
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: January 21, 2015
Time of Meeting: 6:30 pm
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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 Workshop meeting was advertised in the Herald News in its issue of December 21, 2014 and January 4, 2015; 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, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kenneth Gabbert, Township Clerk Antoinette Battaglia,
Dawn Sullivan for Township Attorney Frederick Semrau.

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the December 3, 2014 Workshop Meeting, the December 17, 2015 Executive Session and the December 17, 2014 Regular Meeting minutes as presented.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Lichtenberg.
Voted Nay: None.
Abstain: Lichtenberg (from Executive Session only)
Motion carried.

Agenda No. II

Presentations

Master Plan Updates and Development Areas – the Township Planner, Chuck McGroarty addressed the Council. He advised that the master plan updates are required under municipal land use laws (MLUL) to allow for defensible zoning. The Highlands plan is a separate process. Some properties are not covered under the Highlands plan and thus the MLUL requires the master plan. The land use plan element has not been updated for 27 years and the document opens with a brief summary of the zoning in West Milford. In most cases those zoning districts have been purchased by the state for open space so there are no utilities.

The plan proposes to rezone other areas which are currently designated community commercial zones. The intent is to take them from community to neighborhood commercial designations because the restrictions are less intense which is of specific benefit to West Milford because the areas are not served by central water & sewer systems. The new zone districts will be known as public/conservation zone districts and it will be the largest zone in town. It designates public conservation to properties that are already owned by a public entity. This zone is primarily located in the northwest corner and is part of the Appalachian Trail. There are some other public lands owned by state, county or town including properties on the ROSI. Those properties have been the subject of annual reports from the ZBA for the past 10 years. One recurring issue throughout this process was to change standards in the lake residential zone to allow smaller lots. The master plan does not support that idea. It is inconsistent with the town's own policies and it would not be supported under the Highlands Act.

Mr. McGroarty said there are no radical departures from the current zone plan except for lands that cannot be redeveloped. He reviewed all the zones that will not change. Community commercial will be rezoned to neighborhood commercial. He directed Council to the report and where those changes will occur.

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Councilman Signorino asked if the zoning board reviewed this plan and Mr. McGroarty said it is not under their purview under the statute. He said there was a public hearing and there are zoning board representatives on the planning board. Procedurally the ZBA does not play a role but in light of the reliance on their reports and the suggestions they may have, the Township may wish to provide them with that opportunity. There is another planning board hearing in February. The Council gave consensus to have a copy of the report sent to the ZBA.

Councilman Signorino noted that West Milford is highly restricted by the Highlands Act and asked if making these changes hurt the municipality if the Highlands Act were to become less restrictive in future years. Mr. McGroarty said no because under MLUL a municipality is required to review their master plan and zoning regulations every ten years and a municipality can do that more frequently. If such changes occurred to the Highlands Act, West Milford could initiate a reexamination report and recommend changes.

Councilwoman Lichtenberg asked if Mr. McGroarty had consulted with the tax assessor on the rezoning especially as the green acre properties are public, non-taxable lands. Mr. McGroarty said no because a municipality cannot rezone based on a fiscal plan. He often consults with tax assessors on specific properties but did not do so here because there are no radical changes. Councilwoman Lichtenberg said she would like to see some of the yellow colored areas have zoning changes for conservation, geo thermal, solar or wind use. Mr. McGroarty said West Milford has a wind & solar ordinance. Councilwoman Lichtenberg asked for and received consensus to have Mr. McGroarty consult with the tax assessor on that. Mr. McGroarty said that the R4 area, over 7,000 acres, is in Newark Watershed property so with deed restrictions no structures are allowed. Councilwoman Lichtenberg said if we zoned like that maybe the Highlands Council or State would allow geo thermal use. Mr. McGroarty said you don't define zones for that unless you are allowing a several hundred-acre farm for that purpose. Councilman Signorino said creating a zone like that may spur a change in state government. He asked if we can create a zone and then approach the state to ask if they will take that into consideration. Mr. McGroarty said you can create the zoning but if you apply in any Newark Watershed property the zoning will have no foundation. Until & unless that change occurs there is no point. If you do solar farms it requires clearing hundreds of acres of trees which is not allowed in the Highlands Preservation Zone. It would be contrary to the Highlands Act as well as local and regional master plan elements.

Councilman Hensley said it looks like this master plan follows the Highlands plan. Mr. McGroarty said they are two separate plans. This amendment to the zones in the West Milford master plan will apply township-wide to any property that meets any of the 17 exemptions of the Highlands Act. Councilman Hensley asked if it is modeled after the Highlands master plan. Mr. McGroarty said no, we do that in the Highlands regional master plan. This document makes note of that but is a stand-alone element even though it cannot be contradictory to the Highlands plan. Councilman Hensley said this local plan leans heavily toward environmental protection and he does not see where it creates tax ratable opportunities. This appears geared to environmental sensitivity. It does not create commercial or business opportunities. Mr. McGroarty said the proposed changes do not reduce or eliminate any commercial zones at all. Any existing facility continues to operate under protected use. This documents simply rezones properties that no longer make sense as currently zoned. This is quasi-independent of the Highlands Master Plan. West Milford is one of five municipalities totally in the Highlands preservation zone and he elaborated on the commercial rezoned properties. He explained these are areas that could not be developed for a community commercial project. They will not have treatment plants or communal water systems. Neighborhood commercial is a more appropriate designation, because the properties can operate on sewers & wells and can be in closer proximity to residential areas. Mayor Bieri said this mirrors what actually exists today. It does not further restrict development opportunities. Mr. McGroarty agreed, saying that to the extent development was viable, it remains viable. The rationale for the commercial zone is rendered moot. The goal is to make it more realistic that these properties could be developed because the rules are less stringent.

Mr. Semrau said there was a discussion last year about a tax abatement program which he has discussed with the Planner. He asked Mr. McGroarty for an update. The program would designate the Township as an area in need of rehabilitation. We were waiting for some proposed state laws to minimize COAH obligations before proceeding. The planner & tax assessor would work on an ordinance to designate a rehabilitation area. Mr. McGroarty said he fears that COAH would impose some penalties for instituting a tax abatement program and he said nothing new has come from COAH since last year. The matter has been argued in Supreme Court and a decision is supposedly forthcoming. When the matter came before the COAH board the vote ended in a tie so they were unable to adopt rules. Hence it is in court. With respect to West Milford there are concerns about designating the entire municipality as an area in need of rehabilitation. It is ambitious and there are some questions about unintended consequences. COAH has imposed a high housing element on West Milford and funds are not available in Passaic County to offset those costs. The Township may want to proceed with caution. Mr. Semrau said that if you proceed with rehabilitation you could be compelled to unintended financial obligations due to COAH which the Township

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would have to fund. Councilman Signorino asked if we have any idea what the potential for additional obligations are and Mr. McGroarty said that with respect to COAH, based on census data, they have identified 107 units for the 10 year period when this third round starts. That is \$8,000 per house and a 10-year deed restriction. Households would have to qualify. West Milford currently has 20 units that have been rehabilitated which leaves a balance of 87. That is 87 X \$8,000, the possible cost to the municipality. Some counties fund these programs but Passaic County does not have such a program. If West Milford wants the plan certified by COAH the Township will be responsible for funding this program. We can try to get the number reduced but if we designate the town as an area in need of rehabilitation we cannot make that argument. Councilman Signorino asked if the Township can do anything to impact the report. Mr. McGroarty said no. He said that not every town has had their plans certified making them vulnerable to a builders remedy lawsuit. The question is how likely is it that you would be sued. Councilman Hensley said that at the EDC they talked about identifying business locations that could be designated as in need of redevelopment. Could we establish a tax free zone for a certain number of years? Mr. McGroarty said there are options and he has begun to research those issues which is another reason he will be meeting with the assessor. It is premature to address that publicly at this time. He is looking at areas that would qualify for a five year PILOT or a redevelopment plan.

Swearing In of Fire Chiefs – Mayor Bieri joined the chiefs at the podium. She administered the oaths of office. Each fire chief introduced himself noting which company he represents. Mayor Bieri said they volunteer time and risk their lives whenever duty calls. She said they respond to all types of emergencies for our safety. She thanked them for their continued service.

Agenda No. III

Executive Session

~ Resolution No. 2015 – 067 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 21st day of January 2015 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.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contracts – PAL
 - Contracts – 750 Westbrook Road
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: January 21, 2015

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

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The Governing Body went into executive session at 7:21 p.m.
The Governing Body returned to the public meeting at 8:02 pm with all present as before.

Agenda No. IV

Proclamations

None.

Agenda No. V

Unfinished Business, Final Passage of Ordinances

None.

Agenda No. VI

Public Comments

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

Doris Aaronson, 19 Bearfort Road, West Milford said we should be grateful to the people who have spent many hours on our local TV station. She recommends that residents tune into channel 77. She suggests that residents submit to the TV committee recordings that may be of interest for broadcasting on our local channel. Cameras are available at the library. Hopefully members of the TV committee will have additional programming options and people will have more items to post on the website. People will learn how our government is operated. This could help our Township become a more integrated community. Residents should think about how they can contribute.

Tim Wagner, Chairman of HEAT said he was scheduled to make a presentation at the January 7th workshop meeting. He said that in 2013 everything was on the right track. He recalled what was accomplished. It was a positive thing. The town donated \$1,500 for banners and much of those funds were used for a lift. He thought there would be similar efforts in 2014. Council did the right thing by earmarking \$3,000 for decorations. HEAT decorated Veteran's park. The electric was not working properly. He tried to get town officials to address this all year. But it was not addressed until late in the season and it was learned that many lights were burned out. He said the HEAT contest went very well and was a great success. They will achieve more next year. In early November he found out that the money was not spent because CS&R was too busy. That money should have been spent and he got only excuses from CS&R staff. He promised to take care of everything within 24 hours. A friend of his donated the lift. O&R was somewhat problematic but he sees their issues as unnecessary. He reached out to a contact at O&R and was told just to put the banners up but the Administrator insisted that the Township needed O&R approval. The banners should have been ordered because he did all the background work. The Council gave consensus to extend the time. Mr. Wagner continued saying that the banners did not get ordered until 12/16. He was told the \$3,000 would be cut to \$1,500 despite him saving the town money through his own efforts. The banners came in after the season and are in storage. When money is earmarked it should be spent. The Administrator is supposed to oversee departments. He is putting this behind him and looking forward to next year. He wants to present ideas to Council early on and get everyone involved. He has business contacts and people who want to expand this. He thanked Council members Erk & Lichtenberg for their donations.

Paul Zarrillo, Hewitt, Vice-Chairman of HEAT and co-chair of the Greenwood Lake Bi-State Commission said that going forward HEAT would like to expand the holiday decoration initiatives. He listed the route they would like to see included. It comprises about 55 utility poles. We now have 15 banners and therefore need an additional 40. At \$164 per set it would be about \$6,500. He asked Council to fund that in the budget. It would benefit the community. They are custom banners. They thought a contest to design the banners would be good. HEAT would donate prizes. He thanked the Council for the resolution seeking state funding on behalf of Greenwood Lake. He met with Senator Pennacchio recently who said there will be no state funding and he suggested that they form a foundation. He had a meeting with a number of people. There is a benefactor on another lake. But, there are many notable people who come from West Milford and he will write to them for donations.

Gary Steele, North Glenwood Road, West Milford asked Ms. Sullivan to pass on to Mr. Semrau appreciation for the resolution he drafted for nominations at the reorganization meeting this year. Last year it was not done well. There were five or six occasions where it was not done correctly. Mr. Semrau's resolution was an uber process. He said he is begging Council to expand the TV committee to

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as many people as have signed up to it. He encouraged any interested party to attend their meetings. They do a lot of work. It has been a long process. A lot of people participated along the way. We now have a TV channel. A lot of progress was made in the last year.

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

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

Agenda No. VII

Council Comments

Councilwoman Erik said the TV committee meeting is next Wednesday all are welcome. JAG meets on the same day in Southern New Jersey and anyone interested in that meeting should call her for details. She recommends seasonal banners for each season when we get hardware for all the poles. Mr. Zarillo, from the audience, said that would be easy and it would be \$75 to \$80 for additional banners. Councilwoman Erik said she likes the idea of the Greenwood Lake foundation.

Councilman Signorino said he supports funding for the banners. He would like to see that happen sooner rather than later and he supports the Township providing resources to make this happen. He & his family appreciated HEAT's efforts at the holidays because it was more festive. He said the Greenwood Lake Bi-State Commission did a lot of work last year to understand the weed issues. He wants to be ready to use the weed harvesting equipment for the season. He attends the commission meetings as often as he can. He said many volunteers have signed up for water testing. He appreciates the volunteers but there will be a financial need. They need testing equipment. We have the volunteers so it may be more cost efficient to buy the equipment and maintain it within the health department. He was told that \$2,500 would cover the cost of a lab test & purchase the equipment to do the testing in-house. Such testing would disclose what is going into the water and the source of contamination. It would help keep the lake clean and could be used for other lakes. He asked for consensus. Mayor Bieri said the Council would have to budget that and then get quotes. Councilman Signorino asked the Administrator to seek input from the health officer. Mayor Bieri said those tests will disclose the contaminant but not the source. Councilman Signorino disagreed saying that if you do a test in front of an MUA facility with a high reading it may be telling. He asked to fund this now rather than wait to adopt the budget. Councilwoman Erk said that Lake Hopatcong said they had college interns who did studies and we may be able to avail of such programs. Councilman Signorino said the environmental commission is actively recruiting volunteers to do the testing and he would like to get the equipment. Administrator Gabbert said he will obtain information and details about the testing equipment & mechanisms being proposed by Councilman Signorino.

Councilwoman Dale said she read the recent article written by Mr. Zarillo. She commended him for the valuable information and applauded the members of the Greenwood Lake Bi-State Commission for all the work they do.

Councilman Hensley thanked HEAT for spreading Christmas cheer and making this a better community. It will get better every year because it is a recipe for success.

Councilwoman Erk said she recently attended a meeting of the Lake Hopatcong board. She attended with members of the Greenwood Lake Bi-State Commission. She learned a lot and the contacts are very beneficial.

Mayor Bieri said government works slowly. She said it is always best to start processes early. She urged HEAT to start the design contest early and she thanked all volunteers noting that West Milford is extremely fortunate in the number of people who devote time and effort to this community. She commended the attorney and the clerk for the resolution for nominations as well as for developing tracking mechanisms so that the meeting ran smoothly. She has always supported the lakes. She also supports decorations. But she cautioned that there are fiscal constraints and until we have a complete budget it is difficult to commit.

Agenda No. VIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VIII 1

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ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND §226-7 "NOISE, ENFORCEMENT, VIOLATIONS & PENALTIES" OF THE TOWNSHIP CODE TO REDUCE THE PENALTY PROVISION

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that §226-7 B, Enforcement; violations and penalties of the Township Code be and is hereby amended as follows:

SECTION 1:

§226-7. Enforcement; violations and penalties

- B. Any person who violates any provision of this chapter shall be subject to a civil penalty for each offense of not more than ~~\$3,000~~ \$2,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

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

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

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: January 21, 2015
Adopted:
Effective:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 18, 2015. Notice of this public hearing shall be published in the Herald News on or about January 25, 2015.

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

Mayor Bieri asked to move Resolutions 2015-054, 2015-055, 2015-064, 2015-065, 2015-056, 2015-057, 2015-058, 2015-059, 2015-060, 2015-061, 2015-062 and 2015-063 as one including Consent Agenda.

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

Agenda No. VIII 2

~ Resolution 2015 – 054 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2015 PROFESSIONAL SERVICES CONTRACT WITH FOUNDATION TITLE, LLC FOR TITLE COMMITMENT AND SEARCH WORK ASSOCIATED WITH THE PROPERTIES DESIGNATED AS BLOCK 12001 LOTS 16, 19 AND LOTS 17, 18 IN THE TOWNSHIP OF WEST MILFORD THEREBY INCREASING THE NOT TO EXCEED AMOUNT TO \$2,434.00

WHEREAS, by virtue of Resolution 2014-400 adopted December 17, 2014 the Township Council did authorize the engagement of search work and title commitment to be provided by Foundation Title, LLC; and

WHEREAS, resolution 2014-400 did authorize Foundation Title, LLC in an amount not to exceed \$1,734.00; and

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WHEREAS, the Township Administrator has been advised that an increase due to the difficult title and related search work necessitates an amendment in an additional amount not to exceed \$700.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said fund to be encumbered from account number 19-295-56-100-700; and

WHEREAS, this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize an amendment to the professional services contract for Foundation Title LLC to increase the not to exceed amount from \$1,734.00 to \$2,434.00 for title search abstracts; and

BE IT FURTHER RESOLVED that total fee authorized for this contract shall not exceed \$2,434.00 without the prior written approval of the Township Council.

Adopted: January 21, 2015

Agenda No. VIII 3

~ Resolution 2015 – 055 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, an appeal of the 2012, 2013 and 2014 real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Kimble, Dennis & Jane	17401	9	1373 Clinton Road

; and

WHEREAS, the Tax Assessor has requested a Correction of Errors appeal be filed in connection with the aforementioned property.

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, as follows:

- The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
Kimble, Dennis & Jane	2012 - 2014	\$649,800.	\$520,300.

- All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
- The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.
- This Resolution shall take effect immediately.

Adopted: January 21, 2015

Agenda No. VIII 4

~ Resolution 2015 - 064 ~

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

WHEREAS, there appears to be a surplus in the 2014 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Other Insurance	23-210-415	8,000.00
Group Insurance	23-220-506	68,000.00

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TOTAL TRANSFERS OUT	\$76,000.00
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WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2014 budget year, and

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Snow Removal, Salt	26-294-363	64,000.00
Special Police S&W	25-244-101	12,000.00
TOTAL TRANSFERS IN		\$76,000.00

WHEREAS, the transfer of \$64,000 into the snow removal account will cover the expenses for the snow storms in December of 2014 and the transfer of \$12,000 will cover the costs of the prior years' retroactive pays for the special police, and

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2014 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

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

Adopted: January 21, 2015

Agenda No. VIII 5

~ Resolution 2015 – 065 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE DEVELOPER'S AGREEMENT WITH CHELSEA AT BALD EAGLE

WHEREAS, Roger Bernier (Chelsea at Bald Eagle – Chelsea Senior Residences) (hereinafter "Chelsea at Bald Eagle") obtained preliminary and final site plan approval for a new wing to be added to the Chelsea at Bald Eagle, comprising Block 5310, Lot 1, which was memorialized October 24, 2013 in Township of West Milford Planning Board Resolution No. 2013-16; and

WHEREAS, Chelsea at Bald Eagle is proceeding with such approval in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, Chelsea at Bald Eagle and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the site plan; and

WHEREAS, the Township and Chelsea at Bald Eagle have negotiated an acceptable Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, that the Mayor and Township Clerk are hereby authorized and directed to execute the Developer's Agreement between the Township of West Milford and Roger Bernier (Chelsea at Bald Eagle – Chelsea Senior Residences).

This Resolution shall take effect immediately.

Adopted: January 21, 2015

Agenda No. IX

Consent Agenda

~ Resolution 2015 – 056 ~

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.

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

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Resolutions:

- a. **2015-057** – Cancellation of Taxes
- b. **2015-058** – Refund Overpayments
- c. **2015-059** – Refund Other Liens
- d. **2015-060** – Refund Recreation Fees
- e. **2015-061** – Refund Street Opening Fee
- f. **2015-062** – Reinstate Taxes
- g. **2015-063** – Various Licenses

Applications:

- 1. Application for Night at the Races License #2015-01 by West Milford High School Basketball Booster Club for February 7, 2015.
- 2. Application for Super Off Premise 50/50 License #2015-02 by West Milford High School Basketball Booster Club for February 7, 2015.

Adopted: January 21, 2015

Agenda No. IX a

~ Resolution 2015 – 057 ~

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

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
11104-16	Patsy & Heidrun Mastrincola	\$1,128.00	2014 - 4 th Quarter
11104-16	Patsy & Heidrun Mastrincola	\$6,586.00	2015 - First Half
TOTAL		\$7,714.00	

Adopted: January 21, 2015

Agenda No. IX b

~ Resolution 2015 – 058 ~

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
4101-1	Wells Fargo R. E. Tax Service LLC Att: Financial Support Unit MAC X2301-02C, 1 Home Campus Des Moines, IA 50328-0001	\$163.00	2014	1
8706-1	Peter & Nicole Tomos	\$250.00	2014	3

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	24 Park Row, Wallington, NJ 07057			
5301-39	Helping People Help Themselves 91 Knollwood Drive, Paramus, NJ 07652	\$5,813.66	2013	1
5901-18	D. Callahan, C/O M. Licursi 33 Clinton View Terr, Hewitt, NJ 07421	\$2,126.00	2015	1
11104-16	Patsy & Heidrun Mastricola 442 Ridge Road, West Milford, NJ 07480	\$1,128.00	2014	6
13802-1	Joseph & Birter Smith 40 Leonard Ave, West Milford, NJ 07480	\$250.00	2014	3
13901-1	MTAG Cust for Alterna Funding I, LLC PO Box 54817, New Orleans, LA 70154	\$5,000.00	2014	1
14902-3	SLS Investment Group LLC 37 Christine Court, West Milford NJ 07480	\$611.67	2014	5
TOTAL		\$15,342.33		

Adopted: January 21, 2015

Agenda No. IX c

~ Resolution 2015 – 059 ~

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
12-0070	03/27/2012	06002-045	\$12,002.67	TOWER FUND SER.AS CUST. FOR EBURY FUND 1NJ LLC PO BOX 37695, BALTIMORE, MD 21297-3695
12-0097	03/27/2012	10706-012	\$21,270.89	US BANK CUST FOR TOWER DBW 50 SOUTH 16TH ST - STE 1950-TOW PHILADELPHIA, PA 19102
13-0012	03/19/2013	01606-003.01	\$13,926.28	TOWER FUND SER.AS CUST. FOR EBURY FUND 1NJ LLC PO BOX 37695, BALTIMORE, MD 21297-3695
13-0022	03/19/2013	02402-002	\$171,184.35	FWDSL & ASSOCIATES LP 5 COLD HILL ROAD SOUTH SUITE 11 MENDHAM, NJ 07945
13-0027	03/19/2013	02512-004	\$12,412.62	CLEMENTE ENTERPRISES; LLC PO BOX 141 WYCKOFF, NJ 07481
14-0010	10/14/2014	01402-002	\$22,246.80	MTAG AS CUST FOR ALTERNA FUND I LLC PO BOX 54817 NEW ORLEANS, LA 70154
14-0022	10/14/2014	02507-010	\$31,525.76	MTAG AS CUST FOR ALTERNA FUND I LLC PO BOX 54817 NEW ORLEANS, LA 70154
Grand Total			\$284,569.37	

Adopted: January 21, 2015

Agenda No. IX d

~ Resolution 2015 – 060 ~

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 Department of Community Services and Recreation be refunded:

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Town Tavern Luncheon 12/10/14		
Maria Kaminskyj	\$23.00	Maria Kaminskyj 1414 Macopin Road West Milford, NJ 07480

Adopted: January 21, 2015

Agenda No. IX e

~ Resolution 2015 – 061 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF STREET OPENING BOND FEE

BE IT RESOLVED that the following street opening bond fee upon the recommendation of the Township Engineering Department be refunded:

Receipt No.	Refund Amount	Refund to	Street Permit No.
427719	\$100.00	Longstaff Paving 5 Newland Drive Oak Ridge, NJ 07438	2012-013

Adopted: January 21, 2015

Agenda No. IX f

~ Resolution 2015 – 062 ~

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
1005-6	Edward & Ann Banek	\$2,684.95	2014
7521-12	Ken Miller	\$1,370.19	2014
4002-3	John & Joanne Montana	\$1,000.00	2015
7502-1	Dorrie Torp	\$4,000.00	2014
12801-15	Michael Degiglio	\$1,300.00	2014
TOTAL		\$10,355.14	

Adopted: January 21, 2015

Agenda No. IX g

~ Resolution 2015 – 063 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2015

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2015 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

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NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2015 Licenses as listed below and;

2015 CLOTHING BIN LICENSES	
2015-23 thru 28	H&M Leasing Corporation / Marc Field NJ – NY Volunteer Fireman's 4 Bins at Bearfort Plaza 2 Bins at West Milford First Aid Squad

Adopted: January 21, 2015

Agenda No. X

Approval of Expenditures

~ Resolution No. 2015 - 066 ~

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	\$783,577.07
3	Reserve Account	212,615.78
2	Grants	160.00
6	Refunds	300,011.70
1	General Ledger	7,313.90
26	Refuse	4,272.98
4	Capital	30,765.22
19	Animal Control	7,222.98
19	Heritage Trust	0.00
19	Open Space Trust	3,200.00
19	Trust	92.66
19	COAH	0.00
16	Development Escrow	5,303.52
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
Total		\$1,354,535.81
	Less Refund Resolution	-300,011.70
	Actual Bill List	\$1,054,524.11
	Other Payments	
	Payroll	510,759.75
	DCRP	549.05
	BOE	4,461,684.00
	DTC Bond Interest and Principal	919,066.50
	Total Expenditures	\$6,946,583.41

Adopted: January 21, 2015

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

Agenda No. XI

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Hensley said he attended RAC which was scheduled on same night as EDC. It was a difficult decision but he attended RAC because there are so many new members. Everyone met the new CS&R director who did a great job. He highlighted some great new ideas including a blueprint for the CYO property. The plans going forward were great. RAC had some concerns in the past and those concerns were clearly heard by administration. His plan provides parking, a dog park, playground, and additional sports field. That is sorely needed. He is hoping that we could see movement soon. He would like Council members to consider funding some of the projects rather than wait for grant funding. The CS&R director anticipates having to forego the restrooms. He said the funds are available if Council would consider boosting the project through using the open space funding. There is \$100,000 for recreational projects lying in wait. He asked Administrator Gabbert to check into that. RAC also suggested doling some of that money across the municipal complexes for minimal upgrades that are necessary to various recreational facilities saying that they propose using volunteers for manpower. He said it was a great meeting. They also talked about the teen coffee house and maybe an after school program.

Council President Erk said she also attended the RAC meeting and was impressed with director. The committee was energized.

Councilwoman Dale thanked the firemen and fire chiefs throughout town. They are a great group and she is honored to be their liaison. They have learned to work collaboratively to get a structure to work together for public safety for the benefit of the community.

Councilman Signorino thanked Councilwoman Dale for her work with the fire departments. He said he would like to hear more about RAC ideas and proposed costs. There is a demand for places for children to go. The museum is preparing for the annual tennis tournament which funds the maintenance of the museum. They are looking for sponsors. He listed the main sponsors. He listed the various categories of sponsorship. He listed the fees for each group. He said the tentative dates are June 13 & 14 with rain dates of June 27th and 28th.

Councilwoman Lichtenberg thanked all volunteers in town. The Beautification & Recycling Committee invites people to attend their meetings and they seek volunteers for various events.

Councilwoman Erik apologized because the night after the reorganization meeting she could not attend first planning board meeting due to a conflict. The TV committee is looking for volunteers. This Sunday there is a chili cook off at the Church next door and she urged residents to support it. She is giving a free CPR class with 2 other instructors at her church. Last time 63 people showed up. This is a skill people can learn and it saves lives. She attended the EDC meeting and they are working very hard. They have a car show planned for May 16th at Bubbling Springs. She commended their efforts & work.

Administrator Gabbert said he has provided a vehicle list to Council. He reported that the recycling & solid waste collection is working smoother and the kinks are being worked out. The number of calls have reduced. There are questions about LOSAP program and the state provided some answers which he passed along to Council. He said DPW, Recycling and Parks will present budgets on January 29th. There are 3,647 signatures on the watershed petition. The Ascher family accepted the offer of \$400,000 for that proposed acquisition on Weaver Road. The environmental commission has requested more time to provide comments on the pipeline. Councilwoman Dale asked if there has been direction on how to present the petition signatures for watershed equity. The municipal clerk said that Ms. Sullivan is working on getting an answer from the lobbyist as to how to best present the petition. Mr. Gabbert said that the grant for CYO is a conceptual grant which will provide an actual layout. The next step is to go through the DEP process to see if we will be able to get DEP approvals. As such, he has instructed staff to file for a grant extension in light of the anticipated time from DEP. Mayor Bieri said she is pleased that design process has started. Councilwoman Erik said the vehicle list is very hard to read. They are not divided by departments and there is a reference to an ambulance which is not Township owned. Mr. Gabbert said this list is for the insurance through the JIF. That is why the ambulance is reflected on the list. He said the group categories are for insurance purposes. Councilwoman Dale said Council asked for mileage for each vehicle and Mr. Gabbert said he is working on that.

Ms. Sullivan asked for a motion to allow the Township Attorney to file a papers to take over the PAL facility. She read the following motion:

As of January 1, 2015, the West Milford PAL has failed to pay the Township back rent of over \$105,000.00. These are taxpayer funds that should be used in the Township budget. The governing body has extended numerous deadlines for the PAL to come into compliance and there have been a multitude of meetings over the past year and a half between the Administration and PAL representatives. At this point, it is in the best interest of the Township, the children and the taxpayers to take over the programs and the facility. Therefore, I ask the Council to make a motion to pursue all legal remedies

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available to regain possession of the PAL facility, transfer all programs to avoid negative impact on the children and recover all back rent due and owing and costs, and permit the Township Attorney to do so.

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

Council President Erk urged people to attend Councilwoman Erik's CPR class noting that Ada Erik saved a life this week for the fourteenth time in her career as an EMT.

Agenda No. XII

Appointments and Resignations

Wanaque Valley Regional Sewer Authority

Councilwoman Erik nominated Michael Siesta to the Citizen Member position, seconded by Councilwoman Erk. Councilwoman Erik made a motion to close and confirm, seconded by Councilwoman Lichtenberg.

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

Mayor Bieri said this position has been vacant for over 1.5 years. Another person has applied but has not been nominated by Council. It makes sense to fill the seat.

West Milford Municipal Utilities Authority

Council Liaison

Councilwoman Erik nominated Councilwoman Dale for Council Liaison, seconded by Councilwoman Lichtenberg. Councilwoman Dale said she would accept but she may not be able to handle the commitment and may have to come back and let Council know if that is the case. Councilwoman Erik made a motion to close and confirm, seconded by Councilwoman Lichtenberg.

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

Mayor Bieri asked if Council wants to move Alternate # 1 to Citizen # 3 position.

Citizen # 3

Councilwoman Erik nominated Paul McGill to move up from Alternate # 1 to Citizen Member, seconded by Councilman Signorino. Councilwoman Erik made a motion to close and confirm, seconded by Councilwoman Lichtenberg.

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

Alternate # 1

Councilwoman Erik nominated Michael Vreeland to move from Alternate # 2 to Alternate # 1, seconded by Councilman Signorino. Councilwoman Erik made a motion to close and confirm, seconded by Councilman Signorino.

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

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Councilwoman Erik asked to hold off on nomination for Alternate #2 position and asked Councilwoman Dale to bring back a recommendation. Mayor Bieri said the resume from Marcus Scrimgoeur was very good.

Alternate # 2

Councilwoman Dale nominated Marcus Scrimgoeur for Alternate # 2, seconded by Councilwoman Erik. Councilwoman Erik made a motion to close and confirm, seconded by Councilman Signorino.

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

Library Subcommittee

Mayor Bieri asked if the Council wants to make an appointment to the Library sub-committee. Councilpersons Dale and Signorino agreed to continue.

Councilman Hensley nominated Councilwoman Lichtenberg, seconded by Councilman Signorino. Councilwoman Lichtenberg accepted. Councilwoman Erik made a motion to close and confirm all three, seconded by Councilman Signorino.

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

Mayor Bieri announced the following Fire Appointment:

John W. Binko, Fire Fighter (Co. #5)

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:18 p.m.

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

Approved: April 1, 2015

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK