
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 4, 2015
Time of Meeting: 6:30 pm
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He said he is here tonight seeking a resolution supporting this to move the project forward. Councilwoman Erik asked if they have approval from property owner. Mr. Epstein said they have a handshake but are hoping to have full agreement before going to the county. Councilman Signorino asked how this evolved. Mr. Epstein said the Land Conservancy has a relationship with the owner. They have worked with him in the past. The Land Conservancy suggested this about 6 years ago and he approached them recently asking them to revisit the matter. The easement is limited to the farmland assessed area. Farmland assessment is the lowest assessment in the State so it should not affect the taxes. Councilman Signorino said he favors land preservation but does not support taking privately owned land. He asked if we are buying the development rights from the owner. Mr. Epstein answered in the affirmative saying it will prohibit future development but it is still the owner's property. He said he thinks it will cost about \$2,000 per acre for the easement and they are seeking about 88 acres. Councilman Signorino said development rights for most property owners in West Milford have been compromised and he asked if this is fair to other residents. Mr. Epstein said as a land trust the Land Conservancy works with willing sellers. This is a willing seller. No one who wants to be in this program has been turned away. This is limited to only a portion of his property which is the least able to be developed. The Hewitt trail brings hikers into town. Councilwoman Lichtenberg asked if the trail is already existing. Mr. Epstein said yes the trail already exists because the owner has allowed access. However, a subsequent owner, without the easement, may not allow that trail access. This easement would formally add to the existing trail and they are not proposing to build a new trail. They are proposing to add to the existing trail. He said there may come a point where they may want to move the trail. There is signage on this well used existing trail. Mayor Bieri said this is not a taking, it is an easement. The funding would come from open space funds. Mr. Epstein said the acquisition is expected to cost about \$176,000 and the soft costs are \$25,000, The Land Conservancy is requesting that the Township pay half those costs from open space for \$12,500. Funding for the purchase of the conservation easement is coming from the Land Conservancy and/or open space grant funds. He said the easement does not affect the farmland assessment. The owner still owns the land. If the owner wanted to farm that area, that could be negotiated with the Land Conservancy. The Land Conservancy is not concerned about the exact location of the trail; it matters that it traverses this property. If the owner wanted the trail moved, it is likely the Land Conservancy will work with the property owner to accommodate his needs. The farmland assessment is \$700.

Councilman Hensley asked if it is statutorily required that the Township be involved. Mayor Bieri said that if the Township does not want to be involved, the Land Conservancy could proceed and the property owner could reduce the price by \$12,500. Mr. Epstein said it is more politics. Having West Milford submit the grant application as the applicant as constituents of Passaic County makes it a stronger application. Councilwoman Dale asked if the Township can act as the applicant without expending the funds and Mr. Epstein answered in the affirmative but the Land Conservancy would appreciate the contribution. Discussion ensued about the existing trail and the ongoing relationship between the current land owner and the Land Conservancy. The Council agreed that there is support for the application however, they will not contribute funds. They instructed the Administrator to have a resolution submitting the application prepared for the next meeting.

Agenda No. VI

Proclamations

None.

Agenda No. VII

Discussion Items

Mayor Bieri reminded the public that Council is elected to be the legislative branch of government. Discussion allows dialogue and she asked the public to show deference to project and respect the process.

1.	Discussion: Council Committees & Subcommittees – Personnel Subcommittee; Insurance Committee Councilwoman Dale said she would like to remain on personnel subcommittee. She said it has been a successful collaboration between the Council & the Mayor. Councilman Signorino agreed and Mayor Bieri said she has been comfortable with that. Consensus. Insurance committee. Councilwoman Lichtenberg said there used to be an insurance committee and she would like to see this committee reformed and Councilman Signorino agreed saying he would volunteer to serve on that committee. The Council instructed the clerk to reach out to former insurance committee members to determine if they have interest in being reappointed, to post vacancies, and get citizen leadership forms. Councilman Signorino said he has been on the BOE subcommittee with Councilwoman Dale. He would like to continue and the Council gave consensus.
2.	Discussion: Passaic County Open Space Grants: Administrator Gabbert said he has been working with staff on possible grant applications. They discussed & recommended three. The first is the installation of an elevator at the coffee house which, he said, is critical to allow access. The second is Nosenzo Park lighting. The third is to provide for facility needs throughout the Township. We would seek funds toward that process. He asked for Council direction. Councilwoman Dale said another proposal for

