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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 17, 2016  
Time of Meeting: 6:30 pm  
Minute Page No: Page 1 of 17

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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 20, 2015 and January 3, 2016; 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.

**Roll Call**

Present: Councilmembers Ada Erik, Mike Hensley, Tim Wagner, Michele Dale,  
Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator /Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau.

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

Councilwoman Erik moved to adopt the following Meeting Minutes as presented:

December 16, 2015 Regular Meeting  
December 16, 2016 Executive Session  
January 6, 2016 Reorganization  
January 6, 2016 Executive Session

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

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Agenda No. II

**Proclamations**

Music in Our Schools/Youth Art Month - Heather Burns joined Mayor Bieri to accept the proclamation. Mayor Bieri read the proclamation and Heather Burns spoke about the program. She is the theatre arts teacher for West Milford High School. Music in Our Schools Month starts with the high school musical on March 3<sup>rd</sup> 4<sup>th</sup> and 5<sup>th</sup> this year and they are doing the musical *Young Frankenstein*. She said they also have an art department fundraiser for Hunger Awareness on March 14<sup>th</sup> and have assemblies in each elementary school to celebrate Music in Our Schools/Youth Art Month. Ms. Burns said that tonight students will sing one number from the musical *Young Frankenstein*. The students sang for the Governing Body and were applauded and thanked when done.

Agenda No. III

**Executive Session**

~ Resolution No. 2016 – 080 ~

**MOTION FOR EXECUTIVE SESSION**

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

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**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 17<sup>th</sup> day of February 2016 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - (X) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
    - Safety – Security at Town Hall
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Litigation – Newark Tax Appeals
    - Litigation – Village on Ridge
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 17, 2016

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

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The Governing Body went into executive session at 6:45 p.m.  
The Governing Body returned to the public meeting at 7:49 p.m. with all present as before.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 1

**~ Ordinance 2016 – 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**, there is a formatting error in Table I Maximum Permissible A-Weighted Sound Levels and an omission of impulsive sound permissible levels in 226 Attachment 1, and section citation errors to N.J.A.C. 7:29 in the text, the following amendments are hereby made:

**§226-2. Applicability.**

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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.

§226-6 Restricted uses and activities.

A. Except as provided in Subsection C below, the provisions of this chapter shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

§226-7 Enforcement; violations and penalties.

A. Violation of any provision of this chapter shall be cause for an enforcement document to be issued to the violator by the Township Police Officer or the noise control officer according to procedures set forth at N.J.A.C. 7:29-1.7. The recipient of an enforcement document shall be entitled to a hearing in Municipal Court having jurisdiction to contest such action.

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

Introduced: January 20, 2016
Adopted: February 17, 2016
Effective Date: March 8, 2016

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

Agenda No. IV 2

~ Ordinance 2016 – 002

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.
(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 \$15.00 Regular Fee (after 6/26) \$20.00
(5) Senior Citizen Couple (Age 62+) - Early Bird Fee \$25.00 - Regular Fee (after 6/26) - \$30.00
(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.

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(1)

FEE:	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD Through April 4, 2016:	\$ 960.00	\$140.00	\$30.00/week	\$30.00/week
REGULAR PRICE April 5 to June 5, 2016	\$1,080.00	\$150.00	\$30.00/week	\$30.00/week
LATE FEE June 6 to June 22, 2016	\$1,280.00	\$170.00	\$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)

FEE:	FULL 8 WEEKS	WEEKLY	BEFORE CARE	AFTER CARE
EARLY BIRD Through April 4, 2016:	\$ 960.00	\$140.00	\$30.00/week	\$30.00/week
REGULAR PRICE April 5 to June 5, 2016	\$1,080.00	\$150.00	\$30.00/week	\$30.00/week
LATE FEE June 6 to June 22, 2016	\$1,280.00	\$170.00	\$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: January 20, 2016  
Adopted: February 17, 2016  
Effective Date: March 8, 2016

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

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Agenda No. IV 3

~ Ordinance 2016 - 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$202,819.27 FROM RESERVE FOR CAPITAL PURCHASES**

**WHEREAS**, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2015 budget process; and

**WHEREAS**, when said funds are not expended in the year in which they are appropriated for capital purchases and ordinance is required to reserve those funds for their intended purpose; and

**WHEREAS**, this ordinance shall appropriate \$202,819.27 from the Reserve for Capital Purchases.



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**Presentations**

**2016 Budget Overview and 2016 Capital, Mr. Robert Casey -**

Budget consultant, Mr. Robert Casey addressed the Council. He reviewed the documents that were distributed to the Council including the capital budget which consists of all of the requests from the various departments. He explained that the council requested the budget to be given in a three point basis so the first set consists of the capital budget that was funded between 2012-2015. The second set is the capital budget in 2016 that has been included on the same page as 2014 and 2015 so it gives a three year spread and the last set shows the projected capital budget for 2017-2020. He said that he has not totaled the capital budget because the main purpose is to talk about what is here, what is ahead, and what the real needs are.

Mr. Casey explained that the goal is to try and introduce the budget in April which would be early compared to prior years. He said the Township retired a debt of in \$3.2 million in 2015. He said when capital requests are totaled for roads, fire trucks, and other items, it exceeds \$3.2 million and the Council has some tough decisions to make. The governing body will have to make some hard decisions to prioritize and he advises them to develop a standard equipment replacement schedule. One of the issues is that there is a request for two fire trucks totaling almost a million dollars. Mr. Casey suggested that there needs to be a schedule created in the next ten years.

Mr. Casey said the Township has successfully applied for grants throughout the years but has often experienced difficulty appropriating the matching funds. Mr. Casey reviewed matching fund requirements for grants approved for recreational purposes and for road work. Altogether these commitments total approximately \$650,000. Construction of the new library is proceeding and the Council must consider capital funding for furniture and other related needs. The issue for 2017 is what to do with the old building and outfitting it for its new purpose. Mr. Casey said that those numbers are in the budget for discussion purposes and they are not final numbers. The other issue is the septic system in the DPW building which is no longer working and it is estimated to cost \$60,000. He said another issue with the engineering department, for example, is the dam at Bubbling Springs. The Township finally has the easements and the permits so it will be \$360,000 to replace the dam. Mr. Casey said another big ticket item is the fire department because of the two fire trucks and concern with the aging of the turnout gear. He suggested having a reoccurring replacement of the turnout gear to lower the yearly costs in the future. He said overall there are substantial items and major decisions that will need to be made.

Mr. Casey said that the second report is the year end statement. The first item is surplus and in 2015 was a good year. The year started with \$3.8 million dollars; \$2.5 million was used in the budget, and \$1.3 million was left of working capital which is available for regeneration. He explained that surplus regenerated \$3.5 million, so at the end of the year there is the biggest year-end balance yet of \$4.8 million. He suggests using \$3.6 million of that total and keeping \$1.2 million in the account. However in that regeneration of \$3.5 million, there was \$800,000 needed to pay back to Newark and \$140,000 reserved for tax appeals, so that is \$900,000 which is going into the account and then right back out. Mr. Casey said the amount is now down to \$2.6 million but he believes it still a good year.

Mr. Casey said he would like to talk about surplus regeneration. He explained that the money for a municipal budget is a closed loop because the money stays in that loop and a year later comes back as surplus. He said a large amount of surplus from this year is unspent money from 2014 coming back a year and a half later. He said it is best to keep your surplus generated. Next, Mr. Casey talked about budget revenues and the reserve for uncollected taxes. He explained why there is a need for a reserve for uncollected taxes and commended the tax collector for the collection rates in West Milford.

Mr. Casey stated that one of the items in the capital budget is Hillcrest. He said that Hillcrest rent has basically been funded through July 1<sup>st</sup> of 2015 and 15 months' notice has to be given to move out. If by February 2017, the Township doesn't vacate Hillcrest, the Township will start spending \$6,500 per month in capitalized maintenance costs. He stated by that time, the old library building will be ready to be occupied and that's a decision that the governing body will have to make.

Lastly, Mr. Casey reviewed the tax status at the end of the year. At the beginning of the year there was \$1,449,000 in delinquents and \$1,900,000 in liens. He said the liens have been growing and one of the items in the budget has been for foreclosure action. He explained that soon the foreclosures should be perfected to close out some of those liens. He said that the end of the year, the taxes were \$1,300,000 which is a little bit less than last year and the delinquents were \$1,970,000 and he believes it is stable there. In terms of delinquent collections, 43.7% of all delinquent taxes were collected. He said he believes the Township is in decent shape and everything is looking similar to the past several years.

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**New Business, Introduction of Ordinances, Resolutions**

Agenda No. VIII 1

**~ Ordinance 2016 – 004 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 500, ZONING, ARTICLE XIV SIGNS §500-152 “PERMITS REQUIRED” 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 that §500-152 be and is hereby amended as follows:

**§500-152. Permits required.**

- C. Permits shall not be required for the following signs: building marker, identification, incidental, window, flag, political organization, community organization, local non-profit organization, and applicants who have received a permit in accordance with §500.36.1 of the Township code.

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

Introduced: February 17, 2016  
Adopted:  
Effective Date:

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

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Mayor Bieri asked to move all resolutions as one including resolution 2016-095.

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

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Agenda No. VIII 2

**~ Resolution 2016 – 081 ~**

**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 COMPENSATE SCOTT HOLZHAUER FOR WORK PERFORMED IN 2015**

**WHEREAS**, funds were appropriated in the 2015 budget to engage the services of professional real estate and consulting services to assist the Township of West Milford with outstanding tax appeal matters in the Tax Court of New Jersey; and

**WHEREAS**, Mr. Holzhauser has provided those services for 2015 and submitted invoices totaling \$6,350; and

**WHEREAS**, administratively the contract for these services was not executed; 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

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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 Holzhauer 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 Holzhauer, CTA, SCGREA for professional services to compensate for tax appeal services provided in 2015, namely as shown on Invoice #0250 and for which invoices have been submitted in the amount of \$6,350.00
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 total fee authorized for this contract shall not exceed \$6,350.00 the amount of the actual invoices submitted.
4. 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 17, 2016

Agenda No. VIII 3

~ Resolution 2016 – 082 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF WEST MILFORD TO INSURE AND MAINTAIN THE TANKER LOANED FROM THE BOROUGH OF RINGWOOD TO THE GREENWOOD FOREST VOLUNTEER FIRE COMPANY FOR THE PURPOSE OF FIRE SUPPRESSION WITHIN THE TOWNSHIP UNTIL SUCH TIME GREENWOOD FOREST VOLUNTEER FIRE COMPANY RECEIVES NEW APPARATUS WHICH WAS FUNDED AND ORDERED IN 2015**

**WHEREAS**, the Greenwood Forest Volunteer Fire Company is taking possession of one (1) 1988 Mack 2500 Gallon Tanker vin# 1M2N241C5HA001016 (hereinafter referred to as the "Vehicle") that is owned by the Borough of Ringwood to be used for the purpose of fire suppression within the Township of West Milford for a limited period; and

**WHEREAS**, the Township of West Milford did fund and order in 2015 a new Fire Tanker for use by the Greenwood Forest Volunteer Fire Company and awaits the delivery of said equipment; and

**WHEREAS**, the Borough of Ringwood has agreed to loan the Vehicle to the Greenwood Forest Volunteer Fire Company for a period of approximately 12 months or until such time as the new piece of apparatus arrives for Greenwood Forest Volunteer Fire Company; and

**WHEREAS**, the Vehicle shall be housed within the Greenwood Forest Volunteer Fire Company garage at 1831 Greenwood Lake Turnpike Hewitt, NJ; and

**WHEREAS**, the Vehicle was inspected by West Milford's Head Mechanic and the Fire Commissioner on February 9, 2016 and found to be in good mechanical condition; and

**WHEREAS**, the Township of West Milford agrees to maintain the Vehicle and provide insurance during the term of the loan stated above in the same manner in which the Township provides such services to all the fire companies in town.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Council authorize the appropriate Township officials to obtain the proper insurance coverages and effectuate maintenance and repairs on one (1) 1988 Mack 2500 Gallon Tanker vin# 1M2N241C5HA001016 which is owned by the Borough of Ringwood and being loaned to Greenwood Forest Volunteer Fire Company until such time as delivery of new apparatus previously ordered has been effectuated and the Vehicle is returned to Ringwood.

Adopted: February 17, 2016

Agenda No. VIII 4

~ Resolution 2016- 083 ~

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE DONATION OF A TOWNSHIP VEHICLE AND EQUIPMENT TO THE GREENWOOD FOREST VOLUNTEER FIRE COMPANY**

**WHEREAS**, Greenwood Forest Volunteer Fire Company has need of a vehicle for use by the Chief; and

**WHEREAS**, the Township of West Milford has a 2008 White Ford Expedition vehicle, VIN number ending in LA08734 which is fitted with the following equipment Sound Off LED Light Bar, Whelen Interior Warning Stick, Hideaway LED Lights, LED Grill Lights Sound Off Siren and Light Control, Kenwood Portable Radio Charger and MSA Gas Meter Charger, 1 Low Band Kenwood Radio and 1 High Band Radio, which equipment is needed in fire vehicles; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the donation of a 2008 White Ford Expedition, VIN LA08734 and its equipment to the Greenwood Forest Volunteer Fire Company #3; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford, County of Passaic and State of New Jersey authorizes the Township Clerk to sign any necessary transfer of title documents for the Township of West Milford; and

This Resolution shall take effect immediately.

Adopted: February 17, 2016

Agenda No. VIII 5

~ Resolution 2016 - 084 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO REDIRECT THE PURCHASES FOR FIRE FIGHTER PHYSICALS FUNDING FROM NASSAU NDI DIAGNOSTICS TO HIGHLANDER FAMILY GROUP**

**WHEREAS**, the Township Council of the Township of West Milford did adopt resolution 2015-313 on October 7, 2015 that authorized fire fighter physicals which expense shall exceed the aggregate quote threshold of \$17,500.00 to Nassau NDI Diagnostics; and

**WHEREAS**, the Township Council has received a recommendation from the Department of Fire to rescind the contract with Nassau NDI Diagnostics for fire fighter physicals and contract with Highlander Medical Family for \$150.00 per exam with bloodwork and \$100.00 per exam without bloodwork; and

**WHEREAS**, Nassau NDI Diagnostics has been unable to effectuate all the physicals in accordance with the contract for same; and

**WHEREAS**, the Township has been doing physicals for members of the Fire Department since 2011 due to OSHA regulations and NIOSH recommendation; and

**WHEREAS**, funds for this purpose were encumbered in 2015 and the Chief Financial Officer has certified as to the availability of funds to complete these physicals by virtue of redirecting the funds from Nassau NDI Diagnostics to Highlander Family Group, said funds to be encumbered from account number 01-201-25-266-553.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the existing funding for fire fighter physicals be redirected for future purchases to Highlander Family Medicine, 1900 Union Valley Road Suite 303, Hewitt, NJ 07421 in an amount not to exceed \$20,150.00.

Adopted: February 17, 2016

Agenda No. VIII 6

~ Resolution 2016 - 085 ~

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SETTING DATES FOR THE ANNUAL TOWN WIDE GARAGE SALE IN ACCORDANCE WITH §174.10 OF THE TOWNSHIP CODE**

**WHEREAS**, section §174.10 of the Township code provides for an annual town-wide garage sale wherein licensing and sign provisions are waived; and

**WHEREAS**, section §174.10 of the Township warrants that the Governing Body shall by resolution annually set the dates for this three-day town-wide garage sale.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council does hereby establish September 16, September 17 and September 18, 2016 as the dates for the town-wide garage sale in accordance with §174.10 of the Township code.

Adopted: February 17, 2016

Agenda No. VIII 7

~ Resolution 2016 - 086 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A SUBGRANT AWARD FOR FISCAL YEAR 2015 HOMELAND SECURITY GRANT PROGRAM EMERGENCY MANAGEMENT AGENCY ASSISTANCE FUNDING**

**WHEREAS**, The Township of West Milford, Office of Emergency Management has been awarded the Homeland Security Grant Program Emergency Management Agency Assistance sub award CFDA #97.042, Award# FY15-EMPG-EMAA-1615 period 7/1/2015 – 6/20/2016 from the New Jersey State Police Office of Emergency Management. The sub grant, consisting of a total amount of \$14,000.00, including \$7,000.00 Federal Award and \$7,000.00 Local Matching Funds, is for the purpose of enhancing the Township of West Milford's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the sub grant award incorporates all conditions and representations contained or made in application and notice of award # FY15-EMPG-EMAA-1615; and

**WHEREAS**, the West Milford Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for a Sub grant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

**WHEREAS**, the application for the Sub grant Award calls for a match in the amount of \$7,000.00 which the West Milford Office of Emergency Management adequately satisfies through the 2015 Township of West Milford's approved budget for division salaries, wages, and fringe benefits.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does accept the award of the FY15 Homeland Security Grant Program Emergency Management Agency Assistance Sub grant in the amount of \$7,000.00 Federal Funds from the New Jersey State Police Office of Emergency Management; and

**BE IT FURTHER RESOLVED** that the like sum of \$7,000.00 is hereby appropriated under the caption FY15 Homeland Security Grant Program Emergency Management Agency Assistance Grant; and

**BE IT FURTHER RESOLVED** that the West Milford Township Administrator, the Township Chief Fiscal Officer and the Township Deputy Emergency Management Coordinator are authorized to sign the appropriate sub grant award documents; and

**BE IT FURTHER RESOLVED** that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Service; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: February 17, 2016

Agenda No. VIII 8

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**~ Resolution 2016 – 087 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE CANCELLATION OF HIGHLANDS WATER USE CONSERVATION MANAGEMENT PLAN GRANT RECEIVABLE AND APPROPRIATION GRANT BALANCES**

**WHEREAS**, there is a receivable in the amount of \$4,875.00 and an appropriation in the amount of \$4,875.00 from the Highlands Water Use Conservation Management Plan Grant that was received in 2015;and

**WHEREAS**, this receivable is no longer collectible as revenue and the remaining appropriation will not be expended;

**NOW, THEREFORE, BE IT RESOLVED** that the receivable and budget appropriation be cancelled to current fund balance.

Adopted: February 17, 2016

Agenda No. VIII 9

**~ Resolution 2016 - 088 ~**

**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 2015 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Street & Road S&W	26-290-104	\$2,921.98
<b>TOTAL TRANSFERS OUT</b>		<b>\$2,921.98</b>

**WHEREAS**, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2015 budget year, and

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Building S&W	22-195-101	\$1,262.00
Public Health S&W	27-330-101	\$1,516.83
Hillcrest S&W	28-374-101	\$143.15
<b>TOTAL TRANSFERS IN</b>		<b>\$2,921.98</b>

**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 2015 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

**BE IT FURTHER RESOLVED**, that the Treasurer is hereby authorized to make the following transfer in the 2015 appropriation.

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

Adopted: February 17, 2016

Agenda No. VIII 10

**~ Resolution 2016 - 089 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES**

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

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**WHEREAS**, the Chief Financial Officer has determined that the following Township of West Milford Claims account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
8/2015	7995	1,156.80
8/2015	7870	207.64
7/2015	7720	15.00
7/2015	7662	400.00
Total		\$1,779.44

**NOW, THEREFORE, BE IT RESOLVED** that the above outstanding checks be restored to the Township cash balance.

Adopted: February 17, 2016

Agenda No. VIII 11

~ Resolution 2016 – 090 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

**WHEREAS**, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

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

**REASONS:**

- |                                     |                          |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment                | 2. Duplicate Payment     |
| 3. Senior Citizen/Veteran Deduction | 4. Homestead Rebate      |
| 5. Tax Appeal                       | 6. 100% Disabled Veteran |
| 7. Tax Court Appeal                 |                          |

Block/Lot	Name	Amount	Year	Reason
12305-7	Lereta Attention Central Refunds 1123 Park View Drive Covina, CA 91724	\$1,947.39	2016	2
<b>TOTAL</b>		<b>\$1,947.39</b>		

Adopted: February 17, 2016

Agenda No. VIII 12

~ Resolution 2016 – 091 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot /Qual	Reimbursement Amount	Pay to the Lien Holder
13-0070	03/19/2013	08201-003	\$35,011.03	TOWER FUND SER.AS CUST. FOR EBURY FUND 1NJ LLC, PO BOX 37695

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

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				BALTIMORE, MD 21297-3695
15-0012	10/13/2015	01612-021	\$24,678.79	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE, 50 SOUTH 16 ST. STE 2050 PHILADELPHIA, PA 19102
15-0031	10/13/2015	03406-023	\$24,996.66	FIG CAPITAL INVESTMENTS NJ13; LLC MTAG CST FIG CAP INV NJ13 8323 RAMONA BLVD. W. STE 2 JACKSONVILLE, FL 32221
15-0049	10/13/2015	05317-002.19	\$8,069.09	PFS FINANCIAL 1; LLC 50 SOUTH 16 STREET SUITE 2050 PHILADELPHIA, PA 19102
15-0052	10/13/2015	06303-004	\$114,341.29	FIG CAPITAL INVESTMENTS NJ13; LLC MTAG CST FIG CAP INV NJ 13 8323 RAMONA BLVD W. STE 2 JACKSONVILLE, FL. 32221
15-0059	10/13/2015	07403-007	\$43,610.97	US BANK CUST FOR BV001 TRUST 50 SOUTH 16 STREET SUITE 2050 PHILADELPHIA, PA 19102
15-0069	10/13/2015	08401-003.01	\$8,639.44	FIG CAPITAL INVESTMENTS NJ13; LLC MTAG CST FIG CAP INV NJ13 8323 RAMONA BLVD W. STE 2 JACKSONVILLE, FL 32221
Grand Total			\$259,347.27	

Adopted: February 17, 2016

Agenda No. VIII 13

**~ Resolution 2016 – 092 ~**

**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:

Boys Lacrosse		
John Oesterle	\$105.00	Suzy Oesterle 10 Hirth Drive Newfoundland, NJ 07435
Indoor Soccer Sibling Discount		
Allison, John, Julie Oesterle	\$30.00	Suzy Oesterle 10 Hirth Drive Newfoundland, NJ 07435

Adopted: February 17, 2016

Agenda No VIII 14

**~ Resolution 2016 - 095 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE IN THE SPENDING ALLOCATION OF THE OPEN SPACE TRUST FUND IN ACCORDANCE WITH §239-2 OF THE TOWNSHP CODE**

**WHEREAS**, on February 19, 2014 the Township Council did adopt ordinance 2014-001 which ordinance provides for the collection of taxes dedicated for the purpose of funding an open space, recreation, farmland and historic preservation trust fund; and

**WHEREAS**, ordinance 2014-001 was subsequently codified in the Township code in Chapter 239, "Open Space, Recreation, and Farmland and Historic Preservation Trust Fund"; and

**WHEREAS**, §239-2 established rules for the utilization of these open space funds; and

**WHEREAS**, §239-2 C allows the Governing Body of the Township of West Milford to change the spending allocation in said ordinance for a given calendar year on the condition that said reallocation of funds be approved by five affirmative votes of the Township Council; and

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

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**WHEREAS**, there remains a balance of \$1,193,367 in the open space trust fund account which is dedicated solely to property acquisitions because said funds were raised by taxation for that purpose prior to the adoption of ordinance 2014-001 and those funds are not subject to the reallocation provision in §239-2 of the Township code; and

**WHEREAS**, there are balances in the open space trust fund account which are subject to reallocation having been raised through taxation subsequent to the adoption of ordinance 2014-001 as follows as of December 31, 2015:

\$ 90,058.39 for the purposes of acquisition  
\$ 94,063.17 for the purpose of improving recreational facilities  
\$ 75,027.20 for the purpose of historic preservation and conservation; and

**WHEREAS**, whenever possible for a multitude of years, successive Township councils have approved grant applications for the rehabilitation and improvement of various and multiple recreational facilities in the Township; and many of those grant applications have been successful whereby the Township has received grant funds from various sources to rehabilitate or improve recreational facilities in incremental phases throughout the Township; and

**WHEREAS**, the provisions of §239-2 C affords the Township Council the ability to change the spending allocation in one calendar year and the Township Council affirms that such reallocation is in the best interest of the municipality; and

**WHEREAS**, the Township has received grant funding through three separate grant applications for renovations to Nosenzo Pond Park and has a balance totaling \$161,733.89 available; and

**WHEREAS**, the total cost to completely renovate Nosenzo Pond Park is estimated at \$669,000; and

**WHEREAS**, with \$161,733.89 available in grant funds the Township could complete the project for \$537,266.11 in municipal funds before the end of 2016; and

**WHEREAS**, there is potential funding in various ordinances which funding, by affirmative action of the Township Council, could be allocated to this project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that the funding allocation in the Township's Open Space Trust Account be and is hereby changed in accordance with §239-2 of the Township Code as follows:

Funding in the acquisition and historic preservation lines of the open space trust account shall be transferred into the recreation account to fund the project outlined above; and

**BE IT FURTHER RESOLVED**, that funding allocations as outlined herein below shall be applied:

Funding Source	Amount
Total post-referendum balance (acquisition \$90,058.39; recreation \$94,063.17 historic preservation \$75,027.20, 2016 infusion by taxation \$150,000)	\$358,398.61
Grants for Nosenzo (2011 - \$31,597.89; 2014 - \$31,136; 2015 - \$99,000)	\$161,733.89
Ordinance 2000-09 is an ordinance that has funding for recreational facilities at Jungle Habitat. If we change that purpose (at a cost of approximately \$500 for bond counsel which can be charged to the grant, there will be a balance of \$77,367.50)	\$77,367.50
Ordinance 2007-18 for athletic field upgrades has a balance of \$23,100.	\$23,100.00
Ordinance 2014-005 has matching funds for the 2011 grant with a balance of \$48,400.	\$48,400.00
Total funds	\$669,750.15

**BE IT FURTHER RESOLVED**, that in accordance with the Township code this funding allocation does not affect the allocation of funds collected through taxation in future years in accordance with the allocations for same outlined in Chapter 239 of the Township code.

Adopted: February 17, 2016

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

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**Consent Agenda**

None

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2016 – 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	\$209,662.20
3	Reserve Account	81,354.29
2	Grants	1,213.21
6	Refunds	261,429.66
1	General Ledger	155.00
26	Refuse	80,000.00
4	Capital	92,747.62
19	Animal Control	2,578.76
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	10,381.27
19	COAH	0.00
16	Development Escrow	2,920.51
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	3,489.58
Total		\$745,932.10
	Less Refund Resolution	-261,429.66
	Actual Bill List	\$484,502.44
	Other Payments.	
	BOE	4,506,715.00
	DTC Bond Payment	2,268,135.33
	NJ Treasurer, Dog Report	4,264.80
	Total Expenditures	\$7,263,617.57

Adopted: February 17, 2016

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

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Agenda No. XI

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

Council President Dale said she attended the CASA meeting and they are pulling together all of their resources. She said they put together a meeting schedule and will give the schedule to the Cable TV Commission to post. She listed the upcoming CASA events. They will be asking the administration and

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

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the CASA liaisons put a link of these resources on the CASA website, which will link to the Township website. She also wanted to remind people that the Police Department also has resources to direct people in need. The Fireworks Committee did not meet because of the weather, but she has prepared a layout of a budget and will ask the administrator to share it to the rest of the governing body via email. Also, on March 5<sup>th</sup>, Company #2 is having a Fish and Chips fundraiser.

Councilman Signorino said he would like to report about the Museum. They would like to see people come out and visit so if you know anyone who has any kind of historic items or has stories to share, you can direct them to the Museum. The Museum is open 1-4pm on Saturday. The insurance advisory committee had a meeting and the risk manager and health insurance consultant made presentations. The recommendation from the committee is to maintain the status quo, having two separate consultants. If the council wishes, we can have a resolution for the next meeting for the risk manager. He also wanted to bring to everyone’s attention the commuter rail system, which has been talked about for 20 years. The first plan was to expand in the lower Passaic County area, from Hawthorne to Hoboken and then up to Sparta. There was money available and funding and a good amount of support, but nothing has happened since. The county is looking for resolutions supporting the lower Passaic County commuter rail expansion. He has reached out to Freeholders and our assembly office to see if there is interest by our State and Federal Legislatures as the money that will be utilized will be federal funds. He would like to explore that avenue to have West Milford be a part of the discussion and would like a subcommittee to be made.

Councilwoman Lichtenberg announced that if seniors need help with filing taxes, they can get help at Hillcrest. The Highlands Family Success Center is having a free dinner dance this Friday night at the Journey Church of The Highlands. She had a question for Township Attorney Semrau about background checks and random drug testing for Township or government officials. Township Attorney Semrau said he will look further into it and report back.

Councilwoman Erik said she brought a good friend home from the Milford Manor. It is now under new management and it is a completely different place. The TV Commission is still looking for volunteers, especially cameramen. On Friday, the United for Prevention Passaic County is having a drug meeting at William Paterson University. She agrees with random or not so random drug testing. She said the Council should lead by setting an example.

Councilman Wagner said he has had several conversations and met with Tim Roetman to review the fireworks budget. He has been looking at the projected expenses and seeing where we can have some savings. The port-a-john for example, was a budget for \$1,500 and he was able to reduce it to about \$740 with a partial incoming sponsorship and some reduced rates. The Knights of the Highlanders have committed 20 volunteers for the fireworks event.

Township Administrator/Clerk Antoinette Battaglia said one of our staff members in the engineering division was asked by the school to produce a Township map. The map that we had is over 20 years old therefore an updated map was created. If there is consensus, she would like to make this map the one to sell in the clerk’s office. The Council agreed.

Agenda No. XII

**Appointments and Resignations**

~ Resolution 2016 – 094 ~

**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 resignation tendered to the Township:

Name	Position	Date Tendered
Bridget Vandebos	Insurance Advisory Committee Citizen Member Term expires 12/31/16	February 10, 2016

Adopted: February 17, 2016

Insurance Advisory Committee  
Citizen Member

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

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Councilwoman Lichtenberg made a motion to nominate Councilwoman Erik. A discussion ensued by the Council if a committee member should be serving in a citizen member position. Councilman Signorino said he would like to wait to appoint to see if any other citizens are interested in the position. Mayor Bieri asked the Council to vote for the nomination of Councilwoman Erik to be a citizen member for the Insurance Committee. Being that there were no other nominations Councilman Hensley made a motion to close, seconded by Council President Dale.

*Councilwomen Erik*

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Moved: Lichtenberg Seconded: Erik  
Voted Aye: Erik, Lichtenberg  
Voted Nay: Hensley, Wagner, Signorino  
Abstained: Dale  
Motion defeated.

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Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:27 p.m.

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

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Approved: April 6, 2016

Respectfully submitted:

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Nichole Hanrahan Clerk Typist

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MAYOR BETTINA BIERI, PRESIDING OFFICER

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ANTOINETTE BATTAGLIA, TOWNSHIP CLERK