he urged those traveling through town to be cautious. He asked Administrator Boyle and Mr. Semrau if the Township can take issue with shopping centers where the mounds of snow are becoming very high. Mr. Boyle stated that sight distances are within the purview of police and zoning. The staff in DPW have been working a lot of hours just to keep roads clear. With snow coming again they are doing the best possible. We are mindful of the concerns but the snow keeps coming. Councilman Weisbecker asked if we can contact the state and get permission to have the snow transported to Jungle Habitat to relieve the problem. Mr. Boyle stated that he will look into it but has concerns about the conditions in Jungle Habitat because that road has not been cleared.

Mayor Bieri received a letter from the Greenwood Lake Village Mayor about their 2010 aeration system installation. The letter outlines reasons for an aeration system and specifies that while most of the lake is

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: January 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

frozen, the northern end will not freeze because of these aeration systems. She urged residents to be aware of that when engaging in lake winter sports. She thanked Councilman Jurkovic for mentioning the funds that will be coming as a result of staff seeking to have storm related costs restored. She also thanked Brian Jenkins, David Stires and Jill Knipp for having scrolling messages on the website and the BOE website when inclement weather may or may not affect garbage and recycling pickup. She thanked the police department for another three heroin arrests in the past week. She commended them and urged them to stay the course. She stated that she received a call from the Governor's office about a \$63,000 recycling grant which is being awarded to West Milford. She advised Administrator Boyle and the Council that the CDBG application is due on March 18th and she asked for this to be scheduled for discussion at the February workshop meeting. She asked Administrator Boyle if he can reach out to the County about street lights that are burned out and need replacing. Mr. Boyle stated that he will contact Orange & Rockland. Mayor Bieri asked Council to consider retaining the former labor counsel to handle ongoing labor matters because some have been longstanding and have already been costly.

Administrator Boyle stated that he will put out an RFP for a health insurance consultant and an RFP for marketing of scrap metal. He gave an update on the streetscape project stating that he hopes to bid out the next phase in March or April with construction to begin this summer. He met with County officials on the Marshall Hill sidewalk project and is hoping to apply for additional CDBG funding to meet the redesign elements recommended by the County engineer. This will delay the project. The census was done last year and the results limited our areas eligible for CDBG funding. Qualified areas are now primarily limited to Upper Greenwood Lake. He stated that he plans to seek CDBG funding for road resurfacing in that area. He stated that Mayor Bieri had asked the Health Director to apply for funding for a Mayor Wellness program for smoking cessation. We are one of six towns that qualified for the funding which will be run by Community Services & Recreation with help from the Health Department. Work for stormwater retrofit at Upper Greenwood Lake is ready to proceed, weather permitting. He is working to get a public meeting at the Upper Greenwood Lake clubhouse in February regarding the proposed traffic light in that area.

Councilmembers Ramaglia and Signorino asked for a set of plans for streetscape when they are finalized.

Township Attorney Semrau advised that he has received a number of letters and calls from Mount Glen Lakes residents. He has made it clear to residents that the Township is not involved in the litigation and he asked for & received approval to reach out to the association's attorney to find out what the issues are because the Township has interaction on a number of issues. He stated that he will report back as to how deeding of property to the association may impact the ongoing litigation if it has any such impact. He stated that residents are very concerned. He advised that he is moving closer to closing on CYO and Apple Acres. He advised that the Lakes Committee met on Monday evening and a representative from his office attended and subsequently prepared the waterfowl amendments which have been sent back to the Lakes committee. He recalled that the Governing Body authorized an appraisal of the property at the intersection of Warwick and Lakeshore to be done by Jon Brody because Engineering advised that Township will need that property for the traffic signal. He may come back with a request to update the report and move forward with negotiations and ultimately eminent domain. He congratulated Mr. Boyle who is getting married this weekend.

Agenda No. XI

Appointments and Resignations

Council Jurkovic nominated Salvatore Schimmenti to serve as citizen member #5 on the West Milford Municipal Utilities Authority and move Martin Perricone from Alternate #2 to Alternate #1 and to appoint Joseph Treadway III to Alternate #2 on the Municipal Utilities Authority. Seconded by Councilman Rosone. Councilman Weisbecker made a motion to close and confirm.

Moved: Weisbecker Seconded: Rosone
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Councilman Signorino nominated Michael J. Gerst to the Heritage Committee.
Motion to close and confirm.

Moved: Weisbecker Seconded: Rosone
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.
