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

Minutes of: Township Council Workshop  
Date of Meeting: February 1, 2012  
Time of Meeting: 6:30 P.M.  
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early would be good. Councilman Ramaglia has a problem with earlier start time. Generally the budget meeting is a two-hour process. Mayor Bieri asked if Council wants a committee format or a full quorum format. Council President Signorino said he favors last year's method while Councilwoman Horton does not favor that. Councilman Rosone stated that last year worked very well although it was not popular. The end result, he said, was right. He thinks that may be the way to go moving forward and as such he favors the subcommittee. Councilman Smolinski stated that last year's process worked well and the setting was more relaxed. Department Heads, he said, liked that process. There is a new CFO and Administrator this year and there may be issues and new legislation. To get to the bear bones of the budget the committee format worked because Council can deal with the budget directly. We need a zero budget again this year and the committee process favors that. In his opinion it is not fair to interact with Department Heads publicly in these matters. Councilwoman Horton said the public was not happy with that process last year. She suggested that the new Administrator and Department Heads should streamline the process and keep Council out of the minutia. She would like to hear from the public about how they would like the process to be handled. Councilman Ramaglia noted that our new administrator likes the committee process. He said that last year the Council brought meat and potatoes to the table. He said that there is no need to make a decision tonight. Give the new Administrator time and allow Council to speak with her to determine the best approach.

Mr. Semrau stated that, from a legal perspective, in the event the Council goes forward with subcommittees he will recommend committees of 2 rather than 3. He has seen other municipalities shorten agendas to have budget discussion before regularly scheduled meetings. Councilwoman Horton stated that the new Administrator is incoming and the Mayor has more knowledge of the budget. She feels the Mayor needs to have a stronger presence in the process.

Agenda No. V

**Proclamations**

None.

Agenda No. VI

**Unfinished Business Final Passage of Ordinances**

None.

Agenda No. VII

**Public Comments**

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

Gary Steele North Glenwood Road, West Milford welcomed new Council members stating that he looks forward to their presence on the dais. He welcomed the new Administrator. The Council, he said, does not form subcommittees. The Mayor can participate as an ex officio member without calling quorums into question. As an accountant, her participation would be beneficial. The Township can still advertise committee meetings and open them to the public. He urged Council not to conduct the budget process like last year, it will be challenged. Open the committee meetings to the public. Let the public and press in. Advertise the meetings and allow the public to attend. Budgets are awkward and decisions have to be made. He will prepare a resolution for Council consideration to that effect. The public and press should be allowed to attend. He congratulated the new Council President.

Nina Dodzik, 37 Dongan Lane, West Milford stated that budget meetings are not wish lists. They are a venue for department heads to present budget requests to Council. Employees may not always want that information in the paper. It will improve efficiency to conduct these meetings in a committee forum.

John Fletcher former DPW employee and former special police officer stated that he is here to talk about civil service. He has an unfair labor practice. He worked on the road department and wanted to become a road foreman. There was a chief of police, James Breslin, who was also acting township manager. Mr. Semrau stated that Mr. Fletcher is not a current employee and advised the governing body that they cannot respond to him. Mr. Fletcher stated that he was denied union representation by the former police chief. The same person ten years later denied him a police officers job. He was denied the police job even though he was a special officer. He still wants to be a cop.

Eric Hastings, 1541 Greenwood Lake Turnpike, West Milford, West Milford representative to the Greenwood Lake Bi-state commission stated that the lake is fluctuating between 4-5 feet in the drawdown. He spoke to the DPW Superintendent about removing debris from Brown's Point and Mr. Storms needs Council blessing to bring a machine to the site. The area needs to be done from Belcher's Creek to the southern end of Brown's Point. He asked the Mayor to give direction to Mr. Storms. He thanked the Council for their support of the commission. They are working on reducing more stumps. If anyone has

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questions about the lake and drawdown and water level management plan he urged them to address those issues with the commission. They have ordinances in place. The dredging engineering is done and it won an award. Council President Signorino asked if the issue with the business owner on the lake is resolved and Mr. Hastings answered in the affirmative.

Bill Remia, 5 Yancy Terrace, West Milford stated that he is the Chair of the RAC. He thanked Council for appointing a new Director tonight. Spring is a busy time for the recreation department. The former director had a great working relationship with RAC and him as chair. Together they worked on many programs for the benefit of all residents. Two things that were pressing were the Coffee House project and the ice rink. The rink is here and the coffee house is at a standstill. As far as he knows everything has been ordered but is waiting to be processed. He wants the coffee house opened.

Tim Wagner, Airport Manager stated that he is here to speak about police fees for events, specifically the air show. Police wages are subject to contract negotiations but the Council can act on the 25% administrative fee. They are waiting for actual cost information but 25% is high. He recommends that 5% is reasonable in the interim noting that it should cover liability expenses. If you cannot come up with a set percentage abolish it at least for this year. It would be appreciated because work has already begun for this year's events. Would like the Council to make a decision today or schedule a workshop discussion.

Celeste Hampton, Macopin Road, West Milford welcomed the new Administrator and Director of Community Services & Recreation. She stated that she was at a budget hearing years ago when there were only two members of the public there. Last year there was an appearance of secrecy. Prior to that nobody ever came to the meetings. She urged residents to give blood at the local blood drives and she advised when they are scheduled.

Richard Randazzo, Wooley Road, West Milford talked about the well testing ordinance and the Braemar application. He reviewed the history of the ordinance and advised that there are deficiencies that are becoming evident in this application process. There is a house on the property at the end of the road. The developer's lawyer once said that they were proceeding at their own risk. He urged the Council to ensure that before any decisions are made about this development staff understands the history and the impact. Department Heads do not communicate. He urged that staff be instructed to look through this file. He congratulated the new hires. He stated that he is concerned that the well ordinance is not being followed and enforced.

Robert Nicholson, 20 Hyde Road, Stockholm does not want us to lose focus on the pump track. There was discussion at the last meeting about sidewalks. When we begin those projects people will get on board. He noticed on Echo Lake Road that garbage is being picked up. He stated that he would like to see continued discussion about reducing administrative costs for police fees and he would like to see BOE elections in November instead of April.

Chris Garcia, 200 Lakeshore Drive, West Milford welcomed new Department Heads. He extended invitation to everyone to a non-partisan event about sustainable living in West Milford being hosted by the Democratic Club. He listed the speakers advising that they welcome everyone to join them next Tuesday at 7:30 p.m. at Momentos. The TGP is a topic for discussion tonight. In the fall of 2010 residents of Lake Lookover experienced the effects of this project and there is a lasting impact. He supports the resolution. We need to look out for those residents. The president of their association also supports that resolution but he couldn't be here tonight due to ill health.

Wayne Gottlieb, 20 So. Ridgefield Road West Milford welcomed Ms. Gage & Ms. Mulhern. He introduced himself as the Vice President of the West Milford Board of Education and Dave Richards, the President of the BOE. There will be interaction between them both because they are here jointly to talk about a new law which permits the Council or BOE or public by referendum to move school elections to November. The Board has been polled twice and there not sufficient support to move the elections to November. At close of business today 142 boards across the state had elected to move elections. He has run four times for the BOE. Over the last 30 years tax levy has failed 30% of the time. People turn out to BOE elections and take this vote seriously here in West Milford. This is another one size fits all Trenton suggestion. Two years ago the BOE brought forth a budget below the CAP that was defeated. Council cut that budget by \$75,000. That is more than would be saved by moving the elections. The notion that money will be saved does not apply in West Milford. It is nice to run in April without the noise of other elections. The head of the municipal clerk's association gave testimony on this proposed legislation expressing fears about fitting candidates on the ballot in the presidential election years. Remember that may result in increased costs for new machines.

Doris Aaronson, 19 Bearfort Road West Milford supports Celeste Hampton's comments about budget meetings. She has been to most budget meetings and never saw more than 3 people. The public is

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restricted to 5 minutes and no one has ever harassed department heads. She gave an update on the Health Advisory Board meeting where there was discussion about enviable projects to pursue. She asked for council approval to move forward on those projects. 1. Partnering with VA for a veterans support group to meet monthly at Hillcrest. 2. Educational project on how homeowners can reduce their share on non point pollutants.

Dave Richards, 27 Ringwood Lane, West Milford stated that he has been hearing about Lincoln Hill sidewalks for 33 years. It is a safety issue. He lives on Belcher's creek. It is important to get the sediment removed. He wants to know if the town will pick up the debris he pulls from the water in front of his house. The TGP easement means that the BOE is still entitled to half of the money because we did not close on the Wallisch property. The BOE will vote on moving elections at their next meeting. He and his wife are against moving the election to November. It is taking away a right. Administratively, it would make the Business Administrator's job easier. If BOE votes against it Council can vote to move it and have final say.