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	<p>coffee house was a paved area for handicapped access. Administrator Gabbert said that as part of phase II which addressed the slope of the main entrance requiring that it be changed to allow disability access to the lower entrance. Councilman Hensley asked if there was any consideration of CYO. Mr. Gabbert said they would apply for lighting which is the next logical step. Councilman Hensley said there has to be an engineering and architectural plan in place. Mr. Gabbert said that through a previous round of grants, a rough plan has been drafted. Plans will be going before DEP for approval and when all that is approved we will be seeking funding for each component. Mayor Bieri said even though we need the complete plan, we know we will need certain components such as lighting. The theory is that we would have funding in place as soon as engineering is complete. Administrator Gabbert listed the proposed changes noting that first step is DEP approval. The goal is to have funding in place when we get to that point. Mayor Bieri asked if the Township proceeded with the Farrell field that was approved last year and Mr. Gabbert said he will find out.</p>
3.	<p>Discussion: Ownership of Roads – Update on Lakeside Development Corporation – deferred to attorney report.</p>
4.	<p>Discussion: Process to Rename Public Roads: Dawn Sullivan, Esq. said that this is a simple ordinance process that allows for public comments. All residents on that road will be personally notified. When complete the Township would notify all service providers, the DOT and post office. The Council gave consensus to have Ms. Sullivan draft the ordinance.</p>
5.	<p>Ordinance: Cable TV Commission: Ms. Sullivan said the next step in finalizing the cable TV is the creation of a commission by ordinance. Through suggestions from committee, she drafted an ordinance for discussion tonight. The commission is going to be the overseeing authority of the TV station and the committee becomes the worker bees. Councilwoman Dale said it should be delineated how often the executive director is appointed. She is okay with 9 members. She asked for definition of emergency basis. Councilwoman Erik said it is defined in the policies & procedures. Councilwoman Dale wants a definition or a reference to the policy & procedures. She asked for definition of timely and Councilwoman Erik said that they discussed 5-10 days of a meeting as being considered timely. Councilman Signorino asked what the process is for Council to approve the policies & procedures. Ms. Sullivan said those policies & procedures should be ratified by Council before adoption of this ordinance. Councilwoman Dale said that the regulations under 33-A should require Council approval and Ms. Sullivan said the commission will only adopt the policies & procedures adopted by Council. Councilman Signorino wants that exemplified in the ordinance. Councilwoman Dale said she wants an addition to section C and Councilwoman Erik said it is in the policies & procedures. Councilwoman Dale said section E should require that the cost of programs be delineated in the annual report. Councilwoman Erik said it will be added to the policies & procedures. Councilwoman Dale said in section 35-A she has concerns about the final decisions being assigned to the commission. Councilwoman Erik said it is in the policies & procedures. Mayor Bieri suggested that it may have been more productive for the Council to have had a chance to review the policies & procedures first. Councilwoman Dale asked for an explanation of section 36-9. Councilwoman Erik said that certain things are required by the FCC. Councilwoman Dale said she would like to see the originating document that prohibits these items. Councilman Signorino asked if something is disallowed, who is liable if there is alleged discrimination. Ms. Sullivan said ultimately it would be the Township if it is found to be truly discriminatory. Mayor Bieri asked if someone submits something that is denied is there a hearing process for an appeal process. Councilwoman Erik said that the channel is considered a PEG channel. This gives the public a right to air certain things. She said the G is for government, which is program that does not warrant editing. The E is for educational programming. The public and educational programming must be edited. She said the ordinance should have come after the policies & procedures. Mayor Bieri said that there has been a push for establishing the commission even though the policies & procedures are not ratified. She said 37 C should not be limited to activities. Councilwoman Erik said that it is in the policies & procedures. She said it is the community bulletin board, which is already active. Councilwoman Dale said the Council has not approved the policies & procedures. The Council has approved airing of governing body meetings & emergencies. If anything else is being aired it should cease. Councilwoman Erik said all other programming is to fill airtime. The community bulletin board is not considered content. Mayor Bieri asked how can anything be aired that has not been approved. She said she thought the commission was going to replace the committee. She said a commission can expend funds. She asked why there is a need for both a commission and a committee. It seems overly cumbersome. Councilwoman Dale agreed but Councilman Signorino said he does not think it is critical either way. Councilwoman Erik said this is a JAG recommendation. The commission can apply for grants. If you have an open-ended commission you cannot have too many members. Mayor Bieri said it would seem less cumbersome to have subcommittees for worker bees. Mayor Bieri said it would appear prudent to review the policies & procedures first and then continue the discussion regarding the commission. Administrator Gabbert agreed saying that the policies & procedures are very important. He said the committee submitted a draft to his office, which he reviewed and returned for changes. It has now been updated and will be sent to the attorney for review. He said it is imperative it be done right.</p>
6.	<p>Ordinance: Fee Proposals – Administrator Gabbert said Council was proactive at the last meeting about summer camp fees. He is proposing an ordinance addressing summer camp fees incorporating the discount for full summer enrollment. The fee proposal is an update of fees throughout the municipality. Council asked for more details when this was last presented. They also asked for additional tiers in the health department. The latest version was on the dais tonight. The health department fees need more</p>

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	<p>perfecting and he asked for Council questions or direction. Councilwoman Erik said she has a problem with the fee changes saying these proposed increases are high percentage increases. Administrator Gabbert said the direction was to have fees represent the costs for services that are geared to select persons who avail of these services. Councilwoman Dale said Council asked to compare fees to neighboring municipalities. She said it would appear that no other municipalities are offering the array of health clinics & vaccines being offered by West Milford. Councilman Signorino said the health department does provide a number of services that other towns do not and Councilwoman Dale said it appears that the Township subsidizes many of these services. We should cover our expenses. Councilwoman Lichtenberg said the request is to lower the cost for the hepatitis D vaccine. Mayor Bieri said Council did receive information about which clinics & programs are mandated. She found it odd that participation was greater at non-mandated programs. Councilman Signorino said he does not want to see an increase to billiards & amusement fees. He would be in favor of lowering that. He would like to give an incentive to having places where kids can go. Councilman Hensley said the cost may be the reason these machines are only offered at bars. Councilwoman Dale said many fees have not been raised for many years. However, we need revenue. She does not want to raise fees to be unreasonable. However, a good example is dog licensing. Councilman Signorino said Council has not gotten information requested. He appreciates the information being provided now. He questioned why we charge \$70 for an amusement license. Councilwoman Erik said the proposed fee to dig a well is being proposed for \$195. The permit being proposed is \$95. We do not engage in any of this work. The percentage increases are high. The proposal to increase re-inspection fees may not cover all our costs. Mayor Bieri said the staff was instructed to base fees on actual costs. The cost of a permit is administrative and inspection. Administrator Gabbert said he will get further information and perfect this document.</p>
7.	Ordinance: Summer Camp Fees – the Council gave consensus to proceed with these fees.

Agenda No. VIII

Public Comments

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

James Foody, 2 Kushaqua Trail North, Hewitt said he has an interoffice memo from October 20, 2009 from Brian Townsend to the Township attorney seeking guidance for proper treatment of roads and field maps. He read from the memo. He started a petition and he will give it to Council at a later date. He is not the only person in his community who is being affected by Lakeside Road Improvement Corporation. He referenced a court case saying roads are accepted after 20 years. He read a definition from the state's database. He gave Ms. Sullivan some additional information from the county office regarding the vacation of Valley Road. The vacated section went to property owners. If the Township were to vacate the roads, that would push Lakeside Road Improvement Corporation out of the picture. The roads could go to the adjoining property owners and the property owners would maintain a permanent private easement. He provided certifications from Lakeside to the courts saying they own the roads in fee simple. They filed a quitclaim deed not a fee simple deed. He hopes the Township does the right thing. The Township plows the roads, sands them, sweeps them, replaces street signs, provides police patrol and garbage collection is provided. That means the Township has accepted the dedication. He hopes Council takes everything into consideration.

Patricia Monarch, 17 Hillview Court, West Milford said that on 1/29 she took her grandchildren to the corner to get the bus. She was parked and there was snow, trees and the garbage truck came off of Otterhole onto that street at a high rate of speed. Had she not been in her car she & her grandchildren would have been killed. She was scared. The truck picked up garbage and the bus came. Children went on bus. When the garbage truck came back up street she indicated that they should slow down but she got no recognition. She was extremely traumatized. She does a 3-point turn there. Had he come at that time, she would be dead. She called the DPW and spoke with a woman. She asked for the number of the truck. She then asked for the color. She told the lady that the Township should know what truck was on that route. The old company came earlier in the morning. Now every Thursday & Friday that big truck will come around that corner. They must be told to modify their behavior at that intersection. She presumes the driver was trying to beat the bus to the corner. She did call back DPW to ask if that information was passed on. She never got a response. She asked Council to follow up.

John Kessler, 15 Dogwood Lane, Hewitt said he agrees with Mr. Foody's comments. His experiences with Lakeside have kept him waiting for over 10 years for drainage & paving. He has received bills for road paving that should have come from the fees he has paid. He has been paying taxes since 1966 and he hopes the town takes over those roads.

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John Pullins, 12 Lozier Court, West Milford said he serves on the PAL Board. He asked that the Council consider the PAL dilemma saying that children need a place to go. PAL serves them well and saves the taxpayers. PAL has made many offers to the Township. They are willing to pay the back due money. They have made many offers but the Township has given them a run around. They have asked for a chance to pay. They have asked to refinance. They do not want to be a burden. He submitted a petition with 600 signatures.

Erin Jacobus, 1273 Macopin Road, West Milford said that as a mother she asks Council to reconsider what is being done to PAL. This is important to the kids in town. Reconsider and give kids a place to go to play their sports.

Rick Mora, 18 Lincoln Avenue, West Milford said taking over PAL is only to benefit the town. PAL has already paid over \$700,000 and wants to pay the rest of the bond. The Township will be responsible for the remainder of the bond if PAL does not pay. Taxpayers should not pay that. If the Township wants to take over PAL programs they should know that they are not entitled to do that. They will have to start from scratch. Buy new equipment and hire staff. Programs are mostly held at weekends and will cost overtime at taxpayer expense. The Township has not maintained Hillcrest for over 15 years. The town is required to maintain that building according to the lease. The building is a mess. If that happens to PAL building it is a shame.

Karen Gable, 1372 Macopin Road, West Milford said her family has been here for 13 years and they utilize programs at PAL. She listed their involvement. They have activity nights & other events in addition to the sports. The PAL has become a second home for her children and the family has lasting relationships with all who are part of PAL. They offer services & programs and teach the children a lot. These programs benefit kids & families. It is a place that encourages development in kids. They become productive members of society. It is her opinion that PAL is sincerely prepared to rectify the situation. She asked Council to continue working toward a mutually satisfactory solution.

Bob Nicholson, 20 Hyde Road, Stockholm commended Councilwoman Dale on questions on the Cable TV commission ordinance. He is confused. He said that the committee is fulfilling the terms of the resolution establishing them through having the community bulletin board. They are getting requests to film certain events. It is hard to film with the limited number of people they have. He wants more volunteers. He agrees with questions. Should the station be broadcasting anything other than Council meetings?

Mike Ellis, 49 Awosting Road, Hewitt agreed with comments about garbage drivers. He is concerned with Council getting into the athletic league business. It seems that it is all related to money. It seems that Council wants to engage in non-profit business. That will have to be staffed which will incur overtime and taxpayer costs. There is an opportunity to receive money with interest to pay the bond. He would like to understand if the motive is really related to Hillcrest and other facilities. He is concerned about Council getting involved in an area where they have no experience.

Gary Steele, North Glenwood Road, West Milford said the TV committee is dangerously close to having the TV station up and running. If there is anything objectionable people should notify the committee and the number is posted. You will always have things you don't like. He cannot stand Channel 11. The West Milford channel is showing student films right now. These are young filmmakers. You cannot have their work finessed but it provides an opportunity to showcase their work. He urged everyone to keep an open mind. JAG is consistent that the content should not be micro managed or controlled. As long as the community standards are met, programming should be allowed. You will not like everything.

Bill Hemstead, 276 Germantown Road, West Milford said it has been a long road. He thinks PAL & town are close to reaching agreement about the PAL facility. In June he came to Council to ask to refinance the bond. They sat with a subcommittee and refinancing was off table. The town asked to share space. That was a surprise but PAL agreed. PAL tried to work with any Township request. PAL had finance plans. They want to pay for the building, share the burden with the town. PAL has to be heard. He met with Administrators Boyle, Gage, Casey & Gabbert. They can pay in 35 years. The town gave a proposal in December. It had a 60-day notice provision to cancel the entire agreement. How can they fund raise if there is a potential not to have a building? They asked for dialogue but were rejected. If he is the problem he will resign. The dream was to build the building and pay for it. The Township is asking PAL to forego 75 years for 60 days. They can put together a proposal that will pay for that building in 35 years. They have said that from day one and will share space with the town. A solution is still possible. PAL is not trying to be difficult. Give them a chance to work with the Township. Tell them what the Township wants and they will work with an affordable long-range plan. They cannot raise money with the Township taking the approach they have taken. They need assurances. They have \$48,000 in the bank and \$10,000 is a lot of money. They need a payment plan. They came with a proposal to restructure but it never got heard.

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WHEREAS, in March 1989, the Governor’s Council on Alcoholism and Drug Abuse was established to coordinate all State Departments’ efforts with regard to the planning and provision of prevention, education, treatment, research and evaluation serviced for, and public awareness of, alcoholism and drug abuse; and

WHEREAS, in addition the legislation created an Alliance to Prevent Alcoholism and Drug Abuse, comprised of all the communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse by providing funds to member municipal communities to support appropriate county and municipal based alcohol and drug abuse education and public awareness activities.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor’s Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2015 alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$22,440.00 from the Governor’s Council on Alcoholism and Drug Abuse, with a cash amount of \$5,610.00 which is assumed by CASA, and an in-kind match of \$16,830.00; and

BE IT FURTHER RESOLVED that the Municipal Alliance Chairperson and Mayor or the Township Administrator be authorized to execute the proposed application.

Adopted: February 4, 2015

Agenda No. X 2

~ Resolution 2015 - 069 ~

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
General Services	203-20-161-450	700.00
TOTAL TRANSFERS OUT		\$700.00

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
LOSAP	203-25-267-200	700.00
TOTAL TRANSFERS IN		\$700.00

WHEREAS, the transfer of \$700.00 into the LOSAP account will cover a member of Company #5, James Lynch, who’s name was omitted from the fire company list to receive the LOSAP payment 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: February 4, 2015

Agenda No. X 3

~ Resolution 2015 - 070 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE CORRECTED LIST OF VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRE DEPARTMENTS AND FIRST AID SQUADS

WHEREAS, the Township adopted Resolution No. 2014-213 which approved the certification list of volunteer members of the Township of West Milford for 2013; and

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WHEREAS, the list was posted for 30 days and there is a correction to this list. James Lynch from Fire Company #5 should be added to the certification list.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, formally approve the above correction to the list of the volunteer members of the Township of West Milford fire departments and first aid squads for the year 2013.

Approved: February 4, 2015

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2015 – 071 ~

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	\$177,803.29
3	Reserve Account	48,274.54
2	Grants	318.32
6	Refunds	0.00
1	General Ledger	5,275,379.08
26	Refuse	104,614.95
4	Capital	1,330.00
19	Animal Control	160.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	665.00
19	COAH	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
Total		\$5,608,545.18
	Less Refund Resolution	0.00
	Actual Bill List	\$5,608,545.18
	Other Payments	
	Payroll	514,364.35
	Treasurer, State of NJ Dog Report	6.60
	Total Expenditures	\$6,122,916.13

Adopted: February 4, 2015

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

Agenda No. XII

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

Councilman Signorino said he provided the administrator with information regarding water testing equipment and Mr. Gabbert will have the health officer review it and provide commentary. He hopes to get everything rolling before spring. The Greenwood Lake commission had an excellent meeting and they are working to better that lake. Relay for Life is having a kick off event tomorrow. He provided details. It is

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a good cause and a great event. Councilwoman Lichtenberg said she and her husband were founding fathers of West Milford Relay for Life. She will broach an idea at their meeting tomorrow that the Township will compete in a fundraising softball event with BOE & administration from both entities. The Council gave consensus. May 30 or 31st for the game.

Councilwoman Lichtenberg said the high school is hosting a play for seniors on 2/24 – Music Man. The international club will have food and the snow date is 2/25. She gave a thumbs up to a senior at West Milford high school who has been accepted to West Point, Haley Steele.

Administrator Gabbert said that the snow plowing contracts are up to \$280,000 with another storm forecast for this Sunday. He now only calls contractors out when there is 4-plus inches. He will provide Council with a breakdown of snowstorms and efforts from various entities. He will try to provide a complete picture. Councilwoman Erik said roads are not being open to the fullest because we cannot see white lines. In Ringwood they pushed back the snow. Councilman Signorino agreed we had that problem last year too. He asked the administrator to check that plows are actually plowing when they are on the road. He sees trucks driving around with blades up. Councilwoman Dale said she hears complaints that the contractors are working for more hours. She assumes that there is an estimated time to clear the roads. Mr. Gabbert said it varies by each location and other components. Two supervisors track contractors and they produce detailed reports. They can submit any claim but are paid based on the Township's determination. We adjust their invoices. Mayor Bieri said Administrator Gabbert is addressing many issues that arose in 2012. She said that we have policies & procedures and oversight. Councilwoman Dale said issues have been identified and she assumes they are being addressed. She asked for confirmation. Mr. Gabbert said the 2012 memo is the only clear direction he could find. He said the memo was not followed in 2013 & 2014 but it is being implemented now. He is seeking to accomplish reasonableness. There are two supervisors monitoring the contractors during all storms. He explained what the supervisors do. Councilman Signorino said two people is not enough. He asked if more can be assigned and Mr. Gabbert said we simply don't have enough bodies. If someone is assigned to supervising it is someone who is not assigned to something else. Mayor Bieri said that when routes are assigned we should have a reasonable estimate as to how long it takes for each route. Discussion ensued about various callouts. Mr. Gabbert said he provided a breakdown of fire inspection fees and the Township indicating that between 35 and 40% goes to the State.

Dawn Sullivan said Council asked the attorney to look at Lakeside Development Corporation. They spent a great deal of time & effort to research this issue fully. The Township has not taken affirmative action to assume ownership of the roads. At this time Council can opt to leave this as is and it is a private matter. There has been litigation wherein the courts have upheld the corporation's right to charge. For 30 years the LIRC has been charged & paying taxes for ownership of roads and they were deeded the roads. The legal opinion is this is a private matter between citizens and LIRC. This body, the Township Council, has no jurisdiction over documents submitted to court. That should have been brought to the court's attention. The Township has not accepted the dedication of these roads. Councilwoman Dale said that there was a stipulation of acceptance with Mr. Foody. He has come before this Governing Body asking that they step in despite the fact that he has acknowledged with the court that he has accepted the stipulation. Everything in this research seems contradictory to what Mr. Foody has said at repeated meetings. Councilman Signorino said that prior council's have not taken action in the past. The attorney says it lies with Council. The Council can either do nothing or do something. He wants to know the pros and cons to both residents & the Township. If vacated what are the pros & cons. He wants to look into this. He has a general concern that the residents are not being treated properly. He wants to know the consequences of each option. Councilman Hensley said his interpretation from the attorney is that they are advising to keep the status quo. There should be a justification for that too. Ms. Sullivan said the attorney is advising that there are 3 options, accept, vacate or retain the status quo. They have not made any legal recommendation, they just researched the status of the roads. There are many factors to be considered in addition to the legal issues. Councilman Signorino wants to know those answers. Ms. Sullivan said her office would have to work with engineering and the tax assessors office to glean that information. Councilman Signorino said he wants it to be specific and detailed for that particular neighborhood. He would like to know if there are issues about setting a precedence. Mayor Bieri said LIRC was established to take care of these roads and Mr. Foody is asking the Township to take property away from them. They are paying taxes on those roads. She asked if we have the right to take property away from that private company. Councilman Signorino said the attorney is saying we can take it. Mayor Bieri urged caution saying that the Township must understand the consequences of that action. There are deeds to those roads. Councilman Signorino said roads are accepted and dedicated all the time. It is not something that is not done.

James Foody, 2 Kashuqua Trail, West Milford said the judge said he can appeal the stipulation of settlement if there is fraud involved. He said he believes there is fraud. He said it is a fee simple claim. They have a quit claim deed. The blocks & lots were started in 1986 and he quoted the tax assessor. If Lakeside had any interest in maintaining this property they have been paying taxes on vacated roads. They have no legal interest in this property. What they have is not a deed. It is a quit claim deed. It assigns interest if any. Councilwoman Dale asked why he signed the stipulation. Mr. Foody said he did

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not have it reviewed by an attorney and that was a mistake. He said the Council must ask the attorney if that is a deed showing clear ownership. If it was the Township could not accept that dedication. Mayor Bieri said it hasn't been accepted or vacated. Mr. Foody said it is over 20 years so they are now public roads. That is the question that the attorney must answer. That deed does not prove ownership. Councilwoman Dale asked if that is the responsibility of the residents who are paying. Mr. Foody said that many people pay and an attorney told him to just pay, it is cheaper. But why should he pay something to someone who has no right taking it. And the corporation is not treating people equally. Mayor Bieri said that Township provides the services enumerated by Mr. Foody to all roads throughout the town, private or public. So that is not an issue that proves or disproves ownership. Mr. Foody asked that the attorney answer if that deed proves absolute ownership.

Agenda No. XIII

Appointments and Resignations

Agenda No. XIII 1

~ Resolution 2015 – 072~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Name	Position	Date Tendered
Mary Kochka	Heritage Committee Citizen Member Term expires 12/31/15	January 15, 2015
Robert Kochka	Heritage Committee Citizen Member Term expires 12/31/15	January 15, 2015

Adopted: February 4, 2015

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

The Governing Body accepted these resignations with regret.

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:34 p.m.

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

Approved: April 22, 2015

MAYOR BETTINA BIERI. PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK