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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 15, 2017  
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 Regular meeting was advertised in the Herald News in its issue of December 25, 2016 and January 1, 2017; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits - located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

**Pledge of Allegiance**

Mayor Bieri led all in attendance in a salute to the flag.

Agenda No. II

**Roll Call**

Present: Councilmembers Ada Erik, Mike Hensley (arrived late 6:36 pm), Tim Wagner, Peter McGuinness, Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

February 1, 2017 Executive Session

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Lichtenberg  
Voted Nay:  
Abstain: Signorino  
Motion carried.

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Councilman Signorino asked that the minutes be kept current. Township Administrator/Clerk Battaglia stated the Clerks Office is down one employee and there is an additional workload. A discussion ensued regarding the expected timeliness of the minutes.

Agenda No. IV

**Meetings**

Mayor Bieri noted the future meeting schedule:

February 22, 2017 Special Meeting  
March 1, 2017 Workshop Meeting  
March 8, 2017 Special Meeting  
March 15, 2017 Regular Meeting  
March 22, 2017 Special Meeting

Mayor Bieri announced that the Township is seeking nominations for The Volunteer of the Year Award for 2016. Residents can nominate any individual who is a West Milford resident and who is worthy of the award. The Township Council will then select the recipient from those who were nominated. In addition, there is a committee of former Mayors that will be selecting the Lifetime Volunteer Award recipient. Nomination forms are available in Town Hall, the Library and the Recreation Center. The deadline for nominations is Wednesday, March 8<sup>th</sup> at 4:30pm.

Agenda No. VI

**Presentations**

➤ Proposed 2017 ANJEC Grant, Member of Environmental Commission – Don Weise 81 Pinecliff Lake Drive, West Milford, NJ addressed the Council as a member of the Environmental Commission and a member of the NY-NJ Trail Conference. The Environmental Commission respectfully requests Council



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The Governing Body returned to the public meeting at 8:15 pm with all members present as before.

Agenda No. VII

**Proclamation**

➤ Youth Art Month – Art Educators of NJ - Mayor Bieri stated this proclamation is from Passaic County and if anyone is interested it's posted on the Township Meeting Agenda website.

Agenda No. VIII

**Unfinished Business, Final Passage Of Ordinances**

Agenda No. VIII 1

~ Ordinance 2017 – 001 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND CORRECTING CHAPTER 226, "NOISE", OF THE REVISED GENERAL ORDINANCES**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

**WHEREAS**, the originally submitted ordinance lacks or alters definitions in the areas of Emergency Work and Real Property Line; there are section citation errors to N.J.A.C. 7:29 in the text, and Table IV is missing, the following amendments are hereby made:

**§226-1. Definitions.**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

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"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

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**§226-2. Applicability.**

- (A) This noise ordinance applies to sound from the following property categories:
1. Industrial facilities;
  2. Commercial facilities;
  3. Public service facilities;
  4. Community service facilities;
  5. Residential properties;
  6. Multi-use properties;
  7. Public and private right-of-ways;
  8. Public spaces; and
  9. Multi-dwelling unit buildings.
- (B) This noise ordinance applies to sound received at the following property categories:
1. Commercial facilities;
  2. Public service facilities;
  3. Community service facilities (i.e. non-profits and/or religious facilities)
  4. Residential properties;
  5. Multi-use properties;
  6. Multi-dwelling unit buildings.
- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

**§226-3. Declaration of findings and Policy.**

**WHEREAS** excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, **WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and, **WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound,

**NOW THEREFORE**, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Township of West Milford.

**§226-4. Noise control officers.**

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- (D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and to the definition of "real property line" as contained herein.
- (E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b) 2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

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**§226-6. Restricted uses and activities.**

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
  - (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
  - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.
- H. Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.
  - 1) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this

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provision if it is operated stationary or in motion in any public space or public right-of-way.

- 2) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- 3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- 4) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

**§226-7 Enforcement; violations and penalties.**

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
  1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
  2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

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- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
  - 1. Mitigating or any other extenuating circumstances;
  - 2. The timely implementation by the violator of measures which lead to compliance;
  - 3. The conduct of the violator; and
  - 4. The compliance history of the violator.
- (J) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (K) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (L) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

Introduced: February 1, 2017

This Ordinance was introduced February 1, 2017 and the Notice of Public Hearing was published in the Herald News on February 5, 2017. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Discussion: Councilman McGuinness asked what transpired the change to this Ordinance. Mayor Bieri stated to conform to the State standards. Administrator Battaglia explained that this Ordinance has been submitted to the State and has been sent back to change it to the State model. The State has made changes since this update and this Ordinance is the State model. Administrator Battaglia explained that to red line the Town code and compare it to the downloaded State model would have been quite unmanageable. Discussion ensued over the current noise Ordinance, the noise table and its limitations and the State model.

Motion to table Ordinance 2017-001.

After the discussion Councilman McGuinness made a motion, seconded by Councilman Signorino to table the ordinance to the March 1<sup>st</sup> Workshop Meeting

Unanimous Voice Vote.

Agenda No. VIII 2

~ Ordinance 2017 - 002 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING PAUL STREET, WALNUT STREET AND PORTIONS OF JEFFERSON STREET AND HARRISON STREET AS TOWNSHIP ROADS**

**WHEREAS**, there exists certain dirt/gravel roadways namely Paul Street, Walnut Street and portions of Jefferson Street and Harrison Street wholly contained within the boundaries of the Township of West Milford; and

**WHEREAS**, there is a dedication to the Township of West Milford by virtue of maps no. 1416 and no. 1417 filed with the Passaic County Register on January 25, 1954; and

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**WHEREAS**, the Township of West Milford does hereby determine to accept and improve Paul Street, Walnut Street and portions of Jefferson Street and Harrison Street for Township use as set forth herein for the benefit of the Township of West Milford and the public in general; and

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

1. The Township of West Milford formally accepts the entire 50' wide right-of-way of Paul Street, lying east of and intersecting Harrison Street for a distance of 490 feet more or less, for use as a Township road.
2. The Township of West Milford formally accepts the entire 50' wide right-of-way of Walnut Street, lying between Paradise Road and Jefferson Street for a distance of 580 feet more or less, for use as a Township road.
3. The Township of West Milford formally accepts a portion of the 50' wide right-of-way of Jefferson Street, lying between Grove Street and New Jersey State Highway Route 23 for a distance of 520 feet more or less, for use as a Township road.
4. The Township of West Milford formally accepts a portion of the 50' wide right-of-way of Harrison Street, lying between Grove Street and Paul Street for a distance of 260 feet more or less, for use as a Township road.
5. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
7. This Ordinance shall take effect after publication and passage according to law.

Introduced: February 1, 2017  
Adopted: February 15, 2017  
Effective: March 7, 2017

This Ordinance was introduced February 1, 2017 and the Notice of Public Hearing was published in the Herald News on February 5, 2017. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman McGuinness and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2017-002.

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Moved: Erik Seconded: McGuinness  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
Voted Nay:  
Motion carried.  
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Agenda No. VIII 3

~ Ordinance 2017 - 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY FOR THE CLOSING OF A PORTION OF BURNT MEADOW ROAD (TOWNSHIP OWNED ROAD)**

**WHEREAS**, the Director of Public Works has requested relief from the maintenance of the dirt/gravel portion of Burnt Meadow Road between the last residential property and the Ringwood Borough line; and

**WHEREAS**, the year-round maintenance of the subject section of road has been continuously provided without a definitive daily purpose; and

**WHEREAS**, pursuant to N.J.S.A. 40:67-16.9, the governing body of any municipality may, by ordinance, close any street or portion thereof for preservation of the public safety, health or welfare; and

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

1. The Township Council hereby authorizes the closing of a portion of Burnt Meadow Road, in the Township of West Milford, County of Passaic and State of New Jersey, more particularly

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described as follows:

**Beginning at a point on Burnt Meadow Road at the southerly property line of Lot 58, Block 4701 and running south and southeast approximately 1,660 feet to terminate at the point where Burnt Meadow Road intersects the Ringwood Borough line.**

- 2. The Township Administrator is hereby authorized to direct the installation of proper warning signs.
- 3. This ordinance shall take effect after publication and passage according to law.
- 4. A certified copy of this ordinance shall be available in the office of the Township Clerk.

Introduced: February 1, 2017  
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Effective: March 7, 2017

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There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2017-003.

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Moved: Lichtenberg Seconded: Signorino  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Singornio, Lichtenberg  
Voted Nay:  
Motion carried.  
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Agenda No. VIII 4

**~ Ordinance 2017 – 004 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES,” OF THE REVISED GENERAL ORDINANCES AMENDED**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

**§ 135-2 Department of Community Services & Recreation**

The Department of Community Services & Recreation is authorized to charge the following fees:

- A. Bubbling Springs membership and badge:
  - (1) Family: consists of parent(s) and all children up to and including full-time students living at home: \$250.00 plus 2 guest badges for Early Bird Fee - Regular Fee after (6/26) - \$275.00. Non-resident family sponsored by resident family: Early Bird Fee \$300.00 (Number will be limited). Regular Fee (after 6/26) - \$325.00
  - (2) Parent /Child is one adult and one child under the age of 18 living in the same residence – Early Bird Fee \$200.00 – Regular Fee (after 6/26) \$225.00
  - (3) Individual (Age 13-61) Early Bird Fee: \$125.00 Regular Fee after (6/26/) \$150.00
  - (4) Senior Citizen: Individual (Age 62+): Early Bird Fee \$20.00 Regular Fee (after 6/26) \$25.00
  - (5) Senior Citizen Couple (Age 62+) – Early Bird Fee \$35.00 – Regular Fee (after 6/26) - \$40.00
  - (6) Late fee: Additional fee added to membership fee after the June deadline of each year - \$20.00
- B. Bubbling Spring Park guest membership (per person/per day):
  - (1) A person under two years of age: No charge
  - (2) A person from two years to seventeen years of age: \$ 5.00
  - (3) A person from eighteen to 61 years of age: \$10.00
  - (4) Seniors (Ages 62+) \$ 3.00
- D. Day Camp: children kindergarten through sixth grade.
  - (1) Fees:

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

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	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD				
Through April 3, 2017:	\$ 990.00	\$145.00	\$30.00/week	\$30.00/week
REGULAR PRICE				
April 4 to June 5, 2017	\$1,110.00	\$155.00	\$30.00/week	\$30.00/week
LATE FEE				
After June 5, 2017	\$1,330.00	\$175.00	\$35.00/week	\$35.00/week
CAMP HOURS: 9:00 AM – 4:00 PM				
BEFORE CARE: 7:00 AM – 9:00 AM				
AFTER CARE: 4:00 PM – 6:00 PM				

E. Teen Camp: children entering seventh and eighth grade.

(1) Fees:

	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD				
Through April 3, 2017:	\$ 990.00	\$145.00	\$30.00/week	\$30.00/week
REGULAR PRICE				
April 4 to June 5, 2017	\$1,110.00	\$155.00	\$30.00/week	\$30.00/week
LATE FEE				
After June 5, 2017	\$1,330.00	\$175.00	\$35.00/week	\$35.00/week
CAMP HOURS: 9:00 AM – 4:00 PM				
BEFORE CARE: 7:00 AM – 9:00 AM				
AFTER CARE: - 4:00 PM – 6:00 PM				

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

Introduced: February 1, 2017  
 Adopted: February 15, 2017  
 Effective: March 7, 2017

This Ordinance was introduced February 1, 2017 and the Notice of Public Hearing was published in the Herald News on February 5, 2017. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2017-004.

-----  
 Moved: Erik Seconded: Signorino  
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
 Voted Nay:  
 Motion carried.  
 -----

Councilman Signorino mentioned that this Ordinance is about Bubbling Springs and that it's a wonderful facility with great staff members so residents should look into obtaining a membership at the facility.

Agenda No. VIII 5

~ Ordinance 2017 - 005 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND SECTION §174-10, "ANNUAL TOWN-WIDE GARAGE SALE" OF THE TOWNSHIP CODE**

**BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1.** Chapter 174, "Garage Sales", be and is hereby amended to read as follows:

**§174-10. Annual Town-Wide Garage Sale**

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Each year on the third Friday, Saturday and Sunday of September there shall be a "Town-Wide" Garage Sale. For the three days of the town-wide garage sale the permit, fee and sign requirements contained in this chapter shall be waived. During such sales all non-property owners must obtain approval from the property owner to participate in the town-wide garage sale. All other provisions of the chapter shall prevail during the town-wide garage sale.

**SECTION 2.** 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 3.** This Ordinance may be renumbered for purposes of codification.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: February 1, 2017  
Adopted: February 15, 2017  
Effective: March 7, 2017

This Ordinance was introduced February 1, 2017 and the Notice of Public Hearing was published in the Herald News on February 5, 2017. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2017-005.

-----  
Moved: Erik Seconded: Signorino  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
Voted Nay:  
Motion carried.  
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Agenda No. IX

**Public Comments**

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

Bob Nicholson, Stockholm NJ - addressed the Council about the Noise Ordinance. He stated he is a musician and approximately two years ago while playing out in his backyard, the police arrived stating there was a noise complaint. Bob asked police if they had a sound meter and asked where he was violating the Ordinance. Bob further explained that most cell phones have sound level meters. He explained that right now he was talking at a level of 7269 dB and technically he would be in violation of the Ordinance.

There being no one else wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Unanimous Voice Vote.

Mayor Bieri mentioned that noise is also measured by the meter, specific distance and time. It's protecting people's rights, for example, when heavy construction can start.

Agenda No. X

**Council Comments**

None

Agenda No. XI

**New Business, Introduction Of Ordinances, Resolutions**

Mayor Bieri asked to move all Resolutions 2017-076 through 2017-092 minus Resolution 2017-079 that was not used on the agenda.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
Voted Nay:

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

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Motion carried.

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Discussion – Resolution 2017-077. Councilman McGuinness asked what material was being purchased and for what purpose. Administrator Battaglia stated that the purpose was through the co-op and it's to prepare for the general road repair like potholes or road construction. When material is needed for a particular project that material can be purchased.

Discussion – Resolution 2017-080. Councilman McGuinness directed the questions to Mr. Pino Ricardo, Library Director Township of West Milford and Joan Oberer President Library Board of Trustees 350 Germantown Road who were present at the meeting. A discussion ensued regarding the drilling charges.

Discussion – Resolution 2017-081. Councilman McGuinness's question was discussed and answered.

Discussion – Resolution 2017-088. Council McGuinness's question was explained by Administrator Battaglia that this resolution was to correct the misallocated of funds from an account.

Agenda No. XI 1

**~ Resolution 2017 - 076 ~**

**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 SCOTT HOLZHAUER, CTA, SCGREA, TO ASSIST THE TOWNSHIP OF WEST MILFORD WITH TAX APPEALS FILED IN THE TAX COURT OF NEW JERSEY**

**WHEREAS**, the West Milford Tax Assessor has recommended that the Township of West Milford retain professional real estate appraisal and consulting services to assist the Township of West Milford with outstanding tax appeal matters in the Tax Court of New Jersey; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-20-150-450.

**WHEREAS**, Scott Holzhauser, CTA, SCGREA has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Scott Holzhauser from making any reportable contributions through the term of the contract; and

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

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Scott Holzhauser, CTA, SCGREA for professional services to assist the Township with Tax appeals filed in the Tax Court of New Jersey in an amount not to exceed \$12,500.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be through December 31, 2017.
4. The total fee authorized for this contract shall not exceed \$12,500.00 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: February 15, 2017

Agenda No. XI 2

**~ Resolution 2017 - 077 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF PAVING MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT NO. 5, FOR PAVING MATERIALS, TO TILCON NEW YORK, INC. IN AN AMOUNT NOT TO EXCEED \$50,000.00**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MCCOOP); and

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**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #5 Paving Materials, for the 2017 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township of West Milford anticipates a need for Paving Materials in 2017; and

**WHEREAS**, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford to purchase paving materials through the Morris County Cooperative Purchasing Council, Contract No. 5, Paving Materials in an amount not to exceed \$50,000.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-361.

**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 authorizes the Director of Public Works to purchase Paving Materials, in an amount not to exceed \$50,000.00, through the Morris County Cooperative Purchasing Council, contract #5, Paving Materials awarded to Tilcon New York, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 15, 2017

Agenda No. XI 3

~ Resolution 2017 - 078 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF CRUSHED STONE, GRAVEL AND SAND THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT NO. 9, TO EASTERN CONCRETE MATERIALS IN AN AMOUNT NOT TO EXCEED \$40,000**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MCCOOP); and

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #9 Crushed Stone, Gravel and Sand, for the 2017 year to Eastern Concrete Materials and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township of West Milford anticipates a need for stone to complete various drainage and road repairs/maintenance; and

**WHEREAS**, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford to purchase stone through the Morris County Cooperative Purchasing Council, Contract No. 9, Crushed Stone, Gravel and Sand in an amount not to exceed \$40,000.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-360.

**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:

The Township Council hereby authorizes the Director of Public Works to purchase Stone, in an amount not to exceed \$40,000, through the Morris County Cooperative Purchasing Council, contract #9, Crushed Stone, Gravel and Sand awarded to Eastern Concrete Materials

1. The Township's Chief Financial Officer has certified the availability of funds for same.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 15, 2017

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

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Agenda No. XI 4

~ Resolution No. 2017 - 079 ~

**NUMBER NOT USED**

Agenda No. XI 5

~ Resolution 2017 – 080 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PROGRESS PAYMENT OF \$30,655 TO BSE MECHANICAL FOR WELL DRILLING ATTEMPTS FOR THE NEW WEST MILFORD TOWNSHIP LIBRARY CONSTRUCTION PROJECT**

**WHEREAS** the Board of Trustees of the West Milford Township Library and the Governing Body of the Township of West Milford have entered into a partnership to build a new \$4,845,000 library facility; and

**WHEREAS** the new facility's water supply needs were to be met by an existing well on the property; and

**WHEREAS** in the course of construction it was determined that the existing well would not meet the long-term needs of the facility due to inadequate supply, age, and water quality; and

**WHEREAS** the Joint Subcommittee comprised of Library Trustees and Council members, in consultation with the Library Director, well professionals, and the project Architect, Engineer, General Contractor, and Clerk of the Works, determined that the facility's immediate consumption needs and the long-term interests of the Township would best be served by drilling a new well for the building while construction was in progress; and

**WHEREAS** all necessary state and local permits and permit modifications required for drilling a new well for the facility were properly secured; and

**WHEREAS** the Library Director secured four estimates for the drilling of a new well and the installation of a pump for the well, with estimates based on costs per foot drilled and installed casing; and

**WHEREAS** BSE Mechanical and J. Olinger Drilling merged their estimates, with BSE providing the pump and project management, and J. Olinger drilling the well as a subcontractor; and

**WHEREAS** Ferreiro Engineering identified three general locations for drilling a new well that satisfied all local and state regulations; and

**WHEREAS** consensus was reached by project stakeholders in consultation with project professionals as to which of the three locations would be drilled; and

**WHEREAS** the first drilling attempt was terminated at 203 feet due to the casing and drive shoe bending and prohibiting further progress; and

**WHEREAS** a second drilling attempt commenced after all regulatory and re-permitting requirements were met; and

**WHEREAS** the second drilling attempt encountered ground conditions classified as disintegrating granite, characterized as weathered, porous stone that could not support fractures, and decomposed into a mixture of mud and clay not conducive to anchoring well casing or yielding water; and

**WHEREAS** the Joint Subcommittee, upon receiving a full summary and analysis of drilling conditions from project professionals, including the Township Hydrogeologist, agreed to halt further drilling at the chosen location at 420 feet; and

**WHEREAS** no materials or labor cost was incurred for the first drilling attempt due to equipment malfunction; and

**WHEREAS** costs for the second drilling attempt were incurred as per defined costs per foot; and

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

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**WHEREAS** additional costs were incurred to properly abandon both well attempts as required by state regulations, remediation of the drilling areas from the mud, silica, and clay generated by the disintegrating granite, and re-permitting costs; and

**WHEREAS** the Chief Financial Officer has certified to the availability of funds for these costs, said funds to be paid from the remaining balance of the grant appropriation previously approved for this project in account number 04-215-55-824-001,

**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 Administrator is hereby authorized to make a progress payment of \$30,655 to BSE Mechanical for the two unsuccessful well drilling attempts.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: February 15, 2017

Agenda No. XI 6

~ Resolution 2017 - 081 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF PURCHASE OF EQUIPMENT AND CHANGEOVERS FOR TWO (2) 2017 POLICE INTERCEPTOR UTILITY VEHICLES AND ONE (1) 2017 TAHOE BY STATE CONTRACTS #83927, #83917 AND #81334 TO ATLANTIC COMMUNICATIONS**

**WHEREAS**, the Township wishes to equip and changeover equipment for (2) 2017 Police Interceptor Utility vehicles and (1) 2017 Tahoe; and

**WHEREAS**, the Township Chief of Police has provided a recommendation to award this contract through the State Contract #83927, #83917 and #81334 to Atlantic Communications; and

**WHEREAS**, the total amount of the purchase order shall not exceed \$17,000; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-25-240-900.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the Chief of Police to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ to equip and changeover equipment in two (2) 2017 Police Interceptor Utility vehicles and one (1) 2017 Tahoe, in an amount not to exceed \$17,000, through State Contract #83927, #83917 and #81334 and to execute a purchase order for same.

Adopted: February 15, 2017

Agenda No. XI 7

~ Resolution 2017 - 082 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2017 BUDGET N.J.S.A. 40A:4-20 (ROID GRANT)**

**WHEREAS**, an emergent condition has arisen with respect to a Recreational Opportunities for Individuals Disabilities (ROID) grant funds that was applied for and received but not recognized in the 2016 budget; and

**WHEREAS**, no adequate provisions was made in the 2016 budget for the aforesaid purpose; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned above; and

**WHEREAS**, the receivable amount of \$20,000.00 and appropriation of \$20,000.00 with a \$4,000.00 local match should be added to the 2017 temporary budget; and

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**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey, by not less than two-thirds of all the members therefore affirmatively concurring that in accordance with N.J.S.A. 40A:4-20 the following:

1. The Township Council hereby authorizes the amendment of the 2017 temporary budget with an addition of an emergency temporary appropriation in the amount of \$20,000.00 with a local match of \$4,000.00.
2. The Township's 2017 adopted budget shall include this appropriation.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Director of Local Government Services.

Adopted: February 15, 2017

Agenda No. XI 8

~ Resolution 2017 – 083 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2017 BUDGET PER N.J.S.A.. 40A:4-20**

**WHEREAS**, In addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

**WHEREAS**, the County of Passaic, Department of Economic Development has awarded a CDBG grant for an automatic door opening system at the West Milford Recreation Center in the amount of \$6,000.00 and,

**WHEREAS**, the receivable amount of \$6,000.00 and appropriation of \$6,000.00 to be added to the 2017 temporary budget and,

**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 authorizes the amendment of the 2017 temporary budget with an addition of an emergency temporary appropriation in the amount of \$6,000.00 by a 2/3 vote of the Governing Body.
2. The Township's 2017 adopted budget shall include this appropriation.

Adopted: February 15, 2017

Agenda No. XI 9

~ Resolution 2017 – 084 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN CUSTODIAN OF PETTY CASH FUND**

**WHEREAS**, Dorothy Wink was custodian of the Police Department Petty Cash Fund, and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Council of the Township of West Milford is changing custodians to Nichole Hanrahan: and

**WHEREAS**, Nichole Hanrahan is bonded in the amount of \$50,000.00 by virtue of a surety bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of West Milford, County of Passaic hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: February 15, 2017

Agenda No. XI 10

~ Resolution 2017 - 085 ~

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

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE- BLOCK 12211, LOT 8**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of John J. Koch to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block/ lot	Amount Due
16-0079	10-11-16	12211-8	\$6,982.45

**WHEREAS**, John J. Koch has paid to the Collector of Taxes the sum of \$6,982.45 representing the amount due on said Certificates, together with subsequent liens thereon;

**BE IT RESOLVED** that March 15, 2017, at 6:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offers of John J. Koch and

**BE IT FURTHER RESOLVED**, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-112 and 5-113, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Introduced: February 15, 2017

Agenda No. XI 11

~ Resolution 2016 – 086 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAXES**

**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:** CANCEL TAX

BLOCK/LOT	NAME	AMOUNT	YEAR
10001-14	Braemar at West Milford LLC	\$3,916.00	2017 1 <sup>st</sup> half
10001-20	Braemar at West Milford, LLC	\$2,842.00	2017 1 <sup>st</sup> half
12203-13	Diana Daniel & David Liverance	\$ 974.00	2017 1 <sup>st</sup> half
12311-8	NJ Housing & Mortgage Finance	\$2,360.00	2017 1 <sup>st</sup> half
<b>TOTAL</b>		<b>\$10,092.00</b>	

Adopted: February 15, 2017

Agenda No. XI 12

~ Resolution 2017 – 087 ~

**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:

**REASON:** Correction of Error to Outside Lien

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Block/Lot	Name	Amount	Year
7801-9.01	True North Title Service LLC 322 Route 46 West Parsippany, NJ 07054	\$16,618.81	2016
<b>TOTAL</b>		<b>\$16,618.81</b>	

Adopted: February 15, 2017

Agenda No. XI 13

~ Resolution 2017 – 088 ~

**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:

**REASON:** Misallocated Payment

Block/Lot	Name	Amount	Year
14701-50	West Milford Fire Bureau 1480 Union Valley Road West Milford, NJ 07480	\$100.00	2016
<b>TOTAL</b>		<b>\$100.00</b>	

Adopted: February 15, 2017

Agenda No. XI 14

~ Resolution 2017 – 089 ~

**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 Lien Holder
12-0072	03/27/2012	06604-023	\$ 4,202.02	WYCKOFF COURT HOLDINGS LLC 184 SOUTH LIVINGSTON AVE. STE 9-152 LIVINGSTON, NJ 07039
13-0055	03/19/2013	06714-005	\$ 59,902.68	MTAG SERVICES CUST FOR ATCFII NJLLC PO BOX 54292 NEW ORLEANS, LA 70154-4292
14-0082	10/14/2014	15803-008	\$ 48,407.61	PC5 LLC USB CUST FOR PC5 STER. NAT. 50 SOUTH 16TH STREET, SUITE 2050 PHILADELPHIA, PA 19102
16-0041	10/11/2016	04012-001	\$ 48,413.46	CHRISTINA TRUST AS CUSTODIAN FOR GSRAN-Z, LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
<b>Grand Total:</b>			<b>\$160,925.77</b>	

Adopted: February 15, 2017

Agenda No. XI 15

~ Resolution 2017 – 090 ~

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

Minutes of: Governing Body Regular Meeting  
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES**

**BE IT RESOLVED** that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

Rec Indoor Soccer		
Brendan	\$65.00	Kim Opat 26 Land of Oaks Drive Oak Ridge, NJ 07438

Adopted: February 15, 2017

Agenda No. XI 16

~ Resolution 2017 – 091 ~

**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
12311-7	Alexandr Domansky	\$ 404.03	2017
15701-27	Vincent & Kathrine Vigorita	\$2,032.00	2017
<b>TOTAL</b>		<b>\$2,436.03</b>	

Adopted: February 15, 2017

Agenda No. XI 17

~ Resolution 2017 – 092 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RAFFLE APPLICATION FEES**

**BE IT RESOLVED** that the following Off Premise Raffle application fee upon the report of the Township Clerk be refunded:

2017 Raffle License Application		
Licensee	Application Fee	Payee
West Milford National Little League 1810 Macopin Road West Milford, NJ 07480	Off Premise License #2017-01 \$80.00	Steven V. Mazzarella 115 Mountain Circle South West Milford, NJ 07480

Adopted: February 15, 2017

Agenda No. XI

**Consent Agenda**

None

Agenda No. XIII

**Approval of Expenditures**

~ Resolution No. 2017 - 093 ~

**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.

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

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**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	598,650.76
3	Reserve Account	80,023.86
2	Grants	91,875.00
6	Refunds	177,789.58
1	General Ledger	0.00
26	Refuse	0.00
4	Capital	93,413.52
19	Animal Control	0.00
19	Heritage Trust	275.00
19	Open Space Trust	0.00
19	Trust	63,628.10
19	COAH	0.00
16	Development Escrow	2,415.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	1,469.25
Total		\$1,109,540.07
	\$Less Refund Resolution	-177,789.58
	<b>Actual Bills List</b>	<b>\$931,750.49</b>
	Other Payments	
	C. Shanahan Petty Cash	250.00
	P/R	520,878.74
	BOE	4,505,630.00
	<b>Total Expenditures</b>	<b>\$5,958,509.23</b>

Adopted: February 15, 2017

Moved: Erik Seconded: Lichtenberg  
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg  
 Voted Nay:  
 Motion carried.

Discussion: Councilman McGuinness asked for an explanation of the bill list that the Council receives. Ms. Battaglia said she would find out the specific reports generated by the MSI system and she retrieved detailed reports from her office.

Motion to Table  
 Councilman McGuinness made a motion to table the resolution to later in the meeting seconded by Councilman Wagner.  
 Unanimous Voice Vote.

Agenda No. XIV

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

Councilman Wagner – gave an update on the Fireworks Committee. He said they were looking for sponsors for The Annual 4<sup>th</sup> of July Fireworks Celebration. This year the celebration will take place on July 1<sup>st</sup> and the rain date will be July 6<sup>th</sup>. To date they collected \$8,600 in sponsorships. A donation from Lakeland Bank is pending. He would like to publicly thank ShopRite of West Milford for their \$5,000 Platinum Sponsorship, Columbia Bank for their \$2,000 Gold Sponsorship and The Vozza Group for their \$1,000 Silver Sponsorship. The Recreation Advisory Committee season just ended. 300 kids played in recreational basketball, and 130 more in travel. Indoor Soccer Season begins this weekend and 206 have registered. Spring soccer registration is now open, and the Township Recreation Department is hosting Spring Break Camp in April for kids grades K-6.

Councilman McGuinness – said the Beautification Recycling Committee met. They meet every 2<sup>nd</sup> Tuesday of the month at 5:30 in Town Hall. Beautification Day is April 22<sup>nd</sup>. Registration will start on March 20<sup>th</sup> for sign-ups. Registration will be held at the DPW Building off of Lycosky Drive at the recycling office. Volunteers can pick up shirts, sponsor giveaways, bags and gloves. There will be a picnic that day



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

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Administrator Battaglia – stated there is a request from WM77, The Commissioners did a test and they had a lot of requests from people for copies of the meetings and other events that they tape and broadcast in town. They did a test at no cost in December to see if they could post these events on YouTube. They did it quite successfully. They are asking for consensus from the Council to continue with it and have it incorporated as their obligation as part of WM77 at no cost. The council gave consensus for WM77 to continue posting the tapings on YouTube.

Councilwoman Erik stated she received an email from Town Nurse Paula Edelstein. The email stated that Atlantic Healthcare was going to do an Anti-bullying on March 13<sup>th</sup>, but the speaker cancelled and it will be rescheduled.

Administrator Battaglia - answered Councilman Wagner’s question regarding the resolution that has gone onto the cloud from municipalities regarding the cost that counties are experiencing with changes to the courts and services to inmates and people who are arrested. There are a couple of resolutions that were put on the cloud regarding the costs that counties have been absorbing under new regulations that have come out from the state regarding criminal justice. These resolutions are coming from municipalities to support an appeal to the council. It mandates that this be addressed because it’s not funded. The mandate is being passed along to counties. It is increasing costs to the counties. If someone was arrested and brought to jail, they must have action taken to go before a judge within 24-48 hours. The county has to meet that need by increasing their services. Administrator Battaglia will schedule this for a Workshop discussion per the Governing Body.

Fred Semrau – stated that the Township, like any other town in the state, is involved in court actions seeking affordable housing certification. He said he updated the Governing Body in Executive Session hoping that it would be brought to conclusion over the next few months, and obtain that certification from the court before Judge Brogan. He will continue to update everyone as it goes forward.

Mayor Bieri stated do we have a motion to adjourn.

Agenda No. XV

**Appointments and Resignations**

None

Agenda No. XVI

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:26:48 p.m.

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

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Approved:      March 16, 2017

Respectfully submitted:

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Diane Curcio, Assistant Municipal Clerk

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MAYOR BETTINA BIERI, PRESIDING OFFICER

\_\_\_\_\_  
ANTOINETTE BATTAGLIA, TOWNSHIP CLERK