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

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Moved: Ramaglia Seconded: Rosone  
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Agenda No. VIII

**Council Comments**

Councilman Ramaglia recalled that Mr. Gottlieb mentioned that Council cut \$75,000 from the BOE budget. He said that there were concessions from the unions and recommendations from the BOE making it a combined effort. Asked that staff from DPW and engineering drive by Lake Lookover after storms to check its status.

Council President Signorino asked if Council will give consensus to the BOE request and the Council did so. Council President Signorino asked where we are with the administrative fee. Mr. Semrau stated that there was a meeting in September where the administrator was to come back with a recommendation and actual costs. That information has yet to be compiled. Council President Signorino stated that he supports keeping the BOE election separate from the general election.

Councilwoman Horton stated that she is hoping that the new administrator does significant homework before bringing budget recommendations to Council. She stated that she wants to discuss the 25% administrative fee for police services. She is inclined to keep BOE elections separate from the general election. She encouraged everyone to attend the sustainable program next Tuesday.

Mr. Semrau stated that he communicated with the planning board attorney about well the testing ordinance. Enforcement and oversight is at the planning board level and Mr. Geminario indicated that amendments to the ordinance with an implementation schedule and deadlines for submittal of test results may be recommended to Council. This may be a future workshop discussion. There was a comment about subcommittees at budget meetings. There is no discussion about personnel performance at budget meetings although there can be discussion about job responsibilities. He stated that the Township had an appraisal of \$7,500 and settled for \$30,000 for the TGP easement at the Wallisch property. We notified the BOE attorney when the check came in. He said that making a statement that the Township just has the money is not a responsible comment to be made by a BOE official at a public meeting. The Township is not holding money they are not entitled to.

Councilman Smolinski stated that he was not aware of any delays to Westbrook. The ice rink is in and he is not aware of any delays. There should not be a communication gap. He understood that the ice rink was to be in by November or December and he asked Mayor Bieri to look into what the holdup is.

Mayor Bieri stated that prior to holding elective office she did attend budget meetings. There has always been low attendance. The Council will make a choice as to how to proceed and it is irrelevant how many people show up. The hearings are strictly financial in nature. Confidential information is not discussed nor can it be. Personnel or performance issues cannot be discussed without ricing the affected employee. The rules of these meetings do not allow for back and forth discussion. She asked if Council consent is necessary to have DPW assigned to Belcher's Creek. Mr. Semrau advised that Council can make the decision as a policy decision but administration determines if staff and resources can be so assigned. Mayor Bieri stated that tonight the Township did indeed hire a new Director of CS&R. We do have some vacancies. There is a balance in the process. We were fortunate to find these two qualified candidates and could move very quickly. She did have a transition meeting with Mr. Knudsen at which they discussed

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the teen center. Bid specifications have just been put together for some items. There are ADA issues and other issues and work to be done. We have a list and are moving as swiftly as possible and will continue with new director. There is also separate project for outside work at Westbrook. There has been discussion of a roller hockey rink that still is in progress. A smaller portable rink was purchased for Bubbling Springs but there is a need for engineering work to properly site and place it. Councilman Ramaglia stated that a location was determined and he had asked that all steps be taken to have the engineering done to have it installed. He thinks Eric Miller needs to proceed. Mayor stated that we successfully received notification that additional grant money \$25,000 for roller hockey project has been approved along with funds for the CYO property.

Agenda No. IX

**Discussion Items**

1)	Open Space Tax – Mr. Semrau advised that he has reviewed the referendum and current charges. Councilman Smolinski stated that we should reduce it or do a waiver for one year. Mr. Semrau stated that we should check with other funding sources to ensure that bringing it to a zero would not affect funding opportunities. Mayor Bieri recommends sticking to the decision of the voters and reducing but not eliminating the funding. Councilwoman Horton agreed but suggests a reduction. Mr. Semrau will get information from the Tax Assessor to help Council make a determination.
2)	Grant: Passaic County FY 2012 CDBG Application - Mayor Bieri directed Council to a memorandum from the Engineering Department. Council agreed to the recommended projects. Mr. Semrau commended Engineering for the sediment control request because they address the proposed settlement in the UGL litigation. The Council gave consensus to proceed with the applications.
3)	Grant: Green Acres Planning Incentive Grant Application – Mayor Bieri directed Council to a Land Conservancy memo. Councilman Smolinski stated that the Council did not agree to passive recreation acquisitions. Mayor Bieri said that this letter is a draft for review. Councilman Smolinski stated that remediation was agreed only to allow for active recreation. Mayor Bieri asked if the Braemar property off of Wooley Road is of interest to the Council. Councilman Smolinski asked what the taxes are on that property. Discussion ensued. Mr. Semrau recommended submitting an application and then amend or seek reallocation of funds rather than lose the ability to apply. He suggested the Braemar property. Councilman Smolinski said that this memo is contrary to the direction of the Council. Mayor Bieri stated that she will contact the Land Conservancy to address the language. Councilman Ramaglia asked that Environmental Commission be copied on this memo. The Council gave consensus to submit the application and include Braemar. Councilman Smolinski expressed concern that there is no recommendation from the open space committee and he asked why the properties recommended by the open space committee are not reflected on this list. Mayor Bieri advised that the properties recommended by the open space committee were in the green belt and the Council rejected them because of their inability to be used for active recreation. Mr. Semrau advised that in the spring the Passaic County open space application process will begin and Council has greater input there.
4)	Loan Program: NJEIFP Accepting Submissions – Septic Installation - Mayor Bieri stated that Paul Ferriero is here to discuss this matter. Paul Ferriero, Township Engineer, addressed the Council stating that a letter of intent was submitted by the health department in October 2011. This is a loan program, not a grant. You have to pay the money back. The proposed application is a septic management program. The idea is to provide low interest loans to qualified residents to replace failing septic systems. The amount being requested is \$280,000 which would cover about 10 systems. The concept is good. There are a couple of problems which may be non starters. The NJEIFP has never given money where they give money to a municipality to be then given to others. The process would not allow NJEIFP to review and approve the plans. There are concerns about how the municipality would determine who qualifies and their ability to repay. There are also issues relating to state requirements for these jobs. The application is due on March 5 <sup>th</sup> at which time the state wants the septic plans. Mr. Ferriero suggests that if we are not going to pursue this with zeal we should send a letter to withdraw our letter of intent. The Council gave him consensus to try to hold our position and send a letter of intent for 2014. Mr. Semrau stated that he spoke with Mr. Ferriero about the streetscape project and he will follow up with the consulting engineer. The funding for the Lincoln Hill sidewalk was in jeopardy and Mr. Ferriero is meeting with the county engineer and officials to move forward with the project and not lose the funding.
5)	P.L. 2011, c. 202 Permits Moving of School Board Elections – the Council agreed that they are not in favor of proceeding. Councilman Smolinski said that the 2% cap is not a tight cap because of the exemptions. The big ticket items generally fall within the exemptions. Don't be fooled, there are too many exemptions.
6)	Ordinance: Braemar at West Milford - Accept Easements – Mr. Semrau stated that this developer has filed suit against the planning board and the Township alleging that they should

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	not have to adhere to certain conditions and that there have been delays. Separate and apart, there is a parcel that has a separate structure. There is supposed to be a conservation and drainage easement on the property. He is recommending based on speaking with the planning board professionals to adopt an ordinance accepting these easements now to meet our obligation. This does not signal any type of approval. But we do not want to have anything happen with that property and not have those easements in place. Councilwoman Erik asked if the easements would affect an open space application. Mr. Semrau answered in the negative adding that the easements would be owned by the Township. Consensus to proceed.
7)	Ordinance: Amend the Township Code – Director of Public Safety – Councilman Smolinski stated that removing section 15-46 I is sufficient to accomplish the intent of this amendment. Mayor Bieri stated that this paragraph has been in the code since 1976. Councilman Smolinski stated that we changed the form of government in 2004 so the code should have been changed then. The proposed amendments leave the door open to have a civilian director. Discussion ensued about ordinances from 1964 and subsequent amendments. Councilman Smolinski stated that the 1964 ordinance made the chief of police subservient to a civilian. The question is who the best person is to serve as director and supervise the chief. He questioned why we swayed away. Councilwoman Horton mentioned that the military has a commander in chief who is civilian. It needs to be the right person. Mr. Semrau stated that this is a matter of housekeeping. What he proposed was to make it clear that there is a director of public safety, the department head, and a division of police led by the chief of police. If this amendment goes forward and the nomination is for a civilian the salary ordinance would also have to be amended before that appointment is made. Councilman Smolinski stated that the chief of police should be the director. Mr. Semrau advised that if the Council legislates that they effectively combine the positions. Councilman Smolinski said the chief of police must be the director of public safety. Mayor Bieri stated that such language is a conflict with state law that says that the chief of police may be the director of public safety but the director of public safety, unless qualified by civil service, cannot be the chief of police. Councilman Smolinski stated that he has requested the history of the code so that he can see when the language in 15-45 I was inserted. The municipal clerk stated that one paragraph from the 1964 ordinance has unwittingly remained in the code since that date. She, through communications with general code and a review of the history of amendments, has narrowed the time frame to some time in 1969. Mayor Bieri stated that this fascination with when it was put in the code is irrelevant. The Council has an issue with the code and it is within their purview to amend it. She asked for and received consensus from the Council that section I be removed. She reviewed the proposed amendments that would bring the code into compliance with state law and allow her to make an appointment to the director of public safety. At that time she would have to come back to Council for advice & consent. Councilman Smolinski said that Council privileges were removed by virtue of this process. Mayor Bieri disagreed stating that she followed the language of the code and the problem that was uncovered is that former appointments were not made in accordance with the code. Councilman Smolinski reviewed the history of the Township where prior chiefs of police served as director of public safety. He insisted that his request for the history of the code from 1964 was a simple request and he stated that he will conduct the research through the 1969 records to find the exact moment the code was amended. Councilwoman Horton stated that she has had enough discussion of this matter and is ready to move forward. The council concurred and gave consensus for introduction at the next meeting.
8)	Resolution: 2 <sup>nd</sup> Annual Boat Race at Brown's Point – Council gave consensus to proceed.
9)	Resolution: Tennessee Gas Pipeline Highlands Application - Council gave consensus to proceed.
10)	Contract: Warwick Turnpike & Lakeshore Drive Change Order #1 - Council gave consensus to proceed.
11)	Contract: Motor Gasoline Bid - Council gave consensus to proceed.
12)	Contract: Road Materials Bid - Council gave consensus to proceed.
13)	Contract: Diesel Fuel Bid - Council gave consensus to proceed.
14)	Contract: 2012 Paving Materials - Council gave consensus to proceed.
15)	Contract: Marketing of Recyclables (Trinity) - Council gave consensus to proceed.

Agenda No. X

**Action Items**

The following resolutions were moved together 2012-052, 2012-053, 2012-068, 2012-069, 2012-070, 2012-071, 2012-072, 2012-076

Moved: Ramaglia Seconded: Horton  
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
 Voted Nay: None.  
 Motion carried.

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Agenda No. X 2

~ Resolution No. 2012- 052 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REJECTING BID FOR THE PURCHASE OF ONE TANKER/PUMPER**

**WHEREAS**, the Township of West Milford solicited bids on November 18, 2011 at 10:00 a.m. for one Tanker/Pumper; and

**WHEREAS**, in response to the "Notice to Bidders" the Township received two (2) bids; and

**WHEREAS**, the Township Attorney has reviewed the bid documents and recommended that the bids are acceptable from a legal standpoint; and

**WHEREAS**, the Fire Commissioner has reviewed the aforementioned bids to ensure compliance with the Local Public Contracts Law and the specifications; and

**WHEREAS**, the Fire Commissioner has determined that the low bid received from NJEV Emergency Vehicles, 2201 Atlantic Avenue, Manasquan, NJ 08736 for one Spartan/Smeal Tanker/Pumper be rejected because the bid received is not in compliance with the technical specifications;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bid received for one Tanker/Pumper from NJEV Emergency Vehicles be and is hereby rejected due to non-compliance with technical specifications.

Adopted: February 1, 2012

Agenda No. X 3

~ Resolution No. 2012- 053 ~

**Resolution OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY awarding a contract to PIERCE MANUFACTURING FOR ONE (1) TANKER/PUMPER FOR WEST MILFORD FIRE DEPARTMENT**

**WHEREAS**, the Township of West Milford solicited bids on November 18, 2011 at 10:00 a.m. for one (1) tanker/pumper for the Fire Department; and

**WHEREAS**, the Township advertised this bid in accordance with the local public contracts law and also sent that notice to thirteen vendors with eight vendors picking up specifications and in response the Township received two (2) bids; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the Fire Commissioner and the Township Attorney; and

**WHEREAS**, the bid received from *Pierce Manufacturing, Inc.* has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the bid received from *Pierce Manufacturing, Inc.* has a prepayment discount option which will lower the bid price by \$8,470.00, from \$383,634.00 to \$375,164.00; and

**WHEREAS**, the Township has taken advantage of the prepayment discount option in the past; and

**WHEREAS**, the Fire Commissioner has submitted a written recommendation for the award of this contract to *Pierce Manufacturing, Inc.*

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number C-04-11-955-260; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to *Pierce Manufacturing, Inc.* for the purchase one (1) tanker/pumper for West Milford Fire Department.

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

1. The Township Council hereby awards a contract to Pierce Manufacturing, Inc. in the amount of \$383,634.00, and directs that the prepayment option be taken advantage of to lower the total bid price by \$8,470.00 to \$375,164.00.
2. The Mayor and Municipal Clerk be and are hereby authorized and directed to execute a contract with Pierce Manufacturing, Inc. in accordance with its bid for the purchase one (1) tanker/pumper for West Milford Fire Department.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.
5. Notice of the award of this contract shall be published in the official newspaper of the Township within ten (10) days.

Adopted: February 1, 2012

Agenda No. X 4

~ Resolution No. 2012- 068 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY EXPRESSING LOCAL CONCERNS RELATED TO THE TENNESSEE GAS PIPELINE EXTENSION PROJECT**

**WHEREAS**, Tennessee Gas Pipeline has submitted plans to various Federal and State agencies for the installation of a gas pipeline traversing various municipalities and counties in northern New Jersey; and

**WHEREAS**, certain components of this project have been completed to date including installation of a gas pipeline in New Jersey traversing 15 miles from Vernon in Sussex County through West Milford in Passaic County; and

**WHEREAS**, on January 19, 2012 the New Jersey Highlands Council voted to delay action on extending the pipeline another 7.6 miles into Mahwah in Bergen County; and

**WHEREAS**, at the public hearing held on that evening, several New Jersey residents, including residents from West Milford, expressed concerns about this project; and

**WHEREAS**, the Highlands Council tabled voting on the plan for 30 days to gather more information; and

**WHEREAS**, the Township of West Milford, its representatives and its citizens, are uniquely qualified to provide such information because that section of the Tennessee Gas Pipeline project that directly affects West Milford has been completed; and

**WHEREAS**, the West Milford Governing Body, their appointees to various boards & committees, the citizens of this community and the residents who live along the route of this pipeline received countless assurances in innumerable meetings and forums from representatives of Tennessee Gas Pipeline and their parent company, El Paso that the environmental, practical and financial impact of this project would either be minimal or advantageous to the community; and

**WHEREAS**, the Township Council of the Township of West Milford does acknowledge that the staff, representatives and contractors who work for Tennessee Gas Pipeline have been responsive and responsible with regard to issues that arose as this project was being completed; and

**WHEREAS**, the positive responses do not negate the fact that serious issues did arise that continue to affect this community; and

**WHEREAS**, the positive responses do not negate the fact that assurances provided that all care would be given to guarantee that the financial and environmental impact of this project would be minimal to the natural resources of this rural community were of little substance; and

**WHEREAS**, the reality of the project is that significant areas of trees and forests were felled to facilitate the work to install the pipeline; and

**WHEREAS**, at best the contractors engaged in minimal efforts to abate the effect of such disturbance on the local environment be it land, water or animal; and

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**WHEREAS**, homeowners and lake associations along the path of the project have borne the burdens associated with soil runoff, undermining of local roadways, traffic congestion, noise and emotional angst related to possible affects on local water resources; and

**WHEREAS**, while local officials reluctantly endorsed this project, such endorsement was proffered with the understanding that failure to do so would negatively affect the community and that the project would proceed with or without local support because of Federal approvals already granted; and

**WHEREAS**, from the very beginning local officials railed against the loss of local autonomy with regard to this project as a result of the mandates and edicts that were foisted upon the local government by federal and state agencies who approved this significant project without any regard for the impact on the residents of this municipality.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Milford that they do hereby strongly recommend that any further federal and/or state approvals, including Highlands Council approvals, be withheld until each community that has already been affected by the pipeline project, including West Milford Township, is restored. Such restoration shall include that all disturbed lands are stabilized, all roads are repaired, and all bodies of water are cleaned and runoff dredged at no cost to the affected communities; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford recommends that all federal and state agencies and authorities who will hear applications from Tennessee Gas Pipeline, its parent company or subsidiaries, develop a mechanism for each individual community that will be affected by the construction so that concerns can be addressed and policies put in place to provide protections for the communities and environments that will be intimately affected by the project; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford hereby expresses support and empathy for local communities who have lost local autonomy over projects approved by federal and state agencies.

Adopted: February 1, 2012

Agenda No. X 5

~ Resolution No. 2012- 069 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR SOIL DELINEATION INVESTIGATION AND LICENSED SITE REMEDIATION**

**WHEREAS**, there exists a need for soil delineation investigation and Licensed Site Remediation Professional ("LSRP") services to be rendered to the Township of West Milford in connection with a site known as the "Wallisch Property" and designated on the municipal Tax Map as Block 6401, Lot 6.01; and

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

**WHEREAS**, funds are available for this purpose; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153, for environmental consulting services in connection with soil delineation investigation and LSRP services to be performed at the site known as the Wallisch Property and designated on the municipal Tax Map as Block 6401, Lot 6.01, on a time and materials basis for a total amount estimated to be less than \$4,585.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$4,585.00 without the prior written approval of the Township Council.

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

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4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and James T. Dallas, Senior Project Manager, Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153 for their information and guidance.

Adopted: February 1, 2012

Agenda No. X 6

**~ Resolution No. 2012- 070 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO RICHARD A. CORNELL, P.E., FOR EXPERT SERVICES AND TESTIMONY**

**WHEREAS**, there exists a need for expert engineering services to be rendered to the Township of West Milford in connection with the litigation entitled *Sparkes v. Township of West Milford*, Docket Numbers CSV 0133-2011N; and

**WHEREAS**, the Township wishes to retain the services of Richard A. Cornell, P.E; and

**WHEREAS**, funds are available for this purpose; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Richard A. Cornell, P.E., member of Hatch Mott MacDonald, 27 Bleeker Street, Millburn NJ 07041 for engineering consulting services in connection with issues pertaining to the proper use, interpretation and modification of Geographic Information System ("GIS") data viewed with ArcExplorer and central to the adjudicatory hearing process and the litigation entitled *Sparkes v. Township of West Milford*, Docket Numbers CSV 0133-2011N, at an hourly rate of \$250, for a total amount estimated to be \$10,000.00 or less.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and Richard A. Cornell, P.E., of Hatch Mott MacDonald, 27 Bleeker Street, Millburn NJ 07041 for their information and guidance.

Adopted: February 1, 2012

Agenda No. X 7

**~ Resolution No. 2012- 071 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PRINCETON HYDRO LLC. FOR ENVIRONMENTAL SERVICES ASSOCIATED WITH AN ADDENDUM TO THE SFY 2007 NON-POINT POLLUTANT 319(h) GRANT (RP07-052) IN AN AMOUNT NOT TO EXCEED \$167,000.00**

**WHEREAS**, there exists a need for the Township to retain the services of an experienced, qualified entity or agency to provide consulting services to implement two additional stormwater projects, i.e.: Marshall Hill Road Elementary School and Stainsby Road projects; and

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

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**WHEREAS**, as a result, the Township received a memorandum of proposal from Princeton Hydro LLC dated September 27, 2011; and

**WHEREAS**, the total amount of the contract shall not exceed \$167,000.00; and

**WHEREAS**, funds are available for this purpose; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Princeton Hydro LLC with offices located at 1108 Old York Road, Suite 1, P.O. Box 720, Ringoes, New Jersey 08551 for consulting services to implement two additional stormwater projects, i.e.: Marshall Hill Road Elementary School and Stainsby Road projects in an amount not to exceed \$167,000.00 and in accordance with his proposal dated September 27, 2011.
2. The total fee authorized for this contract shall not exceed \$167,000.00 without the prior written approval of the Township Council.
3. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk.
4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: February 1, 2012

Agenda No. X 8

~ Resolution No. 2012- 072 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PRINCETON HYDRO LLC FOR ENVIRONMENTAL SERVICES ASSOCIATED WITH AN ADDENDUM TO THE SFY2004 NON-POINT SOURCE POLLUTANT 319(h) GRANT FOR MORSETOWN BROOK AND BELCHER CREEK IN AN AMOUNT NOT TO EXCEED \$9,871.89**

**WHEREAS**, there exists a need for the Township to retain the services of an experienced, qualified entity or agency to provide consulting services to implement a small restoration project along Morsetown Brook and Belcher Creek to the west of Lincoln Avenue; and

**WHEREAS**, as a result, the Township received a memorandum cost analysis from Princeton Hydro LLC dated September 22, 2011 showing that the remaining funds are sufficient to cover the costs associated with the design, construction oversight, project documentation and meetings; and

**WHEREAS**, the total amount of the contract shall not exceed \$9,871.89; and

**WHEREAS**, funds are available for this purpose from SFY2004 Non-Point Source Pollutant 319(h) Grant; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Princeton Hydro LLC with offices located at 1108 Old York Road, Suite 1, P.O. Box 720, Ringoes, New Jersey 08551 for consulting services associated with the design, construction oversight, project documentation and meetings to implement a small restoration project along Morsetown Brook and Belcher Creek to the

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

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- west of Lincoln Avenue in an amount not to exceed \$9,871.89 and in accordance with his memorandum of cost analysis dated September 22, 2011.
2. The total fee authorized for this contract shall not exceed \$9,871.89 without the prior written approval of the Township Council.
  3. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk.
  4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: February 1, 2012

Agenda No. X 9

~ Resolution No. 2012- 076 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY EXPRESSING SUPPORT FOR THE GREENWOOD LAKE POWER BOAT ASSOCIATION'S EFFORTS TO OPERATE THE SECOND ANNUAL WEST MILFORD BOAT RACE**

**WHEREAS**, in 2011 the American Power Boat Association from lake Hopatcong New Jersey did host a boat race in West Milford New Jersey; and

**WHEREAS**, said boat race was a successful and well-run event reminiscent of similar community events from the past; and

**WHEREAS**, West Milford was proud and honored to facilitate this event by virtue of the natural and recreational resources available in our community; and

**WHEREAS**, the 2011 boat races were a resounding success in large part because of the support the American Power Boat Association received from the Greenwood Lake Power Boat Association; and

**WHEREAS**, in addition to supporting the concept of the boat races, members of the Greenwood Lake Power Boat Association volunteered countless hours and invaluable local knowledge to contribute to the success of the endeavor; and

**WHEREAS**, the Greenwood Lake Power Boat Association was instrumental in lobbying for and promoting local interest and support for the 2011 boat races; and

**WHEREAS**, the West Milford Governing Body and their appointees to various Township committees did support the American Power Boat Association's 2011 boat race at Brown's Point in the Township of West Milford with the clear and unabridged understanding that if the event were to be repeated it would be organized and hosted by the Greenwood Lake Power Boat Association; and

**WHEREAS**, the members of the Greenwood Lake Power Boat Association did advocate strongly for the success of this event for a number of reasons not the least of which are:

1. They are each passionate about the recreational opportunities that are exclusive to the Township of West Milford.
2. They are each passionate about boating and promoting this recreational activity.
3. West Milford is a rural community with a history of local neighborhood events that have provided families with lasting memories.
4. West Milford is a municipality that is located completely within the preservation zone of the Highlands Act which has resulted in invigorated efforts by local residents and groups to organize, support and invest in local events to offset the tax burden on the residents and businesses that comprise this community.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Milford that they do hereby support the Greenwood Lake Power Boat Association's efforts to organize, operate and manage the 2012 boat races at Brown's Point, Greenwood Lake; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford fully anticipates that the American Power Boat Association, in appreciation of the support they have received from West Milford residents and officials, will endorse the Greenwood Lake Power Boat Association's 2012 boat race with the same zealously they received in kind in 2011; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford commits this support to writing to memorialize that this body and the residents of West Milford did





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Councilwoman Erik made a motion to appoint Vivienne Erk from Alternate 1 to Citizen Member on the Zoning Board of Adjustment. Councilman Signorino seconded the motion.

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Moved: Ramaglia Seconded: Rosone  
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Agenda No. XIV

**Executive Session**

None.

Agenda No. XV

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:22:57 p.m.

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Moved: Erik Seconded: Ramaglia  
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Approved: May 2, 2012

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK