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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 24

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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 Workshop meeting was advertised in the Herald News in its issue of January 1, 2012 with an update for the change in time on March 18, 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, Michael Ramaglia,  
Edward Rosone, Luciano Signorino, CarlLa Horton, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

Councilman Smolinski moved to adopt the November 9, 2011 Regular Meeting as presented:

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

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Agenda No. II

**Presentations**

Preliminary Budget – Auditor Chuck Ferraioli introduced himself and directed the Council to the Annual Debt Statement (ADS). He noted that the ADS became more important in 2011 when the Greek government almost failed because of extreme debt commenting that it is easy to go into debt but it is hard to pay that long-term debt off. It also is important in obtaining a debt rating from Standard & Poors (S&P). Many towns are being downgraded but West Milford has avoided a downgrade based on 2011 financials. S&P is concerned about the 2% levy cap because of loss of surplus and failure to fund for reserves which make municipalities a greater risk. He reviewed the ADS and West Milford's net debt which is 0.91 representing the true value of real estate in town. This comes from the state through the county and the decline was state wide, country wide and maybe worldwide. West Milford's net debt went down and the goal should be to stay under 1% even though state law allows 3.5%. The budget, he said, is broken down into several areas including capital. West Milford needs a lot of capital expenditures simply because of its size. Because the equalized value is declining and because of the mild winter the Township may not have to bond as much as in the past. He has some clients who are Wall Street types who believe now is the time to bond because interest rates are so low but he does not ascribe to that. However, the Council may want to consider that when thinking about funding the library. The ten-year treasury is now at 2.3%. Sometimes the Federal Reserve controls interest rates. If the public believes the economy is recovering they will take money from bonds and invest in other areas. The new library is a long-term debt/asset. You may want to consider locking in that interest rate. The trend appears to be moving upward. Councilman Smolinski asked Ferraioli to clarify the library funding issue. Mr. Ferraioli noted that the library board cannot sell bonds but they will give the Township the proceeds and make annual payments to the Township. Mayor Bieri noted that will not increase the taxes in any way because the library has the money currently. Councilman Smolinski asked if bonding for the library will affect the municipality's ability to bond in the future and Mr. Ferraioli replied that the net debt will increase by the dollar amount. He is not worried about that because he can prove that to Moody's. He is more concerned about annual debt increasing. Mr. Ferraioli agreed that funding the library will not have a negative impact on the municipality.

Summary of Levy Cap – Mr. Ferraioli stated that this is the 2% cap with many items outside. He reviewed the budget which is now \$422,288 over the CAP. He stated that Administrator Gage had an idea which is good. She suggests using the balance in the snow removal budget to pay as you go capital expenditures

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Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 24

---

this year. That will take care of levy cap problem too and it keeps money in budget for next year cap issues. That theory, he said, is very good and makes a lot of sense.

Current fund – Mr. Ferraioli reviewed anticipated revenues. Mayor Bieri clarified that a municipality is not allowed to budget revenues higher than realized in the prior year. Mr. Ferraioli reviewed the energy receipts tax and explained its history and the reality. He reviewed grants advising that the number will change as the year progresses. Discussion ensued about FEMA funds for the 2011 snowstorm and Council stated that they just got notice that West Milford received \$110,000. Mr. Ferraioli noted that certain expenses can be funded over five years including the cost for the revaluation and certain storms. Such measures could prove helpful in future budgets. He stated that the first payment on the revaluation is in the budget. Also in the budget is the property sold years ago for about \$800,000. He suggested that the Council could use this to pay off the revaluation which will help future budgets rather than offset this budget. Mayor Bieri stated the reason that money is still there is that it was always intended that it not be used to offset operating costs.

Delinquent taxes – Mr. Ferraioli stated that we were short \$391,000 in tax collections last year. It depleted surplus by that much and we used surplus funds in last year's budget. He urged that the tax collector or assessor be asked what the chances are to see increased tax collection next year. He spoke about tax collection, tax appeals, and the effects on the municipal budget. Every town, he said, is dealing with the reduction in taxes collected. Surplus has gone down significantly in the past few years from \$2.3 to \$1.9 million. Delinquent taxes of depleted surplus last year. Every time the school levy increases by a dollar our surplus increases by \$0.50. We must be alert to the school budgets impact on our surplus. If the school budget passes it will generate \$421,000 in surplus. If defeated and significant reductions are made we may need to revisit our surplus. Moody's will focus on surplus. We started with \$1,956 million which is down by \$400,000. He reviewed sheets 22 and 26 and advised that the Township has an attorney working on foreclosure procedures. He reviewed the foreclosure procedures suggesting that we speak to the tax collector about ways to collect these monies. Sheet 27 provides a schedule of foreclosed property where the numbers are assessed value not real numbers. West Milford only foreclosed on \$62,000 of liens last year and in his opinion we must do better. This year it is impossible to compare apples to apples because of the revaluation. He stated that he tried to show the 2012 levy now versus last year as well as the 2012 assessed value and 2012 average home. The County has introduced a 2% increase to their budget but he does not have their numbers yet. Last year one point equaled \$13 and we are now talking 7%. With last year's number that would mean \$175 to the average homeowner. This year a tax point equals \$278,281 with one tax point equaling \$24.70. Usually the Council looks at capital budget first and he does not anticipate a problem bringing the budget within the 2% tax levy. Councilman Smolinski questioned how the value of the average home evolved. Mr. Ferraioli stated that the revaluation affected people in different ways. The increase right now is \$143 before any cuts are made. Mayor Bieri said that new green property cards mailed in February show old and new values and Mr. Ferraioli explained how the average property value is arrived at.

Mr. Ferraioli cautioned the Council that it is more important to get the budget right than to try to meet deadlines. He said that a realistic goal would be to adopt the budget before July. Mayor Bieri asked Mr. Ferraioli if he is familiar with the Epic Solutions software that was the subject of a recent presentation to Council. Mr. Ferraioli stated that one of his towns uses that program where the CFO absolutely loves the program. In his opinion it may be a good tool.

Administrator Gage stated that next step is to decide the process. She provided Council a sign up sheet for potential dates for meetings. She suggested meeting with the largest departments, recreation, public safety & DPW first. She asked Council to check their schedules and advise of availability. Discussion ensued about having budget meetings with subcommittees, open to the public but without a quorum. Councilwoman Horton stated that she is okay with smaller meetings if it helps the process as long as they are open to the public and the press. Council President Signorino asked why not three council members. Ms. Gage stated that we could have three but legal counsel advises it is safer to do 2 than 3 because we can conceivably pass the budget with 3 votes. Councilman Smolinski stated that he appreciates Ms. Gage's efforts to make this work. The reason the meetings were held without public input before was for the benefit of the department heads. He lamented that he has heard a lot of harsh statements over the past year and the Council must cut about \$1.5 million from the budget to reach a zero increase. Subcommittee meetings would, in his opinion, expedite the process despite the fact that he would like to be at all the meetings. Councilman Smolinski made a motion to hold all budget meetings with a full quorum of the Council.

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

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Thanking Mr. Ferraioli for his time, the Council took a five-minute recess.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 3 of 24

---

Swearing in of Police Officers & Special Police Officers – Mayor Bieri was joined at the podium by Police Chief Gene Chiosie. Mayor Bieri advised that there has been another retirement in the police department and there are promotions that ensure that the structure remains intake. There have not been new hires. There are now 43 officers in the department when there has been historically been 48. Mayor Bieri read a biography of Keith Ricciardi who is being promoted from Sergeant to Lieutenant. Mayor Bieri invited Lieutenant Ricciardi's family to join him as she administered his oath of office. Chief Chiosie said some words about the Lieutenant's career in the department and commended him for his years of service.

Mayor Bieri invited James DeVore to join her to be sworn in as a Sergeant. She read a brief biography and his family joined him as the Mayor administered the Sergeant's oath of office. Chief Chiosie provided some comments about Sergeant DeVore's career to date and commended him for his service.

Mayor Bieri read a brief biography of Officer Nevin who is being promoted to Sergeant. Sergeant Nevin was joined by his family while Mayor Bieri administered his oath of office. Chief Chiosie noted some highlights of Sergeant Nevin's career and thanked him for his service.

Chief Chiosie recognized those officers who were promoted in the past year without the benefit of an official swearing in. Mayor Bieri administered the oath of office to Officer Petricelli who came to West Milford in September. She reviewed his career in law enforcement which included being a member of the Sparta police department and a member of the US armed forces. Chief Chiosie welcomed Officer Petricelli to West Milford and said he is a fine addition to the force.

Sergeant Nevin joined the Mayor and the Chief as the special police officers were sworn in as a group. Sergeant Nevin explained the contributions special officers make to the department as well as their education and training. Each special officer was introduced and Mayor Bieri administered the oath of office.

Eagle Scout Kenny Foote and his parents joined Mayor Bieri at the podium and discussed his project. He advised that he constructed an outdoor chapel at Queen of Peace church. There was a lot of work and his Dad helped him. He has been in scouting since he was seven years old and he will be nineteen in two weeks. He described the chapel and the details of the project which took over 100 hours to complete. Kenny stated that his mother was instrumental throughout his scouting career and he thanked both his parents for their support. He stated that after high school he wants to go into business management. Mayor Bieri noted that we have a large number of eagle scouts in West Milford and she described the process to attain the level of Eagle Scout.

Elks – Walk Out on Drugs – May 5, 2012 – Mary Barrett addressed the Council stating that she is here tonight to request authorization to use the Town Hall parking lot on May 5<sup>th</sup>. The Elks has a drug awareness program geared toward 3-8<sup>th</sup> grades. The theme this year is "choose not to use." The school has distributed paperwork and there were over 500 posters and 300 essays submitted for their contest. She commended these kids. The Elks has a peer leadership program for kids. To fund that program they will have a fundraising event on May 5<sup>th</sup>. This will teach kids how to mentor their peers and teach them how to say no to drugs. Can they meet in the parking lot at 9 a.m. for registration and sign up. At 10 a.m. they will walk around without going on the streets. From here everyone will be invited to the Elks where the winners of the contests will be announced and refreshments will be served. Ms. Barrett commended the education from the police department. The Council gave consensus to approve the request for the use of the parking lot. Mayor Bieri wished them success.

Agenda No. III

**Proclamations**

Colorectal Cancer Awareness – Mayor Bieri read the proclamation and advised that it will be mailed out by staff in the Clerk's office.

Agenda No. VI

**Unfinished Business Final Passage of Ordinances**

~ 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

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Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 4 of 24

---

**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.
  - (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

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Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 5 of 24

---

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 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.

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Minutes of:  
Date of Meeting:  
Time of Meeting:  
Minute Page No:

Township Council Regular  
March 21, 2012  
7:30 P.M.  
Page 6 of 24

---

- (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:
  - (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.

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Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 7 of 24

---

- (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  
Adopted: March 21, 2012  
Effective Date: April 10, 2012

This Ordinance was introduced on February 22, 2012 and the Notice of Public Hearing was published in the Herald News on February 26, 2012. The Council will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard Councilwoman Erik made a motion, seconded by Councilwoman Horton and carried by unanimous voice vote to close the public portion of the meeting.

Discussion: Councilman Smolinski asked the Council to think about what this amendment will do. He stated that we all agree that the chief of police should be the director of public safety and the ordinance should not say "may be." He has a couple of reasons. If you move with this amendment it changes a lot of things. It creates a new position within our Township. This would be a new salary. The ordinance does not provide qualifications for the director of public safety. He reviewed the divisions which are supervised by the director. This leaves it open to place an inexperienced person in that position. It opens this up to become a political, paid appointment. It is very concerning because it has to the potential to result in a breakdown of the command structure in our public safety department. He strongly objects to this. As on the books the only amendment he wants removed is section 15-49 i. That should have been eliminated in 2004. Councilwoman Horton stated that she only has an issue with the section that deals with language that may not protect rights of people to free speech. Council President Signorino stated that he would like to remove that language that Councilwoman Horton refers to. Mayor Bieri noted that that language was not changed as part of this ordinance. Mr. Semrau stated that the intent of this amendment was not to review those definitions. That type of language may be antiquated. There may be a time to correct that type of language. We may have to visit that language if the Council gave such direction. Councilman Ramaglia stated that this is a separate issue from that being broached by Councilman Smolinski. Councilman Rosone stated that the officers swore to uphold the constitution of the United States when taking their respective oaths of office. He has faith in them. Mayor Bieri stated that this ordinance does not create a new position as alleged by Councilman Smolinski because the salary ordinance combines the two. This is a department head appointment with advice & consent of Council. That provides checks and balances. This language had to be changed because the way it was written violates civil service regulations. Councilman Rosone asked what the qualifications for a director of public safety would be. Mr. Semrau noted that the ordinance outlines the responsibilities of the director and you would match the resume to those specifics. They do not have to be a chief of police. Councilman Rosone does not agree that the responsibilities are specific enough. Mayor Bieri noted that at least five persons of the governing body would have to approve of this person. Mr. Semrau advised that in the Township code qualifications are not generally set forth for any department head. Councilman Smolinski asked if the director of public safety would be a member of the police department. Councilwoman Horton moved to take the vote seconded by Councilwoman Erik. Mayor Bieri stated that she had email from civil service saying that the director of public safety cannot be the chief police. The chief of police is a civil service officer having to test for the exam. The director of public safety cannot do that.

Motion to adopt Ordinance 2012-003.

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Moved: Horton Seconded: Erik  
Voted Aye: Erik, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: Smolinski.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 8 of 24

---

Motion carried.

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**~ Ordinance No. 2012- 004 ~**

**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  
Adopted: March 21, 2012  
Effective Date: April 10, 2012

This Ordinance was introduced on February 22, 2012 and the Notice of Public Hearing was published in the Herald News on February 26, 2012. The Council will open the meeting to the public to speak on this ordinance only.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she is pleased to see this ordinance. She would like to see a seepage pit installed on that easement. Mr. Semrau noted that this gives the Township the right to do what is necessary for drainage.

There being no further comments from the public Councilwoman Erik made a motion, seconded by Councilman Rosone and carried by unanimous voice vote to close the public portion of the meeting.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 9 of 24

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Motion to adopt Ordinance 2012-004.

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Smolinski, Ramaglia, 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.

Tim Wagner, 835 Westbrook Road, West Milford and Greenwood Lake airport manager stated that he is here to talk to police administrative fees. Ordinance 2002-17 provides that officers or special officers be hired for events. It outlines rates and costs. He has been talking about these fees for over a year. The Mayor requested a meeting and that was held on October 11, 2011. He listed the attendees. Since then there has been no progress. He and other event organizers cannot put their budgets together without a definitive fee schedule. Former Administrator Boyle waived the fees for two years. The Township, he said, has agreed the fees are too high but have done little about it. He wants to put this to bed. If there was a boat race in May it would be affected. Event organizers have many costs and these costs are prohibitive. He has an air show scheduled for August 18<sup>th</sup> and 19<sup>th</sup>. The police fees are the highest expense he has to incur for that event. In his estimation the administrative costs are not 25%. He recommends that the 25% fee be waived or reduced. He listed all his recommendations. He wants an option to seek outside security rather than be compelled to use West Milford police officers. There is no reason why a decision cannot be made tonight and be done with this. This directly affects economic development in West Milford.

Doris Aaronson, 19 Bearfort Road, West Milford encouraged everyone to attend the BOE meet & greet at Momentos on Tuesday April 3, 2012 being hosted by the West Milford Democratic Club.

Robert Nolan, 1 Winding Way, West Milford stated that he just came from the MUA meeting. It appears there is a new start and he is hopeful about the potential for change. He looked at the ordinance for fees for Bubbling Springs. This would have families pay \$215 for membership and seniors paying just \$25. That is a 90% discount which is unfair to young families. He questioned the legality of that. There are resolutions being considered for proposed changes to OPMA and OPRA. He stated that the Council may not want to do that at this preliminary stage. When he first got on Council *The Record* wrote an article about lack of transparency in West Milford government. Minutes and budgets on West Milford's website are not current. He suggested that the Council review both pieces of legislation and determine what aspects should be supported and what should be rejected. People, he said, shouldn't be texting while on the dais. Eileen Swan was fired from the Highlands Council last week which shows that the Governor can appoint people who are pro-development to the Highlands Council. People who say we are protected by the Highlands Act may be wrong. He suggests that we acquire the Eagle Ridge property in light of changes to the Highlands Council.

Scott Witherspoon, 70 Green Terrace Way, West Milford stated that he has been here several times to discuss damage to his property. Following last month's meeting he was contacted by Ms. Gage. He would like an update. He received a call from Councilwoman Erik and he appreciates her support. He reviewed his tax bill and noted that he has paid over \$19,000 in 2011. He has paid over \$200,000 in taxes in the years he has been a resident here. He is frustrated and is asking for help. His daughter is a senior in West Milford high school and she got a ticket for an air freshener hanging on her rearview mirror.

Lori Hopper Ringer, Hewitt thanked everyone for assistance in their attempts to organize a boat race in September. The residents have been very encouraging. At their regional meeting this past Sunday the Board did not give them permission to hold their boat race this year. They still want to host a fundraising event during that time.

Michael Gerst, 17 Hillview Court, West Milford stated that he is here to speak about 2012-115 and urges Council to vote "no". This is an unfunded mandate. There was a study referenced from the dental association done in 2010 to support this legislation. Will parents have to buy fluoride filters in their homes? The word fluoride is meaningless because fluoride is a compound chemical. There is calcium fluoride which is naturally occurring. There is also lead fluoride. There is sodium fluoride that is an industrial product never found naturally in water. We do not want mandatory fluoridation.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 10 of 24

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Bob Nicholson, 20 Hyde Road, Stockholm noted that when the EDC was established the goal was to bring something to the town. It was agreed that JC Ringer would be a good addition to the committee. There seems to be a controversy between two boating groups. The EDC is not involved nor does the EDC favor either group. They spoke with Mr. Ringer at a meeting to speak about a boat race. The event went forward and it was very successful. He questioned why the Mayor & Council did not attend. Mr. Semrau was accused of holding up an application. The EDC could not endorse an event run by people who are fighting with our involved citizens. If people did not do their paperwork that is not the EDC's problem.

Mike Hensley, 240 Maple Road, West Milford also opposes 2012-115. He is happy to see the resolution opposing the fluoridation of water. He has well water so it is somewhat insulated. He listed the top reasons against fluoridation written by a group opposed to this.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford noted that on April 14<sup>th</sup> the Museum has another reminiscence series with Linda Baer as the guest speaker. April 21<sup>st</sup> is West Milford beautification day and volunteers can sign up at the recycling center where they will be provided with shirts & gloves. She never missed a Council meeting during her term and she never brought her phone to the dais. She objects to Council members texting at the dais and she would like an ordinance prohibiting phones at these meetings.

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

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

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Agenda No. VIII

**Council Comments**

Councilman Ramaglia stated that until the Administrator can assess the administrative costs for police services the Council can adopt a resolution reducing the fee to 10%. There was a meeting in October where 10% was proposed. Mr. Semrau asked if the intent would be to temporarily reduce the fee for events that benefit the public and not construction jobs. Councilman Ramaglia confirmed that the intent is to reduce the administrative costs for community events only. Mayor commended Ms. Gage for working on this. Nobody wants to profit off the events but we must cover our costs because taxpayers should not bear that cost. Councilman Ramaglia made a motion, seconded by Council President Signorino and carried by unanimous roll call vote to temporarily reduce the administrative fee from 25% to 10% for events open to the community.

Councilman Ramaglia stated that he is required to have his phone on 24/7 and he has a family at home. He uses his phone as his calendar too. He does not text or email during meetings.

Council President Signorino asked Mr. Semrau to address the issues posed by Mr. Witherspoon. He thanked those two gentlemen who spoke against fluoridation. If you watch old commercials the ADA used to promote smoking. People should have the choice to determine what to add to their water and he opposes this mandate. Councilwoman Erik stated that it is also not good for animals.

Councilwoman Horton will be voting for the resolution opposing fluoridation. Mr. Nolan and she agree on many things and the fact that he wants us to reconsider our opposition to OPMA and OPRA revisions is worth considering. She agrees that we should support the changes we like. She wished Mr. Witherspoon the best and she referred his concerns to Township staff. She shares Councilman Ramaglia's concerns about telephone calls. She is on call 24/7 and she did take one emergency call during a meeting. She ignores those that are not emergencies. Like Councilman Ramaglia she agrees that there are times you cannot avoid it.

Councilman Rosone asked the Hoppers to stay to see him after meeting. He stated that he shares sentiments expressed about phone issue. He is on call 24/7 too.

Councilwoman Erik stated that Mr. Witherspoon's problems and Mr. Nelson's issues on Osage will not fall through the cracks.

Mayor Bieri asked Ms. Gage to provide an update on Mr. Witherspoon's concerns. Ms. Gage stated that the Township did issue a zoning violation and a court appearance is required. From there the planning board will have to hear the application. That is the process Mr. Witherspoon has been trying to get

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 11 of 24

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moving and it is moving now. The only other action the Council can take is to authorize the funding for repairs and restoration. The best solution would be to get the person who caused the problem to pay. Mr. Witherspoon said that Gerry Storms told him that he would request funding and the project would begin in the Spring. Ms. Gage noted that the budget process has not begun. Mr. Witherspoon said that his neighbor told him that he will not do anything until he is forced by the town. Ms. Gage advised that the only entity that can force him is the court and that is in process. Neighbors will be copied on his planning board appearance. Mr. Semrau asked that the Township notify Mr. Witherspoon of the court appearance. Ms. Gage stated that she ask the court administrator to copy Mr. Witherspoon on notices sent out. Councilwoman Erik asked the Attorney to research if the Township can effectuate the work and bill the responsible party.

Mr. Semrau noted that there was discussion about Eagle Ridge and the possibility of acquiring that particular property through open space. There was discussion with state, municipality & county officials wherein the owner would not consider any offer less than \$1million yet they filed a tax appeal for \$500,000 so we are challenging that. They lost their approval and the property has been rezoned so they would no longer qualify for the same level of development. He advised that he received a call from Passaic County inquiring about the \$250,000 grant awarded in 2005 for Eagle Ridge and the \$215,000 for the Green property. The County is asking us to release those grants and he advised that the Council may wish to consider that request. He asked that this be listed for a future workshop discussion. We never received the money but they are asking us to release the funds. Councilman Ramaglia stated that he wants us to have the meeting with the residents along Marshall Hill Road sooner rather than later for the sidewalk project. Mr. Semrau noted that a member of the public made comments about OPRA and OPMA. There are things in the OPMA revisions that to him that are of great concern. Anyone who challenges a violation of OPMA if successful in any way would become entitled to attorney fees. Minor infractions would result in attorney fees and would generate a great interest from the legal community. We have seen the fallout in OPRA. Secondly, subcommittees or committees equating to less than a quorum will be required to advertise and produce minutes which will impose additional responsibilities. Thirdly the agenda will be affected. If you do not have something on the agenda it can be brought that evening but you cannot act on it unless it is an emergency. Additionally, these provisions would not apply to the legislature.

Mayor Bieri noted that the intent is to oppose those two bills as presented to the legislature. She stated that losing Eileen Swan as Executive Director of the Highlands Council is a huge loss. She was very knowledgeable and reasonable in her interpretations of the Highlands Act and her removal was politically motivated. She stated that she has never texted a Council member during a meeting. However, she is on call for this Township and the animal shelter and as a Mom. She has answered texts from her kids only.

Agenda No. VII

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

The Mayor asked to introduce and move Ordinances 2012-005, 2012-006 and 2012-007 as one. These ordinances are being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for April 18, 2012.

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

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Agenda No. VII 1  
~ Ordinance No. 2012- 005 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 135, "FEES AND COSTS," OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 135 Fees and Costs Section 135-2, Department of Community Services and Recreation, of the Revised General Ordinances of the Township of West Milford, is hereby amended and supplemented to read as follows:

**§ 135-2. Department of Community Services and Recreation.**

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

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 12 of 24

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- A. Bubbling Spring membership and badge fees:
- (1) The season fee for a resident family shall be: \$215. The season fee for a non-resident family sponsored by a resident family (approval to be granted on a first-come basis and only if space is available) shall be: \$285.) For purposes of this section a "family" shall consist of parent(s) and/or lawful guardian(s) and all children up to and including full-time undergraduate students living at home.
  - (2) The season fee for an individual person of the ages 13 through 61 shall be: \$100.
  - (3) The season fee for an individual Senior citizen who is 62 or over shall be: \$15.
  - (4) The season fee for a Senior Couple, both of whom are age 62 or over shall be: \$25.
  - (5) In the event the applicable season fee is not paid in full by the June deadline for each year, a fee in the amount of \$15 shall be added to the applicable membership fee.
  - (6) The fee to replace a lost badge shall be: \$10 each.
- B. Bubbling Spring Park daily guest membership fees (per person):
- (1) A person under two years of age: no charge.
  - (2) Each person two years to 17 years of age: \$5.
  - (3) Each person 18 years of age through 61 years of age: \$10.
  - (4) Each Senior citizen (age 62 or older): \$2.
- C. Swim lessons:
- (1) For each child whose family has a Family membership, the fees shall be as follows:
    - (a) One session: \$60 each.
    - (b) Two sessions: \$105 each prepaid.
    - (c) Three sessions: \$150 each prepaid.
  - (2) For each child whose family does not have a Family membership, the fees shall be as follows:
    - (a) One session: \$70 each.
    - (b) Two sessions: \$135 each prepaid.
    - (c) Three sessions: \$195 each prepaid.
  - (3) Swim team.
    - (a) First child: \$90 each.
    - (b) Each additional child: \$85 each.
- D. Day camp: each child entering kindergarten through 8th grade shall be charged a fee of \$225 for each two-week session.
- E. Teen camp: each child shall be charged a fee of \$270 for each two-week session.
- F. Early drop-off/late pickup services: there shall be a fee of \$40 per child for each two-week session for early drop-off and a fee of \$40 per child for each two-week session for late pickup.
- G. Muppet camp: there shall be a fee of \$105 for each child age three or four (who is not entering kindergarten).
- H. Group Use. Facilities are available for use by members for group events of 25 or more persons upon approval of a group use permit in accordance with Section 256-18 of the West Milford Code. Events that will have less than 25 persons in attendance are not required to obtain a group use permit provided advance arrangements are made with the Lake Director prior to the date of the event. Each member who is issued a group use permit shall be charged a non-refundable administrative fee of \$30 in addition to the applicable guest fees paid on the day of the event. In the event a group use permit is issued for a date/time that requires the opening, closing and/or cleaning of a facility outside normal hours of operation, an additional non-refundable maintenance fee of \$25 shall be charged."

**SECTION 2.** Chapter 135 Fees and Costs Section 135-24, Parks, recreation areas and open spaces, of the Revised General Ordinances of the Township of West Milford, is hereby amended and supplemented to read as follows:

**§ 135-24. Parks, recreation areas and open spaces.**

In accordance with Chapter 256, Parks, Recreation Areas and Open Spaces, the administrative fee for a group permit shall be as established in this Section 135. A nonrefundable maintenance fee of \$25 shall be charged for each group use permit that requires the opening, closing and/or cleaning of a facility."

**SECTION 3.** Chapter 135 Section 135-4 Department of Health, is hereby amended to read as follows:

**§ 135-4. Department of Health.**

The Department of Health is authorized to charge the following fees.

- A. Public health programs:
1. S.M.A.C. blood screening clinic: \$20.
  2. Female cancer screening program: \$50.
  3. Male cancer screening program: \$55.
  4. Skin cancer screening program: \$21.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: March 21, 2012
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 24

- 5. Ear wax screening: \$16.
6. Stroke prevention & Diabetes screening: \$31.
B. Vaccine programs:
1. Flu \$12.
2. Pneumovax \$16.
3. Hepatitis A (series of 2) \$50.
4. Hepatitis B (series of 3) Adults \$99.
5. Hepatitis B (series of 3) Children \$99
6. Twinrix-Hepatitis A/Hepatitis B Combo \$45.
7. Tdap (Tetanus, Diphtheria & Pertussis): \$16
8. Menactra \$16.
9. Shingles vaccine: \$154.

SECTION 4. Chapter 135 Section 135-15 Filming, is hereby amended to read as follows:

§ 135-15. Filming.

The schedule of fees for the issuance of permits authorized by Chapter 141, Filming are as follows:

- A. Basic filming permit: \$100
B. Filming permit for nonprofit applicants filming for educational purposes: \$25

SECTION 5. 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 6. 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 7. This Ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: March 21, 2012

Agenda No. VII 2
~ Ordinance No. 2012- 006 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SCHEDULE IX, YIELD INTERSECTIONS, OF CHAPTER 10, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF WEST MILFORD, BY AUTHORIZING THE ERECTION OF A YIELD SIGN ON CROTON ROAD AT THE INTERSECTION WITH BAYONNE DRIVE

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

SECTION 1. Schedule X, Yield Intersections, of Chapter 10, Traffic, of the Code of the Township of West Milford, shall be amended and supplemented by the addition of the following:
Bayonne Drive and Croton Road A yield sign shall be installed on the easterly side of Croton Road at its intersection with Bayonne Drive.

SECTION 2. 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 3. 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 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: March 21, 2012

Agenda No. VII 3
~ Ordinance No. 2012- 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF BLOCK 11001, LOTS 50 AND 36, AND BLOCK 11302, LOT 11, TO THE MT. GLEN LAKES PROPERTY OWNERS ASSOCIATION

WHEREAS, the Township of West Milford (the "Township") is the owner of Block 11001, Lot 50, constituting the bottom of what is known as Lower Mt. Glen Lake; Block 11001, Lot 36, constituting the bottom of what is known as Upper Mt. Glen Lake; and Block 11302, Lot 11, which is a parcel of vacant property adjacent to Upper Mt. Glen Lake; and

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 14 of 24

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**WHEREAS**, Block 11001, Lot 50 and Block 1101, Lot 36 are currently maintained by and used by the Mt. Glen Lakes Property Owners Association (the "POA"), do not contain any capital improvements owned by the Township, and are not suitable for development; and

**WHEREAS**, Block 11302, Lot 11 contains a Township-owned storm drain outfall pipe and a fire lane for emergency vehicle access across from Sanders Court; and

**WHEREAS**, the POA has requested that the Township convey such parcels to the POA to facilitate the maintenance of the lakes and the restoration of the Mt. Glen Lakes Dam, and to further prevent Upper Mt. Glen Lake from being landlocked; and

**WHEREAS**, the said parcels are not needed for public use and the Township is desirous of conveying such parcels to the POA conditioned upon the simultaneous receipt of such easement or easement(s) as are required by and satisfactory to the Township for the continued use and maintenance of the Township storm drain outfall pipe and continued use of the fire lane as aforesaid.

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

**SECTION 1.** The conveyance of Block 11001, Lot 50; Block 1101, Lot 36; and Block 11302, Lot 11 to the Mt. Glen Lakes Property Owners Association is hereby authorized under and pursuant to N.J.S.A. 40A:12-13, conditional upon and subject to the receipt of such easement or easements as are required by and satisfactory to the Township for continued access to and use of such portions of Block 11302, Lot 11 as are needed for the Township's existing storm drain outfall pipe and emergency vehicle access. The conveyance, upon satisfaction of the aforesaid conditions, shall be completed in consideration of the provision of the aforesaid easement(s) by the POA and the payment of one dollar (\$1.00).

**SECTION 2.** 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 3.** 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 4.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: March 21, 2012

Resolutions 2012-114, 2012-115 and 2012-118, 2012-119, 2012-120, 2012-121, 2012-123, 2012-124, 2012-125, 2012-126, 2012-127 2012-128 and 2012-129 were all moved together.

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

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Agenda No. VII 4  
~ Resolution No. 2012- 114 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE COUNTY OF PASSAIC CONSIDER A REQUEST FOR A PEDESTRIAN PATH OR SIDEWALKS ALONG A CERTAIN PORTION UNION VALLEY ROAD WHICH IS A PASSAIC COUNTY ROAD**

**WHEREAS**, West Milford Township is located in the County of Passaic whose infrastructure includes a number of roads that are owned and maintained by the County of Passaic; and

**WHEREAS**, Union Valley Road is one such road; and

**WHEREAS**, certain portions of Union Valley Road provide access to a significant portion of the retail establishments that comprise a major part of the tax base for this community; and

**WHEREAS**, the West Milford Chamber of Commerce and the West Milford Economic Development Committee have dedicated themselves to promoting local enterprise and to supporting local businesses; and

**WHEREAS**, these bodies have concurred and recommended to the Township Council that pedestrian-friendly routes along Union Valley Road from the light at the intersection Union Valley & Marshall Hill Roads to the Bearfort Shopping Plaza will complement their efforts, provide for the safety of pedestrians, and enhance the existing retail environment; and

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 15 of 24

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**WHEREAS**, a pathway or sidewalk along this stretch of road will provide for the safe passage of pedestrian traffic particularly the safety of children and seniors whose modes of available transportation are often not vehicular.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Milford that they do hereby request and recommend that the appropriate officials in the County of Passaic review the potential of installing sidewalks or a pedestrian path along Union Valley Road from the intersection of Union Valley & Marshall Hill Roads to the Bearfort Shopping Plaza in an effort to facilitate pedestrian traffic and pedestrian safety along that route; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Passaic County Administrator, the Board of Chosen Freeholders, the Passaic County Engineer, and the Passaic County Planning Department.

Adopted: March 21, 2012

Agenda No. VII 5

~ Resolution No. 2012- 115 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING S-959 AND A1811 "NEW JERSEY PUBLIC WATER SUPPLY FLUORIDATION ACT"**

**WHEREAS**, State Legislators are considering bills that would mandate fluoridation of all public water systems in New Jersey; and

**WHEREAS**, the bills would require the Commissioners of the DEP and Health & Senior Services to enforce rules and regulations requiring the fluoridation of water in all public community water systems within twelve months of the effective date of the bill; and

**WHEREAS**, these requirements constitute yet another unfunded mandate and places additional financial burdens on local municipalities already burdened by multiple adverse economic challenges.

**NOW THEREFORE BE IT RESOLVED**, that the Township of West Milford hereby finds and declares that the imposition of unfunded mandates by the State legislature on local government is a betrayal of the public trust and places an undue burden on local officials; and

**BE IT FURTHER RESOLVED**, that the Township of West Milford strongly urges the legislators of the State of New Jersey to vote **NO** to S-959 and A-1811 "New Jersey Public Water Supply Fluoridation Act" and;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Senators and Assembly members who sponsored an co-sponsored these proposed laws, Senator Joseph Pennacchio, Assemblywoman Betty Lou DeCroce, Assemblyman Jay Webber; Governor Chris Christie; and the New Jersey State League of Municipalities.

Agenda No. VII 8

~ Resolution No. 2012- 118 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2012 CONTRACT WITH PIAZZA & ASSOCIATES, INC. FOR AFFORDABLE HOUSING COMPLIANCE AND MONITORING SERVICES IN AN AMOUNT NOT TO EXCEED \$4,800.00**

**WHEREAS**, the Township Council awarded a Professional Contract without competitive bidding to Piazza & Associates, Inc. for affordable housing compliance and monitoring services by virtue Resolution No. 2012-044 adopted on January 7, 2012 in a not to exceed amount of \$1,200.00; and

**WHEREAS**, the administration had recommended the adoption of 2012-044 in January 2012 with a not to exceed amount of \$1,200 after apprising the Governing Body that there would be a need for additional services with regard to COAH obligations related to the actual number of COAH units in West Milford and the need to engage such services to satisfy the requirements for COAH compliance and certification for the sale, resale or rental of one unit; and

**WHEREAS**, at this time it is anticipated that the number of units which may become available for sale, resale or rental in 2012 may reach or exceed four units inclusive of the unit that was funded in the original resolution; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4; and

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 16 of 24

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**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize an amendment to the professional services contract for Piazza & Associates, Inc. to increase the not to exceed amount from \$1,200.00 to \$4,800.00 for the sale, re-sale or rental of up to four units for COAH affordable housing compliance and monitoring services; and

**BE IT FURTHER RESOLVED** that total fee authorized for this contract shall not exceed \$4,800.00 without the prior written approval of the Township Council.

Adopted: March 21, 2012

Agenda No. VII 9  
~ Resolution No. 2012- 119 ~

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$8,889,923 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

- Section 1. Pursuant to a bond ordinance of The Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefore and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,684,003 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.
- Section 2. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 3, 2008 (#2008-40), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,198,380 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3(b) (to the extent of \$2,133,542) and Section 3(c) (\$64,838), of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.
- Section 3. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for the improvement of Magnolia Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$235,000 therefore, directing a special assessment of the cost thereof, and authorizing the issuance of \$175,000 bonds or notes of the Township for financing the same", finally adopted on September 24, 2008 (#2008-45), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$143,990 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.
- Section 4. Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$3,322,778, and authorizing the issuance of \$2,863,550 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 26, 2009 (#2009-017), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,863,550 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 17 of 24

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- Section 5. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 4 described, shall be combined into a single and combined issue of bonds in the principal amount of \$8,889,923.
- Section 6. The following matters in connection with said Bond Anticipation Notes are hereby determined:
- (a) All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 4 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;
  - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
  - (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.
- Section 7. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.
- Section 8. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.
- Section 9. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
- Section 10. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.
- Section 11. The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable in connection with the sale, issuance and delivery of said notes, including without limitation, if necessary, (a) the preparation, delivery, distribution and execution of a "deemed final" preliminary official statement and a final official statement of the local unit relating to said notes, (b) the execution and delivery of an arbitrage and use of proceeds certificate in a form approved by bond counsel, (c) the execution and delivery of a continuing disclosure undertaking in a form approved by bond counsel and (d) the preparation, distribution and publication, if desirable, of a notice of sale with respect to said notes.
- Section 12. This resolution shall take effect immediately.

Adopted: March 21, 2012

Agenda No. VIII

**Consent Agenda**

~ Resolution No. 2012- 120 ~

**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.

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

Minutes of: Township Council Regular  
Date of Meeting: March 21, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 18 of 24

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

**Resolutions:**

- a. **2012-121** – Cancel Grant Balance
- b. ~~**2012-122** – Cancellation of Taxes~~
- c. **2012-123** – Refund Overpayments
- d. **2012-124** – Refund Escrow Fees
- e. **2012-125** – Refund Other Liens
- f. **2012-126** – Refund Performance Guarantees
- g. **2012-127** – Reinstate Taxes
- h. **2012-128** – Rescind Duplicate Resolution
- i. **2012-129** – Various 2012 Licenses

**Applications:**

- 1. Application for Tricky Tray Raffle License No. 2012-15 from the Upper Greenwood Lake PTA for April 20, 2012
- 2. Application for On Premise 50/50 Raffle License No. 2012-16 from the Upper Greenwood Lake PTA for April 20, 2012.
- 3. Application for On Premise 50/50 Raffle License No. 2012-17 from the West Milford Education Foundation Inc. for May 3, 2012.
- 4. Application for Tricky Tray Raffle License No. 2012-18 from the West Milford PAL for May 18, 2012
- 5. Application for On Premise 50/50 Raffle License No. 2012-19 from the West Milford PAL for May 18, 2012
- 6. Application for 50/50 Raffle License No. 2012-20 from Our Lady Queen of Peace Church for various dates in 2012
- 7. Application for Games & Wheels License No. 2012-21 from Our Lady Queen of Peace Church for various dates in 2012

Adopted: March 21, 2012

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

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The following resolutions were included in the consent agenda:

Agenda No. VIII a  
~ **Resolution No. 2012- 121** ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE CANCELLATION OF RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable in the amount of \$8.71 and an appropriation in the amount of \$8.71 from the State of New Jersey, Office of Homeland Security for the Buffer Zone Protection Program and

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

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

Adopted: March 21, 2012

Agenda No. VIII b  
~ **Resolution No. 2012- 122** ~  
**Cancellation of Taxes**

Agenda No. VIII c  
~ **Resolution No. 2012- 123** ~  
**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

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

Minutes of: Township Council Regular  
 Date of Meeting: March 21, 2012  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 19 of 24

**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:

**REASONS:**

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

Block/Lot	Name	Amount	Year	Reason
3509-2	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$2,036.00	2012	2
4102-3	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$3,929.00	2012	2
4701-13	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$1,138.33	2012	2
7510-2	Joseph & Annette O'Mahoney 29 Pinecliff Lake Drive West Milford, NJ 07480	\$185.70	2012	2
8301-6	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$ 2,764.00	2012	2
8901-39	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$3,415.00	2012	2
9401-11	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$3,063.00	2012	2
12001-2	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$1,204.91	2012	2
12001-29	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$1,909.00	2012	2
15501-10	Saxon Mortgage, C/O Corelogic 1 Corelogic Drive, Westlake, TX 76262	\$1,817.00	2012	2
14113-28	Lien Times, 203 Stephens Road West Milford, NJ 07480	\$2,698.43	2012	2
18000-1	<del>New Jersey Bell Telephone Co. P.O. Box 152206 Irving, TX 75015-2206</del>	<del>\$48,437.00</del>	2012	<del>6</del>
<b>TOTAL</b>		<b>\$24,160.37</b>		

Adopted: March 21, 2012

Agenda No. VIII d  
 ~ Resolution No. 2012- 124 ~

**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
Mr. & Mrs. James Brozowski 221 Point Breeze Drive Hewitt, NJ 07421	ZB04-11-06	\$950.00	\$711.50
Sunny Blue LLC P.O. Box 509 Ridgewood, NJ 07451	0720-0286	\$58,130.00	\$6,223.74
<b>TOTAL REFUND</b>			<b>\$6,935.24</b>

Adopted: March 21, 2012

Agenda No. VIII e  
 ~ Resolution No. 2012- 125 ~

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

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

Minutes of: Township Council Regular  
 Date of Meeting: March 21, 2012  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 20 of 24

**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 Am	Pay to the Lien Holder
11-077	04/19/2011	07801-056.04	\$671.39	ROSEHILL FUND I LLC PO Box 503 Rye, NY 10580

Adopted: March 21, 2012

Agenda No. VIII f  
 ~ Resolution No. 2012- 126 ~

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

**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 Guarantees be refunded:

Name & Address	Block & Lot	Amount Refunded	Page No.
Paul Nielsen 75 Forest Hill Drive West Milford, NJ 07480	14113/15	\$3,500.00	74
Leonard Wolak 1374 Clinton Road Hewitt, New Jersey 07421	15001/1.01	\$1750.00	59

Adopted: March 21, 2012

Agenda No. VIII g  
 ~ Resolution No. 2012- 127 ~

**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
11001-49	Thomas & Lynn Frederickson	\$1,738.54	2012
5601-9	D. & L. Christiansen	\$1,222.91	2012
408-26	Charles & Rosemary Dumberger	\$1,165.21	2012
<b>TOTAL</b>		<b>\$4,126.66</b>	

Adopted: March 21, 2012

Agenda No. VIII h  
 ~ Resolution No. 2012- 128 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION NO. 2012-085 IN ITS ENTIRETY**

**WHEREAS**, Resolution No. 2012-085 adopted on February 22, 2012 was found to be a duplicate of Resolution No. 2012-054 adopted January 18, 2012 for additional road materials in 2012 to continue emergency repair work as a result of 2011 storms.

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

Minutes of: Township Council Regular  
 Date of Meeting: March 21, 2012  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 21 of 24

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township Clerk's Office, Resolution No. 2012-085 adopted February 22, 2012 is hereby rescinded in it's entirety.

Adopted: March 21, 2012

Agenda No. VIII I  
 ~ Resolution No. 2012- 129~

**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:

<b>2012 TAXI/LIMOUSINE OWNER LICENSES</b>	
<b>License No.</b>	<b>Applicant Name</b>
2012 – 04	Alex's Limo 48B Beacon Hill Road West Milford
<b>2012 TAXI/LIMOUSINE DRIVER LICENSES</b>	
2012 – 04	Alex Neymark 48 Beacon Hill Road West Milford
<b>2012 PEDDLER LICENSE</b>	
2012 – 07 (1 truck)	Roger Drew Doggin Around 1511 Greenwood Lake Tpk Hewitt

Adopted: March 21, 2012

**Approval of Expenditures**

Agenda No. XI  
 ~ Resolution No. 2012- 130 ~  
**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account. . . . .	\$114,316.10
2	Reserve Account . . . . .	137,212.38
3	Animal Control Trust	55.71
6	Capital. . . . .	43,449.95
7	Grants. . . . .	1,309.98
8	Refuse. . . . .	94,352.00
9	Refunds. . . . .	24,831.76
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	160.05
14	Open Space Trust	362.50
17	Trust . . . . .	6,450.00
18	Development Escrow	8,462.99
19	COAH	0.00

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

Minutes of: Township Council Regular  
 Date of Meeting: March 21, 2012  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 22 of 24

20	Special Reserve	0.00
	Total	\$430,963.32
	\$Less Refund Resolution	-24,831.76
	<b>Actual Bill List</b>	<b>\$406,131.56</b>
	Other Pyts Ck# 48644 Finch Fuel	5,650.73
	<b>Total Expenditures</b>	<b>\$411,782.39</b>

Adopted: March 21, 2012

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

Agenda No. XII

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

Councilwoman Erik advised that at the Beautification & Recycling Committee meeting they talked about the upcoming beautification day. She advised that the Township collected almost \$300,000 in recycling funds that goes into the general fund.

Councilman Smolinski asked Administrator Gage to provide Council with a progress update for special police at churches.

Councilman Rosone congratulated those officers sworn in tonight as well as Eagle Scout Foote. He stated that he is impressed by his project. He asked for and received consensus to have further discussion on the language in the public safety ordinance and to have Mr. Semrau work on that.

Council President Signorino congratulated the police officers and the newest Eagle Scout noting that it amazing how many West Milford kids achieve this.

Councilwoman Horton stated that she has attended various committee meetings. Due to health concerns David Lynch stepped down as head of the Lakes Committee. That committee did discuss the proposed revocation of the lakes ordinances and they are adamant about keeping those ordinances. She stated that she wants to make sure that the Partington issue is being reviewed and she is counting on staff to address the issues effectively and expeditiously. In her opinion it is a shame to have lost Eileen Swan on the Highlands Council. Discussion ensued about proposed changes to OPMA and OPRA.

Mayor Bieri stated that the Partington concern is being handled. She said that she would like to make the appointment of Director of Public Safety. She advised that on March 28<sup>th</sup> the Passaic County Clerk's satellite office in Wanaque will have evening hours for passport/notary services. She thanked staff involved in the OEM process for gathering data for FEMA reimbursement work. A week ago she, the Administrator and the Clerk attended a Chamber of Commerce luncheon to promote a buy local initiative. The concept is to promote and insist on a buy local campaign within the municipality. As Mayor she does that personally but in her official capacity she wants to reinforce with staff the need to buy locally. She reviewed her initiatives whereby municipal staff are being directed and provided the tools to purchase goods and services as locally as possible. She also presented interesting information to those attending the luncheon. She noted that for every \$100 spent locally \$68 comes back to the municipality. For every \$100 spent at "box stores" \$45 is returned to the local coffers. For every \$100 spent online \$0 comes back to our community.

Administrator Gage advised that she and the Director of CS&R met with the BOE administrator and BOE attorney to discuss Hillcrest and the turf field. Barbara Francisco was very cooperative. They discussed improvements to Hillcrest. Subsequently, the BOE Engineer and the Township Engineer walked through Hillcrest to create a priority list for capital improvements & repairs. The board will approve capital improvements without being held up by Wallisch. Both entities will work together to share maintenance costs for the turf field. Ms. Gage expressed gratitude Councilman Ramaglia came up with a temporary solution to the administrative fees. She would like to devote time to make a proper recommendation. The action taken tonight will provide us an opportunity to keep better records to allow for a better recommendation. She met with three labor unions to start negotiations afresh. Some issues were presented to her that the unions want her to take back to Council. She will have Mr. Giblin at the next workshop meeting. The Council gave consensus to schedule that executive session discussion for 6:30 p.m. Ms. Gage advised that Passaic County notified West Milford that they will do quite a bit of road



