
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 22

the DEP via MUA until last year. There were problems processing the allocation permit with many technical things that were not followed up on. After the DEP and MUA denied allocation, they determined that they could operate a private water system and they have received MUA and Planning Board approval for this. Mr. Boswell gave visual synopsis of where the project is.

The project, according to Mr. Boswell, was initially 63 lots with a pump station and wells and also included 10 single-family lots in front. The water and sewer lines are in with three wells constructed. Curbs are installed as is the pump station for sewerage. Over 70% of the roadway construction is done and almost the entire subdivision has been constructed. Sewer and water connections are installed. Mr. Lefkowitz has pursued and identified an operator as well as obtaining local approvals. This operator operated the Ringwood State Park system and the Garfield system and has the expertise and permits necessary to operate this water system. Mr. Boswell gave an overview of why there is a need for a private water system for the homes in this development some of which experience low water pressure. Infrastructure and improvements have been installed and approved by Township officials and the MUA. Mr. Lefkowitz has an agreement with the MUA for emergency provision of water to the surrounding area but they need a water-operating permit from the DEP to operate this water system. The developer will provide 8 affordable housing units as part of this subdivision development and is asking the Council to approve him to operate a private water system. All provisions, he said, will conform with DEP requirements and oversight. This step is necessary to allow this subdivision to come to completion. When the Planning Board considered this, the developer hired M2 to review this and they concluded that the processing of the application submitted to the West Milford MUA was deficient in administrative processing. This proposal addresses the deficiencies and allows the project to proceed. Councilman Jurkovic asked what is the long-term plan for sustaining the operation of this facility. Mr. Boswell stated that this would be operated privately indefinitely and cannot become part of the Homeowner's association. Councilman Jurkovic asked who will be in charge of funding of the operation of this system. Mr. Boswell stated that initially Mr. Lefkowitz would fund this operation and ultimately it can become the property of a private water company or the MUA. He stated that there are many private water systems that operate well often at a cost that is less to homeowners than MUA customers. Mr. Lefkowitz has offered to assure that the cost to homeowners serviced by this system will not exceed that charged by the MUA to their customer base. Mr. Boswell stated that his client is willing to post bonds in accordance with what is dictated by the Engineer. Mr. Semrau advised that the Planning Board resolution contains a provision for bonding. Councilman Weisbecker, liaison to the Planning Board, recalled that that it was stated that ultimately this would be assumed by United Water Company and he does not recall a discussion of the West Milford MUA taking over water, that discussion was limited to sewer. Mr. Boswell concurred adding that they have approached many private water companies but have no commitment from any of those at this time. He stated that it would be more cost effective to run with a private water operator. He noted that this is not the developer's permit; it is an MUA permit. This is a means to complete this project despite the fact that Lefkowitz was subject to outside influences beyond his control, they will have to comply with the well drilling ordinance adopted by West Milford in 2005. They have drilled 3 production wells that will be retested and observed by local officials. Mr. Semrau asked what will happen to assure residents that in the long-term the project will not be abandoned by the water company. Mr. Boswell asked that Council act upon this based upon them being satisfied that all contingencies are in place to the satisfaction of all municipal officials. He stated that this is done routinely adding that all DEP permits will be obtained. The Council can withdraw consent if all conditions are not met. Mr. Boswell stated that turning the system over to the MUA cannot be represented as a viable option unless the DEP consents to such action. The developer cannot get to that point with the DEP until they obtain local consent. The ten existing MUA customers must either all opt in or all opt out to be connected and they have a number of questions that cannot be answered until the DEP process is initiated. Mayor Bieri recalled that at the Planning Board hearing the existing 10 homeowners attended and expressed dissatisfaction with current MUA services. Mr. Boswell stated that it is estimated that it is thirty-plus years before the tank will need to be considered for maintenance or replacement and there will be a need to have a maintenance funds for replacing pumps, valves, disinfectant systems, and painting tanks. The distribution system, he said, lasts longer than that. They will address long-term costs for maintenance if they can get to the DEP and begin the process. They will return to Council for future approvals and will need to secure performance bonding from the municipal engineer. Mr. Boswell stated that they cannot wrap up the design of the tank until they proceed to the next process which needs the Council consent being sought tonight. Mr. Semrau stated that this is an administrative process that requires Council consent. He recommends that the MUA attorney, himself, Administrator Boyle, and Matt Mullhall from M2, meet to outline terms for a service provider and bring those terms back to Council for approval. The Council gave consent to proceed as Mr. Semrau suggested.

Public Hearing for Place-to-Place Transfer (Reduction of Premises) Liquor License#1615-33-009-004 – S&S Liquors – the Township Clerk directed Council to a memorandum in their packet regarding this reduction in premises application. The Council gave consensus to proceed with the resolution.

Agenda No. V

Proclamations

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 22

The Council, he said, would like to know the building plans and coordinate the possible uses. The disturbing part of that is that the engineer working on that library plan is also the Township engineer. This, to Councilman Jurkovic, would seem like a conflict. He is trading our rights for the benefit of another client. It took the FAC to uncover these matters and the Township has not been advised of the 99 seat meeting room. He stated that he did not realize how intimately the Township property is needed to make this library a reality. He asked Mr. Semrau for an update on the Hillcrest Lease asking what we have to do to get this done. Two years is absurd. The suggestion that the BOE give the building over to the Township raises concerns. Getting a free building that needs \$4 million of repairs is not a free building and we don't know what else is wrong. That means that we assume all liabilities associated with this building if we assume title to the building. The BOE never offered to donate the building for free. If everyone remembers back to first public meeting about leasing the building they disclosed that the State Department of Education (DOE) must give approval for a lease of more than five years. They are not likely to approve donating an asset to the Township. That building and the land attached is worth several million dollars. DOE would have final say and they are not likely to grant that donation.

Administrator Boyle stated that on March 9, 2011 Mr. Semrau wrote to the Governing Body and the Board of Education (BOE) seeking completion of due diligence regarding the Hillcrest lease and the transfer of title to the Wallisch estate. He outlined the specifics of that letter and advised that the BOE attorney did not acknowledge receipt of that letter. A follow up letter has been sent seeking that these issues be addressed. Mr. Semrau confirmed that letters were sent and that the lease has been signed. He is awaiting confirmation that the monies are agreed upon and due diligence done with the Wallisch property. He stated that he received a call from the Board attorney today making an apology for comments made at BOE meeting regarding this matter.

Councilman Rosone stated that the MUA had a problem with Mr. Lefkowitz' request to become part of MUA because the proposal is that the private water plant would operate at less than 1,000 gals/day. They must go to DEP for approvals where all the related issues will be addressed.

Mayor Bieri stated that she agrees with Mr. Nolan's comments about Hillcrest. The building is of no use to the school system, it does need capital improvements and it is roughly a \$3 million lease agreement. She would rather see the Township make those repairs as an owner, we could bond for the improvements, and use the \$68,000 annual rent to pay off the bond. She said she would rather not have the complicated dealings between two government bodies. She stated that the library was not hiding any plans. There were public discussions about all matters and minutes of those meetings were produced. It has been long and arduous process and the library contracted with existing professionals to ensure that there were no conflicts with Township goals. The misunderstandings may have been part of the lengthy process seeking DEP approvals. The library sought DEP approval for the largest possible building options although the final plans may be scaled down in reality. But the goal is to get the permits first. Just weeks ago they were notified that it may be possible that the Township will get those permits. The intent of the largest possible facility is to engage the Township in shared use of that facility. Councilman Jurkovic stated that he would like to coordinate in some way with the library especially about use of the meeting room. Mayor Bieri stated that this was the goal of the library board. The plans right now are very preliminary and there will be an inclusive process as this evolves. Mayor Bieri stated that she will work to facilitate that communication and coordinate with Council.

Agenda No. IX

Discussion Items

1)	Volunteer of the Year Selection – Councilman Jurkovic stated that this is a difficult choice because all nominated candidates are worthy. David Lynch, he said, is very involved and flies under the radar screen. He stated that he would like to nominate him. Councilman Weisbecker agreed stating that Mr. Lynch has done a lot for West Milford. He has been involved with Lakes Committee, softball, cheerleading, midget football and many other organizations spanning over many years. He offers expertise, help and wisdom in many areas. Councilman Weisbecker seconded that nomination adding that every nominee is very deserving. Mayor Bieri announced that Carl Richko was chosen by the former Mayors to receive the Mary B. Haase lifetime volunteer award. Council President Smolinski agreed with comments made about David Lynch and his contribution to sports including girl's softball. He gave details of some of his endeavors and noted that all the other candidates are worthy. He expressed appreciation for all the service. Councilman Ramaglia made a motion seconded by Councilman Jurkovic to close & confirm. David Lynch was selected as 2010 volunteer of the year by unanimous roll call vote of the Council. Mayor congratulated Dave Lynch advising that he will be recognized on April 20, 2011, Volunteer Night.
2)	Request to Donate Property – Block 2014 Lot 16 - Yorktown Road, Upper Greenwood Lake from Rosemarie Ossi of Saddle Brook – Administrator Boyle asked that this discussion be deferred to May and the Council agreed.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: April 6, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 5 of 22

3)	Ordinance: Amending Article XI Department of Public Works and Engineering and Amending 15-19 Administration of Government of the Township Code – the Council agreed to proceed to introduction at the next meeting.
4)	Ordinance: Waterfowl – Administrator Boyle stated that the Greenwood Lake Bi-State Commission requested this ordinance which was then sent to the Lakes Committee who reviewed it and made changes. He stated that he is seeking Council comments or approval to introduce on 4/20. Councilman Weisbecker stated that the Lakes Committee hoped to introduce tonight so that this legislation can be in place this spring. He stated that bird feces is detrimental to water. The Council gave consensus to introduce tonight.
5)	Ordinance: Political Signs – The Council agreed to defer this discussion to a later date and asked that they be provided with copies of our current ordinance. Councilman Signorino provided court rulings to be provided in Council packets for the meeting at which this topic is discussed.
6)	Resolutions: MJIF – Repeal of Sick Leave, etc. – Mr. Boyle advised that the Morris County Joint Insurance Fund is requesting that their membership adopt resolutions regarding certain bills being proposed at the State. He reviewed the proposed resolutions and asked for consensus to proceed at the next meeting. Mr. Semrau advised that the JIF & MEL have lobbyists who have sought state approval for these bills. The Council gave consensus to proceed. Councilman Jurkovic stated that every year at the NJLM convention there is a course for elected officials where attendance earns a \$250 credit toward JIF premiums. These matters were discussed this year and Council was briefed on these resolutions then. Thus, there appears to be limited discussion tonight.
7)	Resolution: Submit & Accept Grant – Municipal Alliance \$36,095 - the Council gave consensus to proceed.
8)	Resolution: TWA Application for Marion Plaza - the Council gave consensus to proceed.
9)	Contract: 2011 Road Materials (Stone) - the Council gave consensus to proceed.
10)	Contract: Westbrook Road Bikeway (also on for Action) - the Council gave consensus to proceed.
11)	Contract: Marketing of Scrap Metal - the Council gave consensus to proceed.
12)	Contract: Exchange of Vehicles (NJ Transit) - the Council gave consensus to proceed.

Agenda No. X

Action Items

Agenda No. X 1

~ Ordinance No. 2011- 003 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EASEMENT FOR BLOCK 6402, LOT 6; BLOCK 6401, LOT 5; BLOCK 6607, LOT 1; BLOCK 6608, LOT 1; BLOCK 6609, LOT 1 AND BLOCK 6404, LOT 12

WHEREAS, the Tennessee Gas Pipeline Company needs to obtain a permanent easement from the Township with respect to the properties known as: BLOCK 6402, LOT 6; BLOCK 6401, LOT 5; BLOCK 6607, LOT 1; BLOCK 6608, LOT 1; BLOCK 6609, LOT 1 AND BLOCK 6404, LOT 12; and

WHEREAS, the Township Council of the Township of West Milford is desirous of transferring said permanent easement; and

WHEREAS, the Township Attorney has prepared a Deed of Easement granting Tennessee Gas Pipeline Company certain rights as set forth in the Deed of Easement and a Compensation Agreement which shall pay the Township the sum of \$27,500.00.

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 easement set forth in the Amending Right of Way Agreement and Compensation Agreement, which are on file in the Township Clerk's office, for the properties known as BLOCK 6402, LOT 6; BLOCK 6401, LOT 5; BLOCK 6607, LOT 1; BLOCK 6608, LOT 1; BLOCK 6609, LOT 1 AND BLOCK 6404, LOT 12, is hereby accepted as and for a permanent easement.
2. 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.
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. This Ordinance shall take effect after publication and passage according to law.

INTRODUCED: April 6, 2011

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: April 6, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 6 of 22

Mayor Bieri advised that this ordinance was 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 20, 2011. She opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: None.
 Voted Nay: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Motion carried.

The Township Council took action and moved all resolutions as one Agenda items 2-14 excluding ordinances:

Moved: Weisbecker Seconded: Rosone
 Voted Aye: None.
 Voted Nay: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Motion carried.

Agenda No. X 2

~ Resolution No. 2011- 133 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2011 MUNICIPAL BUDGET AND THE 2011 SOLID WASTE BUDGET

Municipal Budget of the Township of West Milford County of Passaic for the fiscal year 2011.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011;

BE IT FURTHER RESOLVED, that said Budget be published in the Herald News in the issue of April 17, 2011.

Summary of Revenues	Anticipated	
	2011	2010
1. Surplus	1,900,000.00	2,010,000.00
2. Total Miscellaneous Revenues	6,556,406.39	7,268,641.61
3. Receipts from Delinquent Taxes	1,160,000.27	1,339,000.00
4. a) Local Tax for Municipal Purposes	19,066,900.00	20,103,839.00
b) Addition to Local District School Tax		
c) Minimum Library Tax	1,147,727.00	
Tot Amt to be Rsd by Taxes for Sup of Mun. Bud	20,214,627.00	20,103,839.00
Total General Revenues	29,831,033.66	30,721,480.61
Summary of Appropriations	2011 Budget	Final 2010 Budget
1. Operating Expenses: Salaries & Wages	12,251,085.87	12,866,630.00
Other Expenses	10,482,680.14	11,596,186.21
2. Deferred Charges & Other Appropriations	2,773,050.00	1,754,003.40
3. Capital Improvements	0.00	189,495.00
4. Debt Service (Include for School Purposes)	2,434,217.65	2,427,243.00
5. Reserve for Uncollected Taxes	1,890,000.00	1,887,923.00
Total General Appropriations	29,831,033.66	30,721,480.61
Total Number of Employees	196	196
2011 Solid Waste Collection District Budget		
Summary of Revenues	Anticipated	
	2011	2010
1. Surplus	150,000.00	100,000.00
2. Total Miscellaneous Revenues	215,000.00	144,176.00
3. Amount to be Raised by Taxation	1,700,000.00	1,906,376.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: April 6, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 7 of 22

Total Revenues	2,065,000.00	2,150,552.00
Summary of Appropriations	2011 Budget	Final 2010 Budget
1. Operating Expenses: Salaries & Wages	136,000.00	170,000.00
Other Expenses	93,250.00	100,250.00
2. Contracted Services	1,085,750.00	1,130,302.00
3. Disposal Fees	750,000.00	750,000.00
4. Deferred Charges & Other Appropriations		
5. Surplus (General Budget)		
Total General Appropriations	2,065,000.00	2,150,552.00
Balance of Outstanding Debt		
	General	Water Utility
Interest – Budgeted	824,217.65	
Principal – Budgeted	1,610,000.00	
Outstanding Balance	33,133,714.15	

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Township of West Milford, County of Passaic on April 6, 2011.

A hearing on the Budget and Tax Resolution will be held at The Municipal Building, on May 18, 2011 at 7:30 o'clock P.M. at which time and place objections to the Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

Copies of the Budget are available in the office of Antoinette Battaglia, Township Clerk at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, during the hours of 8:30 a.m. to 4:30 p.m.

Adopted: April 6, 2011

Agenda No. X 3

~ Resolution No. 2011- 134 ~

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, an appeal of the 2007, 2008, 2009 and 2010 real property tax assessments of the following property has been filed in the Tax Court of New Jersey; and

PROPERTY OWNER	BLOCK	LOT
69 Maple Avenue WMF/H/P/Associates	10204	1

WHEREAS, the Tax Assessor is of the opinion that it is in the best interest of the Township to settle these appeals.

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

- The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
69 Maple Avenue WMF/H/P/Associates	2007	\$3,045,000	\$3,045,000
	2008	\$3,045,000	\$2,586,400
	2009	\$3,045,000	\$2,358,600
	2010	\$3,045,000	\$1,263,900

- All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 22

3. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.
4. This Resolution shall take effect immediately.

Adopted: April 6, 2011

Agenda No. X 4

~ Resolution No. 2011- 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO FERRIERO ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH A WEST MILFORD WASTEWATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED \$30,000

WHEREAS, the Township of West Milford has a need to appoint a professional or firm for Professional Engineering Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering, Inc. will provide Professional Engineering Services to prepare an adoptable Wastewater Management Plan including GIS sewer service area mapping refinement consistent with both the State WQMP rules and the requirements of the Highlands Regional Master Plan in a total amount not to exceed \$30,000 without prior written approval from the Township Council; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from the account # 1-01-20-100-450; and

WHEREAS, Ferriero Engineering, Inc. has completed and submitted 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 the firm Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Administrator has recommended that Ferriero Engineering, Inc. be retained to provide professional engineering services completing an adoptable Wastewater Management Plan including GIS sewer service area mapping refinement consistent with both the State WQMP rules and the requirements of the Highlands Regional Master Plan services to the Township of West Milford.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Ferriero Engineering, Inc. for Professional Engineering Services as outlined above for a total amount not to exceed \$30,000.
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2011 calendar year.
4. The total fee authorized for this contract shall not exceed \$30,000 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 6, 2011

Discussion: Council President Smolinski stated that this resolution allows us to proceed with our wastewater management plan. He and Councilman Jurkovic met with Senator Pennachio and presented concerns about the municipality having to fund this despite County's denial of funding. Senator Pennachio said West Milford will receive funding to offset this cost.

Agenda No. X 5

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 22

~ Resolution No. 2011- 136 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO FERRIERO ENGINEERING, INC. FOR GEOGRAPHICAL INFORMATION SYSTEMS (GIS) SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000

WHEREAS, the Township of West Milford has a need to appoint a GIS professional or firm as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering, Inc. will provide GIS Services at a rate of \$78.00 per hour not to exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account # 1-01-21-180-500 \$5,000.00 and 1-01-20-100-450 \$15,000.00; and

WHEREAS, Ferriero Engineering, Inc. has completed and submitted 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 the firm Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Administrator has recommended that Ferriero Engineering, Inc. be retained to provide GIS services to the Township of West Milford.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Ferriero Engineering, Inc. for professional GIS services in the amount of \$78.00 per hour, for a total amount not to exceed \$20,000.00.
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2011 calendar year.
4. The total fee authorized for this contract shall not exceed \$20,000.00 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 6, 2011

Agenda No. X 6

~ Resolution No. 2011- 137 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR THE PERFORMANCE OF A PHASE I ENVIRONMENTAL SITE ASSESSMENT ASSOCIATED WITH BLOCK 6401, LOT 6 IN AN AMOUNT NOT TO EXCEED \$2,400.00

WHEREAS, there exists a need for professional services to be rendered in the performance of a Phase I Environmental Site Assessment to the Township of West Milford associated with the Wallisch property identified as Block 6401, Lot 6; and

WHEREAS, the Township wishes to retain Envirotactics, Inc. to provide such professional services regarding the above referenced property and in accordance with its proposal for such services dated March 14, 2011, which has been placed on file with the Office of the Township Clerk; and

WHEREAS, the total amount of the contract shall not exceed \$2,400.00; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 10 of 22

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purpose, said funds to be encumbered from account number 1-01-20-165-450; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc. with offices located at 1625 Highway 71, Wall, New Jersey, 07719 to provide professional services regarding the performance of a Phase I Environmental Site Assessment associated with the property identified as Block 6401, Lot 6 in an amount not to exceed \$2,400.00 and in accordance with its proposal dated March 14, 2011.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$2,400.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: April 6, 2011

Agenda No. X 7

~ Resolution No. 2011- 138 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FOUNDATION TITLE, LLC FOR TITLE INSURANCE SERVICES ASSOCIATED WITH THE PURCHASE OF NJDEP GREEN ACRES PROJECT # 1615-02-017 APPLE ACRES BLOCK 9901, LOTS 10, 11 & 12 IN AN AMOUNT NOT TO EXCEED \$1,901.00

WHEREAS, there exists a need for the Township to retain the services of an experienced, qualified agency to provide Title Insurance services for the purchase of Block 9901 Lots 10, 11, 12, Project Name Apple Acres; and

WHEREAS, as a result, the Township received a proposal from Foundation Title, LLC - Northfield dated March 11, 2011; and

WHEREAS, the Township wishes to award a contract without competitive bidding to Foundation Title, LLC for the performance of such services; and

WHEREAS, the total amount of the contract shall not exceed \$1,901.00; and

WHEREAS, in the event additional services are required to be provided which exceed the total amount of this contract, a Resolution authorizing an amendment to this contract to increase the compensation limitations must be adopted; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number T-14-56-850-000; and

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, Foundation Title, LLC 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 Integra Realty Resources from making any reportable contributions through the term of the contract, and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 22

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Foundation Title, LLC with offices located at 1555 Zion Road, Northfield, NJ 08225 for Title Insurance Services for the purchase of Block 9901 Lots 10, 11, 12, Project Name Apple Acres, in an amount not to exceed \$1,901.00, unless additional services are required to be provided which exceed the total amount of this contract, in which case a Resolution authorizing an amendment to this contract to increase the compensation limitations must be adopted.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee for this contract shall not exceed \$1,901.00 without adoption of an authorizing Resolution by the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the Clerk’s Office.
5. Notice of this action shall be published once in the Township’s official newspaper as required by law.

Adopted: April 6, 2011

Agenda No. X 8

~ Resolution No. 2011- 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO GERALD C. ESCALA TO SERVE AS MEDIATOR IN THE MATTER INVOLVING FORMER CHIEF OF POLICE PAUL COSTELLO IN AN AMOUNT NOT TO EXCEED \$4,500

WHEREAS, there is a need to retain a Mediator in connection with the separation between the Township and former Chief of Police Paul Costello; and

WHEREAS, the retention of said Mediator will be as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Gerald C. Escala, Esq. has submitted a proposal indicating that he will provide said mediation services as sought by the Township of West Milford as outlined in his proposal; and

WHEREAS, the Township wishes to retain Gerald C. Escala for the purpose of serving as the Mediator in the aforementioned matter; and

WHEREAS, Mr. Escala shall be paid the sum of \$250.00 an hour and the total amount of the contract shall not exceed \$4,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, Gerald C. Escala, Esq. will complete and submit both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract, but same shall be placed on file as soon as possible; and

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 22

1. The Township Council hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Gerald C. Escala, Esq. with offices located at Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC, 21 Main Street, Hackensack, NJ 07601 to serve as Mediator in the matter involving the separation of former Chief of Police Paul Costello at the rate of \$250.00 per hour in an amount not to exceed \$4,500.00. The agreement is on file in the office of the Township Clerk.
2. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.
4. A copy of this resolution shall be provided to the Township's CFO and Gerald C. Escala, Esq. with offices located at Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC, 21 Main Street, Hackensack, NJ 07601.

Adopted: April 6, 2011

Council President Smolinski asked Mayor Bieri if she is on board with this resolution as discussed in executive session to which the Mayor answered in the affirmative. Council President Smolinski asked Mr. Semrau if this is the best way to proceed with this matter. Mr. Semrau advised that this is how he was instructed to proceed and both parties have agreed to this mediator.

Agenda No. X 9

~ Resolution No. 2011- 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO NEW PRINCE CONCRETE CONSTRUCTION COMPANY, INC. FOR THE BIKEWAY SECTION 3 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on March 15, 2011 at 10:00 a.m. for the Bikeway Section 3, Contract 3 as per the Bid Specifications; and

WHEREAS, the Township of West Milford received twelve (12) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Supervising Engineering Aide and the Township Attorney; and

WHEREAS, the bid received from the low bidder New Prince Concrete Construction Company, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number C-04-10-945-315; and

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

1. The Township Council hereby awards a contract to New Prince Concrete Construction Company, Inc., 215 Eileen Terrace, Hackensack, NJ 07601-3116 for the Bikeway Section 3, Contract 3 in an amount not to exceed \$717,464.50.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with New Prince Concrete Construction Company, Inc. in accordance with its bid for said Bikeway Section 3, Contract 3 in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: April 6, 2011

Agenda No. X 10

~ Resolution No. 2011- 141 ~

AMENDED
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER (REDUCTION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-009-004 574 MACOPIN, INC. t/a S & S Liquors

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 22

WHEREAS, an application has been received for a Place to Place Transfer (Reduction of Premises) of 2010 - 2011 Plenary Retail Consumption License No. 1615-33-009-004 held by 574 Macopin, Inc. trading as S & S Liquors located at 574A Macopin Road, West Milford, New Jersey; and

WHEREAS, the Township has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained in the previous license year (July 1, 2009 - June 30, 2010).
4. The approval is in compliance and does not waive any municipality, county, or state laws with respect to the establishment.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred as a reduction of premises;

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same as follows:

LICENSE
574 MACOPIN INC. S & S Liquors 574A Macopin Road West Milford, NJ 07480 1615-33-009-004

Adopted: April 6, 2011

Agenda No. X 11

~ Resolution No. 2011- 142 ~

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

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

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

Applications:

- a. Application for On Premise 50/50 Raffle License No. RL2011-17 by Apshawa PTA for April 29, 2011.

Adopted: April 6, 2011

Agenda No. X 14

~ Resolution No. 2011- 146 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR LOCAL SCHOOL TAXES

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2010 as follows:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: April 6, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 14 of 22

Deferred Local School Taxes	
Amount Deferred 12/31/10	24,954,291.00
Amount Deferred 12/31/09	24,076,350.00
	<u>877,941.00</u>

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: April 6, 2011

Agenda No. X 12

~ Ordinance No. 2011- 004 ~

BOND ORDINANCE APPROPRIATING \$1,675,000, AND AUTHORIZING THE ISSUANCE OF \$1,142,000 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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$1,675,000 including the aggregate sum of \$58,000, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, (i) in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$200,000 received or expected to be received by the Township from the New Jersey Department of Transportation, as a grant-in-aid of financing said improvement or purpose, and (ii) in the case of the improvement or purpose described in paragraph (c) of said Section 3, the sum of \$275,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,675,000 appropriations not provided for by application hereunder of said down payments and said grants, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,142,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,142,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) pick up truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	\$33,000	\$31,100

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
 April 6, 2011
 7:30 P.M.
 Page 15 of 22

(b) Construction of a bike path in and by the Township along Westbrook Road from Macopin Road to Ridge Road, together with all structures, appurtenances, landscaping, equipment, work and materials, necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$847,000 appropriation hereby made therefore being inclusive of the amount of \$200,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant in aid of financing said improvement	847,000	616,000
(c) Installation of a new traffic signal at the intersection of Lakeshore Drive and Warwick Turnpike in and by the Township, together with all paving, landscaping, structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$388,000 appropriation hereby made therefore being inclusive of the amount of \$275,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	388,000	107,500
(d) Improvement of municipally-owned facilities and grounds in and by the Township, including the rehabilitation of various athletic fields, together with for all the aforesaid all structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	27,000	25,500
(e) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the West Milford Fire Company, together with all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	<u>380,000</u>	<u>361,900</u>
Totals	<u>\$1,675,000</u>	<u>\$1,142,000</u>

Except as otherwise stated in paragraphs (b) and (c) above with respect to the \$475,000 grants-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- b. The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.17 years.
- c. The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,142,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- d. Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 16 of 22

Section 5. The funds from time to time received by the Township on account of the \$475,000 grants referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraphs (b) and (c) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefore by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

INTRODUCED: April 6, 2011

Mayor Bieri advised that this ordinance was 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 20, 2011. She opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: None.
Voted Nay: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Motion carried.

Agenda No. X 13

~ Ordinance No. 2011- 005 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 17 of 22

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$349,507.11 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$815,516.59, and that the CY 2011 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED: April 6, 2011

Mayor Bieri advised that this ordinance was 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 20, 2011. She opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: None.
Voted Nay: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Motion carried.

Agenda No. X 15

~ Ordinance No. 2011- 006 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 71, ANIMALS, ARTICLE II, WILDLIFE FEEDING, OF THE REVISED GENERAL ORDINANCES AS AMENDED

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

SECTION 1. Chapter 71, Animals, Article II, Wildlife Feeding, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

ARTICLE II Wildlife Feeding
§ 71-17 Purpose.

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public. The purpose of this article is to prohibit the feeding of unconfined wildlife, including waterfowl, on any public or private Township lands, including Township and State waterways, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 71-18 Definitions and word usage.

A. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 18 of 22

- B. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning:

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. "Feeding" does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WATERFOWL

Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including but not limited to ducks, geese, swans, heron, and egrets.

WILDLIFE

All animals that are neither human nor domesticated, including but not limited to bears, coyotes, deer, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

§ 71-19 Feeding of Wildlife and Waterfowl Prohibited.

- A. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in said township, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals.
- B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal or waterfowl.
- C. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Township to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.

Nothing in this section shall apply to (1) any agent of the township authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46; (2) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes or (3) any caretakers of feral cats in accordance with Ordinance 2009-26.

§ 71-20 Enforcement.

All police officers of the Township, regular and special, all applicable State and Federal **Officials** and the Health Officer or his/her duly authorized designee are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

§ 71-21 Violations and penalties.

Any person or persons, firm, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to the following penalties: a fine not exceeding \$2,000; imprisonment not exceeding 90 days; or a period of community service not exceeding 90 days.

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 may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: April 6, 2011

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: April 6, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 19 of 22

Mayor Bieri advised that this ordinance was 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 20, 2011. She opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: None.
 Voted Nay: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Motion carried.

Approval of Expenditures

Agenda No. XI

~ Resolution No. 2011- 143 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$387,953.04
2	Reserve Account	159,575.35
3	Animal Control Trust	0.00
6	Capital.	245,982.78
7	Grants.	123.58
8	Refuse.	141,686.72
9	Refunds.	0.00
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	0.00
18	Development Escrow.	807.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$936,128.47
Less Refund Resolution		0.00
Actual Bill List		\$936,128.47
Other Payments 3/23/11 Ck #45289		\$1,450.00
NJ State Treas. Crescent Bridge Permits		
Total Expenditures		\$937,578.47

Approved: April 6, 2011

Discussion: Councilman Ramaglia asked about supplies from Staples and why we are purchasing from other entities. Mr. Boyle stated that departments now receive quotes for all office supplies. Councilman Ramaglia asked about the Verizon air cards and was advised by Administrator Boyle that these are for police department patrol cars. Council President Smolinski complemented the bill list and how it is now presented. In response to his query Mr. Boyle advised that he is working on having the bill list posted online.

Moved: Weisbecker Seconded: Jurkovic
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Voted Nay: None.
 Abstain: Jurkovic abstained from the Glatt invoice only.
 Motion carried.

Agenda No. XII

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 6, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 22

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

Councilman Weisbecker asked Administrator Boyle if we can address infrastructure deficiencies because of weather conditions due to storms. Mr. Boyle replied that staff has applied for and obtained FEMA funding for two storms adding that we cannot work on infrastructure until the budget is adopted because there is no leftover funds for these purposes. He stated that West Milford is self-examining this year so he hopes the Council will adopt the municipal budget in May. Councilman Weisbecker stated that he is concerned about potholes and the damage being done and he asked if we can notify the paper of the process by which for residents can report potholes. Mayor Bieri advised that there is a mechanism to report such matters on the Township website.

Council President Smolinski advised that the community cars program is proceeding and he urged interested persons to sign up with the Department of Community Services & Recreation. He stated that the first 90 days are free. He stated that he is happy to hear that the proposed state cable law was pulled off the Senate floor and for lack of support. That is a good thing and he expressed hope that it will not be revisited. He and Councilman Jurkovic met with Senator Pennachio and presented him with a lot of West Milford issues including the "S" turns on Route 23. Senator Pennachio said he will deliver our resolution along with all those from other municipalities expressing support to the Department of Transportation. He congratulated West Milford High School students for project graduation stating that he was very impressed with the production behind the scenes for this event. The students handle themselves very well. They held firm despite the loss of one of their own the night before project graduation. He conveyed condolences to the Torres family on the loss of their seventeen-year-old son.

Councilman Rosone expressed condolences to the Torres family who lost their seventeen-year-old son. He asked for status update on coffee house. Mr. Boyle stated that the sheet rock is being installed this week and he will get a complete update for Council. Councilman Rosone asked for a report from the MUA on the status of repairs to plants. Mr. Boyle advised that he did write to the MUA and received a response advising that they are getting ready to meet with the DEP and will be preparing that type of report for them. They will copy the Council. Councilman Rosone advised that Beautification Day is scheduled for April 16th and he encouraged everyone to come out. He stated that the police department issued a press release about a five-step program for disposal of prescription drugs. Another such program is scheduled for April 30th.

Councilman Signorino conveyed his condolences to the Torres family. He announced that the museum's tennis tournament is scheduled for May 14th & 15th.

Mayor Bieri advised that the Passaic County Clerk's office will be here this month for passport & notary renewals. The community cars program experienced a slight delay but people can sign up. She asked Administrator Boyle about the Passaic County open space grant. Mr. Boyle advised that he will meet with the Environmental Commission, make recommendation and will apply for funding for the roller rink. He will get back to Council. Mayor Bieri conveyed condolences to the Torres family.

Administrator Boyle stated that he went to a presentation on March 18th at the County about solar energy. He will fill out paperwork for that project to have a company review our premises to see if we can qualify for funding. They will do a free audit. Councilman Jurkovic recalled that he had asked to have the Environmental Commission give recommendations regarding open space properties that may be suitable for this. Mr. Boyle stated that he did send them a memo and will follow up. Mr. Boyle stated that the budget represents a 0% increase. One major cost drive is snow removal costs which are over \$1 million which is \$80 to every household and a very expensive part of the budget. Cablevision has accepted consent to operate here in West Milford and has filed their petition with BPU. The approval process could take up to three months. He advised that NJDOT has a link on their website to allow motorists to notify them of potholes on State roads including Route 23. The JIF is conducting an online wellness program to increase the health and vitality of employees and reduce costs. The turf field will be opened formally on April 21st at 7 pm with a ribbon cutting ceremony that night. The note sale was held yesterday for over \$9 million with an interest rate of 1.5% or .625% premium. That will be a savings on the debt service going forward. He noted that it was very competitive. Work has begun on stormwater retrofits on Greenwood Lake and there will be change orders due to issues in the field. He is taking time off next week and the Health Director will be in charge.

Mr. Semrau advised that the revaluation contract has been sent out and the company is ready to start fieldwork. He reviewed the process.

Appointments and Resignations

