
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: April 18, 2012
Time of Meeting: 7:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 1, 2012 copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia,
Edward Rosone, Luciano Signorino, CarlLa Horton, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Jane Coviello,
Township Attorney Frederick Semrau arrived 9:05 pm.

Recognizing that there was a large crowd in attendance, Mayor Bieri asked those who were in attendance to address the revaluation to step outside until the volunteer program was completed. She noted that it is likely that seats will open up at that time.

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilman Ramaglia moved to adopt the January 7, 2012 Workshop Meeting as presented:

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

Proclamations

National Day of Prayer – Mayor Bieri was joined by Jean who accepted the proclamation after Mayor Bieri read it aloud. Jean gave a brief history of the National Day of Prayer and listed the events that will take place throughout the day and throughout the town. She urged everyone to participate. Jean thanked the Governing Body for their annual endorsement of this day.

Mayor Bieri noted that the General Assembly of the State of New Jersey sets aside the month of March to honor women. This year they issued a proclamation honoring Relda Vreeland who was an original activist in women’s rights. In her time, Mrs. Vreeland was the general manager of the Vreeland Store in West Milford. Mayor Bieri read the General Assembly’s proclamation.

Agenda No. II

Presentations

Volunteer Appreciation Night

- 1) *Mary B. Haase Lifetime Volunteer Award – Mr. Adrian Birdsall*

Mayor Bieri invited Adrian Birdsall and his family to the podium to receive the Mary B. Haase Lifetime volunteer award. Mayor Bieri read the Mr. Birdsall’s brief biography to the audience. Pictures are taken. Mr. Birdsall stated that he is honored to be selected to receive the award for 2011. He thanked his family for their support and understanding. He introduced his daughters, granddaughter, great granddaughter, and sons-in-law. He thanked his fellow fire company #6 colleagues noting that they are great team members. He thanked the heritage committee members as well. He reminisced about some of his experiences with the fire department. Fire Commissioner Ed Steines stated that in 1978 Mr. Birdsall took him under his wing at Fire Co 3. Over 17 years Mr. Birdsall would let him know when he did wrong and he stated that this mentoring gave Ed his position today as Supervisor.

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2) 2011 Volunteer of the Year Award – Mr. Dennis Kirwan & Ms. Lorraine Kirwan

Mayor Bieri invited Councilman Joe Smolinski to read and present this award noting the he and his friend made this nomination. She advised that the award is being made to Dennis Kirwan posthumously and conveyed her condolences to Lorraine and her family. Lorraine Kirwan with her children Ryan and Megan joined Councilman Smolinski at the podium. Councilman Smolinski read a biography on Dennis and Lorraine adding that they were each very dedicated to West Milford and always there to help out. Lorraine thanked everyone for the award and read a thank you note. She stated that her relationship with Dennis was a team effort. They each had their roles within their family and as part of their volunteerism. She stated that she will continue to help as much as possible. Dennis would be very proud of his great friends in this community.

Agenda No. III

Volunteer Group Presentations:

- 1) Woman's Club of West Milford – no one present.
- 2) West Milford Animal Shelter Society – Jean Bremy addressed the Council advising that the WMAS is comprised of volunteers. The animals are adopted out as often as possible. There have been recent renovations at the shelter where a living room and a stage room have been added. There is a new cattery so that the cats no longer have to spend all their time in small cages. The shelter appreciates all the support received from the Township and she noted that the bulk of their funding comes from fundraisers. She thanked the community for their continued support. The animal shelter is always seeking new volunteers even if one only has a few hours a week to contribute. Mayor Bieri stated that she is very proud of this organization which is very dear to her heart. She reviewed the history of the animal shelter which started with 12 volunteers. They operate 365 days per year and she thanked everyone for their support and help.
- 3) Association for Special Children & Families – Andy Abdul addressed the Council advising that this organization helps parents make informed decisions for their children's development. Callers and walk-in visitors come to them for help. Their team is trained and keeps current with laws and issues. They work with other organizations and can always use more volunteers. Their focus is on the potential of children. They have experienced reduced funding but they still continue the activities which promote their mission. He urged people to visit them at their Hillcrest location.
- 4) West Milford Rotary Club – Allen and Scott Epstein addressed the Council advising that the Rotary motto is service of self. International service helps in giving clean water throughout the world. Their gift of life program assists children who need heart surgery. Their long-term project has and continues to be preventing and treating polio around the world. They provide scholarships for students and they continue to provide dictionaries in multiple languages throughout the world. The Rotary is also very involved in their local communities and the West Milford branch is particularly active in town. They have assisted with many community service programs and endeavors including benches in various areas in town, lights at the football field and the annual holiday luncheon for children with special needs. They meet regularly at the Airport Café and he invited any interested persons to attend.
- 5) Environmental Commission – Andy Abdul addressed the Council advising that all environmental commission meetings are held in public and everyone is welcome to attend. They serve as advisors to municipal boards whose decisions may impact the environment. They address issues of air & water quality, waste management and protecting natural resources. They have applied for and received a number of grants for various projects and initiatives. He reviewed some of the grants and their purpose as well as the derived benefits for West Milford. He urged residents to visit the Township's website for more information on this commission.
- 6) 4H Club – Celeste Hamilton and participants in the 4H Club approached the dais and Ms. Hamilton addressed the Council. She advised that the 4H Club provides a free informal education program for children. The program promotes the concepts of learning by doing to teach children how to become contributing citizens within the community. Children learn how to conduct meetings, participate in long-term projects, care for various animals, grow flowers and learn arts & crafts. She provided information about specific projects they have worked on and gave information on how one can join the 4H Club. Councilwoman Erik commented on how the origins of the 4H Club in West Milford and commended the children on their participation.

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- 7) Heritage Committee – Tonya Cubby addressed the Council advising that the heritage committee is comprised entirely of volunteers whose goal is to preserve the history of the Township. Each member is very dedicated and she feels the Township is blessed to have such wonderful volunteers. The museum is open on Saturdays from 1 to 4 p.m. and can be found online also donations, she said, are always welcome.

Mayor Bieri thanked all those who spoke tonight and the countless others who volunteer in West Milford. She noted that West Milford is truly blessed with the philanthropic mindset that is this community. It spans all these groups and includes the fire and rescue groups also. Thank you, she said, to each and every one of you.

The Council took a ten minute recess.

Agenda No. IV

Unfinished Business Final Passage of Ordinances

**~ 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:

- 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.

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- 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.
 - 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
Adopted: April 18, 2012
Effective Date: May 8, 2012

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This Ordinance was introduced on March 21, 2012 and the Notice of Public Hearing was published in the Herald News on March 25, 2012. The Council will open the meeting to the public to speak on this ordinance only.

On motion by Councilwoman Erik, seconded by Councilman Ramaglia and carried by unanimous voice vote, the Council closed this public portion of the meeting.

Motion to adopt Ordinance 2012-005.

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

~ 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
Adopted: April 18, 2012
Effective Date: May 8, 2012

This Ordinance was introduced on March 21, 2012 and the Notice of Public Hearing was published in the Herald News on March 25, 2012. The Council will open the meeting to the public to speak on this ordinance only.

On motion by Councilwoman Erik, seconded by Council President Signorino and carried by unanimous voice vote, the Council closed this public portion of the meeting.

Motion to adopt Ordinance 2012-006.

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

~ Ordinance No. 2012- 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF BLOCK 11001, LOT 50, AND BLOCK 11302, LOTS 11 AND 36, 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 11302, 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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WHEREAS, Block 11001, Lot 50 and Block 11302, Lots 11 and 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 11302, 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
Adopted: April 18, 2012
Effective Date: May 8, 2012

This Ordinance was introduced on March 21, 2012 and the Notice of Public Hearing was published in the Herald News on March 25, 2012. The Council will open the meeting to the public to speak on this ordinance only.

Eileen Borne, Dolan & Dolan stated that she is representing the Mount Glen Lakes Association. She advised that there was no agreement for any fund transfer. Ms. Borne stated that she is aware that there were questions about recent litigation. Members are welcome to participate in the dam rehabilitation. Some residents sued and the judge ruled that the assessment be against all Mount Glen Lake properties and therefore the dam assessment is levied on all. It is the best use of the lake to turn it back to the association who is obligated to take care of it. Now litigation is complete the POA is able to take ownership.

On motion by Councilman Ramaglia, seconded by Council President Signorino and carried by unanimous voice vote, the Council closed this public portion of the meeting.

Motion to adopt Ordinance 2012-007.

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

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.

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Robert Moskin, 211 Point Breeze Drive, West Milford stated that he represents lakefront property owners of West Milford. He is the president of a three-weeks old organization formed as a result of the recent revaluation. He has been a volunteer for many years and he provided overview of his volunteer positions. He is a lake historian. He stated that lake owners have always paid higher taxes in West Milford. Months ago property owners received assessments and most were high. Residents were led to believe that the multiplier was the same as last year and many thought that would level taxes. That did not happen. In 2011 the taxes in West Milford were the highest in New Jersey state history. In February & March there were newspaper articles about the Revaluation Company and problems in other towns. There was an article about lakefront property assessments in Kitchell Lake. According to those news reports disparities exist. Kitchell Lake retained an attorney, Bob Moshman, to institute action. Overnight they discovered that every lakefront & lake-view owner in town was experiencing high taxes negatively affecting 1,350 taxpayers in West Milford. On ASI's website one can access individual property information using the assigned web-code. ASI has put lakefront and lake view properties in a separate class with a higher evaluation. There is also a calculator which allows one to see the new taxes. It is startling, he said. The tax increases are high and unfair. The increase is between 20-100%. There are horror stories from every lake in West Milford and he listed many. The shocking part is that people are seeing estimated taxes of \$2,000 to \$25,000 increases. That is unbelievable. The Council gave consensus for Mr. Moskin to speak an additional 2 minutes. Mr. Moskin stated that in 2011 there were houses with land values of \$50 – \$90,000 and they saw those values increase to \$210,000 to \$250,000 with small lake homes. That is regardless of land size. This was a broad-brush valuation stamped onto the assessment. This equates to an unfair increase. The lakefront property owners started organizing. There are now 400 members in his organization and he anticipates it will grow to 500 by the end of the week. This is unprecedented. They believe that a grievous error was made by ASI. The revaluation cost \$1 million. There is something wrong. He asked that the Mayor & Council immediately take action against ASI.

John Rod Dunderf, 45 Lake Park Terrace, Hewitt feels the recent reassessment was defective. It hurts everyone in town. His land value went from \$66,000 to \$250,000, an increase of 360%. He is on a fixed income. He loves living in West Milford. On the Township's website today he learned that there about 10,000 homes in West Milford. It costs about \$13,000 to educate the average student. Of the 10,000 families, there would be significant losses if 300 decide to move. Most houses are 3-4 bedrooms. That means increased students for new families moving in. Multiplied, in his estimation that equates to \$9,750,000 in additional educational costs. That will affect everyone's taxes. Some seniors have tax freezes but Governor Christie just reduced the qualifying amount. His taxes went up 44% or \$4,041 on a house built in 1940 on a 50-foot lot. His taxes will be almost \$14,000.

Dwight Faulkner, Pinecliff Lake, West Milford stated that he is retired and has lived in town for 42 years. He owns a 1,300 sq. foot log cabin. He has a nice property of less than half an acre. His taxes will increase. He stated that he was paying over \$8,000 for this lakefront property. ASI has put him in the stratosphere. They have made lakefront ownership impossible. His taxes will be almost \$11,000. He has a problem because the spirit of taxation requires properties to be taxed at a value it can be sold for. He is going to appeal. He is assessed at \$335,000. He stated that the Town Council and tax assessor need to act. The contractor has erred. Some people are seeing tax decreases and his is going up by thousands.

Nancy Lynch, 623 Lakeshore Drive, Upper Greenwood Lake said her taxes went up over \$5,000. She does not have that kind of money. This is discrimination. The problem is people built nice houses making this town attractive. She has been paying more taxes historically. Her house went from \$200,000 to \$600,000. Where will that extra money come from, she asked. This will put people out of their homes. Who would buy her house? She doesn't even have a streetlight. She is angry and many other people are angry. She has not had improvements. Council must do something. People are overburdened. This is the middle of nowhere. She said that she wants to know what will be done. Something must be done. This is unfair. People are being targeted and penalized. She hopes everyone appeals the taxes.

Steve Boylan, 21 Laherty Trail, West Milford stated that he does not see tax assessor here tonight and he asked if anyone is here from the tax assessors office. The problem is deeper than just taxes. He has a 1973 map of his wife's property. He asked the Mayor if she would have confidence in a surveyors map or the ASI property card. He is an engineer and would rely on the surveyor's map. He relayed the differences between the ASI card and the surveyor's records. He is wondering what ASI's proof reading sequence is. He asked if they used Township records and questioned where the error began. He asked who he should talk to because he would like to settle this quickly. He would like to find out the sequence of the data trail. Many of these complaints may be similar in nature. There are many similar errors in the community.

Ken Henderson, 765 East Shore Road, West Milford stated that he is 28 year resident. The last time there was a revaluation his taxes went down. He is practically on a cliff. He described the property saying

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that his house is 700 sq. ft. He has been paying high over \$7,000 in taxes and they will go up over \$4,000. He made \$32,000 gross last year and cannot afford this increase.

Perry Winston, 10 So. Ridgefield Road, Upper Greenwood Lake stated that the revaluation company's paperwork shows differentials on waterfront properties owned by individuals as compared to those owned by the POA. Clearly there is an issue with value appropriations. The reassessment of these houses is this event that causes devaluation. He provided an example. Value is based on what people can afford on a monthly basis. This will ultimately require another reassessment. Everyone understood that properties in WM were undervalued. We had high rates, low values. At same time the reassessment should be based on current market conditions. Lakefronts hold value more but these discrepancies are very troubling.

Terry Zielinski, 120 Kitchell Lake Drive, West Milford stated that he has lived here for 20 years. He recognizes that the Township Attorney has likely advised that Council cannot speak about this matter. However, addressing the Governing Body he said, you are elected by us and are raising our taxes. But you cannot help us. So here we are and now have to figure out how to sue you, get the press involved and try to get relief. The only way is to file appeals and the Tax Assessor is not here.

Raymond Ferrante, 83 & 87 Witte Road, West Milford stated that his family has owned these properties since 1933 + 1934. He is the treasurer for newly formed lakefront property owners of West Milford. He is an accountant and knows that the Mayor & Council cannot do anything and hired an outside firm to do the revaluation. However, Council is responsible for their work that will bring an avalanche of tax appeals and bring us back to improper valuations. He was proactive and has had his property appraised by two separate companies. He cannot even get remotely close to the value set by ASI. He used divergent companies. West Milford is realizing erroneous results and Council needs to address it. The reality cannot be that values are being skewed on lakefront property owners. It is so disproportionate that it is not even remotely sensible. People know what their houses are worth. They know what houses are selling for even if you can get a buyer. He looked at the value, in the height of the market, this is a severely depressed market, and the value they assigned to his homes does not even equate to the height of the market. People will join this organization and there will be an in-town war. It will cost legal fees, time & effort. This should not have happened. The municipal budget is what it is. The council cannot put this burden on a small group so disproportionately. People will rise up in arms.

Bob Moshman, 40 Pondview Drive, West Milford stated that property taxes are killing us. That has been an issue for a long time but now it has reached a new height. West Milford will have the highest tax rate in the entire US. If there is any error in the assessment the combination is ruinous. Every lake, he said, has issues. Some houses are not on property owned by the resident. Some people may like that their rates have decreased. But ultimately this revaluation will negatively affect everyone. It will have a negative tax impact. Mr. Semrau asked Mr. Moshman if he is speaking as resident or representing clients. He said he is an informal advisor not retained by anyone. These people did not come here to disrupt the meeting. No one is here to preempt any other meeting that may take place. The people affected are upset and scared. Individual tax appeals will partially help some people. By & large that will not fully correct the damage done by ASI. This group is looking for any possible means, including litigation, to solve this problem. A decision as to how to proceed has yet to be made. The Township Administrator had suggested that she meet with some residents. But now, to punish by refusing to meet now because people came here tonight is not productive. The Mayor & Council, he said are in a difficult position. Addressing the elected officials, he said your attorney & administrator will advise that you are prohibited by law to interfere. If that is correct, there will be repercussions. He has not been retained to represent anyone but he admires Mr. Moskin for forming this group. He is a champion for our community. He was asked to speak to Council because this is a problem too large for any individual. He is here to ask for help. Mayor Bieri in the past took on an impossible task turning the pound into the animal shelter we know today. The town is in trouble and needs leadership. We have an amazing town and we expect amazing things from our leaders. The attorney & manager will advise that Council cannot be involved. They were not elected and Council works for the voters. He advised the Mayor & Council not to listen to their professionals and stated that the revaluation is flawed.

Bob Nicholson, 20 Hyde Road, Stockholm stated that we should look into having a public access cable channel. There should be a forum for residents to speak. He has years of experience in the audio/visual field and would like to be on that committee. We need to prevent errors from the start. Cablevision was generous with funding for these purposes. There are many things to talk about and direction must be set. People want a local TV station.

Michael Kindergan, 12 Seabright Court, West Milford stated that the Council has heard from many long-term residents. Those speakers are not like him in that he purchased in 2009. Had he known then what was about to happen, he would not have bought. Property values will decrease as a result of this

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revaluation. People have lost property values. If you calculate the average losses it will be a very large number. Total property values will ultimately decrease.

John Orłowski, 603 Lakeshore Drive, West Milford stated that he moved to West Milford for the long-term. He understands the process better having received clarification from Mr. Moshman. If these higher property values cause people to leave town there will be more people who use properties as weekend homes. That will mean that they don't spend money in town. They don't support local businesses. Businesses cannot be sustained on weekend businesses.

Doris Aaronson, 19 Bearfort Road, West Milford reviewed the assessment process from her own home. There was a young man who never looked at any room other than the living room in her house. There was a meeting of lakefront property owners with 61 people in attendance. A realtor showed attendees how to appeal. She said that the Township can expect many appeals to be settled for lower amounts.

Ann Poland, 21 Laramie Trail, West Milford stated that she would like to make a motion that the assessment should be null and void and started from scratch.

Izabella Michaels, 526 Warwick, Turnpike, Hewitt stated that she bought her house in 1966 with taxes of \$4,000. It is a cottage-like house which she fixed up. She described the renovations done over the years and reviewed many of the processes. She is being penalized for this and will pay \$12,000 and her house is assessed at \$395,000. She is retired. This is ridiculous. She cannot afford to continue to live here. She is on a fixed income. She pays her taxes. This is unfair.

Stephanie Tuomey, 53 Landing Road, Upper Greenwood Lake described her property and house. She said it used to be valued at \$49,200 and now went up to \$248,000. It will cost her over \$5,000 in increased taxes for a summerhouse with no heat. She came here from Brooklyn New York tonight. She has been coming here for 19 years and uses West Milford services and patronizes West Milford businesses. She is retired and cannot afford these taxes. It is not fair.

Charles Galanaugh, 181 Highcrest Drive, West Milford stated that he has been here for 44 years. He recently purchased lakefront house and has questions. The house he currently owns was built in 1987 around the time of the last assessment. He is an engineer by trade. Guessing the increase in total valuations in West Milford from 1988 and calculating all the variables, he would say that the ratio of current valuation compared to prior could not be 1.86. There is not much commercial property here. He described the person who came to value his house and the conversation they had. He said that it is fundamentally about square feet. Recently he learned that his land value has almost tripled. He went to a recent meeting. Appeals must be filed by May 1st which, in his opinion, is not enough time. The appeal process is based on comparables. If you base an appeal on comparables, why have assessments that are based on measuring square footage he asked. The land value has escalated. According to legal advice this is not Council's responsibility, but he begs to differ. Something is wrong. Newark Watershed is an enormous commercial venture. Has their value been increased? We pay to protect that watershed. Residents are being treated unfairly. If he wanted to expand his home he would have a hard time getting approvals. Think about the disparities and unfairness.

Caroline Weinberg, 211 Highcrest Drive, West Milford stated that she has been here for 47 years. She is being taxed out of West Milford.

Alan Parsons, Lake Park Terrace, West Milford found out tonight that this revaluation will affect about 1,300 lakefront homeowners. Many are not full time residents and many don't know what is going on. We should extend the filing deadline to allow people time. When the process started and Council saw that the whole tax burden is being given to lakefront homeowners there should have been concern. Why didn't Council address this he asked? Could we not phase in the increase to allow people time to pay it? This is a burden.

Mike Hensley, 240 Maple Road, West Milford is here to speak about providing resource officers to provide services to our churches. We provide services to 3 churches but not one. The Township should provide for the needs of all 4 churches. Public safety would be threatened if these services were removed. This would endanger those traveling in town. This could negatively affect local businesses. We need to provide for safety. Thomas Jefferson said that the power to tax is the power to destroy.

Michael Tallion, Fox Island, Greenwood Lake stated that he inherited property from his dad who bought in 1964. It is a vacation home and the taxes are killing them. There were a number of errors on the sheet from ASI. It is painfully obvious that these people are incompetent and the revaluation needs to be redone.

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

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

Agenda No. VI

Council Comments

Mayor Bieri thanked everyone for remaining civil especially with the number of speakers. She noted that there was great civility. She believes that the Town Attorney should speak first before Council comments.

Mr. Semrau stated that it is a sensitive subject. Everyone should know that the governing body does not have jurisdiction over the revaluation process. To effectuate the change the only place of recourse is before the county or state tax court. The governing body's involvement is limited. The revaluation is ordered. The city of Paterson filed suit against every other municipality in Passaic County forcing a revaluation. It has been over 20 years since the last revaluation in West Milford. There were changes in market and property conditions. The process includes field inspections and he described how that information is processed and sent to the assessor. In early January he was advised that there was a concern about lakefront properties. He met with the assessor who has lived in West Milford all his life and who had met with a few residents. Mr. Townsend got back to Mr. Semrau and said he had reviewed the concerns and was satisfied with the integrity of the revaluation process. He signs the book and closes the book. That is not to blame him. That is to explain the process and how the integrity is protected. Mr. Townsend sets the values. At the end of January the County Tax Board closes the book and the only way to change the value is to file an appeal. He reviewed the process and all the steps involved. There is not much the governing body can say or do. The process is driven by sales. If you go before the county tax board, consult with your attorney. They don't want to hear about comparing assessments. They don't want to hear about your taxes. They want to know about your value and comparable sales. There is a uniform standard that is applied. At the tax board, square footage is measured by the exterior of the property. This is to ensure fairness. He noted that one speaker made mention of the value of the property at 12 Seabright. For that property the sale price was \$515,000. The assessment that was set is supposed to be 100% and the revaluation set that assessment at \$400,000. What becomes apparent is that overall there was a consensus that the values to begin with were extremely low. That is why the multiplier is greater than the rest of the Township. That particular sale, if there was an appeal, the revaluation would have to set that value at market value. ASI set the values at 100% but market conditions between the time of the fieldwork and the closing of the books indicate that some may now be as low as 80%.

Mayor Bieri stated that she did receive multiple phone calls. She was shocked at her own valuation. She did advise the Township Attorney of complaints. She understood the complaints. She did not become involved any further so that there would ever be a question of the benefit to her. She deferred to the professionals and has taken a back seat because it would affect her as she is a lakefront property owner.

Mr. Semrau stated that he had concerns. He does a lot of tax appeal work. Upon hearing of the complaints he met with assessor immediately. There was an opportunity for the assessor to change values. However, Mr. Townsend was confident there was not a need. Subsequently Mr. Semrau met with ASI and demanded that they were confident in the results. There has been no influence from any source on the process and no preference shown to any segment of the community.

Councilman Ramaglia stated that he pays \$7,700 in taxes for a 2 bedroom townhouse. He feels for everyone.

Councilwoman Horton has a couple of comments. She is not a lakefront property owner and in the interests of full disclosure she will advise that she sits on Pinecliff Lake Board. She encouraged a meeting to address concerns and discuss the appeals process. She did that knowing that any reduction for them would be an increase for her. Her taxes are about \$5,200 for a very small house. She is appealing her assessment because there are errors on her property card. She wished everyone the best. She honors the counsel of our attorney. She stated that she will not taint the process and will do whatever is possible legally to ensure its accuracy.

Councilman Rosone asked if individuals can get extensions to file their appeals. Mr. Semrau answered in the negative advising that the usual deadline is April 1st and the revaluation towns get an automatic extension to May 1st.

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Council President Signorino asked if ASI has been paid in full. He asked if there is something that can be done to compel them to correct the errors. Mr. Semrau advised they are contractually compelled to defend all the tax appeals this and next year. Council President Signorino said that many people don't know the ultimate affect of the revaluation on their taxes. Mr. Moskin from the audience stated that he sent 1,305 letters, 800 people have not responded. About 50 letters were returned as not deliverable. Council President Signorino suggested that everyone in town be sent a mailing advising them to look at this information and he requested that the local newspapers publish such notice.

Mayor Bieri stated that she and Council are accessible. Everyone's property taxes are public record. She previously paid roughly \$11,000 and is going up about \$3,000.

Councilwoman Horton stated that she attended the Pinecliff meeting and learned that appeals are particularly important this year because it has to be a one to one ratio. In any other year there is a swing that requires a 15% difference. Mr. Semrau advised that one can file in any year but agreed that this year the ratio is supposed to be 100%. He cautioned that there has been about 60 sales, where about 45 – 50 of them indicate that the assessments are only listed at 80%. The county tax board can increase or decrease your value. That is the risk that is taken in the appeal process. Everyone has right to speak in the proper venue. The assessor and revaluation company agree that the residents here have a significant part of the shift. Notices have been sent out.

Councilwoman Erik stated that she doesn't live on the lake. She lives on Macopin Road. Her house is 400 sq. feet. She told the story of the person who valued her house. She urged everyone to check their property card in the tax assessors' office.

The Council took a brief recess.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Resolution No. 2012- 137 ~

MAYOR'S APPOINTMENT OF GENE CHIOSIE AS DIRECTOR OF PUBLIC SAFETY IN ACCORDANCE WITH SECTION §15-11 OF THE TOWNSHIP CODE

TABLED TO MAY 2, 2012 WORKSHOP MEETING

Councilwoman Horton made a motion, seconded by Councilwoman Erik to place this resolution on the table for discussion.

Discussion. Councilman Smolinski stated that he does not disagree with this. We are out of sequence. The Council has discussed amending the code. It is inappropriate to make an appointment with the knowledge that the Council is going to amend the duties associated with this position. He said that should take place first. Need to straighten out our ordinance. The Director needs to understand the responsibilities of the position. Qualifications are not listed in the current ordinance. He requested that the Mayor puts this off until that takes place. He said that he wants to expedite this. Mayor Bieri stated that since about last year Councilman Smolinski in particular has pushed for this appointment. The ordinance applied to prior to chiefs. The Council clearly indicated that they wanted the chief of police appointed to the Director of Public Safety. She wants to proceed tonight with this appointment to provide a department head. The resolution clearly states that there is no compensation with this appointment. With regard to duties changing, as a professional, the director would have to comply with new standards. If you change the language he has to abide by that like any other department head would. She was asked to make this appointment and now that she is legally able to do she plans to proceed. Councilman Smolinski stated that we have been without a director and in his opinion it is okay for one more month. He said that he hopes Council is agreeable to this simple basic request. There needs to be an amended salary ordinance too. He said that he agrees with the selection. Mayor Bieri stated that she is not withdrawing her appointment and Councilman Smolinski asked for legal advice adding that the Mayor is putting Council in a corner. Councilwoman Horton stated that she is ready to move on this and does not agree with Councilman Smolinski to which he replied "of course not." Councilman Rosone asked if the qualifications can be amended at a later date. He is concerned that in future years a civilian could be appointed to this position. Mr. Semrau stated that he is hearing that the Mayor is making an appointment but Councilman Smolinski is saying he wants to amend the ordinance first with qualifications. Councilman Ramaglia stated that Councilmembers Signorino & Rosone have had concerns. Everyone agrees that the chief is the best appointee for this position but the qualifications have not been delineated. Councilman Smolinski asked if we can table this and have a workshop discussion of the ordinance.

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Council President Signorino stated that he would extend the courtesy to Mr. Smolinski because he has been so adamant about it. Mayor Bieri stated that she was asked if she was planning to make the appointment and she committed to doing so at the first available meeting. No one stated objections. Councilman Smolinski said that he took the Mayor's comment as casual. He expected an ordinance discussion first. Councilman Ramaglia stated that the Attorney and Administrator will set the qualifications for the next meeting. Councilman Smolinski stated that it is proper legislative sequence and he continued that the Mayor does not need to get hostile here. Councilwoman Erik asked if we can make this appointment tonight and then amend ordinance. Mr. Semrau suggested that if there is discussion and agreement at the next meeting the Council could make the appointment at that time. Councilman Smolinski stated that he agrees to that. Councilman Rosone stated that it would protect the office of the director of public safety for the future. Councilman Ramaglia said this process would have been simple if everyone got information they asked for. It would have been a done deal. Councilman Smolinski stated that he is easy to get along with and the ordinance should be clarified. He said that he wants the Mayor to withdraw her appointment. Mayor Bieri declined saying that she would interpret that to say that Gino Chiosie is not qualified and she refuses to do that. Council can vote it down or table it.

Councilman Rosone made a motion to table this resolution to the May 2, 2012 workshop meeting.

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

Agenda No. VII 2

Mayor Bieri asked to move Resolutions 2012-138, 2012-139, 2012-140, 2012-141, 2012-142, 2012-143, 2012-144, 2012-0145, and 2012-146 as one.

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

~ Resolution No. 2012- 138 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RE-ESTABLISHING A TRANSPORTATION ADVISORY COMMITTEE

WHEREAS, the Mayor and Township Council of the Township of West Milford did establish a transportation committee whose purpose was to evaluate transportation policies & services, improve coordination of those services, research funding sources, plan for transportation needs and make recommendations to the Governing Body; and

WHEREAS, the members of the transportation committee did fulfill their obligations to the Township, exceeding expectations and working tirelessly to serve the residents of West Milford; and

WHEREAS, the Mayor & Township Council wishes to express appreciation to the members of the committee for such service; and

WHEREAS, the Mayor & Township Council, after consultation with the committee believes that the interests of the municipality will be well served by the continuance and re-establishment of the West Milford Transportation Advisory Committee for the purpose of monitoring the transportation services provided through the transportation program and making recommendations to the Council on an as-needed basis.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council that it does hereby re-establish a Transportation Advisory Committee with the following provisions:

NAME: The name of this committee is the West Milford Transportation Advisory Committee (TAC)

PURPOSE, AUTHORITY, DUTIES

The purpose and authority of this committee is to monitor the transportation services provided through the transportation program and make recommendations to the Township Council on an as-needed basis.

MEMBERSHIP

There will be eleven (11) members on the committee as follows:
Member of the Township Council

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Representative of the Township's Senior Citizen Advisory Committee
Representative of the Township's A.D.A. Committee
Township Transportation Coordinator
Representative of the Passaic County Para Transit Office
Representative of New Jersey Transit
Township Director of Community Services & Recreation
Coordinator of Senior Activities
Three (3) citizen members

APPOINTING AUTHORITY

The members of the Transportation Advisory Committee shall be appointed by and serve at the pleasure of the Township Council. In the event that a member fails to attend three consecutive meetings of the committee, the committee may recommend the Township Council terminate that appointment and declare the position vacant.

OFFICERS AND STAFFING

Officers. The Officers consist of a chair and vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one-year terms. Officers may be re-elected.

Chair. The chair shall have general directional powers over the committee. The chair shall preside at all committee meetings and set committee agendas. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the committee unless this responsibility is delegated in writing.

Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.

Staff. The Township will provide staff support to the committee for meeting notification, typing, copying and information gathering to the extent that the budget permits.

ORGANIZATIONAL PROCEDURES

The committee shall hold meetings as necessary at a time and place designated by the chair.

Fifty-one percent of the voting membership of the committee shall constitute a quorum.

All members shall be voting members

These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Township Council on its own initiative, or upon a recommendation from the committee.

The parliamentary authority for this committee is Robert's Rules of Order Reviewed, except where superseded by these bylaws or local, state, or federal law.

Adopted: April 18, 2012

Agenda No. VII 3

~ Resolution No. 2012- 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE MEMBERS OF THE STATE SENATE REJECT S-1451 IN ITS CURRENT FORM AND ALLOW FOR CONSTRUCTIVE COMMENT AND DIALOGUE FROM MUNICIPAL ELECTED AND APPOINTED OFFICIALS BEFORE CONSIDERING AMENDMENTS TO THE OPEN PUBLIC MEETINGS ACT

WHEREAS, local government in the State of New Jersey is directly affected by the provisions of the Open Public Meetings Act; and

WHEREAS, local elected and appointed officials must conduct business within the confines of such existing legislation and compelled to any amendments thereto; and

WHEREAS, on March 5, 2012 S-1451 was released from committee for consideration by the State Senate; and

WHEREAS, local elected and appointed officials serving a multitude of municipal governmental bodies adhere to the provisions of the Open Public Meetings Act; and

WHEREAS, as a general rule, these local officials hold the principles and concepts of open government in the highest regard, not only at public meetings but on a daily basis while serving their constituents; and

WHEREAS, we, the elected officials of the Township Council of the Township of West Milford conduct all municipal business in accordance with the provisions of the Open Public Meetings Act and often provide for greater transparency than that provided in the Act; and

WHEREAS, we, the elected officials of the Township Council of the Township of West Milford respectfully request that the elected members of the State Senate display the courtesies and respect owing those in municipally-elected office by allowing our voices to be heard before changes are made to

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the Open Public Meetings Act which may infringe upon our abilities to serve our constituents with efficiency, diligence and dedication; and

WHEREAS, we, the elected officials of the Township Council of the Township of West Milford do hereby provide the following comments with regard to S-1451 with the expectation that the members of the State Senate will receive these comments in the spirit of cooperation and transparency in which they are offered:

- 1) **Position:** We oppose any provision in any legislation, most specifically the Open Public Meetings Act, that precludes the Legislature from adherence.
 - a) **Comment:** Until the sponsors and those voting on these amendments subject themselves to the same confines as those being imposed on local officials, this public body will emphatically state objections. Specifically, the Legislature seeks to exempt itself, and no other public body, from the following provisions contained in S-1451:
 - i) to add items to an agenda without adhering to the conditions being legislated for other public bodies.
 - ii) to exempt subcommittees of its body from the definitions that apply to subcommittees of any and all other public bodies.
 - iii) to exclude itself from provisions whereby individual members of a public body are prohibited from communicating amongst themselves or others during a meeting about matters on the agenda by any means of communicating including electronic mail, instant messaging or similar technologies.
 - iv) to exclude itself from provisions whereby individual members of a public body are prohibited from communicating privately with anyone other than staff about matters on an agenda.
 - v) to exclude subcommittees of its body from producing minutes of subcommittee meetings while compelling all subcommittees of all other public bodies to such provisions.
 - vi) to exclude itself from provisions whereby public bodies will be required to have two public portions at every public meeting to allow for comment on all action items before such action is taken.
 - vii) to exclude itself from proposed revisions that would require public bodies to provide recordings of meetings.
 - viii) by virtue of the repeated exclusions and exemptions for the Legislature contained in the proposed amendments to the Open Public Meetings Act the Legislature also exempts itself from challenges filed in court and the associated limitless costs that may foist upon public bodies.
 - ix) the State Senate proposes to exclude itself from provisions whereby individual members of a public body are prohibited from communicating amongst themselves or others during a meeting about matters on the agenda by any means of communicating including electronic mail, instant messaging or similar technologies
- 2) **Position:** The Legislature defines quasi-governmental bodies to include those local groups comprised of volunteers who are already burdened with certification processes and whose purpose is to provide for the well-being of those in need whether it be by serving as volunteer firefighters or first aid members.
 - a) **Comment:** These volunteers provide services to the local communities that save the taxpayers incalculable sums not to mention the lives and property they protect. The legislature fails to provide a funding source for financially strapped volunteer organizations to fund the administrative costs to comply with these unfunded mandates.
- 3) **Position:** We object to the proposed changes to the Open Public Meetings Act that includes a subcommittee of a public body as a quorum.
 - a) **Comment:** The legislature propose that public bodies fund the administrative costs associated that compel subcommittees to the provisions being proposed even though subcommittees may not take action to effectuate Government business. This legislation will interfere and disrupt the government's ability to function and will result in additional, unfunded costs to the taxpayers.
- 4) **Position:** Proposed amendments to the Open Public Meetings Act as penned in S-1451 would prohibit members of public bodies from communicating with any other person about any matter on the agenda for that meeting.
 - a) **Comment:** This provision constitutes a gross injustice to the principles of democracy and statutorily violates the oath of office taken by elected and appointed officials throughout the State of New Jersey. Under these proposed limitations, elected officials would be precluded from conducting due diligence on local issues and would be prohibited from speaking intelligently with the benefit of research & homework on matters listed on an agenda where ultimately those officials may be required to take action that could have lasting effects on residents, constituents and taxpayers alike. Additionally, such limitations would hinder public discourse, community involvement, and public participation in the democratic process.

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- 5) **Position:** We object to provisions in the proposed amendments to the Open Public Meetings Act that require the production of comprehensive minutes of all public bodies and subcommittees thereof within 45 days.
- a) **Comment:** Existing legislation provides checks & balances for the production of minutes and access thereto for members of the public. This proposed revision to the Open Public Meetings Act does not recognize the established practices and laws that have effectively provided for transparency and production of minutes, access to recordings, as well as preservation and destruction of records in New Jersey for many years. Failure to fully recognize that one law should not compete with the entire body of legislation governing such administrative efforts places unwarranted burdens on public officials and public bodies. This proposed amendment further constitutes an unfunded mandate and potentially subjects public bodies to liability without any deference to the practicalities of the administrative process. Additionally, the Legislature would impose a requirement utilizing a subjective term for the production of minutes further allowing for the potential of de minimus challenges to the administrative functions of local government.
- 6) **Position:** Provisions in the proposed amendments to the Open Public Meetings Act pertaining to the availability of recordings of meetings are simply impossible to enforce.
- a) **Comment:** The proposed revisions do not show any deference to the records retention schedule of the Division of Archives & Records Management thereby creating a burden to the public body. The proposed revisions, as written, make recordings a permanent record with no deference to the ability of a public body to maintain such recordings or to the technological advances that may make such recordings obsolete while requiring public bodies to maintain them.
- 7) **Position:** We oppose provisions in the proposed legislation that require brief descriptions of all items on the agenda.
- a) **Comment:** This action may subject the agenda to editorialization not intended in the legislation. Members of the public and elected officials who take action in the best interest of their constituents should not be subjected to potential influences based on commentary provided to an agenda.
- 8) **Position:** We do not support provisions in the proposed amendments to the Open Public Meetings Act pertaining to second or subsequent violations filed in Superior Court against a public agency as written.
- a) **Comment:** The proposed amendments seek to void an act of a public agency for failure to comply with the provisions of the Act but it does not contain specific time limitations. The amendments as written could subject a public body to unwarranted prejudice from the courts and potentially interferes with the right of the court to use discretion in these matters. It is the opinion of this public body that the Judiciary does not look kindly on any violations of OPMA and furthermore the Judiciary has not proven incapable of rendering unbiased opinions without being dictated to by the State Legislature.
- 9) **Position:** We strongly, vehemently and loudly proclaim our objections to the proposed provisions in S-1451 that provides that "any party, other than a public body, that prevails in an action brought pursuant to this section, and demonstrates a pattern of violations by a public body, shall be awarded the amount of reasonable attorney's fees incurred in bringing the action. The cost of any attorney's fee awarded by the court shall be paid by the public body."
- a) **Comment:** The bases for these objections are so numerous as to prohibit us from addressing each objection herein. However, the objections include but are not limited to the following:
- i) The legislation drafted and submitted for consideration as S-1451 contains such provisions as to make public bodies targets for de minimus challenges with no allowances for common sense, practical conduct of a meeting, and ability to address matters that come before such a body on a regular basis.
- ii) The State Senate proposes in S-1451 to compel all public bodies, except the State Senate which is exempted from each provision of the Act, to defend themselves against all claims with no recourse to recoup costs in cases in which they prevail.
- iii) The State Senate further proposes to legislate that public bodies use public funds to pay legal costs if the challenger prevails in such matters even on the most minor deviation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that we do hereby request that the members of the State Senate reject the amendments to the Open Public Meetings Act as proposed in S-1451; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford respectfully requests that the members of the State Senate insist, demand and commit that there be a means of constructive dialogue and comment provided to local elected and appointed officials from every public body within the State before amendments to this crucial legislation be considered at any future date.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: April 18, 2012

Agenda No. VII 4
~ Resolution No. 2012- 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE MEMBERS OF THE STATE SENATE REJECT S-1452 IN ITS CURRENT FORM AND ALLOW FOR CONSTRUCTIVE COMMENT AND DIALOGUE FROM MUNICIPAL ELECTED AND APPOINTED OFFICIALS BEFORE CONSIDERING AMENDMENTS TO THE OPEN PUBLIC RECORDS ACT

WHEREAS, it is the fervent hope of those elected and appointed officials who serve in the multitude of public entities that the State Senate and State Assembly recognize the compulsion of these public servants to strive for perfection, service and transparency in their respective roles as public servants; and

WHEREAS, no New Jersey State legislation should be drastically amended without consideration for the public bodies that will be compelled by such legislation without research and dialogue from those so affected and/or without consideration and analysis of the expense to the citizens of the State of New Jersey as a whole.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that we do hereby provide the following commentary on proposed reforms to the Open Public Records Act (OPRA) as proposed in S-1452:

- 1) The Township Council of the Township of West Milford **supports** many proposed amendments to the Open Public Records Act as penned in S-1452, including:
 - a) the inclusion of a definition for “advisory, consultative or deliberative material” and would further request that the concluding portion of that definition be further expanded as follows: “..... and the release of which would be injurious to the **advisory, consultative or deliberative function of government.**”
 - b) the proposed revisions to the definitions of a government record that pertains to allowances sold at auction and disclosure of information contained in a winning bid.
 - c) the revised definitions of a “public agency” or “agency” as proposed in S-1452.
 - d) the production of an index as proposed in S-1452 explaining redactions made to public records.
 - e) the delivery of public records in an electronic format at no cost to the requester when possible.
 - f) amendments to the Open Public Records Act that may require the requester to obtain records from the Township’s website when the requester has such internet access.
 - g) amendments to OPRA that provide that a request for information may be submitted on a document other than the adopted form.
 - h) records received before noon are processed as of that date while records received after noon are deemed received on the next business day.
 - i) language that would compel the GRC to “*render a decision on all disputes and complaints within 150 calendar days of the filing of the complaint.*”
 - j) amendments that would require the GRC to make its decisions accessible on its website.
 - k) disclosure of all records pertaining to settlements of lawsuits or claims involving this public agency, public officials or employees because we are acutely aware of our fiduciary responsibility to the taxpaying citizens of our Town.
 - l) amendments that include the recognition of a facsimile records request as a bona fide request for records.
 - m) provisions requiring that contact information about the records custodian as well as a statement that information submitted to the agency may be a public record be posted on the public body’s website.
- 2) We oppose the definitions of “privacy” and “reasonable” as proposed in S-1452 because such definitions are so broad as to warrant challenges to the custodian’s deliberations thus subjecting public bodies to unfunded challenges to such decisions equating to an unfunded mandate and a violation of the public trust. Taxpayers will be charged with funding the predictable challenges that will be leveled and which will compel the courts to provide clarity not endowed by the legislature and public officials will be subjected to the unprovoked outfall.
- 3) We object to proposed amendments to OPRA that would compel the custodian of records to provide the level of detail being proposed when a requester reviews special service charges. Creating an index at no charge of records that may be subject to a service charge may have the potential to be in and of itself so time consuming, voluminous and costly to be constitute an unfunded State mandate. Unfunded state mandates levied upon public bodies by the State legislature are a breach of the State constitution.
- 4) We object to provision in the proposed amendments to OPRA that define immediate access to mean by 5 p.m. or close of business on the date upon which the custodian of records received the request. The legislature must recognize that not all public entities have the financial

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- wherewithal and/or ability to staff departments to the extent that documents can be retrieved in accordance with such dictates. It is egregious and irresponsible of the State legislature to impose such provisions on public entities that are already operating under extreme financial confines and restraints. This constitutes an unfunded mandate and is a violation of the New Jersey constitution.
- 5) This public body strenuously objects to proposed amendments to the Open Public Records Act that state that *"A requester who prevails in any proceeding shall be entitled to reasonable attorney's fee award...."* and further strongly urges the legislature to recognize the inherent mandates and liabilities such language places on public entities who are funded with public funds. Such language constitutes an unfunded mandate and promotes a cottage industry for those who seek to profit at the taxpayer's expense. This public body implores the Legislature to refrain from such amendments without wholesale debate with public officials about the implications, costs, and liabilities associated with such mandates. We object to the continued legislative acts that allow for prejudicial fee shifting at taxpayer's expense. Public entities throughout the State of New Jersey repeatedly prevail in de minimus challenges to the decisions of records custodians. The legislature must provide a level playing field for those who are charged with the disbursement of public funds by affording public entities equal entitlement to reasonable attorney fees when a court of body of jurisdiction finds in favor of the public entity.
 - 6) We object to proposed language contained in S-1452 as follows: *"... in actions involving a record required by law to be made, maintained or kept on file and that does not exist or no longer exists, the prevailing requester shall not be entitled to an attorney's fee award if both: (1) the failure to make, maintain, or keep the record is due to mere negligence or no fault on the part of the government entity; and (2) the requester was informed in writing by formal certification or affidavit by the records custodian prior to the filing of the complaint that the record does not exist or no longer exists, the efforts taken to obtain the record and why the record could not be produced."* This language constitutes a liability for public entities and will result in research, narratives and evidence trails which are unfunded mandates that not only serve to burden the public entities at taxpayer expense.
 - 7) We would ask the Legislature to consult with the Municipal Clerk's Association of New Jersey by virtue of comprehensive debate and discourse about the composition of the Government Records Council prior to amending this structure as proposed in S-1452.
 - 8) The Township Council of the Township of West Milford strongly opposes proposed amendments to the Open Public Records Act that would deem a denial issued by the Records Custodian as being *"grossly negligent"* and can find no reason to change the existing language of *"knowingly and willfully"* as there is little evidence since the inception of OPRA in 2002 to indicate that Records Custodians behave in a grossly negligent fashion.
 - 9) We oppose any attempt by the State legislature to make public records that are currently considered exempt from disclosure as part of the personnel files of public employees and officials. Currently, grievances filed against public officials are subject to protection as an exemption to disclosure and which could be released by virtue of a common law right of access request which would apply a balancing test to such disclosure.
 - 10) We object to the provisions in the proposed amendments to OPRA that would make grievances a government record subject to permission from the person against whom the grievance is filed. This provision is very broad and provides no guidance to the records custodian thereby potentially subjecting the public entity to further challenges to the custodian's decisions.
 - 11) We object to proposed changes that would make records pertaining to suspensions, demotions, discharge or resignations subject to disclosure under certain circumstances. Such records should be sought under the common law right of access which would protect public entities from liability associated with the potential release of information that could subject that public entity to the defense of actions leveled by parties who feel aggrieved by the release of such records. The common law right of access ascribes a balancing test to the release of such records thereby protecting the rights of all parties involved including the requester, the subject of the records and the public entity.
 - 12) The Township Council of the Township of West Milford objects to the definition of *"grossly negligent"* as proposed in S-1452 because the definition is subjective and exposes the public entities that would be subject to this law from which the Legislature has been substantially exempted to liabilities and unwarranted litigation. We strongly object to the legislature exposing records custodians to unnecessary and excessive punitive measures by legislating that an act by such a public official shall be deemed *"grossly negligent"* especially in light of the many challenges the legislature must expect to legislation as currently drafted.
 - 13) We oppose any provision in any legislation, most specifically the Open Public Records Act, that precludes the Legislature from adherence. As such, until the sponsors and those voting on these amendments subject themselves to the same confines as those being imposed on local officials, this public body will emphatically state objections. The Legislature seeks to exempt itself, at a minimum, from the following proposed amendments to the Open Public Meetings Act:
 - a) the revisions defining a government record state that *"the term shall also include all forms of electronic mail communication among members of a public body, excluding the Legislature"* .

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- b) the definition of a “quasi-governmental agency” as proposed in S-1452 with the exception of the provision in the amendments that state that this “....*term shall not include any entity involving the Legislature.*”
- c) the definition of a “public employee” as proposed in S-1452 with the exception of the provision that states “..... *except the Legislature ...*”

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford respectfully requests that the members of the State Senate insist that there be a means of constructive dialogue and comment provided to local elected and appointed officials from every public body within the State before amendments to this crucial legislation be considered at any future date.

Adopted: April 18, 2012

Agenda No. VII 5
~ Resolution No. 2012- 141 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A 2012 RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates David Stires, Recycling Coordinator to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted: April 18, 2012

Agenda No. VII 6
~ Resolution No. 2012- 142 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT

WHEREAS, the Township of West Milford, County of Passaic, State of New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for funding in the amount of \$20,000 State share, with \$4,000 local share, for a total contract of \$24,000 for 2013 to carry out Comprehensive Recreation Programs for Individuals With Disabilities.

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

1. The submittal of the grant application to the Department of Community Affairs is hereby authorized.
2. The Township Council recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount and, therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, they hereby authorize the execution of any such grant agreement.

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3. Upon receipt of the fully executed agreement from the Department, the Township Council authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Adopted April 18, 2012

Agenda No. VII 7
~ Resolution No. 2012- 143 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF MUNICIPALITY-OWNED PERSONAL PROPERTY AND SEIZED OR ABANDONED PROPERTY HELD BY THE POLICE DEPARTMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OUTLINED IN THE EXISTING AGREEMENT WITH PROPERTYROOM.COM. INC.

WHEREAS, the Township Council of the Township of West Milford did authorize the execution of a contract with PropertyRoom.com, Inc. for the on-line sale of municipal and seized property by virtue of resolution 2011-103 adopted on March 16, 2011; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:14-157, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of seized or abandoned property held by the Police Department through the use of an online auction service; and

WHEREAS, the Police Department has complied with standard operating procedures with regard to seized or abandoned property pursuant to N.J.S.A. 2C:64-1 et seq. and N.J.S.A. 40A:14-157; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notices 2008-9 and 2008-21; and

WHEREAS, N.J.S.A. 40A:14-157 and the Division of Local Government Services' Local Finance Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

WHEREAS, prior to the commencement of such sale, PropertyRoom.com Inc. shall confirm that the Township Clerk is apprised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned, seized or abandoned property as indicated on Schedule A, on file in the office of the Township Clerk, on an online auction website entitled www.PropertyRoom.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between PropertyRoom.com, Inc. and the Township of West Milford are available at www.PropertyRoom.com and in the Office of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice be published in the official newspaper.

Adopted: April 18, 2012

Agenda No. VII 8
~ Resolution No. 2012- 144 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE DISPOSAL OF USED AND DAMAGED TOWNSHIP EQUIPMENT

WHEREAS, the West Milford Police Department has seventeen damaged and obsolete metal filing cabinets in storage at the Johner Building; and

WHEREAS, the seventeen filing cabinets are no longer required for public purposes; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Police Department is unable to dispose of the filing cabinets through PropertyRoom.com auction; and

WHEREAS, Detective Sergeant Robert Congleton has determined that the Township can dispose of the filing cabinets by recycling them through the West Milford Recycling Center and having the Township receive fair market value for the metal;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby approve the recommendation of Detective Sergeant Robert Congleton and authorizes the disposal of seventeen damaged and obsolete metal filing cabinets by recycling them through the West Milford Recycling Center.

Adopted: April 18, 2012

Agenda No. VII 9

~ Resolution No. 2012- 145 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING PERSONNEL POLICIES AND PROCEDURES AS PROMULGATED BY THE MUNICIPAL EXCESS LIABILITY (MEL) FUND

WHEREAS, it is the policy of the Township of West Milford to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guideline with respect to Police Department personnel matters, the New Jersey Worker's Compensation Act, the Federal consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of West Milford Township have determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council for West Milford Township that the Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township of West Milford.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that duly appointed legal counsel appointed annually by the Township Council by virtue of resolution and contract shall advise the Township in personnel matters as necessary.

Adopted: April 18, 2012

Agenda No. VII 10

~ Resolution No. 2012- 146 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AFFIRM THE TOWNSHIP OF WEST MILFORD'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Township of West Milford to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

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WHEREAS, the governing body of Township of West Milford has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of West Milford that the following procedures be adopted:

- Section 1:** No official, employee, appointee or volunteer of the Mayor and Council by whatever title known, or any entity that is in any way a part of the Township of West Milford shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of West Milford's business or using the facilities or property of the Township of West Milford.
- Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of West Milford to provide services that otherwise could be performed by the Township of West Milford.
- Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
- Section 4:** The Township shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Adopted: April 18, 2012

Agenda No. VIII

Consent Agenda

~ Resolution No. 2012- 147 ~

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

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

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

Resolutions:

- a. **2012-148** – Cancel Outstanding Checks
- b. **2012-149** – Cancel Taxes
- c. **2012-150** – Duplicate Tax Sale Certificate 89-66
- d. **2012-151** – Duplicate Tax Sale Certificate 99-091
- e. **2012-152** – Refund Health Department Fee
- f. **2012-153** – Refund Overpayments
- g. **2012-154** – Refund MUA Overpayments
- h. **2012-155** – Refund MUA Payments Collected
- i. **2012-156** – Refund Other Liens
- j. **2012-157** – Refund Recreation Fees
- k. **2012-158** – Authorize COAH Payment
- l. **2012-159** – Issue Various Licenses

Applications:

- 1. Application for Off Premise Calendar Raffle License No. 2012-22 from St. Joseph Church for various dates.
- 2. Application to Extend Licensed Premises from Bearfort Plaza Inc. for May 5, 2012.
- 3. Application for Social Affair Permit from West Milford Volunteer Fire Company #1, Station 6, for June 23, 2012.
- 4. Application to Extend Licensed Premises from Normtra LLC t/a Big John's Pub for various dates.
- 5. Application for Social Affair Permit from American Legion Post 289 for May 28, 2012.
- 6. Application for Tricky Tray Raffle License No. 2012-23 from Friends of American Cancer Society for June 9, 2012.

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a
 ~ Resolution No. 2012- 148 ~
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
 JERSEY AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS
 OLD TO MUNICIPAL CASH BALANCES**

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

| DATE | CHECK # | AMOUNT | DATE | CHECK # | AMOUNT |
|------------|---------|-------------|------------|---------|-------------|
| 6/2/2011 | 45820 | \$ 200.00 | 9/13/2007 | 32034 | \$ 179.00 |
| 4/21/2011 | 45494 | \$ 130.00 | 9/13/2007 | 31988 | \$ 95.20 |
| 12/16/2010 | 44403 | \$ 250.00 | 9/13/2007 | 31850 | \$ 1,749.00 |
| 12/16/2010 | 44402 | \$ 400.00 | 8/23/2007 | 31809 | \$ 5.00 |
| 12/16/2010 | 44384 | \$ 250.00 | 8/23/2007 | 31772 | \$ 5.00 |
| 12/16/2010 | 44206 | \$ 427.00 | 7/12/2007 | 31218 | \$ 300.00 |
| 12/16/2010 | 44181 | \$ 427.00 | 6/14/2007 | 30929 | \$ 250.00 |
| 9/2/2010 | 43350 | \$ 170.60 | 5/24/2007 | 30809 | \$ 125.57 |
| 8/5/2010 | 43055 | \$ 120.00 | 5/10/2007 | 30661 | \$ 1,407.98 |
| 7/8/2010 | 42758 | \$ 85.00 | 5/10/2007 | 30641 | \$ 282.16 |
| 3/4/2010 | 41714 | \$ 52.00 | 4/26/2007 | 30524 | \$ 20.00 |
| 3/4/2010 | 41673 | \$ 385.00 | 3/29/2007 | 30299 | \$ 125.57 |
| 2/4/2010 | 41406 | \$ 23.18 | 1/24/2007 | 29598 | \$ 40.00 |
| 2/4/2010 | 41309 | \$ 28.91 | 1/24/2007 | 29454 | \$ 200.00 |
| 12/17/2009 | 40940 | \$ 56.66 | 12/28/2006 | 29363 | \$ 215.39 |
| 12/17/2009 | 40919 | \$ 195.00 | 12/28/2006 | 29250 | \$ 15.99 |
| 12/17/2009 | 40788 | \$ 3,000.00 | 12/14/2006 | 28994 | \$ 375.00 |
| 12/17/2009 | 40598 | \$ 427.00 | 8/24/2006 | 27877 | \$ 830.00 |
| 11/12/2009 | 40283 | \$ 62.22 | 8/24/2006 | 27851 | \$ 1,639.00 |
| 9/24/2009 | 39900 | \$ 244.67 | 6/29/2006 | 27317 | \$ 45.54 |
| 9/24/2009 | 39646 | \$ 24.22 | 5/25/2006 | 27134 | \$ 104.10 |
| 9/24/2009 | 39593 | \$ 24.22 | 5/25/2006 | 27073 | \$ 165.69 |
| 8/27/2009 | 39277 | \$ 70.00 | 5/25/2006 | 27024 | \$ 460.00 |
| 8/13/2009 | 39177 | \$ 350.00 | 4/27/2006 | 26798 | \$ 20.99 |
| 12/31/2008 | 37216 | \$ 200.00 | 4/13/2006 | 26646 | \$ 158.03 |
| 12/18/2008 | 37115 | \$ 80.00 | 4/13/2006 | 26614 | \$ 5.00 |
| 12/3/2008 | 36782 | \$ 4,190.00 | 2/23/2006 | 26216 | \$ 21.99 |
| 11/6/2008 | 36585 | \$ 63.80 | 2/23/2006 | 26092 | \$ 19.28 |
| 11/6/2008 | 36494 | \$ 150.00 | 2/9/2006 | 26063 | \$ 11.00 |
| 10/23/2008 | 36442 | \$ 15.00 | 1/26/2006 | 25812 | \$ 18.32 |
| 10/9/2008 | 36220 | \$ 2,038.57 | 12/22/2005 | 25526 | \$ 250.00 |
| 10/9/2008 | 36151 | \$ 2,000.00 | 12/22/2005 | 25469 | \$ 9.52 |

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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| DATE | CHECK # | AMOUNT | DATE | CHECK # | AMOUNT |
|------------|---------|-------------|------------|---------|-------------|
| 10/9/2008 | 36149 | \$ 8,515.21 | 12/22/2005 | 25390 | \$ 8.32 |
| 7/10/2008 | 35201 | \$ 150.00 | 12/8/2005 | 25171 | \$ 223.00 |
| 6/12/2008 | 34988 | \$ 150.00 | 12/8/2005 | 25170 | \$ 78.00 |
| 5/15/2008 | 34626 | \$ 25.00 | 11/11/2005 | 24912 | \$ 20.00 |
| 1/24/2008 | 33380 | \$ 200.00 | 11/3/2005 | 24755 | \$ 11.36 |
| 1/24/2008 | 33358 | \$ 139.98 | 11/3/2005 | 24711 | \$ 14.16 |
| 12/31/2007 | 33173 | \$ 150.00 | 11/3/2005 | 24684 | \$ 16.24 |
| 12/13/2007 | 32872 | \$ 375.00 | 4/24/2008 | 34364 | \$ 6.00 |
| 12/13/2007 | 32312 | \$ 375.00 | 10/11/2007 | 32213 | \$ 600.00 |
| 12/10/2007 | 32181 | \$ 2,056.10 | 6/27/2008 | 31172 | \$ 35.00 |
| 9/27/2007 | 32166 | \$ 27.00 | 5/11/2006 | 26893 | \$ 20.00 |
| 9/27/2007 | 32116 | \$ 121.00 | 3/9/2006 | 26333 | \$ 95.00 |
| 9/27/2007 | 32094 | \$ 870.00 | 3/9/2006 | 26300 | \$ 152.50 |
| 9/27/2007 | 32093 | \$ 438.43 | 12/8/2005 | 25144 | \$ 322.80 |
| | | | 2/23/2006 | 26162 | \$ 1,590.27 |

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

Adopted: April 18, 2012

Agenda No. VIII b
 ~ Resolution No. 2012- 149 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX AND CANCELLATION OF A TAX SALE CERTIFICATE

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

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of a tax sale certificate due to reasons listed below.

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

REASON: TOWNSHIP OWNED PROPERTY – CANCEL TAXES

| BLOCK/LOT | NAME | AMOUNT | YEAR |
|--------------|--------------------------|-------------------|---------------------------|
| 2801-1 | Township of West Milford | \$1,057.40 | 2011 2 nd Half |
| 2801-1 | Township of West Milford | \$34.75 | Cost of Sale |
| TOTAL | | \$1,092.15 | |

REASON: ERRONEOUS SALE – CANCEL TAX SALE CERTIFICATE

| BLOCK/LOT | NAME | AMOUNT | YEAR |
|--------------|---|-----------------|------|
| 7801-36.08 | Mark & Margaret Russo Tax Sale Certificate 12-0083 | \$400.57 | 2011 |
| TOTAL | | \$400.57 | |

Adopted: April 18, 2012

Agenda No. VIII c
 ~ Resolution No. 2012- 150 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Township of West Milford is the owner of Tax Sale Certificate 89-60 relating to West Shore Road, Block 5708, Lot 27 in the Township of West Milford; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

WHEREAS, the Tax Sale Certificate is held by the Township of West Milford; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

WHEREAS, the Township of West Milford has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 89-66 pertaining to West Shore Road, Block 5708, Lot 27 in the Township of West of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: April 18, 2012

Agenda No. VIII d

~ Resolution No. 2012- 151 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Township of West Milford is the owner of Tax Sale Certificate 99-091 relating to Warwick Turnpike, Block 6902, Lot 7 in the Township of West Milford; and

WHEREAS, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

WHEREAS, the Tax Sale Certificate is held by the Township of West Milford; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

WHEREAS, the Township of West Milford has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 99-091 pertaining to Warwick Turnpike, Block 6902, Lot 7 in the Township of West of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: April 18, 2012

Agenda No. VIII e

~ Resolution No. 2012- 152 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF AN ERRONEOUS FEE

BE IT RESOLVED, that the following erroneous fee collected be refunded:

| Refund To | Refund Amount | Reason |
|--|---------------|--|
| West Milford First Aid Squad P.O. Box 387 West Milford, NJ 07480 | \$1250.00 | Accident deductible invoiced in error |

Adopted: April 18, 2012

Agenda No. VIII f

~ Resolution No. 2012- 153 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

WHEREAS, there appears on the tax records an overpayment as shown below; and

WHEREAS, the overpayment was created by reasons stated below and the Collector of Taxes recommends the refund of such overpayment.

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

REASONS:

- | | |
|-----------------------------------|--------------------------------------|
| 1. Incorrect Payment | 3. Senior Citizen/Veteran Deduction |
| 2. Duplicate Payment | 4. Homestead Rebate |
| 5. Tax Appeal | 7. Premium from Tax Sale Certificate |
| 6. Erroneous Tax Sale Certificate | |

| Block/Lot | Name | Amount | Year | Reason |
|--------------|--|-------------------|------|--------|
| 10901-5 | Glen & Roxanne Hammett 676 Otterhole Road West Milford, NJ 07480 | \$250.00 | 2011 | 3 |
| 5504-2.09 | Earl & Judith Moore 1209 Richmond road West Milford, NJ 07480 | \$250.00 | 2011 | 3 |
| 7801-36.08 | Dennis Moeller 118 Long Pond Road Hewitt, NJ 07421 | \$400.57 | 2011 | 6 |
| 7801-36.08 | Dennis Moeller 118 Long Pond Road Hewitt, NJ 07421 | \$300.00 | 2011 | 7 |
| TOTAL | | \$1,200.57 | | |

Adopted: April 18, 2012

Agenda No. VIII g
 ~ Resolution No. 2012- 154 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF MUA PAYMENTS FOR PARCELS SOLD AT TAX SALE

WHEREAS, there appears on the tax records an overpayment as shown below; and

WHEREAS, the overpayment was created for parcels sold at the Tax Sale;

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:

| Block/Lot | Name | Amount | Year |
|--------------|--|-------------------|------|
| 9711-5 | West Milford MUA 179 Cahill Cross Road Suite 202 West Milford, NJ 07480 | \$1,639.89 | 2011 |
| 8802-11 | West Milford MUA | \$525.48 | 2011 |
| 9401-24 | West Milford MUA | \$1,579.29 | 2011 |
| 3602-1 | West Milford MUA | \$389.79 | 2011 |
| 7801-018.02 | West Milford MUA | \$961.70 | 2011 |
| 7801-38.03 | West Milford MUA | \$210.12 | 2011 |
| 7801-40.05 | West Milford MUA | \$23.60 | 2011 |
| 8601-1 | West Milford MUA | \$1,191.59 | 2011 |
| 7801-55.07 | West Milford MUA | \$1,492.64 | 2011 |
| 8603-5 | West Milford MUA | \$692.29 | 2011 |
| TOTAL | | \$8,706.39 | |

Adopted: April 18, 2012

Agenda No. VIII h
 ~ Resolution No. 2012- 155 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF MUA PAYMENTS COLLECTED PRIOR TO TAX SALE (3/27/12)

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, there appears on the tax records an overpayment as shown below; and

WHEREAS, the Collector of Taxes recommends the refund of such overpayments.

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:

| Block/Lot | Name | Amount | Year |
|--------------|--|--------------------|------|
| 4107-4 | West Milford MUA 179 Cahill Cross Road Suite 202 West Milford, NJ 07480 | \$5,840.14 | 2011 |
| 9406-19 | West Milford MUA | \$394.63 | 2011 |
| 4008-4 | West Milford MUA | \$415.00 | 2011 |
| 9404-4 | West Milford MUA | \$519.45 | 2011 |
| 9406-48 | West Milford MUA | \$381.29 | 2011 |
| 9404-4 | West Milford MUA | \$14.73 | 2011 |
| 8602-42 | West Milford MUA | \$18.97 | 2011 |
| 9706-18 | West Milford MUA | \$792.62 | 2011 |
| 4107-6 | West Milford MUA | \$1,600.60 | 2011 |
| 7801-26.07 | West Milford MUA | \$386.18 | 2011 |
| 4008-8 | West Milford MUA | \$27.13 | 2011 |
| 8301-7 | West Milford MUA | \$440.32 | 2011 |
| 7801-40.02 | West Milford MUA | \$775.06 | 2011 |
| 7801-43.03 | West Milford MUA | \$1,601.08 | 2011 |
| 9406-42 | West Milford MUA | \$286.72 | 2011 |
| 7801-40.05 | West Milford MUA | \$182.00 | 2011 |
| 3602-9 | West Milford MUA | \$92.80 | 2011 |
| 8401-3.03 | West Milford MUA | \$846.76 | 2011 |
| 8601-24 | West Milford MUA | \$66.73 | 2011 |
| 4010-4 | West Milford MUA | \$671.65 | 2011 |
| 4108-5 | West Milford MUA | \$1661.96 | 2011 |
| 7801-13.04 | West Milford MUA | \$383.73 | 2011 |
| 7801-53.06 | West Milford MUA | \$1611.09 | 2011 |
| 8401-3.01 | West Milford MUA | \$1604.49 | 2011 |
| 8901-10 | West Milford MUA | \$850.69 | 2011 |
| 9101-1 | West Milford MUA | \$1,963.36 | 2011 |
| 9101-32 | West Milford MUA | \$1,557.77 | 2011 |
| 9703-2 | West Milford MUA | \$81.12 | 2011 |
| 9705-5 | West Milford MUA | \$3,455.77 | 2011 |
| 9707-9 | West Milford MUA | \$1,646.84 | 2011 |
| TOTAL | | \$30,170.68 | |

Adopted: April 18, 2012

Agenda No. VIII I

~ Resolution No. 2012- 156~

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

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

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

| Certificate No | Certificate Date | Block/Lot/Qual | Reimburse Amount | Pay to the Lien Holder |
|----------------|------------------|----------------|------------------|---|
| 12-0085 | 3-27-12 | 7801-40.05 | 323.60 | Keenat Inc., 15 Crestwood Drive Northport, NY 11768 |
| 12-0121 | 3-27-12 | 13809-3 | 7,099.75 | Singh Real Estate, 555 Lincoln Drive W Marlton, NJ 08053 |
| 12-0144 | 3-27-12 | 15901-4 | 9,119.20 | Rosehill Fund 1 LLC, P.O. Box 503 Rye, NY 10580 |
| 12-0026 | 3-27-12 | 2314-7 | 389.04 | Tower DBW 11 Trust 2012-1 1345 Avenue Of The Americas, 46 th Fl |

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| Certificate No | Certificate Date | Block/Lot/Qual | Reimburse Amount | Pay to the Lien Holder |
|----------------|------------------|----------------|-------------------|--|
| | | | | New York, NY 10105 |
| 12-0087 | 3-27-12 | 8301-1 | 4,321.88 | Rosehill Fund I LLC, P.O. Box 503 Rye, NY 10580 |
| 12-0037 | 3-27-12 | 2701-13 | 19,008.98 | Rosehill Fund I LLC, P.O. Box 503 Rye, NY 10580 |
| 12-0056 | 3-27-12 | 3705-43 | 40,452.06 | Tower DBW 11 Trust2012-1 1345 Avenue Of The Americas, 46 th Fl New York, NY 10105 |
| 12-0067 | 3-27-12 | 5708-4 | 24,745.79 | Rosehill Fund I LLC, P.O. Box 503 Rye NY 10580 |
| 12-0110 | 3-27-12 | 12001-21 | 6,981.08 | Us Bank Cust/Emp IV Cap One 2 Liberty Place, 50 South 16 th Street Suite 1950, Philadelphia, PA 19102 |
| 12-0114 | 3-27-12 | 12211-8 | 2,067.31 | Us Bank Cust/Emp IV Cap One 2 Liberty Place, 50 South 16 th Street Suite 1950, Philadelphia, PA 19102 |
| 12-0112 | 3-27-12 | 12205-2 | 431.05 | Rosehill Fund I LLC, PO Box 503 Rye, NY 10580 |
| 12-0129 | 3-27-12 | 14402-2 | 27,206.65 | Ace Plus LLC, 1416 AVE L Brooklyn, NY 11230 |
| 12-0080 | 3-27-12 | 7801-15.08 | 9,749.94 | Kenat Inc, 15 Crestwood Drive Northport, NY 11768 |
| 12-0074 | 3-27-12 | 6902-5 | 5,183.15 | Singh Real Estate, 555 Lincoln Drive W Suite 100, Marlton, NJ 08053 |
| 12-0060 | 3-27-12 | 4201-4 | 16,667.03 | Singh Real Estate, 555 Lincoln Drive W Suite 100, Marlton, NJ 08053 |
| 12-0066 | 3-27-12 | 5601-5 | 7,965.94 | Kenat Inc, 15 Crestwood Drive Northport, NY 11768 |
| | | | 181,712.45 | |

| Certificate No | Certificate Date | Block/Lot/Qual | Reimburse Amount | Pay to the Lien Holder |
|--------------------|------------------|----------------|---------------------|--|
| 04-029 | 04/05/2004 | 02801-001 | \$11,769.04 | NATHEN OR LORRIANE SLATER 18284 CORTLAND AVE PORT CHARLOTTE, FL 33948 |
| 09-027 | 03/25/2009 | 02801-001 | \$6,191.88 | K.C.C. PROMISED LANDS LLC SCOTCH PLAINS, NJ 07076 |
| 09-051 | 03/25/2009 | 04301-008 | \$2,543.81 | CARDINAL SERVICES LLC RINGWOOD, NJ 07456 |
| 09-057 | 03/25/2009 | 05601-005 | \$24,405.89 | US BANK CUST FOR LIENLOGIC FUND I LLC 50TH SOUTH 16TH STREET SUITE 1 PHILADELPHIA, PA 19102-2513 |
| 10-103 | 03/23/2010 | 10102-010 | \$75,252.38 | US BANK CUST/SASS MUNI VI DTR TAX LIEN 2 LIBERTY PLACE PHILADELPHIA, PA 19102 |
| 11-015 | 04/19/2011 | 01816-020 | \$29,703.62 | US BANK CUST FOR TOWER DBW/ 50 SOUTH 16TH ST. PHILADELPHIA, PA 19102 |
| 11-035 | 04/19/2011 | 02801-001 | \$6,202.16 | EMPIRE TAX FUND III LLC PURCHASE, NY 10577 |
| 11-047 | 04/19/2011 | 04301-008 | \$300.52 | MICHAEL GIORDANO MATTITOCK, NY 11952 |
| 11-058 | 04/19/2011 | 06504-015 | \$21,764.97 | STEVEN J. FABIAN 361 CONKLINTOWN ROAD RINGWOOD, NJ 07456 |
| Grand Total | | | \$178,134.27 | |

Adopted: April 18, 2012

Agenda No. VIII j

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution No. 2012- 157~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES

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

| | | |
|-------------------|---------|--|
| Lacrosse | | |
| Matt Van Nortwick | \$40.00 | Keith Van Nortwick 12 Charcoal Road Newfoundland, NJ 07435 |

Adopted: April 18, 2012

Agenda No. VIII k

~ Resolution No. 2012- 158~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING PAYMENT TO PIAZZA & ASSOCIATES FOR WORK RELATED TO COAH OBLIGATIONS

WHEREAS, in recognizing a payment was due to Piazza & Associates on March 22, 2012 to fulfill a COAH obligation.

WHEREAS, check # 48723 was included in the bill list for the March 21, 2012 meeting but was inadvertently omitted and which was approved in said bill list, resolution 2012-130;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey retroactively approves a payment made on March 21, 2012 in the amount of \$1,000.00 to Piazza & Associates to fulfill a township mandatory obligation.

This Resolution shall take effect immediately.

Adopted: April 18, 2012

Agenda No. VIII l

~ Resolution No. 2012- 159~
RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2012

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

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

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

| 2012 PEDDLER LICENSE | |
|-----------------------------------|--|
| 2012 – 03 | Ahmed M. Alqudah T/a Suger Boy's Ice Cream 33 Marshall Hill Road West Milford, NJ 07480 |
| 2012 TAXI/LIMO LICENSE | |
| 2012 – 05 (additional vehicle) | Douglas Townsend Lakeland Limousine 1873 Macopin Road West Milford, NJ 07480 |

Adopted: April 18, 2012

Approval of Expenditures

Agenda No. IX

~ Resolution No. 2012- 160 ~
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.

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

| Acct # | Account Name | Amount |
|---------------------------|-----------------------------|---------------------|
| 1 | Current Account | \$443,139.70 |
| 2 | Reserve Account | 2,141.28 |
| 3 | Animal Control Trust | 180.00 |
| 6 | Capital. | 18,629.49 |
| 7 | Grants. | 21,239.51 |
| 8 | Refuse. | 0.00 |
| 9 | Refunds. | 399,924.36 |
| 12 | General Ledger. | 56,112.68 |
| 16 | Heritage Trust. | 115.00 |
| 14 | Open Space Trust | 2,875.00 |
| 17 | Trust | 400.00 |
| 18 | Development Escrow. | 1,674.40 |
| 19 | COAH | 0.00 |
| 20 | Special Reserve | 0.00 |
| Total | | \$946,431.42 |
| Less Refund Resolution | | <u>-399,924.36</u> |
| Actual Bill List | | \$546,507.06 |
| Other Payments | | |
| Total Expenditures | | \$546,507.06 |

Approved: April 18, 2012

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

Agenda No. X

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

Councilman Ramaglia recalled that Mr. Ferraioli had previously discussed utility taxes with the Council. Some towns are running at a deficit and legislation is being proposed that would affect us. He asked for workshop discussion of this proposed legislation at the next meeting because, if passed, this will help offset property taxes.

Councilman Rosone congratulated the volunteers and award recipients. ALF, he advised, is scheduled for October 13th and vendors can register online. He thanked his intern for all her hard work noting that she had to leave earlier due to her curfew. She is doing an outstanding job and he is very impressed by her capabilities.

Council President Signorino stated that there was a report from the Chief on churches and officers but it is not clear if it addresses the response from the churches. Ms. Gage stated that the memo does address that but she will schedule it for workshop discussion. Council President Signorino stated that he needs direction at the request of the FAC. The have met with the library board and there are several issues. At the end of the joint meeting with library board there was consensus to seek direction from Council to look into joining with the library board to discuss space usage. There was discussion about moving departments and ADA issues. The library is looking forward to moving forward. He was told that the building would cost \$4 million and a third floor would cost an additional \$1.5 million. In his opinion, that number is high. He has issues with the numbers. There are also issues about ownership of the building. He was told there would be no rent. This is a good time to build in terms of the market but there was mention of bonding which he does not favor. Many issues being addressed by FAC relate to inaccessibility to municipal departments. The new library could address those issues. Councilman Smolinski stated that the Council has been hearing a lot about FAC but Council does not know what is happening. Everything is in limbo and it is not fair to FAC. The Johner building will cost a lot of money to renovate. Mayor Bieri stated that at the joint meeting the FAC agreed to look at a joint venture with the library. In her opinion, this may prove to be the best option because it would ensure that municipal offices are centrally located in one complex. They are asking if they have consensus to research this option but

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they understand that they would have to come back to Council for decisions. Councilman Smolinski said that Council is not kept abreast of what is going on with the library. Council President Signorino stated that the FAC was looking at a pole barn and that is no longer feasible. Councilman Smolinski suggested locking in on the library possibility. Mayor Bieri advised that the library board has provided FAC with preliminary plans. Councilwoman Horton asked if we are in compliance with ADA. Council President that while he is sympathetic to the issues raised, we are in compliance and moving toward solutions. Mr. Semrau stated that he wants to have a conference call with a number of Township officials and the MEL attorney because he is concerned about comments made by the construction official, Tim Ligus, about ADA compliance. Discussion ensued about how the Township handles providing the services. Council President Signorino will report back to FAC and bring matters back to Council.

Councilwoman Horton echoed thanks to all the volunteers.

Councilwoman Erik echoed that. She stated that FAC was established to determine what facilities we had and what could be done to fully utilize them.

Councilman Smolinski recalled that at the last Council meeting there was a reference to a property the Greenwood Lake Commission wanted to purchase. He thought the speaker was addressing the Council on behalf of the commission. He asked Ms. Gage to reach out to the commission to see if they want to purchase that building. The taxes are \$6,000. We currently contribute \$10,000 to the Greenwood Lake Commission. They can use those funds any way they want now. He asked where they are getting the money for this purchase. He was told the commission is not behind it. Councilman Ramaglia said that Paul Zarillo called him the other day and indicated that Ella Fillipone is the only person who wants this property. They are getting a free office in John Aiello's building. Councilman Smolinski asked if we can schedule with BOE for Cablevision discussion. Ms. Gage advised that she has reached out to them to schedule a meeting. Councilman Smolinski stated that he would like that expedited. Mr. Semrau suggested that, in accordance with recommendations from Cablevision representatives, the first meeting be elected officials only. Councilman Smolinski congratulated the volunteers.

Administrator Gage advised that the new telephone system is working and functional and all bugs are being worked out. Councilwoman Erik asked Ms. Gage to get more information about the Epic Solutions program or similar software. Discussion ensued about the budget process.

Mr. Semrau stated that if a group of property owners has been under-assessed for a number of years that is a burden for the rest of the taxpayers. Under-assessed property owners are going up from a number that is lower than it ever should have been. They run the risk that their assessments could go up. The Lakeshore Drive property that was referred to during public comments was closed on. He stated that the Upper Greenwood Lake litigation is still outstanding. He stated that he may request time at next Wednesday's budget meeting to discuss this matter with Council. Mr. Semrau advised that the Passaic County Open Space Committee has asked for consideration of foregoing the grant funds for the Eagle Ridge acquisition. They also asked for a status update on the extension to respond and has been advised that there may not be support for the program. Does Council want to ask for a 6-month extension or do you want to release that grant? Councilman Smolinski advised that at RAC the West Milford Bears were invited to present interest in the roller hockey program. They didn't show interest. As a matter of fact, he said, there is limited interest in this general area. He is saddened that the Bears have not shown interest nor have they followed up on their prior commitments to this project. Ms. Gage suggested that the Director of CS&R could ask the County if we can request that money for the coffee house. The Council gave consensus is to release the funds.

Agenda No. XI

Appointments and Resignations

Health Advisory Board

Councilwoman Erik nominated Dr. Kenneth Bair as Citizen Member to the Health Advisory Board seconded by Councilwoman Horton.

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

Agenda No. XII

Executive Session

None.

