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

Minutes of: Township Council Regular  
Date of Meeting: February 22, 2012  
Time of Meeting: 7:30 P.M.  
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The Regular Meeting of the West Milford Township Council 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 January 1, 2012 copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Ada Erik, Joseph Smolinski, Edward Rosone,  
Luciano Signorino, CarlLa Horton, Mayor Bettina Bieri.  
Absent: Michael Ramaglia.  
Also Present: Township Administrator Nancy Gage, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau.

Mayor Bieri introduced the new Administrator Nancy Gage noting that today is her first day on the job. She noted that Ms. Gage was appointed by unanimous consent of the Council and she welcomed her on board.

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

Councilman Rosone moved to adopt the October 19, 2011 Regular Meeting as presented:

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

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Agenda No. II

**Presentations**

Eagle Scout Robert Ruth - Mayor Bieri welcomed Rob and his family and met them at the podium. She introduced Rob and his parents noting that she had the pleasure of attending his honor ceremony a few weeks ago. Rob explained he is in troop 146 and his project was in Hope New Jersey at the Old Union Cemetery where he engaged in re-leveling 160 headstones, adding grass & seed and cleaning all the stones which took over 600 hours. He has been scouting for eight years. His parents said they are very proud and honored to be here. Mayor Bieri noted that Rob is fourteen years old, considerably younger than most. She stated that only one-tenth of those who attain the status of eagle scouts do so at this age. She recalled that Rob contacted her four years ago when he was working toward his citizenship badge. She met with him one-on-one for at least an hour. His Mom was with him all the time. Robert was very impressive at ten years of age. He knew so much about civil liberties and history. She was delighted when she received a photo of that meeting which has been hanging in her office at home since then. She showed the four-year old photograph. Mayor Bieri stated that we in West Milford are blessed with the number of residents who achieve Eagle Scout level. She is privileged to know Rob.

Mount Glen Lakes - Lisa Walsh Hewitt, the Mount Glen Lakes Board Secretary addressed the Council. She stated that she has a prepared statement which she will read on behalf of association which wants to take over the lake beds. Lisa read the statement which provided a history of the association, an overview of recent litigation and a review of the settlement reached in that litigation. She stated that the association wishes to proceed with the dam repairs which are being funded through a DEP loan cosigned by the Township and which will be repaid to the Township by the association by virtue of assessments to their members. The association, under the consent order, has one year to take ownership of the lake beds. Mayor Bieri asked Council if they had questions and stated that she will open to the public for this topic. Mr. Semrau reviewed the history since the lake approached this subject in September 2011. He stated that the professionals involved agree it is best to have the lake bottoms returned to the association.

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He reviewed the history whereby the association was the prior owner and through tax liens the titles were returned to the Township. He reviewed the taxes and the parameters of the property in question. This is simply a presentation tonight and the association is requesting an ordinance to transfer title of the lake bottoms. That process involves two readings and a public hearing.

John Lauritano, 20 Brady Street, West Milford stated that he has spoken on this topic a number of times at Council meetings. He is concerned because this property changed title by virtue of a tax foreclosure. There were related fees and the Township will not be recouping those fees in this process.

Councilwoman Erik moved to close the public portion of the meeting.

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

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The Council gave consensus for Mr. Semrau to prepare an ordinance for their consideration.

Agenda No. III

**Proclamations**

Music in Our Schools Month and Youth Art Month – The West Milford School’s Art program director thanked the Mayor & Council for their continued support. There are a number of events for music and art this month. The high school will be presenting “Beauty & the Beast” and an event called empty bowls. This is an educational initiative to teach kids about hunger. He described the program which is being organized through the West Milford educational foundation at Macopin School. All proceeds will go to local food pantries. All elementary schools this month will address harassment & bullying from a positive perspective as part of music & art month. This program is called positive thoughts. The Middle school musical is “Annie”. The last event will be the culmination on Tuesday April 3<sup>rd</sup> which is the district art festival at the high school. He introduced the high school musical director Mrs. Heather Burns. She is here with Tim Canelli who plays the Beast. He will sing a song from the show. Tim sang the song and the meeting attendees applauded.

Agenda No. IV

**Unfinished Business Final Passage of Ordinances**

~ Ordinance No. 2012- 001 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE IX CHAPTER 15-49 “J.” COMPOSITION OF POLICE DEPARTMENT OF THE TOWNSHIP CODE**

**BE IT ORDAINED** by the Township Council of the Township of West Milford that Chapter 15-49 Article J of the Township Code be amended as follows:

ARTICLE IX DEPARTMENT OF PUBLIC SAFETY

**§15-49 Division of Police**

- J. Composition of Police Department
  - (1) One Chief
  - (2) One Captain
  - (3) Three Lieutenants
  - (4) Six Sergeants
  - (5) Patrol officers as assigned by the Chief
  - (6) Detectives as assigned by the Chief
  - (7) Domestic Violence Team members (volunteers) as assigned by the Chief

Introduced: January 18, 2012  
Adopted: February 22, 2012  
Effective Date: March 13, 2012

This Ordinance was introduced on January 18, 2012. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for February 22, 2012. The Mayor and Council opened the meeting to the public to speak on this matter only.

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There being no comments from the public, Councilwoman Erik made a motion to close public comments.

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

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Motion to adopt Ordinance 2012-001

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

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**~ Resolution No. 2012- 002 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SCHEDULE XVIII OF CHAPTER 10, TRAFFIC, OF THE CODE OF THE TOWNSHIP BY AUTHORIZING INSTALLATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF WARWICK TURNPIKE AND LAKESHORE DRIVE SOUTH**

**WHEREAS**, construction of the Municipal Aid project at Warwick Turnpike and Lakeshore Drive South is now complete; and

**WHEREAS**, a final as-built plan and certification from the Township's consulting traffic engineer has been received by the Township with respect to roadway and traffic control improvements at the said intersection; and

**WHEREAS**, the consulting engineer has certified to the Township that the installation of the traffic control signal at the said intersection is consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways; and

**WHEREAS**, it in the best interests of the public safety and the expedition of traffic that the traffic control signal at said intersection be authorized and enforced by the Township; and

**WHEREAS**, the intersection in question is wholly contained in the Township of West Milford; and

**WHEREAS**, N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197 authorize the adoption of ordinances to regulate the passage or stopping of traffic at certain congested street corners or other designated points without the approval of the Commissioner of Transportation provided the aforesaid standards have been met.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of West Milford as follows:

- SECTION 1.** Schedule XVIII, Traffic Signals, of Chapter 10, Traffic, of the Code of the Township of West Milford, shall be amended and supplemented by the addition of the following:  
"Warwick Turnpike at the intersection with Lake Shore Drive South."
- SECTION 2.** The intersection of Warwick Turnpike and Lakeshore Drive South shall be controlled by a Traffic Control Signal in accordance with the plan bearing the As-Built date of 1/3/2012, shall conform to the provisions of the Manual on Uniform Traffic Control Devices, and shall be maintained in operable condition.
- SECTION 3.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.
- SECTION 4.** 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 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: January 18, 2012  
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There being no comments from the public, Councilwoman Erik made a motion to close public comments.

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

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Motion to adopt Ordinance 2012-002

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

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Agenda No. V

**Public Comments**

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

Carol Hardy, 140 Longpond Road, Awosting stated that the MUA difficulties are nothing new. What is new is that she read in the local newspaper that all MUA board members have resigned. Awosting has a number of issues. The president of the association has recommended she apply to serve on the MUA and she has. The MUA needs change with the support of the Council. She would like to see the MUA completely overhauled and asked if the Township attorney will be available to assist in this endeavor. The MUA needs major reconstruction with support from the DEP and DCA. She wants to know that she has Council support.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford stated that the dress rehearsal for the school play is February 28<sup>th</sup> for senior citizens at no charge. She stated that she wants people to know about government structure noting that the upcoming June 5<sup>th</sup> primary is a large and important election. She asked residents not to ignore county committee candidates on the ballots. She explained that every three years county committee seats are up for election. In this year's primary election Republican county committee seats are up with candidates from each election district. In West Milford there are 13 districts & 26 candidates. These people elect the county committee chair and the county committee members interview candidates who wish to run for town council. The county committee members choose republican candidates for elected office.

Noah Luogameno 54 Cliff Road, West Milford has read through the code and found that the public can submit information to the clerk to ask the Mayor or Administrator to place on the agenda for action. The Council is comprised of elected representatives and they have to jump through hoops to get items on the agenda while the executive branch gets first shot. The Council members need consensus. The balance seems to favor the executive branch. He would like to see balance. Council President Signorino has broached this topic and asked for discussion. He would like to see Council more involved in the process.

Scott Witherspoon, 70 Green Terrace Way, West Milford stated that he appeared before Council in September last year about a water drainage problem at his property that began last June. It resonated when a neighbor felled trees and brought in tons of soil without permits. He sent certified letters to the Mayor & Council in September and has been in touch with DPW, Engineering & Administrator Boyle. Everyone understands the problems but there has been no resolution or timeline for resolution. He distributed pictures of his driveway that he claims has been destroyed. DPW has been to his home four times to try to prevent water problems. He showed a photo of his pool and it will take about \$25,000 for him to repair damage. He stated that he wants the town to address the drainage issues and is asking for assistance to resolve this issue. He has copies of zoning violations issued by West Milford and by Soil Conservation to his neighbor. However, the neighbor has yet to come before the planning board.

Doris Aaronson, 19 Bearfort Road, West Milford distributed information. She stated that New Jersey approved the redevelopment plan in November after six public hearings were scheduled. None of the hearings were conducted in the highlands or in surrounding areas. She asked that the Township seek to have a hearing here in West Milford for all North Jersey towns. She reviewed the specifics that will affect highlands municipalities. She said that she spoke with ANJEC about this and they expressed confusion with the contents of the state proposal. There is a Sierra club article about the plan that she has provided. Mr. Tittle feels the plan will weaken highlands protections. She requested that the Council authorize the Administrator to schedule a public hearing on this plan in mid March in town hall to allow residents to get more information from the planning officials.



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savvy and smart people. The Council must remain actively aware of MUA issues. She is hoping that tonight the Council will take preliminary steps. The enormous violations and fines are issues.

Mayor Bieri asked if Council supports Ms. Aaronson's suggestion about getting a public hearing in West Milford. Mr. Semrau advised that there is a public hearing in Whippany next Wednesday. This replaces the existing strategic plan. There is still mapping that will come forward and Mr. McGroarty, the Township planner, has been monitoring this. He suggests that Mr. McGroarty provide a written update to Council, the planning board and other officials. He will be at that hearing. In past the Council asked for local acceptance and that is lacking in this plan. He will make the request for additional hearings. Mayor Bieri stated that the Township has received three resignations from the MUA board not the five reported in the papers. In the immediate future, the Council is appointing authority, and she hopes they will act on the two applications received to date which will achieve a quorum. The MUA must continue to exist. On a long-term basis, she and Mr. Semrau have been meeting with the DEP and DCA to seek out long-term solutions and options. She listed potential options. With regard to the comments about the agenda, she noted that Council must act as a body.

Mr. Semrau noted that these are Council meetings chaired by the Mayor in this form of government. Last year Council refined the process. The Council of the whole can schedule agenda items as one body. If an individual Council member receives a request, that person can ask the administrator or Mayor to place that item on the agenda. If not, the matter can come to the full Council at the next meeting to get placed on the agenda if the Council as a body gives consensus. Council members cannot act individually. This form of government requires consensus of Council to have agenda items set. This form of government prohibits Council members from acting individually. The process outlined in the code is consistent with this form of government.

Mayor Bieri stated that administration schedules regular business items on the agenda. There is a tickler list based on Council input and direction given at public meetings. If there is a date specific item it is scheduled that way. If it is not date specific the administrator schedules the matter as the agenda allows. Council President Signorino stated the agenda does not have to be set in this manner. He objects to this approach because if his constituents want something heard he has to wait for administration or has to get consensus from everyone. If one Council member wants to discuss something they can do so through the Council President. Politics of past could have been avoided if not for this roadblock. The process, he said, does not work. He wants this discussion to avoid future problems and he wants the ordinance changed. Mr. Semrau noted that in this form of government the Council must act as a body. He reviewed the various means by which the Council can have items placed on the agenda. In this form of government there is a legislative aspect which is the domain of the Council. The purpose of the process and the state statute is to provide a means to organize the discussion and show deference to the form of government. Council President Signorino stated that he would work with the Mayor to prepare the agenda and is not sure why the Council is fighting him on this. He has had consensus for two items to be on the agenda and yet he has had difficulty having them get on the agenda. Mayor Bieri stated according to state statute, specifically the Faulkner Act, the Council President in this form of government has only one responsibility or special duty that distinguishes him from any other Council member and that is to preside at a meeting in the absence of the Mayor. Council gave consensus to discuss this at the next workshop meeting.

Councilman Smolinski stated that there are five openings at the MUA; three resignations and two existing vacancies. He was shocked when these resignations came through. Going forward there must be one team on the MUA board. There are issues that need to be addressed. He asked the Mayor for an update on her meetings with the DEP lamenting that she has not done so. He stated that there is a major debt and we can't have head butting going forward. We have an opportunity to appoint new members. He has reviewed the qualifications of the new members. He does not know what the Mayor is looking for. Hopefully going forward there will be no finger pointing or blaming former members. We need to resolve this situation. The problems are not going away. He hopes not to see a replay of what went on before the election. He wants reports of MUA activities. It should be one team.

Councilwoman Horton stated that at a minimum she wants to see MUA appointees with strong finance, compliance knowledge, civility, dedication, and engineering skills. Various skill sets that combined make for a capable board. This is a matter of health and safety. Councilman Smolinski stated that it would be nice to get those skills. He wants to see representation from the various areas served by the MUA. He was shocked that only two people stepped forward. In the past MUA members got beat up and he is trying to discourage that. Mayor Bieri noted that there are five commissioners and two alternates. Three members constitute a quorum. She stated that she does not have any substantive information to provide from meetings with the DEP. All discussions are very preliminary. She will report as soon as she has something to report. She agrees with Councilwoman Horton about the qualifications. Because of the abruptness of the resignations she would like to see Council ensure that the MUA can continue to

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operate. For the last 30 years the MUA has failed this community. Real change will take time. The demise has been expedited over the last three years. It needs, in her opinion, qualified management. Professionals should oversee sewer & water services and there is a need for capital and financial management. Councilman Smolinski stated that the MUA still has the professional staff. Mayor Bieri agreed and added that they need appointments to get paid. Councilman Smolinski stated that he supports new members and will do so when they are appointed. Dealing with safety and finances of the Township is a huge responsibility. Council President Signorino asked the reporters to direct their readers to apply.

Agenda No. VII

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

The Township Council took action on the following items:

Agenda No. VII 1

~ Ordinance No. 2012- 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE IX CHAPTER 15-45 THROUGH 15-49 "DEPARTMENT OF PUBLIC SAFETY" OF THE TOWNSHIP CODE**

**BE IT ORDAINED** that Article IX, Chapter 15-45 through Chapter 15-49 of the Township code is amended and supplemented as follows:

Article IX - Department of Public Safety

Chapter 15-45 – Divisions

- A. There shall be a Department of Public Safety which shall include the Division of Fire Suppression, Division of Fire Prevention, Division of Police, Office of Emergency Management, First Aid and Rescue Squads and Domestic Violence Response Team. The Chief of Police may serve as the Director of Public Safety.
- B. The Director of Public Safety shall be responsible for the coordination of all of the safety divisions as described above. He shall prepare budget, oversee the orderly operations of each unit and perform such other duties as directed to from time to time by the Mayor and Council.

Chapter 15-46 – Director of Public Safety

The Director of Public Safety shall:

- A. Be the executive head of the Department of Public Safety, subject to the direction and supervision of the Mayor, and shall be responsible for the proper and efficient operation of divisions within the Department of Public Safety and the supervision of its activities.
- B. Formulate and administer such rules and regulations for all divisions of the Department of Public Safety subject to the approval of the Council.
- C. Be responsible for the observation and enforcement of all laws of the state and ordinances within the jurisdiction of the Department of Public Safety, the enforcement of the rules and regulations of all divisions of the Department of Public Safety, and shall perform such other duties as shall be prescribed by ordinance of the Township Council.
- D. See that all persons connected with the Department are properly instructed in their duties and shall give particular attention to the training and instruction of new members thereof.
- E. Have under his control all records and property of the Department of Public Safety and designate any member of the division to prepare these reports and keep the records in such manner as he may prescribe, as well as take charge of such property and any other property coming into the custody of the division.
- F. Furnish to the Township Council complete monthly and yearly reports of matters of public safety.
- G. Perform such other duties as set forth in ordinances relating to the Department, as hereinafter referred to, and not inconsistent with the provisions of this chapter.

Chapter 15-49 – Division of Police

- A. Powers and duties of Chief of Police. The Chief of Police shall:
  - (1) Be the executive head of the Division of Police (hereinafter referred to as the "West Milford Police Department" or the "Department"), subject to the direction and supervision of the Director of Public Safety, and shall be responsible for the proper and efficient operation of the Division and the supervision of its activities.
  - (2) Formulate and administer such rules and regulations for the Division of Police subject to the approval of the Council and Mayor.

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- (3) Be responsible for the observation and enforcement of all laws of the state and ordinances within the jurisdiction of the Police Department, the enforcement of the rules and regulations of the Police Department, and shall perform such other duties as shall be prescribed by ordinance of the Township Council.
  - (4) See that all persons connected with the Department are properly instructed in their duties and shall give particular attention to the training and instruction of new members thereof.
  - (5) Have under his control all records and property of the Police Department and designate any member of the Police Department to prepare these reports and keep the records in such manner as he may prescribe, as well as take charge of such property and any other property coming into the custody of the Police Department.
  - (6) Furnish to the Mayor and Council complete monthly and yearly reports of police matters.
  - (7) Perform such other duties as set forth in ordinances relating to the Police Department, as hereinafter referred to, and not inconsistent with the provisions of this chapter.
- B. Qualifications of police members. Each applicant for a position as an officer or member of the Department of Police of the Township shall:
- (1) Be a citizen of the United States, a resident of the State of New Jersey, and live within such proximity of the Township as to fulfill the requirement of being reasonably available for duty at all times.
  - (2) Be more than 18 and less than 35 years of age.
  - (3) Be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police Retirement System of New Jersey and of the New Jersey State Civil Service Commission, that such person is not only eligible to membership in the retirement system, but also able to meet the civil service requirements.
  - (4) Be able to read, write and speak the English language well and intelligently.
  - (5) Be of good moral character and must not have been convicted of any crime involving moral turpitude.
  - (6) In accordance with N.J.S.A. 52:17B-66 et al, serve a probationary period pending his successful completion of a basic course for police officers approved by the New Jersey Police Training Commission.
  - (7) Fulfill such other qualifications as set forth in existing ordinances relating to the West Milford Township Department of Police as hereinafter referred to, and not inconsistent with the provisions of this chapter. All applicants for the position of patrolman shall make written application therefor to the Chief of Police and at the same time submit such proof as shall be required with respect to the qualifications for such position, both as listed above and in local ordinances.
- C. Powers and duties of members.
- (1) The rights, privileges, powers and duties of the members of the Department of Police, including regular police officers, dispatchers, special police officers, domestic violence response team members and such non-uniformed personnel as may be appointed to this Department, shall be those prescribed by the laws of the State of New Jersey, governing municipal police departments generally, by the charter and ordinances and resolutions of the Township of West Milford, and such rules and regulations which may, from time to time, be established by the Mayor, Chief of Police or the Council. Rules, regulations and policies as set forth in ordinances relating to the Police Department, as hereinafter referred to, and not inconsistent with the provisions of this code, are continued, but such rules, regulations and policies may be amended or revised by the Mayor, Chief of Police or Council.
  - (2) The Department through its Chief shall:
    - (a) Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and preserve order at all elections and public meetings and assemblages.
    - (b) Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and to make and enforce rules and regulations not inconsistent with the ordinances of the Township for such purposes.
    - (c) Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report thereon to the appropriate department.
    - (d) Respond to all fire alarms and assist the fire companies in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance

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- of the fire prevention code. The chief of the volunteer fire company at a fire may request the Mayor or the officer in charge at the time of any emergency to provide police assistance in emergencies.
- (e) Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.
  - (f) Operate a training program to maintain and improve the police efficiency of the members of the Department.
  - (g) Perform such other duties as are recited in ordinances relating to the Police Department, as hereinafter referred to, and not inconsistent with the provisions of this chapter.
- D. Discipline. Under the supervision of the Township Administrator, the Chief of Police shall promulgate, and from time to time, revise and enforce a manual of police discipline, practices and procedures for the better administration of the work of the Department, and for the discipline and efficiency of the Department. Rules, regulations and provisions as outlined in the ordinances relating to the West Milford Township Police Department, as hereinafter referred to, and not inconsistent with the provisions of this chapter, are continued in full force and effect.
- E. Suspension. The Chief of Police shall have the power to relieve from duty any member of the Department for the violation of any provision of this section or any rule governing the Department until such time as complaint and charge against such member shall have been disposed of by formal hearing in accordance with N.J.S.A. 40A:14-147, this provision to be subject to the rules and regulations of the Civil Service Commission. The Township Administrator or his/her designee shall be the hearing officer in such hearings.
- F. Division of Communications. Within the Department there shall be a Division of Communications. The Chief of Police shall assign one or more superior officers to this Division, who, under his direction and that of the Mayor, shall be responsible for the police desk alarm system, police radio, fire alarm system, and any and all other systems of communication between the Department and other police departments, fire departments, state, county and other local public safety units.
- G. Division of Special Policemen, Special Policewoman and Special Police Matrons.
- (1) Appointment. Special police officers shall be appointed by the Council, pursuant to this chapter, for a term of one year.
  - (2) Qualifications.
    - (a) No person shall be appointed a special police officer unless they meet the following qualifications:
      - [1] Is a resident of New Jersey during the term of appointment and a resident of the Township of West Milford at the time of appointment.
      - [2] Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.
      - [3] Is sound in body and of good health.
      - [4] Is of good moral character.
      - [5] Has not been convicted of any offense involving dishonesty of which would make them unfit to perform the duties of their office.
      - [6] Has successfully undergone the same psychological testing that is required of all full-time police officers in the Township.
    - (b) No person shall be appointed to serve as a special police officer in the Township of West Milford and any other municipality at the same time, nor shall any permanent, regularly appointed full-time police officer of any municipality be appointed as a special police officer. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the Police Department of a local unit shall be appointed as a special police officer.
    - (c) Every applicant for the position of special officer appointed pursuant to this chapter shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
    - (d) No person shall commence serving as a special police officer unless he has been certified by the Police Training Commission as provided for in N.J.S.A. 40A:14-146.11.
    - (e) Before any special police officer is appointed, the Chief of Police or, in the absence of the Chief, other chief law enforcement officers of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Council.
  - (3) Classification; powers. Persons appointed as special police officers shall, upon appointment, be designated as either a Class One or Class Two special police officer. The classifications shall be based upon the following standards, and the appointees shall have the following powers:

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

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- (a) Class One. Officers of this class are authorized to perform routine traffic detail, spectator control and similar duties as may be assigned by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity designated by the Chief to act in his stead. Said Class One officers are also authorized to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of firearms by said Class One officers is strictly prohibited, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.
- (b) Class Two. Officers of this class are herewith authorized to exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer. They shall be assigned such powers and duties by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity designated by the Chief to act in his stead. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission established within the Department of Law and Public Safety of the State of New Jersey.
- (4) Carrying of firearms. The carrying of firearms by special police shall be strictly governed by N.J.S.A. 40A:14-146.14b.
- (5) Work hours. No special police officer may work more than 20 hours per week, except as provided as follows:
  - (a) Without limitation as to hours during period of emergency.
  - (b) A special police officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity, in addition to not more than 20 hours per week performing the duties pursuant to this section.
  - (c) For hours to be determined by the Chief of Police while assigned to public safety duties for a private entity, pursuant to N.J.S.A. 40A:14-146.14b.
- (6) Number of officers. The number of special police employed by the Township of West Milford shall not exceed:
  - (a) Class One. Not more than the number of regular police officers employed by the Township.
  - (b) Class Two. Not more than 25% of the number of regular police officers employed by the Township.
- (7) Compliance with rules governing Police Department. All duly appointed special police officers shall be subject to the rules and regulations governing the Police Department.
- (8) Removal. The appointment of special police officers may be revoked for cause after an adequate hearing. Nothing herein shall be construed to require reappointment after the expiration of the term.
- H. Division of Detective Bureau. Within the Department of Police there shall be a Division called the "Detective Bureau," which shall be under the supervision of the Chief of Police. This Bureau shall consist of such members of the Department as may from time to time be assigned thereto by the Chief of Police. The duties and responsibilities of the Detective Bureau shall be those assigned by the Chief.
- J. Composition of Police Department.
  - (1) One Chief
  - (2) One Captain
  - (3) Three Lieutenants
  - (4) Six Sergeants
  - (5) Patrol officers as assigned by the Chief
  - (6) Detectives as assigned by the Chief
  - (7) Domestic Violence Team members (volunteers) as assigned by the Chief

Introduced: February 22, 2012

This Ordinance is being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for March 21, 2012.

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

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

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**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ACCEPT THE DEDICATION OF A DEED OF CONSERVATION AND DRAINAGE EASEMENT FROM BRAEMAR AT WEST MILFORD, LLC, AS FURTHER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE**

**WHEREAS**, Braemar at West Milford, LLC (“Grantor”) is the owner of land designated as Block 10001, portion of Lot 19, on the official tax map of the Township of West Milford, which is intended to be utilized as a conservation area and as a drainage area; and

**WHEREAS**, the conservation easement shall be subject to such easements as are described in the deed of dedication and the Grantor’s right to use the easement area in any manner that will not prevent or interfere with the exercise by the Township of West Milford of the rights granted and conveyed by said deed; and

**WHEREAS**, the drainage easement shall convey to the Township of West Milford, its successors, assigns, agents, and/or designees, the right to enter and re-enter the drainage easement area for the purpose of encompassing the outfall from an outlet pipe which will empty stormwater onto the property and shall include the right of free flowage of stormwater over the property; and

**WHEREAS**, the Township Council of the Township of West Milford is desirous of obtaining said conservation and drainage easement; and

**WHEREAS**, the Grantor has prepared a Deed of Conservation and Drainage Easement granting the Township of West Milford the rights as aforesaid; and

**WHEREAS**, the Township Attorney and the Township Engineer have reviewed said Deed of Conservation and Drainage Easement and find same to be in acceptable form; and

**WHEREAS**, the Township of West Milford does hereby determine to accept said dedication of the said conservation and drainage easement as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The conservation and drainage easement set forth in the Deed of Conservation and Drainage Easement and more fully described in Exhibits A and B thereto, on file with the Township Clerk, being part of Block 10001, Lot 19, is hereby accepted by the Township of West Milford with the conditions attached thereto, as and for a public conservation and drainage easement.
2. The Township Attorney is authorized and directed to accept the Deed of Conservation and Drainage Easement and to record same for the benefit of the Township of West Milford.
3. 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.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Introduced: February 22, 2012

This Ordinance is being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for March 21, 2012.

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

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Agenda items VII 3 through VII 17 were all moved as one.

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

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

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Agenda No. VII 3

~ Resolution No. 2012- 077 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING TIME EXTENSIONS OF THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AWARDS FOR 2008, 2009 AND 2011**

**WHEREAS**, the Township of West Milford has participated in the Passaic County CDBG program since its inception; and

**WHEREAS**, in doing so the Township applied for funding of a qualifying low and moderate income project known as the "Marshall Hill Road Sidewalk"; and

**WHEREAS**, the Township was awarded funding of \$183,581 in 2008, \$100,000 in 2009 and \$100,000 in 2011, from the CDBG program for this project; and

**WHEREAS**, Marshall Hill Road is a County road; and

**WHEREAS**, the Township encountered delays proceeding to provide for additional engineering requested by Passaic County; and

**WHEREAS**, said delays have altered this project's implementation requiring an extension of time; and

**WHEREAS**, based upon design changes required by Passaic County and the need to now secure easements along the sidewalk route, construction of this project has been pushed into 2013; and

**WHEREAS**, changes to the construction schedule will necessitate an extension of the existing agreements and funding to October 31, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford hereby respectfully requests that the County of Passaic accept this resolution to extend the CDBG grant awards for 2008, 2009 and 2011 to October 31, 2013 in order to complete the "Marshall Hill Road Sidewalk".

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford hereby conveys appreciation to the County of Passaic for this consideration and for approval of each of the grant requests which will facilitate the design and construction of a safe pedestrian route for West Milford residents.

Adopted: February 22, 2012

Agenda No. VII 4

~ Resolution No. 2012- 078 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR LSRP SERVICES WEST MILFORD ANNEX (MUSEUM)**

**WHEREAS**, there exists a need for Licensed Site Remediation Professional ("LSRP") services to be rendered to the Township of West Milford in connection with the West Milford Annex (Museum, 1477 Union Valley Road); and

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

**WHEREAS**, the CFO has certified to the availability of funds, said funds to be encumbered from account number 2-01-20-100-450; and

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

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

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

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1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153, for environmental consulting services in connection with Licensed Site Remediation Professional (“LSRP”) services to be performed at the site known as the West Milford Annex (Museum, 1477 Union Valley Road on a time and materials basis for a total amount estimated to be less than \$3,335.00, including the submission of a RE Form to the NJDEP by March 1, 2012 .
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$3,335.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and Christopher Neuffer, President, Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153 for their information and guidance.

Adopted: February 22, 2012

Agenda No. VII 5

~ Resolution No. 2012- 079 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR LSRP SERVICES WEST MILFORD DPW**

**WHEREAS**, there exists a need for Licensed Site Remediation Professional (“LSRP”) services to be rendered to the Township of West Milford in connection with the West Milford DPW, 30 Lycosky Road; and

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

**WHEREAS**, the CFO has certified to the availability of funds, said funds to be encumbered from account number 2-01-20-100-450; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153, for environmental consulting services in connection with Licensed Site Remediation Professional (“LSRP”) services to be performed including a LSRP Notification of Retention form, the submission of an Extension Request Form to the NJDEP, a Receptor Evaluation to be submitted to the NJDEP by March 1, 2012, and a review of the historical investigation activities conducted at the site known as the West Milford DPW, 30 Lycosky Road for a total amount estimated to be less than \$3,335.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$3,335.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and Christopher Neuffer, President, Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153 for their information and guidance.

Adopted: February 22, 2012

Agenda No. VII 6

~ Resolution No. 2012- 080 ~

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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 AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PK ENVIRONMENTAL FOR WORK ASSOCIATED WITH ON-SITE RECONNAISSANCE TO CONFIRM THE PROPER REMOVAL AND DISPOSAL OF SURFICIAL SOLID WASTE IDENTIFIED IN THE PRELIMINARY ASSESSMENT REPORT (PAR) ASSOCIATED WITH THE RANDOM WOODS PROPERTY IN AN AMOUNT NOT TO EXCEED \$550.00**

**WHEREAS**, with the creation of a dedicated source of tax revenue (“Open Space Trust Fund”) for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

**WHEREAS**, as a result, the Township authorized the purchase of certain parcel of land for open space, designated as Block 8001, Lot 1 (Random Woods property); and

**WHEREAS**, with this potential acquisition, there is a need for on-site reconnaissance to confirm the proper removal and disposal of surficial solid waste identified in the preliminary assessment (par) report in accordance with NJDEP Green Acres requirements; and

**WHEREAS**, the Township wishes to retain PK Environmental for the purpose of performing on-site reconnaissance to confirm the proper removal and disposal of surficial solid waste, visual inspection for any evidence of soil contamination, and the preparation of a report summarizing the on-site analyses, conclusions, and recommendations; and

**WHEREAS**, the total amount of the contract shall not exceed \$550.00; and

**WHEREAS**, the CFO has certified as to the availability of funds said funds to be encumbered from account number T-14-56-850-000; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with PK Environmental with offices located at 205 Main Street, P.O. Box 1066, Chatham, New Jersey, 07928, for performance of on-site reconnaissance to confirm the proper removal and disposal of surficial solid waste, visual inspection for any evidence of soil contamination, and the preparation of a report summarizing the on-site analyses, conclusions, and recommendations, in an amount not to exceed \$550.00, and in accordance with its proposal dated January 16, 2012.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$550.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk
5. Notice of this action shall be published once in the Township’s official newspaper as required by law.
6. A copy of this resolution shall be provided to Monica Gosicki, Treasurer, and PK Environmental, 205 Main Street, P.O. Box 1066, Chatham, New Jersey, 07928, for their information and guidance.

Adopted: February 22, 2012

Agenda No. VII 7

~ Resolution No. 2012- 081 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AWARDED A CONTRACT TO VAN ORDEN SAND & GRAVEL OF RINGWOOD FOR ROAD MATERIALS IN AN AMOUNT NOT TO EXCEED \$78,946**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 3, 2012 for road materials as per the Bid Specifications; and

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

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**WHEREAS**, the Township of West Milford received two (2) bids for this contract; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the Director of Public Works; and

**WHEREAS**, the bid received from Van Orden Sand & Gravel of Ringwood has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation for the award of this contract to Van Orden Sand & Gravel of Ringwood; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 2-01-26-290-360 - \$40,000.00 & C-04-09-943-624 - \$38,946.00.

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

1. The Township Council hereby awards a contract to Van Orden Sand & Gravel of Ringwood, P.O. Box 8246, Haledon, New Jersey 07538 in an amount not to exceed \$78,946.00 for road materials as per the Bid Specifications
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Van Orden Sand & Gravel of Ringwood, in accordance with its bid for said road materials.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 22, 2012

Agenda No. VII 8

~ Resolution No. 2012- 082 ~

**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 DISTRICT #2 PAVING MATERIALS, TO TILCON NEW YORK, INC. IN AN AMOUNT NOT TO EXCEED \$85,000**

**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 #5 Paving Materials, for the 2012 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 2012; 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 purchase paving materials through the Morris County Cooperative Purchasing Council, Contract No. 5, Paving Materials in an amount not to exceed \$85,000; 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 2-01-26-290-361.

**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 \$85,000, 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 22, 2012

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

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Agenda No. VII 9

**~ Resolution No. 2012- 083 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF #2 FUEL OIL THROUGH THE 2012 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT NO. 2 TO FINCH FUEL OIL COMPANY, INC.**

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

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract No. 2 for #2 Fuel Oil for the 2012 year to Finch Fuel Oil Company, 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 #2 Fuel Oil in 2012; and

**WHEREAS**, the Chief Financial Officer has submitted a written recommendation that the Township of West Milford purchase #2 fuel oil through the Morris County Cooperative Purchasing Council, Contract for Diesel Fuel at the delivered price per gallon of \$.0691 in a total amount not to exceed \$198,000; 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 2-01-31-460-316.

**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 Township Engineer to purchase #2 Fuel Oil, in a total amount not to exceed \$198,000.00, through the Morris County Cooperative Purchasing Council Contract No. 2 for #2 Fuel Oil awarded to Finch Fuel Oil Company, 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 Director of Public Works.

Adopted: February 22, 2012

Agenda No. VII 10

**~ Resolution No. 2012- 084 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF GASOLINE THROUGH THE 2012 MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT #1 MOTOR GASOLINE, TO ALLIED OIL, LLC.**

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

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #1, Motor Gasoline, for the 2011-2012 years to Allied Oil, LLC, 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 Motor Gasoline in 2012; and

**WHEREAS**, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and submitted a written recommendation that the Township of West Milford purchase gasoline through the Morris County Cooperative Purchasing Council, Contract, Gasoline in an amount not to exceed \$212,000; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers 2-01-31-460-240 and 2-01-31-460-315.

**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:

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

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1. The Township Council hereby authorizes the Director of Public Works and the Chief Financial Officer to purchase Gasoline, in an amount not to exceed \$212,000.00, through the Morris County Cooperative Purchasing Council, Contract #1, for Motor Gasoline awarded to Allied Oil, LLC.
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 Director of Public Works.

Adopted: February 22, 2012

Agenda No. VII 11

**~ Resolution No. 2012- 085 ~**

**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. 9, ROAD MATERIALS, TO TILCON NEW YORK, INC. IN AN AMOUNT NOT TO EXCEED \$20,000**

**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 Road Materials, for the 2012 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 stone to complete emergency repair work as a result of 2011 storms in 2012; 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 purchase road materials through the Morris County Cooperative Purchasing Council, Contract No. 9, Road Materials in an amount not to exceed \$20,000; 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 1-01-46-886-595.

**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 \$20,000, through the Morris County Cooperative Purchasing Council, contract #9, Road 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 22, 2012

Agenda No. VII 12

**~ Resolution No. 2012- 086 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER FOR KEVCO ELECTRIC, INC. FOR THE WARWICK TURNPIKE/LAKESHORE DRIVE TRAFFIC SIGNAL PROJECT**

**WHEREAS**, West Milford Supervising Engineering Aide has recommended approval of a change order to Kevco Electric, Inc. for certain changes to the Warwick Turnpike/Lakeshore Drive Traffic Signal Project awarded to the low bidder on June 15, 2011 in the amount of \$167,729.95; and

**WHEREAS**, the increased cost recommended in the approval of the change order is \$21,702.90 which amount represents an updated contract amount of \$189,432.85; and,

**WHEREAS**, the change was recommended due to the need to add additional signals, streetlights, curbing, sidewalk and signs; and

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

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**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from C-04-10-945-290.

**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 Administrator be and is hereby authorized and directed to execute a change order to the contract with Kevco Electric, Inc. in an amount not to exceed \$21,702.90 representing an increase to the original contract amount of \$167,729.95 and establishing a new not to exceed amount of \$189,432.85.
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 Municipal Clerk.

Adopted: February 22, 2012

Agenda No. VII 13

~ Resolution No. 2012- 087 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT FOR MARKETING OF RECYCLABLES TO TRINITY RECYCLING**

**WHEREAS**, the Township of West Milford requested proposals from nineteen firms for the Marketing of Recyclables which included a request for a rebate based on a percentage of the Official Board Markets (OBM) ("Yellow Sheets") high published price (New York Area) with a per ton floor price for various grades of recyclables with the exception of the commingled recyclables having no commonly recognized index; and

**WHEREAS**, the Director of Public Works has reviewed the proposals received and recommends award of a thirty-two (32) month contract for the Marketing of Recyclables to Trinity Recycling of N.J. subject to the contract form being approved by the Township Attorney.

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

1. The Township Council hereby authorizes the Mayor & Township Clerk to execute a thirty-two (32) month contract with Trinity Recycling of N.J., Inc. for the Marketing of Recyclables.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 22, 2012

Agenda No. VII 14

~ Resolution No. 2012- 088 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR THE PURCHASE OF ONE 2012 EMERGENCY MEDICAL VEHICLE TO VCI EMERGENCY VEHICLE SPECIALISTS**

**WHEREAS**, the Township of West Milford solicited bids on February 10, 2012 for One 2012 Emergency Medical Vehicle; and

**WHEREAS**, in response to the "Notice to Bidders" advertised and sent to fourteen prospective bidders and bid service companies the Township received one (1) bid; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the UGL Volunteer Ambulance Corp; and

**WHEREAS**, the UGL Volunteer Ambulance Corp has submitted a written recommendation for the award of this contract to VCI Emergency Vehicle Specialists, 43 Cross Keys Road, Berlin, NJ 08009; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number C-04-11-951-261; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to VCI Emergency Vehicle Specialists;

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

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

1. The Township Council hereby awards a contract to VCI Emergency Vehicle Specialists for One 2012 Emergency Medical Vehicle in an amount not to exceed \$179,976.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with VCI Emergency Vehicle Specialists in accordance with its bid for One 2012 Emergency Medical Vehicle.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: February 22, 2012

Agenda No. VII 15

~ Resolution No. 2012- 089 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE WEST MILFORD BOARD OF EDUCATION FOR THE LOAN OF A SCHOOL BUS FROM THE BOE TO THE TOWNSHIP FOR USE IN THE BUBBLING SPRINGS DAY CAMP PROGRAM**

**WHEREAS**, the Township Of West Milford is desirous of using one (1) fifty-four (54) passenger school bus (hereinafter referred to as the "School Bus") that is owned by the West Milford Board of Education to use in connection with the Township's Bubbling Springs Day Camp Program in West Milford, New Jersey; and

**WHEREAS**, the West Milford Board of Education agrees to loan the School Bus to the Township from June 26, 2012 to August 17, 2012 in accordance with a Memorandum of Agreement filed in the Office of the Township Clerk; and

**WHEREAS**, the Township of West Milford and the West Milford Board of Education have successfully engaged in this loan program for a number of years.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and are hereby authorized and directed to execute a memorandum of agreement for the loan of one school bus from the Board of Education to the Township of West Milford for use for the Township's Bubbling Springs Day Camp Program from June 26, 2012 to August 17, 2012.

Adopted: February 22, 2012

Agenda No. VII 16

~ Resolution No. 2012- 090 ~

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

**WHEREAS**, there appears to be a surplus in the 2011 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Group Insurance	01-23-220-506	\$23,387
<b>TOTAL TRANSFERS OUT</b>		<b>\$23,387</b>

**WHEREAS**, there appears to be insufficient funds in the following appropriations to meet 'the demands thereon for the balance of the 2011 budget year:

ACCOUNT NAME	ACCOUNT NUMBER	AMOUNT
Administration S&W	01-20-100-101	\$205.00
Information Technology S&W	01-20-140-104	\$67.00
Tax Collection S&W	01-20-145-101	\$615.00
Tax Assessment S&W	01-20-150-101	\$275.00
Building S&W	01-22-195-101	\$4,470.00

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Police Communications S&W	01-25-243-101	\$1,190.00
Streets & Roads S&W	01-26-290-101	\$6,520.00
Vehicle Maintenance S&W	01-26-315-101	\$490.00
Public Health S&W	01-27-330-101	\$3,650.00
Animal Control S&W	01-27-340-104	\$230.00
Recreation Programs S&W	01-28-370-101	\$3,250.00
Hillcrest S&W	01-28-374-100	\$410.00
Municipal Court S&W	01-43-490-101	\$1,015.00
Recreation Administration S&W	01-28-372-101	\$1,000.00
<b>TOTAL TRANSFERS IN</b>		<b>\$23,387.00</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 the 2011 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 transfers in the 2011 appropriation:

1. \$23,387.00	2. \$23,387.00	CURRENT FUND
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A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: February 22, 2012

Agenda No. VII 17

~ Resolution No. 2012- 091 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER**

**WHEREAS**, NJAC 17:17 authorizes Public Agencies to annually designate a Public Agency Compliance Officer as the Liaison Official responsible for the Agency’s contracting procedures.

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Township of West Milford in the County of Passaic, in the State of New Jersey hereby appoints the Township Administrator Nancy Gage, to serve as the Public Agency Compliance Officer from January 1, 2012 through December 31, 2012.

**BE IT FURTHER RESOLVED**, that in accordance with NJAC 17:27 the Township Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the State of New Jersey Department of the Treasury Division of Contract Compliance and EEO in Public Contracts.

Adopted: February 22, 2012

Agenda No. VIII

**Consent Agenda**

~ Resolution No. 2012- 092 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications.

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

**Resolutions:**

- a. **2012-093** – Cancel Taxes
- b. **2012-094** – Refund Escrow Funds
- c. **2012-095** – Refund Other Liens
- d. **2012-096** – Refund Overpayments
- e. **2012-097** – Refund Performance Guarantee
- f. **2012-098** – Refund Recreation Fees
- g. **2012-099** – Reinstate Taxes

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- h. **2012-100** – Tax Lien Sale
- i. **2012-101** – Various Licenses

**Applications:**

1. Application for Instant Pull Tab Raffle License No. 2012-12 from the West Milford Elks #2236 for Daily drawings.
2. Application for Tricky Tray Raffle License No. 2012-13 from the Macopin Middle School PTA for April 27, 2012
3. Application for On Premise 50/50 Raffle License No. 2012-14 from the Macopin Middle School PTA for April 27, 2012
4. Application for Social Affair Permit by St Josephs Church for March 17, 2012.
5. Application for an Extension of Licensed Premises by Uncorked Wines & Spirits for March 17, 2012.

Adopted: February 22, 2012

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

**~ Resolution No. 2012- 093 ~**

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

**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

**REASON: 1) Deleted From Rolls**

BLOCK/LOT	NAME	AMOUNT	YEAR
7903-13	Township of West Milford	\$5,340.00	2012 First Half
12210-8	Nicholas Monello	\$52.00	2012 First Half
<b>TOTAL</b>		<b>\$5,392.00</b>	

Adopted: February 22, 2012

Agenda No. VIII b

**~ Resolution No. 2012- 094 ~**

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

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
Tim Bolduc 48 Alvin Road West Milford, NJ 07480	ZB08-11-12	\$950.00	\$485.00

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Francis Hlavaty 450 Morsetown Road West Milford, NJ 07480	ZB04-11-07	\$950.00	\$627.50
E. Oakes & Sons P.O. Box 692 Newfoundland, NJ 07435	0120-0114	\$2,250.00	\$224.90
Kenneth & Robyn Homer 53 Bisset Drive West Milford, NJ 07480	ZB12-11-19	\$950.00	\$864.50
<b>TOTAL REFUND</b>			<b>\$2,201.90</b>

Adopted: February 22, 2012

Agenda No. VIII c

~ Resolution No. 2012- 095 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING 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 Amt	Pay to the Lien Holder
10-027	03/23/2010	02706-010	\$8,346.06	Pam Investors C/O Patrick Carabellese 127 South Washington Ave Bergenfield, NJ 07621
11-001	04/19/2011	00510-006	\$18,637.51	Us Bank Cust For Tower DBW 50 South 16th St Ste 1950-Tow Philadelphia, PA 19102
11-016	04/19/2011	02001-002	\$23,563.75	Lien Times LLC 203 Stephens Road West Milford, NJ 07480
11-057	04/19/2011	06303-004	\$48,168.36	Us Bank Cust For Ccts Capital LLC 2 Liberty Place 50 South 16 St. Ste 1950 Philadelphia, PA 19102
11-075	04/19/2011	07801-032.03	\$21,470.88	Us Bank Cust For Tower DBW 50 South 16th St Ste 1950-Tow Philadelphia, PA 19102
11-079	04/19/2011	08002-008	\$185.83	Michael Giordano 215 Meday Avenue Mattitock, NY 11952
<b>Grand Total</b>			<b>\$120,372.39</b>	

Adopted: February 22, 2012

Agenda No. VIII d

~ Resolution No. 2012- 096 ~

**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 an overpayment as shown below; and

**WHEREAS**, the overpayment was created by reasons stated 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:

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- REASONS:**
- |                                     |                       |
|-------------------------------------|-----------------------|
| 1. Incorrect Payment                | 5. Tax Appeal         |
| 2. Duplicate Payment                | 6. Deleted from Rolls |
| 3. Senior Citizen/Veteran Deduction | 7. Township Owned     |
| 4. Homestead Rebate                 |                       |

Block/Lot	Name	Amount	Year	Reason
2015-11	Garden State Title Agency, LLC 20 Chapin Road P.O. Box 2005 Unit 1013B Pine Brook, NJ 07058	\$3,309.00	2012	2
2405-9	Richard & Laura Belfi 70 Riverside Road Hewitt, NJ 07421	\$934.90	2012	2
2702-2	Drew K. Murray 230 West Parkway, Suite 3A Pompton Plains, NJ 07444	\$1,330.91	2012	2
3404-4	James & Lesla Orsino 27 Old Lakeside Road S. Hewitt, NJ 07421	\$3,549.00	2012	2
3609-13.01	CoreLogic R. E. Tax Service Refund Department P.O. Box 961250 Fort Worth, Texas 76161-9887	\$2,739.00	2012	2
3611-21	Drew Murray, Esq. 230 West Parkway, Ste 3A Pompton Plains, NJ 07444	\$3,265.00	2012	2
3705-8	T.A. of Northern Passaic, LLC 1212 Route 23 North Unit 6 Butler, NJ 07405	\$2,572.00	2012	2
4009-10	Edward W. Martin LLC Attorney at Law 48 Ringwood Avenue Ringwood, NJ 07456	\$2,705.00	2012	2
5611-4	Scott Flammer 99 Center Street West Milford, NJ 07480	\$2,156.00	2012	2
6201-6	Haydee Pagan 128 Marshall Hill Road West Milford, NJ 07480	\$1,187.79	2012	1
7610-7	Closing USA LD LLC 903 Elmgrove Road Rochester, NY 14624	\$1,697.76	2012	1
8602-45	Christopher Fulton & Kim Hafner 4213 Wedgewood Drive Billings, MT 59106	\$3,731.00	2012	2
8706-2	Joseph & Kathleen Lembo 14 Rolling Ridge Road West Milford, NJ 07480	\$2,356.00	2012	2
10801-11	Jason & Courtney Lombardo 63 Hudson Drive West Milford, NJ 07480	\$2,251.00	2012	2
12601-1	Valley National Bank P.O. Box 558 Wayne, NJ 07474	\$411.00	2012	2
13201-19	Michael & Karen Ryan 34 Northwood Drive West Milford, NJ 07480	\$2,222.00	2012	2
16301-6	James & Tammie Profitko 3 Oak Drive Oak Ridge, NJ 07438	\$1,837.00	2012	2
16602-4	Consolidated Title Group, LLC 18 Bullard Drive Lavallette, NJ 08735	2,917.00	2012	2
7903-13	West Milford Township Library 1480 Union Valley Road West Milford, NJ 07480	\$163.52	2012	7
12210-8	Nicholas Monello	\$52.00	2012	6

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Block/Lot	Name	Amount	Year	Reason
	113 Jennifer Drive Monroe Twsp. NJ 08831			
3503-46	Eric & Carol Louer 1925 Union Valley Road Hewitt, NJ 07421	\$884.93	2011	5
<b>TOTAL</b>		<b>\$42,271.81</b>		

Adopted: February 22, 2012

Agenda No. VIII e

**~ Resolution No. 2012- 097 ~**

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

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be refunded:

Name & Address	Block & Lot	Amount Refunded	Page No.
Living Word Church 93 Lakeshore Drive Hewitt, NJ 07421	2705/4	\$100.00	83

Adopted: February 22, 2012

Agenda No. VIII f

**~ Resolution No. 2012- 098 ~**

**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:

Horse'N Around		
Oona Dennison	\$110.00	James Dennison 16G Quincy Lane West Milford, NJ 07480
Hailey Clarke	\$120.00	Stacy Clarke 147 Maple Road West Milford, NJ 07480
Jr. Jazzercise		
Amelia Taylor	\$75.00	Susan Taylor 81 Witte Road Hewitt, NJ 07421
Acting/Shooting Stars		
Sydney Durham	\$110.00	Donna Gnecco 46 Sussex Drive West Milford, NJ 07480
Chess		
Mary Soriano	\$50.00	Caroline Soriano 784 Burnt Meadow Road Hewitt, NJ 07421
Matthew Kochan	\$50.00	Peg Kochan 23 King Arthur Ct. West Milford, NJ 07480
Legos		
Ryan Carnes	\$40.00	Sylvia Carnes 171 Gould Road Newfoundland, NJ 07435
Field Hockey		
Daniella	\$90.00	Debra Rodas

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

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		62 Tintle Avenue West Milford, NJ 07480
Glenna	\$90.00	Jill Dunlop 33 Moore Road West Milford, NJ 07480

Adopted: February 22, 2012

Agenda No. VIII g

~ Resolution No. 2012- 099 ~

**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
706-3	Barnett, Barnett, Roman & Harder	\$1,461.00	2012
<b>TOTAL</b>		<b>\$1,461.00</b>	

Adopted: February 22, 2012

Agenda No. VIII h

~ Resolution No. 2012- 100 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A 20121 TAX TITLE LIEN SALE**

**WHEREAS**, the Collector of Taxes has requested that the Township conduct a 2012 Tax Title Lien Sale on Tuesday, March 27, 2012 at 10:00 a.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a 2012 Tax Title Lien Sale in the Township Meeting Room on Tuesday, March 27, 2012 at 10:00 a.m.

Adopted: February 22, 2012

Agenda No. VIII I

~ Resolution No. 2012- 101 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2012**

**WHEREAS**, applications have been made for the renewal of various Licenses 2012; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2012 Licenses as listed below:

2012 TAXI/LIMOUSINE OWNER LICENSES	
License No.	Applicant Name
2012 – 01	Douglas Business Services, Inc. Douglas Townsend 1873 Macopin Road

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2012 – 02	Blue Frog Transportation Co. LLC Lawrence Carnuccio 19 Upper Highcrest Road
2012-03	S & J Limo John Karwoski 9 Trenton Road
<b>2012 TAXI/LIMOUSINE DRIVER LICENSES</b>	
2012 – 01	Douglas Townsend 1873 Macopin Road
2012 – 02	Lawrence Carnuccio 19 Upper Highcrest Road
2012-03	S & J Limo John Karwoski 9 Trenton Road
<b>2012 POOL TABLE LICENSE</b>	
2012 - 06	Pioneer Bar & Grill Raymond Taylor 350 Warwick Turnpike
<b>2012 AMUSEMENT GAME LICENSE</b>	
2012 - 04	Pioneer Bar & Grill Raymond Taylor 350 Warwick Turnpike

Adopted: February 22, 2012

**Approval of Expenditures**

Agenda No. XI

~ Resolution No. 2012- 102 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS  
 AMENDED**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

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

Acct #	Account Name	Amount
1	Current Account. . . . .	\$473,412.05
2	Reserve Account . . . . .	122,141.96
3	Animal Control Trust	74.00
6	Capital. . . . .	436,587.72
7	Grants. . . . .	4,990.94
8	Refuse. . . . .	152,270.99
9	Refunds. . . . .	163,379.20
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	187.50
17	Trust . . . . .	3,743.00
18	Development Escrow. . . . .	5,981.78
19	COAH	0.00
20	Special Reserve	0.00
Total		\$1,362,769.14
Less Refund Resolution		-163,379.20
<b>Actual Bill List</b>		<b>\$1,199,389.94</b>
Other Pay't Ck #48355 US Postal Service		12,000.00
<b>Total Expenditures</b>		<b>\$1,211,389.94</b>

Approved: February 22, 2012

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

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Councilman Rosone made a motion, seconded by Council President Signorino to place this motion on the table for discussion.

Discussion: Councilwoman Horton stated that she did question snow removal bills. She has received some information. She thanks the new administrator who will look closer at those bills and she asked to have all snow removal bills removed pending receipt of requested data.

Councilman Rosone amended his motion and Council President Signorino amended his second to remove snow removal bills from this bill list.

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

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Agenda No. XII

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

Council President Signorino welcomed Ms. Gage stating that he looks forward to working with her. He is hoping for a speedy change to the MUA and putting these issues to rest. He stated that he is not finger pointing at the Mayor.

Councilwoman Horton stated that she will be looking carefully at bills and finances. She recognized the Eagle Scout and his family. Last weekend she attended Kenny Foot's Eagle Scout honor ceremony. She commended him and his family. She stated that she, Mayor Bieri and Councilman Smolinski attended a ceremony to retire Officer Parillo's jersey at the ice hockey arena in Wayne. It was a very meaningful ceremony. She thanked those who volunteered to serve on the MUA and said she will support them.

Councilwoman Erik delivered the November recycling report noting that there were 39 tons of recycling for which we got paid. She compared the revenue to what it would have cost if those items were put in garbage. She commended Rob Ruth, Eagle Scout. She stated that each year the school plays are more awesome than past years. The kids get better year after year and it is a great evening out. She has received a couple of letters to express thanks from a number of people. She read two from people who appreciate the horse trails in West Milford.

Councilman Smolinski welcomed Ms. Gage aboard. He asked for an update on labor negotiations and he asked the new administrator to schedule budget hearings.

Councilman Rosone welcomed Ms. Gage. He stated that he would like an update to renovations at the teen coffee house. He stated that received calls about trash on the side of the road by Macopin & Union Valley Road before Bald Eagle Village. This is a county road and he asked the new administrator to contact them to clean it. He stated that a Township sign is down at Echo Lake & Macopin and asked that it be restored. He congratulated Bob Ruth on attaining Eagle Scout status which, he said, is an enormous accolade. He has been to many school plays in West Milford and the kids are always very talented.

Mayor Bieri echoed sentiments already expressed about the school plays and the ceremony to retire Officer Parillo's jersey. She commended Township staff for submitting a detailed FEMA application noting that 75% of costs associated with the related storms have approved for reimbursement. All emergency services personnel are to be commended. The volunteer awards will take place on April 18<sup>th</sup>

Administrator Gage thanked everyone for their welcomes and good wishes. Today was her first day and she is absorbing a lot of information. There is a lot to learn and she looks forward to the challenges.

Attorney Semrau stated that in January the Township received a letter about power boat races. He reviewed information about two organizations, one local and one from Hopatcong. The DEP sent a letter outlining Township requirements for allowing such use at Brown's Point. He asked if Council consensus is for him to look into this to determine if there is a way to coordinate the local organization's request. He will have to work with CS&R and other departments. The Township may have some discretion as to what organization the Township would endorse. The Council gave consensus to favor the Greenwood Lake powerboat association. Mr. Semrau advised that it appeared that we were close to settling the Upper Greenwood Lake (UGL) litigation but the language submitted by their attorney contains some terms with which he is not comfortable. Consequently, at this time, the parties are essentially at a standstill. He has asked for an additional mediation with Judge Saunders to attempt to reach amenable terms. The Township, he said, has to be mindful that there are other lake communities that could be affected. He

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recalled that at the last meeting there was discussion about Apple Acres and as a result the Land Conservancy letter was clarified. It has been demonstrated to the DEP that there are multiple sites in consideration. The intent and the cleanup of the Apple Acres site is for passive and/or active recreation. He has received inquiries from the BOE attorney seeking to proceed with title transfer of Wallisch. He does not recommend that because there are contamination issues. He did discuss with her the potential of meeting with the board to discuss possible capital improvements. The Council gave consensus to allow a meeting to discuss capital improvements for Hillcrest.

Council President Signorino asked for an update on the street sweeper. Mayor Bieri advised that we have a sweeper that has not been operable because there were insufficient funds appropriated in the 2011 budget to effectuate repairs. We have an arrangement with Ringwood to use their sweeper. Mr. Semrau advised that this dovetails into UGL litigation because they want their roads swept and they want assurances that if sweeper is broken we will get another sweeper. The Township cannot agree to that.

Agenda No. XII

Appointments and Resignations

~ Resolution No. 2012- 103 ~

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

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

Table with 3 columns: Name, Position, Date Tendered. Rows include Phil Pirro, Salvatore Schimmenti, and David Heister.

Adopted: February 22, 2012

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

Councilman Rosone nominated John Monahan Citizen Member to the Beautification / Recycling Task Force Committee (Advisory) seconded by Councilwoman Horton. Motion to close & confirm.

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

Councilman Signorino nominated Michael Gerst Citizen Member to the Facilities Assessment Committee seconded by Councilwoman Horton. Motion to close & confirm.

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

Councilman Signorino nominated Kerry J. O'Brien Class C Alternate #2 Citizen Member to the Historic Preservation Commission seconded by Councilwoman Erik. Motion to close & confirm.

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

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Motion carried.

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Councilman Smolinski nominated Carol Hardy Citizen Member 1 and Louis Monico Citizen Member 2 to the MUA seconded by Councilman Rosone. Motion to close & confirm.

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

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Councilman Smolinski nominated Michael Siesta Alternate #1 from Alternate #2 to the Zoning Board of Adjustment seconded by Councilman Rosone. Motion to close & confirm.

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

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Councilman Signorino nominated Michael Gerst Alternate #2 to the Zoning Board of Adjustment seconded by Councilwoman Erik. Motion to close & confirm.

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

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Agenda No. XII

**Executive Session**

None.

Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:45:42 p.m.

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

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Approved: May 23, 2012

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK