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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: April 18, 2018  
Time of Meeting: 6:30 pm  
Minute Page No: Page 1 of 15

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The Regular Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of February 11, 2018; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk

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

Agenda No. I

**Pledge of Allegiance**

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

Agenda No. II

**Roll Call**

Present: Councilmembers Andrena Pegel, Mike Hensley (arrived at 7:35), Tim Wagner  
Peter McGuinness Luciano Signorino, Patricia Gerst, Mayor Bettina Bieri  
Absent: None  
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

March 26, 2018 Executive Session  
March 26, 2018 Regular Meeting  
April 4, 2018 Executive Session  
April 4, 2018 Workshop Meeting

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Moved: McGuinness                      Seconded: Wagner  
Voted Aye: Pegel, Wagner, McGuinness, Signorino, Gerst  
Voted Nay: None  
Motion Carried:

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Agenda No. IV

**Meetings**

Mayor Bieri noted the future meeting schedule:

April 19, 2018 Budget Meeting  
May 1, 2018 Budget Meeting  
May 2, 2018 Workshop Meeting

Agenda No. V

**Presentations**

West Milford United (WMU) – Administrator Battaglia spoke about how and why the group was formed, and the action that was taken by the Governing Body and administration to pull all resources to form the group. She explained that at the direction of the Governing Body, they need to somehow create a community-based response and become the community that caters to those needs. She said Mayor Bieri and Council President Wagner met with staff members to try and ascertain how they could create the group. She noted that it is important for the residents to recognize that the elected officials of the community put their resources behind finding solutions. The staff involved in WMU has invested quite a bit of time to hold the meetings, brainstorm and work with all other parties that are now active with WMU.

Mr. Wilson Santos from the Highlands Family Success Center provided an overview of West Milford United and the Highlands Family Success Center. He said that the group of volunteers who formed West Milford United came together with one single purpose; to provide access to the community for services and resources that are free of charge to residents. He provided a sample brochure to the Governing Body that provides information on how to access the resources available. He said WMU has one single mission; to open access to the community for services and resources that are available in the community without judgement or requirements. He thanked the Governing Body for having the foresight to recognize the need for a team like WMU, and for making their time available.

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He congratulated the volunteers, and said he looks forward to increasing the amount of volunteers. He thanked the Governing Body and he said he looks forward to working with them.

Administrator Battaglia asked Mr. Santos to provide an example of real time specific needs that people have met, where they came from, how they were directed to the Highlands Family Success Center and what the outcome was. Mr. Santos said because of the new connection that was formed in the Township in the past two months, community members have come to the Highlands Family Success Center inquiring about different types of help and services. He noted that the people find out about the center by word of mouth and not social media, and that is the focus of West Milford United. Councilman Wagner thanked Mr. Santos and said he has done a tremendous job. Mr. Santos said in two and a half years, they have achieved what fifty-six other centers in the state have not achieved in eleven years. The Governing Body thanked Mr. Santos. Mayor Bieri said they appreciate the information from all of the individuals.

*Volunteer Appreciation Night*

- 1) Mary B. Haase Lifetime Volunteer Award – Beverly Lujbli – Mayor Bieri welcomed Mrs. Lujbli and her family to the podium as she read Mrs. Lujbli's biography. Mrs. Lujbli introduced her family members and each of them spoke about all of her volunteerism and accomplishments.
- 2) 2017 Volunteer of the Year Award – The Aldrich Family – Mayor Bieri welcomed Edwin Jr., Stacia and Edwin III to the podium as she read the history of their combined 100 years of volunteer service to the Township.

Agenda No. VI

**Proclamations**

The National Day of Prayer – Mayor Bieri welcomed Ms. Lois Carmichael to the podium as she read the proclamation. Ms. Carmichael noted that she represents the National Day of Prayer Committee. She said they were honored to receive the proclamation, and excited that they get to celebrate it in West Milford. They have been celebrating for 23 years. She explained that one day a year the country forms together on the same day and raises their voices to God. She mentioned that on May 3, there will be a tent with a service at noon and 7pm.

50/50 Day: Gender Equality Day – Mayor Bieri welcomed Ms. Kristin Reeves to the podium as she read the proclamation. Ms. Reeves said this year there are over 30,000 events worldwide; it is a 24 hour experience that begins in New Zealand. The focus is the way they make and effect change within their homes, communities, businesses and churches. Let it Ripple provides a short film and materials that can be downloaded to present questions that start discussions. She thanked the Township and the Governing Body for including 50/50 Day on the agenda. She also thanked all the volunteers.

**Presentations Continued**

*Volunteer Group Presentations*

Ten groups addressed the Governing Body advising of their goals, missions, accomplishments and upcoming events. They each encouraged people to volunteer and join their efforts. The groups were:

1. West Milford Rotary Club – Marilyn Lichtenberg
2. West Milford Animal Shelter Society – Mayor Bieri
3. West Milford Environmental Commission – David Ofshinsky
4. West Milford Heritage Committee – Kerry O'Brien and Robert Bailey
5. Beautification and Recycling Committee – JoAnn Blom
6. West Milford Economic Development Commission – JoAnn Blom and Melissa Brown Blaeuer
7. NJUMR – Help not Handcuffs, Coalition For Medical Marijuana New Jersey (CMMNJ), The National Organization For The Reform of Marijuana Laws (NORML-NJ) – Michael Chazukow
8. Highland Economic Development and Tourism Corp (HEAT) – Councilman Wagner
9. Greenwood Lake Commission – Councilman Wagner
10. WM77TV Commission – Ruthann Mekita

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Discussion:

Councilman Hensley suggested that the TV Commission store their equipment at the Library. He said accommodations should be made available to them for all their hard work and dedication because they do a tremendous job. He mentioned that a major reason he ran for election six years ago was to keep taxes low, so people who love West Milford could afford to stay and raise families. He thanked Mr. Chazukow for speaking about legalizing marijuana, and he said West Milford has missed opportunities in the past. He said he does not want West Milford to miss another opportunity, and he would like to see West Milford be at the forefront for increasing the ratable base. He said that he would like the Governing Body to pass the resolution that Mr. Chazukow presented; he said it is very well written and documented. He said a no vote means higher taxes in West Milford. Councilman Hensley made a motion for the Council to be on the forefront and have political courage to vote on the resolution. Councilman Wagner said tonight is all about the volunteers, and it is not about legalizing marijuana. He suggested that the Governing Body review the resolution with Mr. Semrau. He said it is not the right time to start a debate on legalizing marijuana. Mayor Bieri said standard practice is to allow the Governing Body to do the research with the Township Attorney and get the data to make a decision. She asked the Council for consensus to add this discussion to a future workshop meeting agenda. Councilman Signorino said he would like to hear what Councilman Hensley has to say. The pros and the cons need to be discussed. Councilman Hensley amended his motion. The Governing Body gave consensus to add this discussion to a future workshop agenda.

Agenda No. VII

Executive Session

~ Resolution 2018 – 119 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 18<sup>th</sup> day of April, 2018 that:

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

Adopted: April 18, 2018

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Moved: McGuinness                      Seconded: Signorino  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.

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The Governing Body went into executive session at 8:31 p.m.  
The Governing Body returned to the public meeting at 9:58 p.m. with all present as before.

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Agenda No. VIII

**Action Items**

Agenda No. VIII 1

~ Ordinance 2018 – 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 63, “ALCOHOLIC BEVERAGES”, SECTION 7 “TRANSFER OF LICENSES; EXCEPTION; MEASUREMENT” OF THE TOWNSHIP CODE TO ELIMINATE AND REPEAL THE DISTANCE LIMITATIONS RELATING TO ISSUANCE OF LIQUOR LICENSES - AMENDED**

**WHEREAS**, the Township of West Milford currently has 31 active liquor licenses currently held by Township businesses; and

**WHEREAS**, the Township Council adopted an ordinance in 2017 permitting a D-License in order to encourage economic growth within the Township; and

**WHEREAS**, the Township does not have restrictions on similar or competing businesses for any other industry, license or use within the municipality; and

**WHEREAS**, the current 2,500 foot limitation was enacted prior to the municipality being subject to the restrictions of the Highlands Preservation Act; and

**WHEREAS**, the Highlands Act restrictions, in combination with the 2,500 foot development restriction, place significant limitations on the transfer and/or the location of licensed premises within the community; and

**WHEREAS**, Township records do not indicate any overwhelming or clear justification for retaining the 2,500 foot limitation; and

**WHEREAS**, the Township has received three (3) requests in the last 24 months for C-Licenses from potential licensees or business owners that were restricted by the 2,500 foot limitation;

**WHEREAS**, communities neighboring the Township, such as Butler, Hardyston, Kinnelon, Ringwood and Wanaque, provide for D- Licenses and since the Township has authorized the potential sale of two (2) “D-licenses”, West Milford businesses and residents have the same economic opportunities as other neighboring communities; and

**WHEREAS**, a goal of the Township’s Master Plan is to “encourage economic vitality of the community-based districts”; and

**WHEREAS**, prior to the Township recently permitting the sale and potential issuance of “D- Licenses”, alcohol packaged goods were sold only where consumption of alcohol was permitted ; however, the issuance of a “D-License” permits the sale of alcohol packaged goods where consumption is not permitted; and

**WHEREAS**, by providing for “C” and “D” licenses and eliminating certain distance restrictions, the Township provides economic opportunities to business owners within the community; and

**WHEREAS**, the distance requirement impacts the transfer of existing licenses or the establishment of a new business in the Township; and

**WHEREAS**, the limitation, as it stands, essentially drives zoning decisions and economic development decisions in the Township based on the location of the various C-Licenses and the Township Council wants to promote free enterprise for all property owners; and

**WHEREAS**, , business establishments that have abided by the 2,500 foot limitation, will now have the ability to move or relocate or at some point in time sell their license without being limited by said restrictions; and

**WHEREAS**, the Township Council has concluded that the Township’s character, development, and business climate, as well as the needs of its residents, have changed significantly in the years since the distance restriction was originally adopted and thus desires to eliminate the 2,500 foot restriction requirement; and

**WHEREAS**, the Township has concluded that there is no practical business rationale for maintaining a certain distance between establishments having any type of liquor license; and

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**WHEREAS**, the Township Council has concluded that there is no rational relationship between the asserted purpose of the 2,500 foot restriction and the health, safety and well-being of Township residents; and

**WHEREAS**, all licensees and applicants must still comply with all State requirements regarding liquor licenses as set forth in N.J.S.A. §33:1-1 *et seq.* and N.J.A.C. §13:2-1.1 *et seq.*; and

**WHEREAS**, the Council of the Township of West Milford finds it to be in the best interests of the Township and its citizenry to amend the current Township Code to do away with the distance restrictions; and

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

**SECTION 1.** Section 63-7 is amended to eliminate and repeal sub-sections A, B, C and D; Section 63-7 shall be amended to read as follows:

§ 63-7. Transfer of licenses.

A. The fee to transfer a liquor license, per the Division of Alcoholic Beverage Control of the State of New Jersey, is set forth in Chapter **135**, Fees and Costs.

**SECTION 2.** All Ordinances and Codes 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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Introduced: March 26, 2018  
Adopted: April 18, 2018  
Effective Date: May 8, 2018

This Ordinance was introduced March 26, 2018 and the Notice of Public Hearing was published in the Herald News on April 1, 2018. The Governing Body will open the meeting to the public to speak to this Ordinance only.

James Aiello, 20 De Hart Ave, Hewitt – Spoke about the history of his liquor store. He expressed that the Township does not need another liquor license based on the population. He asked what the advantage is for the Township and the benefit for the residents by passing this Ordinance. He noted that there will be no more ratables and no additional tax dollars. He said the Governing Body has to address what they will do with the licenses when the liquor stores go out of business.

Matt Mehta, 9 Marshall Hill Road, West Milford – Said the Township does not have the population to support additional liquor stores and licenses. He said West Milford is not Hoboken.

Ralph Larsen, 65 Dogwood Lane, Hewitt – Noted that he was there to speak on behalf of a friend. He read a quick statement regarding all the stores that are empty in Hewitt. He said there is no problem buying alcohol in Hewitt. He raised his voice for more groceries and less pizza and alcohol in Hewitt because there is enough already.

Elaine Young Duffy, Hewitt – Expressed her concern about the proposed distance change and the impact on the present business owners as well as the Township. She said her family has known Mr. Aiello since he was five years old; he is a family man in the Township, a resident and business owner paying residential taxes and commercial taxes. The Aiello Family is three generations of liquor license owners; it is support and loyalty. She said passage of the Ordinance could change the livelihood of residential business owners, and she does not want to see any more empty stores.

Ada Erik, Macopin Road, West Milford – Mentioned that she does not drink alcohol. She said that she knows the liquor store business owners; they are not rich and they have been in the community forever. She does not like the way the Ordinance is written. She noted that nobody picked up a bid for the D Liquor License, and the Township is saturated with liquor licenses according to the state. This will hurt a lot of people.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford – Said they have too many liquor licenses in the Township, and if the Ordinance passes, she hopes the Governing Body will consider what type of licenses will come into town. She would like to see more restaurants in town that can serve liquor that can't be taken out of the restaurant.

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Si Huang, Owner, Plaza Bar & Liquors, Hewitt – Feels that a new distribution license will create unfair competition. He asked the Governing Body to remove the distance because in his area there are a lot of empty stores. He does not want to see another liquor store ruin any business.

John Utley, Hewitt – Said he read the article last night in the paper. There are a certain number of square miles in the Township; by eliminating the distance the Governing Body is technically increasing the distribution of alcohol in the Township.

There being no one else wishing to be heard, Councilman McGuinness made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Councilman Wagner explained why he does not want to have restrictions on any businesses. He noted that the Ordinance is not adding additional liquor licenses. The Ordinance is eliminating a distance restriction so that different types of businesses could come into town.

Motion to adopt Ordinance 2018-003

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Moved: Wagner Seconded: Signorino  
Voted Aye: Pegel, Hensley, Wagner, McGuinness, Signorino, Gerst  
Voted Nay: None  
Motion Carried:

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Agenda No. VIII 2

~ Ordinance 2018 – 004~

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF RIDGE ROAD AND RESERVOIR ROAD IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$689,272 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION**

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

- Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,250,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$62,500 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also the sum of \$498,228 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.
- Section 2. For the financing of said improvement or purpose and to meet the part of said \$1,250,000 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$689,272 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$689,272 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.
- Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of certain roads in and by the Township, including Ridge Road from Vreeland Road to Baron Road and Reservoir Road for its entire length, by the construction or reconstruction of roadway pavements so as to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), together with all curbing, sidewalks, drainage facilities, widening, landscaping, milling, embankment stabilizing, guide rails, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.
- (b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$689,272.
- (c) The estimated cost of said purpose is \$1,250,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$62,500 down payment for said purpose and the amount of the said \$498,228 grant from the New Jersey Department of Transportation.

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- Section 4. The following additional matters are hereby determined, declared, recited and stated:
- (a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
  - (b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.
  - (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$689,272, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
  - (d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.
- Section 5. The funds from time to time received by the Township on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.
- Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the temporary chief financial officer or the chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.
- Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.
- Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.
- Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.
- Section 10. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: March 26, 2018  
Adopted: April 18, 2018  
Effective Date: May 8, 2018

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There being no one wishing to be heard, Councilman Signorino made a motion, seconded by Councilman McGuinness and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2018-004  
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Moved: Signorino Seconded: Gerst  
Voted Aye: Pegel, Hensley, Wagner, McGuinness, Signorino, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. VIII 3

Discussion:

There was no motion or second to move the Ordinance, so Administrator Battaglia referred to Mr. Semrau. She noted that there are employees on the Ordinance that are required by "statute" to the increase. Mr. Semrau suggested a motion and a second to have a discussion. Councilman McGuinness asked to table this to a future meeting for discussion. Administrator Battaglia said the discussion has to be public and not in executive session. The Governing Body gave consensus to schedule this for discussion at the next meeting.

~ Ordinance 2018 – 006 ~

~ TABLED TO MAY 2, 2018 WORKSHOP MEETING ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES**

Agenda No. VIII 4

Mayor Bieri asked to move resolutions 2018-113, 2018-120 through 2018-126 and 2018-128.

Discussion:

Councilman Signorino asked for a separate vote on resolution 2018-113. Administrator Battaglia said that she researched Councilman McGuinness' request. She explained that technology does not allow his request because the system is antiquated and fire alarms are no longer connected directly to the Police Department. She mentioned that the Police Department does not have the capability or mechanism to do alarm monitoring, and the Fire Marshal said they do not make that type of system anymore. Councilman Signorino made a motion to table resolution 2018-113 to a future executive session meeting, seconded by Councilman Hensley. Mr. Semrau explained that if they vote yes, the discussion this evening is over, and if they vote no, that means they refer back to the discussion and that particular resolution. Mayor Bieri asked for a roll call vote to table resolution 2018-113. Mr. Semrau noted that a yes vote will table the resolution and a no vote will continue the discussion.

~ Resolution 2018 – 113 ~

~ TABLED ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT TO ULTRA-SAFE SECURITY SYSTEMS INC. FOR MONITORING OF THE FIRE ALARM AND/OR BURGLARY SYSTEMS**

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Moved: Signorino Seconded: Hensley  
Voted Aye: Pegel, Hensley, Wagner, McGuinness, Signorino, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. VIII 5

~ Resolution 2018 – 120 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED STONE, SAND AND GRAVEL FROM EASTERN CONCRETE MATERIALS THROUGH THE USE OF STATE CONTRACT NO. T-0142**

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**WHEREAS**, the State of New Jersey has awarded Contract No. T-0142 for Crushed Stone, Sand and Gravel to Eastern Concrete Materials and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township of West Milford anticipates a need for crushed stone for various roadway and drainage repairs in 2018; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase crushed stone through State Contract No. T-0142 in a total amount not to exceed \$45,000.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-360.

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

1. The Township Council hereby authorizes the Director of Public Works to purchase Crushed Stone in a total amount not to exceed \$45,000.00, through State of New Jersey Contract No. T-0142 awarded to Eastern Concrete Materials.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: April 18, 2018

Agenda No. VIII 6

~ Resolution 2018 – 121 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL ENTITLED HELPING PEOPLE HELP THEMSELVES CORP. V. WEST MILFORD TOWNSHIP**

**WHEREAS**, appeals of the 2010 through 2017 real property tax assessment of Block 5301, Lots 39 and 39.01 located at 445 Morestown Road in the Township of West Milford have been filed; and

**WHEREAS**, said property is owned by Helping People Help Themselves; and

**WHEREAS**, the premises were initially exempt as a result of the open space application funding and the proposed uses for the properties; and

**WHEREAS**, after further review and evaluation of the uses of the properties, the Tax Assessor deemed the property to be taxable beginning in 2010 through 2017; and

**WHEREAS**, the property owner challenged the denial of exemption by the Township of West Milford in the State Tax Court of New Jersey for the years 2010 through 2017; and

**WHEREAS**, the parties, at the conclusion of discovery and extensive motions, have reached a settlement whereby the property owner has conceded that the property is taxable for the years 2010 through 2017 and as part of the settlement the assessments will be adjusted; and

**WHEREAS**, the total taxes remitted from 2010 through 2017 amount to over \$128,000 as a result of the Township's denial of the exemption of which, as part of this settlement, \$116,000 shall be paid to the Township; and

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

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

1. The plaintiff's challenge to the Township's denial of exempt status is hereby withdrawn and the property for the years in question is stipulated as taxable.
2. The settlement as to the assessed value shall be adjusted as follows:

	<b>YEAR</b>	<b>ORIGINAL ASSESSMENT</b>	<b>PROPOSED ASSESSMENT</b>
Block 5301, Lot 39	2010	\$279,900.00	\$251,910.00
	2011	\$265,800.00	\$239,220.00
	2012	\$343,800.00	\$309,420.00

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	2013	\$10,300.00	\$9,270.00
	2014	\$10,300.00	\$9,270.00
	2015	\$626,100.00	\$563,490.00
	2016	\$626,100.00	\$563,490.00
	2017	\$375,400.00	\$337,860.00
Block 5301, Lot 39.1	2013	\$253,500.00	\$228,150.00
	2014	\$253,500.00	\$228,150.00
	2015	\$253,500.00	\$228,150.00
	2016	\$253,500.00	\$228,150.00
	2017	\$250,700.00	\$225,630.00
Block 5301, Lot 40	2013	\$180,500.00	\$162,450.00

3. All refund checks are to be made payable to the attorneys for the taxpayer and the taxpayer unless taxes are unpaid, in which case the refund is made to the lienholder or the Township. Refunds are to be made within 60 days from the date of the entry of Judgment and interest is waived on said refunds on the condition that the refund is paid within 60 days from the date of the entry of Judgment.

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

5. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

6. This Resolution shall take effect immediately.

Adopted: April 18, 2018

Agenda No. VIII 7

**~ Resolution 2018 – 122 ~**

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

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Planning Department the following Escrow monies be refunded:

Name & Address	Application No.	Section 11. Amount of Escrow	Section 12. Amount of Refund
Freedom Church c/o Keith Paterson, Esq. 124 East Main Street, Suite 104 Denville, NJ 07834	ZB07-13-07 (0640-0731) 16-288-56-705-053	\$6,579.30	\$2,232.75

Adopted: April 18, 2018

Agenda No. VIII 8

**~ Resolution 2018 – 123 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES**

**WHEREAS**, there appears on the tax records receipt of payment of taxes; and

**WHEREAS**, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

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

**REASON: 1. INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
1807-8	Lieza & William Stevenson	\$105.28	2018
4901-15	Beth & Yoram Rosen	\$7,830.00	2018
<b>TOTAL</b>		<b>\$7,935.28</b>	

Adopted: April 18, 2018

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

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Agenda No. VIII 9

**~ Resolution 2018 – 124 ~**

**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:

<b>Lacrosse</b>		
Daniel	\$140.00	Colleen Benedetto 392 Warwick Tpk. Hewitt, NJ 07421

Adopted: April 18, 2018

Agenda No. VIII 10

**~ Resolution 2018 – 125 ~**

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

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

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

<b>Certificate No.</b>	<b>Certificate Date</b>	<b>Block/Lot/Qual</b>	<b>Reimbursement Amount</b>	<b>Pay to Lien Holder</b>
15-0002	10/13/2015	00205-001	\$34,022.75	US BANK CUST PFS FINANCIAL 1 LLC 50 SOUTH 16TH STREET, SUITE 2050 PHILADELPHIA, PA 19102
15-0058	10/13/2015	07307-002	\$11,387.40	FIG CAPITAL INVESTMENTS NJ13; LLC MTAG CST FIG CAP INV NJ13 1000 RIVERSIDE AVE SUITE 400 JACKSONVILLE, FL 32204
16-0031	10/11/2016	02405-022	\$46,416.78	FWDSSL & ASSOCIATES LP 17 WEST CLIFF STREET SOMERVILLE, NJ 08876
16-0061	10/11/2016	07801-005.03	\$7,649.13	US BANK CUST BV002 TRST & CRDTRS 50 SOUTH 16TH ST, SUITE 2050 PHILADELPHIA, PA 19102
17-0044	10/10/2017	09404-016	\$4,519.09	SHLISH BKARKA TR 115 WALLABOUT ST, APT 4 BROOKLYN, NY 11206
<b>Grand Total:</b>			<b>\$103,995.15</b>	

Adopted: April 18, 2018

Agenda No. VIII 11

**~ Resolution 2018 – 126 ~**

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

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

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

- REASON:**
- |                      |                               |
|----------------------|-------------------------------|
| 1. Incorrect Payment | 6. Tax Appeal County Board    |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen    | 8. 100% Disabled Veteran      |
| 4. Veteran Deduction | 9. Replacement Check          |
| 5. Homestead Rebate  |                               |

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Block/Lot	Name	Amount	Year	Reason
1004-14	Frank & Kathleen Ourelio 2 Princeton Road Hewitt, NJ 07421	\$417.53	2018	5
6001-6	Daniel & Debra Schwinge 410 Morsetown Road West Milford, NJ 07480	\$282.77	2018	5
9301-18	John & Joanne Mulroy 31 Starlight Road West Milford, NJ 07480	\$320.95	2018	5
10808-58	C. B. Baker 318 South Ridgewood Road So. Orange, NJ 07079	\$177.41	2018	1
12309-7	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$4,215.89	2018	1
9704-1	Town Title East 40 Midland Avenue Paramus, NJ 07652	\$320.65	2018	5
5501-14	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$4,322.00	2018	2
	<b>TOTAL</b>	<b>\$10,057.20</b>		

Adopted: April 18, 2018

Agenda No. VIII 12

~ Resolution 2018 – 128 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SECURITY AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION**

**WHEREAS**, the State of New Jersey provides low-interest loans for dredging projects for lake communities; and

**WHEREAS**, the State requires that the host municipality as a co-borrower to said loan; and

**WHEREAS**, the Upper Greenwood Lake Property Owners Association (“UGLPOA”) has dutifully undergone the process for a loan from the State of New Jersey to finance the cost of dredging Upper Greenwood Lake; and

**WHEREAS**, the Township of West Milford has agreed to execute the appropriate loan documents with respect to this dredging project for a loan amount not to exceed One Million Dollars (\$1,000,000); and

**WHEREAS**, the repayment of such loan is the primary responsibility of the UGLPOA which will be guaranteed by easement payments of the residents of the UGLPOA and should not be at any cost to the taxpayers of the Township of West Milford; and

**WHEREAS**, as part of the dredging process, the Township of West Milford, in order to insure payment and support the efforts of the UGLPOA, has also entered into a Security Agreement with the UGLPOA to secure payments by the UGLPOA to the New Jersey Department of Environmental Protection under the Dredging Loan Agreement between the parties.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor is hereby authorized to execute the loan documents between the UGLPOA and the State of New Jersey as a Co-Borrower as long as the UGLPOA also executes the Security Agreement between the Township of West Milford and the UGLPOA which is on file in the Township Clerk’s office.

**BE IT FURTHER RESOLVED** that the Security Agreement, and any modifications thereto are subject to the review and approval of the Township Attorney.

This Resolution shall take effect immediately.

Adopted: April 18, 2018



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

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19	Tax Sale Trust	0.00
21	Assessment Trust	59,609.82
	Special Reserve	0.00
Total		\$938,609.90
Less Refund Resolution		-116,425.10
<b>Actual Bills List</b>		<b>\$822,184.80</b>
Payroll		538,704.85
BOE		4,504,769.00
<b>Total Expenditures</b>		<b>\$5,865,658.65</b>

Adopted: April 18, 2018

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Moved: McGuinness                      Seconded: Gerst  
Voted Aye: Pegel, Hensley, Wagner, McGuinness, Signorino, Gerst  
Voted Nay: None  
Motion Carried:

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Agenda No. XIII

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

Councilwoman Gerst – She said Volunteer Night was a wonderful experience, and she thanked all the volunteers.

Councilwoman Pegel – Thanked all the volunteers and those who were not present for their dedication and timeless effort. Without them, the Township could not operate successfully and she appreciates all their help. She looks forward to working with the volunteers and meeting new ones. She provided an update on the CASA 7<sup>th</sup> and 8<sup>th</sup> grade Semi-Formal and Hidden in Plain Sight event.

Councilman Hensley – Apologized for arriving late to the meeting. He said that Volunteer Night is inspiring and uplifting, and he gained a huge appreciation of volunteerism. He encouraged others to try volunteering especially on Beautification Day. He thanked all the volunteers, and said they make the Township a great place to live.

Councilman Wagner – Thanked all the volunteers and mentioned that his family made it a tradition to help clean up the Township every year on Beautification Day.

Councilman McGuinness – Provided an update on various events. He thanked all the volunteers and the ones that were not recognized. He spoke about the New Anchor Youth Group at Our Lady Queen of Peace. He noted that there is a voting site at the Paradise Knoll School; the two issues are two times a year the children can't go outside for recess, and there will be a lot of traffic during voting time.

He mentioned that hiring additional Police Officers for security at the Paradise Knoll School might be an additional cost to the Township. Administrator Battaglia said that she followed up with the Board of Elections; she inspected the fire company on Route 23 to ascertain if that could be deemed a suitable polling site. After a lengthy inspection, it was deemed that it would not be a suitable polling site. She confirmed that they did certify the list of polling sites for 2018 and the Paradise Knoll School is included. She mentioned that there is a local church that could be used as a polling site, and after the November election, if the church confirms that they want to be listed as a polling site, they will engage in that process. Councilman McGuinness said there has to be a way to change the polling site for the safety of children. He feels that it is something they could discuss, and he is looking for support from the Governing Body.

Councilman Signorino – Thanked all the volunteers and he congratulated the Aldrich Family and Beverly Lujbli.

Mayor Bieri – Thanked all the volunteers and said together they make the world a better place and that's what it is all about.

Administrator Battaglia – Said there is a request from the Friends of the Library to hold a book fair at Wallisch, on Friday, September 14<sup>th</sup>, through Sunday, September 16<sup>th</sup>. The Governing Body gave consensus for the event to take place. She noted that Captain Robert Congleton is retiring on May 1, and she wished him the very best in his retirement. She noted that they welcomed the new Director of Community Services and Recreation. She said the contractor for the new gym floor has not fulfilled his obligation, and she will follow up with Mr. Voli on the status. She reminded everyone about the importance of donating blood, and she encourages everyone to make an effort to donate blood if there are blood drives in town. She reminded everyone about the budget meeting on April 19<sup>th</sup>.

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

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Councilman McGuinness said he still would like to send a letter to other cable companies inviting them to service West Milford, and Administrator Battaglia said that she is working on that request.

Mr. Semrau – Explained that the property Helping People Help Themselves on Morsetown Road was acquired with Open Space funds, not by the Township. Dating back to 2010, the Governing Body and the Township took the position that the property was not tax exempt. He said resolution 2018-121 that was discussed at a prior meeting is a settlement for the exemption. The Township collected \$116,000 in taxes and he thanked the Tax Assessor’s Office.

Agenda No. XIV

**Appointments and Resignations**

None

Agenda No. XV

**Adjournment**

There being no further business to come before the Council, the Governing Body adjourned the meeting at 10:59 p.m.

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Moved: Signorino                      Seconded: Gerst  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.

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Approved:      May 2, 2018

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk I

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK