
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 1 of 18

The Workshop Meeting of the Governing Body was called to order by Council President Lou Signorino.

Adequate Notice Statement

Council President Signorino 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 December 30, 2012 and January 6, 2013; 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

Council President Signorino started the meeting in the absence of Mayor Bieri and led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Vivienne Erk, Edward Rosone,
Luciano Signorino, CarlLa Horton.
Absent: Mayor Bettina Bieri.
Also Present: Township Administrator Nancy Gage, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the January 2, 2013 Reorganization Meeting Minutes, January 2, 2013 Workshop Meeting Minutes and January 23, 2013 Regular Meeting Minutes as presented:

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

Agenda No. III

Meetings

Council President Signorino noted the future meeting schedule:

May 22, 2013 Regular Meeting June 5, 2013 Workshop Meeting
June 19, 2013 Regular Meeting

Agenda No. IV

Executive Session

Agenda No. IV 1

**~ Resolution No. 2013- 139 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 1st day of May, 2013 that:

1. Prior to the conclusion of this **Workshop 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 3 of 18

with such bills and New Jersey amended the original legislation so that enforcement could be done by West Milford, Passaic County & state police. She said the Bi-State Commission plans to meet with the police department when appropriate. She said she has called the DEP to request an attorney general official opinion as to whether or not the user fee can be imposed. That decision is now pending. It is important for this Council to understand that the best thing for the lake is to dredge it. That is costly. She sought and received grant money to devise a conceptual plan for the dredging the southern part of Greenwood Lake. She said she is very proud of that study which has been submitted to the New Jersey Water Resources Federation and which has received an award of excellence. The state also provided funding to remove 2,000 stumps in 2007. She said the Greenwood Lake Bi-State Commission is action oriented and their mission is to clean Greenwood Lake and remove the contaminants. They have gotten 319h grants throughout the years and she provided details about each of the 319h grants received. She stated that Fred Lubnow provides progress reports at their meetings. The result of these projects is that there is less phosphorous going into the lakes. Ms. Filippone said that the \$10,000 is an investment in working toward eliminating weeds. Soon they will be asking Council for resolutions supporting dredging and septic management around the lake. She will continue to write grant proposals as well as support seeking funding from the state.

Councilman Hensley asked if compliance with user fees has dropped. Ms. Filippone answered in the negative adding that it has not been widely promulgated amongst boat users. They will settle the issue upon receipt of the attorney general decision and then widely advertise & pursue this. The user fee is important to the lake and the Commission needs the Township as a partner. Councilman Hensley opined about the benefits of dredging and he asked if user fees should be suspended temporarily to promote people returning to the lake. Ms. Filippone said she has not been privy to the letters from associations who say the user fee is keeping boaters away.

Eric Hastings said that the utrification process of the lake is at a critical stage. Certain areas are no longer accessible. Discussion ensued about Belcher's Creek, 319h grants and ongoing studies. Ms. Filippone wants to hire an intern to generate a newsletter this summer. A marina owner provided what he termed as the Greenwood Lake budget document stating that it is filled with contradictions and inaccuracies. Ms. Filippone rebutted his comments.

Agenda No. VI

Finance Matters

Administrator Gage issued a statement outlining the budget process and the various steps that were taken this year. She noted that the budget being presented for Council consideration represents less than a \$20 tax increase to the average household.

2013 Municipal & Solid Waste Budget Public Hearing

Council President Signorino opened the meeting to the public on the Budget only.

Doris Aaronson, 19 Bearfort Road, West Milford said that as the environmental trustee for Pinecliff Lake she supports a \$10,000 appropriation for Greenwood Lake. She has heard that herbicides would be better. In her opinion, they work faster in the short term but create future problems with phosphorous. This is a good investment.

Robert Nolan, 1 Winding Way, West Milford did not agree with the decision to have subcommittee meetings for the budget. He said he supports meetings that are open to the public & press. He supports physicals for firefighters and said that \$119,000 for a LOSAP program is a small pension program for volunteers. What would it cost us if we did not have volunteers? The same logic applies to the \$10,000 appropriation for Greenwood Lake. It equates to about \$1 per household. If you don't take care of weeds, the lake will become a swamp. Mr. Nolan lamented that the budget was not posted on the Township website and he had to obtain a copy through OPRA. He asked how much has been set aside for tax appeals and how does that reserve compare to last year's reserve. The Township Auditor, Chuck Ferraioli, answered that \$20,000 has been budgeted this year which is the same amount budgeted last year. Mr. Ferraioli said there was a decrease in appeals in 2012 and the Township cancelled about \$83,000. He said it was double that amount in the prior year. The Township's revaluation numbers held last year. Mr. Nolan noted that the Township settled the Newark tax appeal and he asked how much was set aside for that versus how much we paid out. Mr. Semrau said there is a refund for the 2011 tax year which is now being processed. The 2009 and 2010 appeals were withdrawn. In 2012 the revaluation company set the value at the new amount. The refund for 2011 was \$100,000, he said. Mr. Ferraioli said those funds will come from reserve for uncollected taxes or surplus. Mr. Nolan said the Township increased preschool fees but it continues to operate at a loss. What is the projected loss? Ms. Gage said that the estimated loss will be \$10,000 to \$20,000 in administrative costs. The tuition fees will cover most

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: May 1, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 4 of 18

of the costs and we are hoping to reduce administrative costs by restructuring those costs. Mr. Nolan said he supports the preschool programs but he questions why the municipality is involved. Mr. Nolan said labor contracts were settled with 2% increase but it would appear that some departments show 6% increases in salaries. Ms. Gage said that salary increases, step increases, and other factors are calculated in the S&W lines. She would have to look at each individually to properly answer that question. Mr. Nolan said that on sheet 15A, snow removal it would appear that the Township is budgeting a significant increase in this budget. Ms. Gage said that because we had such a mild winter in 2012 we reduced the snow budget. We restored it to standard levels this year and Mr. Ferraioli confirmed that comment. He explained how the budget evolved last year and how the funds from snow removal were transferred into capital accounts. The normal appropriation in West Milford for snow removal is as it is reflected this year. Mr. Nolan asked for an explanation of the reserve for salary adjustment. Ms. Gage advised that the reserve was for unsettled labor contracts which were settled this year. Mr. Ferraioli reviewed the special emergency appropriations explaining that they were for the revaluation, Hurricane Irene and Superstorm Sandy. Mr. Nolan asked about calculation for reserves for uncollected taxes noting that the tax collection rate is 98% and adding that this is an outstanding number. He commended staff but noted that if the collection rate drops there would be a shortfall. Mr. Ferraioli explained that the number is based on an average of the last three year's collection rates and that will be pushed up as the economy improves. Mr. Nolan asked for an explanation of the appendix & budget statement. Mr. Ferraioli explained about the use of surplus funds and the amounts incorporated into this budget. He is confident the Township will replenish surplus. Mr. Nolan requested that the budget be posted on the website in the future.

Councilman Hensley asked if taking the \$10,000 from surplus is an option. Mr. Ferraioli said he does not recommend that because it will affect the replenishment rate. He said the Township will have to draft surplus policy soon.

Dave Richards, 27 Ringwood Lane, Hewitt said no money was budgeted for the Hillcrest rent payment this year. He said that payment has been delinquent for years. There has been discussion to take the money from the escrow account he said and the Wallisch sale has not been closed. \$400,000 of that money was to be dedicated to capital improvements. The Council has not approved the escrow attorney and so the money cannot be touched. Council needs to work on a direction, close on Wallisch, finish on escrow and pay rent. There is a 15 month clause to terminate the lease and rent must be paid.

Mr. Semrau advised Council and discussed Hillcrest in Executive Session tonight. He relayed the status of the environmental studies for Wallisch noting that the Township is waiting for the environmental remediation plan. In the meantime the Township sent \$500,000 to the BOE which was earmarked for capital improvements. The Governing Body has discussed deducting past rent from that money minus the cost of the generator. The escrow agreement cannot be signed at this time because first we have to close on Wallisch. The Council has discussed deducting the rent from the money being held by the BOE and addressing the capital funds later when the environmental concerns at Wallisch have been addressed. That is why it is not in the budget. He advised that a letter will be sent to the BOE.

There being no more comments from the public Councilman Rosone moved to close the public portion of the meeting, seconded by Councilwoman Horton and carried by unanimous voice vote.

Agenda No. VI 1

~ Resolution No. 2013- 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AMEND THE 2013 MUNICIPAL BUDGET AS INTRODUCED

WHEREAS, the local municipal budget for the year 2013 was approved on April 3, 2013; and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford, Passaic County, that the following amendments to the approved budget of 2013 be made:

	(Erik			
	(Hensley	((
	(Erk	((
RECORDED VOTE	AYES (Rosone	NAYS (None		ABSTAIN (None
(Insert Last Name)	(Signorino	((
	(Horton	((

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: May 1, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 6 of 18

SUMMARY OF APPROPRIATIONS

DESCRIPTION	2012	2013
Total 2012	2,750,000.00	2,750,000.00
Total 2013	2,750,000.00	2,750,000.00
(1) Debt Service and Contingency Reserve - 2013	200,000.00	200,000.00
(2) Debt Service	450,000.00	450,000.00
Excess from 2012	1,100,000.00	1,100,000.00
(1) Debt Service - 2013	450,000.00	450,000.00
(2) Capital Improvements	600,000.00	600,000.00
(3) Medical Field Reserve	50,000.00	50,000.00
(4) Deferrals - 2013	600,000.00	600,000.00
(5) Transferred to Board of Council on the Use of Local Funds (2012-2013)	20,000.00	20,000.00
(6) For Local Child Care School Program	600,000.00	600,000.00
(7) For Local Child Care School Program	600,000.00	600,000.00
Total Appropriations	2,750,000.00	2,750,000.00

Sheet 42

Adopted: May 1, 2013

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

Agenda No. VI 3

~ Resolution No. 2013- 142 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2013 SOLID WASTE BUDGET

Be it Resolved by the GOVERNING BODY of the TOWNSHIP of WEST MILFORD, County of PASSAIC, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 1,708,857.12 (Item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

Abstain (None

RECORDED VOTE (insert last name) Ayes (Erik, Hensley, Erk, Rosone, Signorino, Horton) Nays (None) Absent (None

SUMMARY OF REVENUES and APPROPRIATIONS

1. General Revenues		
Surplus Anticipated		90,000.00
Miscellaneous Revenues Anticipated		183,971.95
2. AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT		1,708,857.12
TOTAL REVENUES		1,983,829.07
3. General Appropriations		
Operations		1,983,829.07
Deferred Charges		
Statutory Expenditures		
Judgement		
Deficit in Operations in Prior Years		
Surplus (General Budget)		
TOTAL APPROPRIATIONS		1,983,829.07

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 1st day of May 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: May 1, 2013

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

Agenda No. VI 4

~ Resolution No. 2013- 143~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR SELF-EXAMINATION OF THE 2013 BUDGET RESOLUTION (AS REQUIRED BY DCA)

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 7 of 18

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of West Milford has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of West Milford that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: May 1, 2013

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

Agenda No. VII

Proclamations

National Infant Immunization – Council President Signorino instructed the Clerk to read the proclamation.

Agenda No. VIII

Public Comments

Council President Signorino opened the meeting to the public noting that each speaker has a five minute time limitation.

Robert Nolan, 1 Winding Way, West Milford read in paper that Council members were talking about a pay as you go system for capital items. He has been living in his house for 32 years for which he took out a mortgage. There is good debt and bad debt. Mortgages or road improvements are good debt. Why would you want to have present residents pay for costs that will affect future residents, he asked. The cost should be spread equally among all those who will derive the benefits. He asked why we are not converting our debt to long term debt because the current economy and going rates would indicate that the time is right.

Dave Richards, 27 Ringwood Lane, Hewitt said he finds it odd that the Council is considering expanding the composition of the library board by two more members. He noted that Mayor Bieri said that Dr. Oberer

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 8 of 18

will continue serving on library board even though she has been serving as the BOE representative and can no longer serve in that capacity due to retirement. It is not a good idea to expand library board, he said. Dr. Oberer is no longer a BOE employee. The library is moving forward with a septic installation at the Finn property and he is concerned about the cost. The funding is not in place for the library and it is premature to dig a hole for the septic if the funding is not in place. He agrees we should expand the library but the funding is not in place. There is not even a plan in place. At \$300 a square foot, he estimates a new library will cost \$7.5 million.

Tim Wagner, 835 Westbrook Road, New Jersey said he is speaking as chairman of the new economic development committee. He and Messrs. Zarillo, Sherwood & Ringer have established a new committee unaffiliated with the Township but their commitment is still to West Milford. They bear no ill will. They want to start new projects and complete old projects. He has been speaking with Township staff particularly Messrs. Stires, Storms and others. They want to finish installing entry point signs for the town. They also want to promote more events in town because we need tourism. The signs say West Milford is a clean community and we expect visitors not to litter. They picked up garbage along their routes. The beautification committee last Saturday did a great job with the cleanup day but it is not enough. There is so much garbage along the roadways. If you see garbage pick it up. Report large items to the town. We should all take care of garbage. He would like to see these things taken care of faster. The signs are a good first impression of the town.

Joe Smolinski, Camelot Drive, West Milford commended the Council on a great budget. He said that Mr. Nolan raised good points and Ms. Gage answered well. He is not opposed to the library. There is golf course redevelopment money and he is not opposed to that being used for the library. That is strictly taxpayer money. The money that was stashed away for the library is taxpayer money. The voters did not get a say. Last year the Council came close to getting this on a referendum. That would give the voters a voice. Council has had ample time to construct a referendum question this year. Many taxpayers will not have the opportunity to utilize the library at its proposed location. He would like to see this Council put forth a referendum question.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford thanked all volunteers who helped on beautification day as well as the recycling coordinator for all the time he invests & volunteers. It is on the agenda to discuss open space funds tonight and she hopes Council considers the historical aspect and capital improvements. Wallisch & the museum may be considered local historic sites. She and Ada Erik are forming a new civic club in West Milford which will meet on Thursday June 13, at the Passport Café at 7 pm. the plan to send out surveys and solicit local input as to topics to be discussed and speakers they would like to attend. Everyone is welcome. At the first meeting they will have a speaker about the library and architectural plans.

Doris Aaronson, 19 Bearfort Road, West Milford said she understands that West Milford is in violation of laws pertaining to the size of our library.

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

Agenda No. IX

Council Comments

Councilwoman Horton agrees with Mr. Nolan's comments about pay as you go versus bonding. She outlined short term versus long term expenses. It is responsible to spread the cost of long term debt over the long term. She said that the same concept applies to the new library. The library taxes are paid annually. That amount will not increase. There have been several designs, the property next door has been purchased, it would be irresponsible to negate the purchase of a property to place a question on the ballot. She described her experiences which hinder her library experiences because our current library is undersized. She echoed sentiments about the beautification cleanup day.

Councilwoman Erk thanked Mr. Wagner and his new group, HEAT, for putting up signs. They installed two and there are ten to go. She echoed sentiments about open space, historical and capital improvements.

Mr. Semrau said historic preservation and capital improvements are included in the open space referendum question.

Council President Signorino commended those involved in beautification day. It was a great and he expressed appreciation to all who took part.

From the floor, Joe Smolinski sought a point of order. The Council by consensus allowed him to speak.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: May 1, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 9 of 18

Joe Smolinski said he doesn't think it is irresponsible to ask voters how they want to spend tax dollars. That is responsible.

Councilwoman Horton said there is a responsibility. It is disingenuous she said, to pose a non binding referendum question to the voters after the Council and former Councils have proceeded so far. The time for such a referendum question was before prior Councils compelled this Council to the contacts approved with the library. That appears dishonest.

Councilman Rosone asked if work has begun on the septic system for the new library. Ms. Gage replied that it has not. The engineering plans have been prepared but there has not been a final approval for plans for a library.

Councilman Hensley thanked people for coming out for beautification day. He also thanked the people who went out for the "Irish Whisperers Walk."

Agenda No. X

Discussion Items

1)	Discussion – Proposition to Voters for Use of Open Space Funds – Mr. Semrau recalled that at the last meeting the Council discussed a draft referendum question regarding the use of open space funds. The Governing Body did not want this to become a budget item but wanted to ask if voters wish to have these funds to effectuate capital improvements and provide for historic benefit. Some members have indicated that 33% for each would be more preferable. He said he has removed maintenance and changed that to capital improvements, conservation & historical purposes. The Council gave consensus to place the resolution on the next agenda for consideration with 33% change for each category. Mr. Semrau urged everyone to read the statement which is supposed to be neutral so that if any changes have to be made they are incorporated before adoption.
2)	Discussion – Green Acres / ROSI Diversion Process – Ms. Gage said we must approve an appraiser contract to obtain final approval as part of the Green Acres process. The question is do we want to donate the property to the state or keep it. If we keep it we are required to maintain it. Ms. Gage said she will provide information about the property. The Council gave consensus to donate to the state. Mr. Semrau said that once it is dictated as part of our ROSI the use cannot change regardless of ownership.
3)	Ordinance – Amend Article XIX, Parks & Recreation Committee (Advisory) of the Township Code – Ms. Gage said there is a request to increase membership to appoint a former member. Councilman Rosone said he is fine with that. Councilwoman Erik asked what if someone else wants to vie for that seat. Councilwoman Horton said she is fine with responding to RAC to expand their numbers. Once that happens it is open to any member of the public and she would review all applications submitted. Mr. Semrau said from a legal perspective these are two separate issues. First the Council would amend the ordinance and then appoint. Mr. Lauritano, RAC vice chair, said the two steps are two separate items. The reason they are seeking to appoint would be the only reason they would ask for the amendment. Once the seat is open it could be open to all public. The Council gave consensus to expand the membership on RAC. The municipal clerk noted that additional administrative amendments are necessary to this particular section of the code and the Council instructed that they be made and presented for introduction at the next meeting.
4)	Resolution – Glass Steagall Law – Regulating Commercial Banks – Ms. Gage noted Councilman Hensley requested this discussion and having provided a form of resolution is seeking Council direction. Does Council want to have a presentation? Council President Signorino said he favors the presentation. He is aware of the impact this had in past and the benefits to this nation. It affects all of us. Councilwoman Erik said she has looked this up and she does not need the presentation. Councilwoman Erk said she would agree to the presentation but does not believe Council is qualified to weigh in on federal banking laws. Councilwoman Horton said she has spoken with Councilman Hensley about this. She does not think this is the forum for such a presentation or discussion. She would like to have an educational program on issues of this nature with the civic club or in a similar venue. Councilman Hensley agrees that the speaker would likely be amenable to the civic group and the democratic club. It is important to educate people. There is an impetus to action. Local legislators can learn from having presentations of this nature. It would not take too much time. This is grass roots legislation that he hopes trickles up. Councilman Rosone asked how many other towns have passed resolutions about this to which Councilman Hensley replied that many have and this has an impact. The Council gave consensus to have a presentation.
5)	Professional Services Contract – Video Detection Systems – Ms. Gage advised that there is a resolution seeking to take action on this matter later in the evening. Passaic County, she said, will be doing work on Union Valley Road and will only supply equipment for county intersections. Where a town road intersects with a county road the municipality must pay for

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 10 of 18

the system that monitors traffic volume and controls the sequence of lights. Council President Signorino said he is concerned that these cameras can be used for other purposes adding that a loop is less expensive than cameras and less intrusive. The Council instructed that the resolution be pulled pending further information about the proposed camera system at the traffic light.

Agenda No. XI

Action Items

Council President Signorino asked to move all Resolutions 2013-144, 2013-145, 2013-147, 2013-148, 2013-149, 2013-150, 2013-151, 2013-152, 2013-153, 2013-154, 2013-155, 2013-156, 2013-157, 2013-158, and 2013-159

Resolution 2013-146 No action was taken.

Moved: Erik Seconded: Rosone
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Recuse: Horton and Signorino recuse 2013-112 only
Motion carried.

Agenda No. XI 1

~ Resolution No. 2013- 144 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF A-3393, LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Governing body of Township of West Milford commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 11 of 18

Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

Adopted: May 1, 2013

Agenda No. XI 2

~ Resolution No. 2013- 145 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO NORMAN J. GOLDBERG, SRA, CRE, GAA, TO PROVIDE VALUATION SERVICES TO THE TOWNSHIP OF WEST MILFORD FOR BUBBLING SPRINGS PROPERTIES

WHEREAS, the Township of West Milford wishes to retain professional real estate appraisal and consulting services to assist the Township of West Milford with Bubbling Springs property Block 3001, Lot 11 and Bubbling Springs Diversion property Block 9001, Lot 11; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 19-295-01-100-003.

WHEREAS, Norman J. Goldberg, SRA, CRE, GAA was one of three firms that submitted a Proposal dated March 19, 2013 in response to the RFP for same to provide Appraisal services in regard to Block 3001, Lot 11 and Block 9001, Lot 11 to the Township of West Milford; and

WHEREAS, Norman J. Goldberg, SRA, CRE, GAA has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Norman J. Goldberg from making any reportable contributions through the term of the contract; and

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Norman J. Goldberg, SRA, CRE, GAA, 44 Leigh Street, Clinton, NJ 08809 for professional services to assist the Township with real estate appraisal in an amount not to exceed \$3,250.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be from January 1, 2013 through December 31, 2013.
4. The total fee authorized for this contract shall not exceed \$3,250.00 without the prior written approval of the Township Council.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: May 1, 2013

Agenda No. XI 3

~ Resolution No. 2013- 146 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO SAM SCHWARTZ ENGINEERING, FOR THE OVERSIGHT OF THE IMPLEMENTATION OF A VIDEO DETECTION SYSTEM AND REVISIONS TO THE AS-BUILT PLAN FOR THE UNION VALLEY ROAD TRAFFIC SIGNALS AT RIDGE ROAD AND MARSHALL HILL ROAD

NO ACTION TAKEN

Agenda No. XI 4

~ Resolution No. 2013- 147 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF #2 FUEL OIL (DIESEL FUEL) THROUGH STATE CONTRACT NO. T1845 TO ALLIED OIL COMPANY, LLC.

WHEREAS, the State of New Jersey has awarded Contract No. T1845 for #2 Fuel Oil (Diesel Fuel) for the 2013 year to Allied Oil, LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for #2 Diesel Fuel in 2013; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 12 of 18

WHEREAS, the Chief Financial Officer has submitted a written recommendation that the Township of West Milford purchase #2 Diesel Fuel through State Contract No. T1845 in a total amount not to exceed \$280,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers 01-201-31-460-240 and 01-201-31-460-315.

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

1. The Township Council hereby authorizes the Township Engineer to purchase #2 Diesel Fuel, in a total amount not to exceed \$280,000.00, through State of New Jersey Contract No. T1845 awarded to Allied Oil Company, LLC.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Director of Public Works.

Adopted: May 1, 2013

Agenda No. XI 5

~ Resolution No. 2013- 148 ~

Resolution of the Township of West Milford, County of Passaic and State of New Jersey Authorizing the Purchase of GASOLINE through STATE Contract NO. T 0083 TO ALLIED OIL COMPANY, LLC.

WHEREAS, the State of New Jersey has awarded Contract # T 0083, Motor Gasoline, for the 2013 year to Allied Oil, LLC, and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Motor Gasoline in 2013; and

WHEREAS, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and submitted a written recommendation that the Township of West Milford purchase gasoline through State of New Jersey Contract # T 0083, Gasoline in an amount not to exceed \$175,000.00; 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 01-201-31-460-316.

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

1. The Township Council hereby authorizes the Director of Public Works and the Chief Financial Officer to purchase Gasoline, in an amount not to exceed \$175,000.00, through the State of New Jersey Contract # T 0083 for Motor Gasoline awarded to Allied Oil, LLC.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Director of Public Works.

Adopted: May 1, 2013

Agenda No. XI 6

~ Resolution No. 2013- 149 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF PAVING MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT NO. 5, FOR PAVING MATERIALS, FOR DISTRICT #2 TO TILCON NEW YORK, INC. IN AN AMOUNT NOT TO EXCEED \$85,000

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

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #5 Paving Materials, for the 2013 year to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Paving Materials in 2013; and

WHEREAS, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 13 of 18

that the Township of West Milford purchase paving materials through the Morris County Cooperative Purchasing Council, Contract No. 5, Paving Materials in an amount not to exceed \$85,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-361.

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

1. The Township Council hereby authorizes the Director of Public Works to purchase Paving Materials, in an amount not to exceed \$85,000, through the Morris County Cooperative Purchasing Council, contract #5, Paving Materials awarded to Tilcon New York, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 1st, 2013

Agenda No. XI 7

~ Resolution No. 2013- 150 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR 2013 ROAD RESURFACING – PHASE 1 THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #6: ROAD RESURFACING, CATEGORY B: BITUMINOUS CONCRETE IN PLACE AND CATEGORY C: MILLING IN PLACE TO TILCON NEW YORK, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing to Tilcon New York, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township's Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for 2013 Road Resurfacing – Phase 1 utilizing Category B: Bituminous Concrete in Place and Category C: Milling in Place to Tilcon New York, Inc. through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing; and

WHEREAS, the Chief Financial officer has certified the availability of funds for these purchases, said funds are to be encumbered from account number 04-215-55-818-002; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category B: Bituminous Concrete in Place and Category C: Milling in Place to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ 07885 in an amount not to exceed \$585,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 1, 2013

Agenda No. XI 8

Consent Agenda

~ Resolution No. 2013- 151 ~

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. **2013-152** – Duplicate Tax Certificate Block 1816, Lot 1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 14 of 18

- b. **2013-153** – Duplicate Tax Certificate Block 9801, Lot 28.04
- c. **2013-154** – Duplicate Tax Certificate Block 11101, Lot 31
- d. **2013-155** – Temporary Easement - Michalka
- e. **2013-156** – Temporary Easement – S&R Holdings
- f. **2013-157** – Temporary Easement – Sunny Blue, LLC
- g. **2013-158** – Cancel Tax Penalties

Applications:
None.

Adopted: May 1, 2013

Agenda No. XI 8 a
~ Resolution No. 2013- 152 ~

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, Theodore Jenkins is the owner of Tax Sale Certificate 11-013 relating to 694 Warwick Turnpike, Block 1816, Lot 1 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 Theodore Jenkins; 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, Theodore Jenkins 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 # 11-013 pertaining to Christine Court, Block 1816, Lot 1 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: May 1, 2013

Agenda No. XI 8 b
~ Resolution No. 2013- 153 ~

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, Theodore Jenkins is the owner of Tax Sale Certificate 11-086 relating to Christine Court, Block 9801, Lot 28.04 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 Theodore Jenkins; 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, Theodore Jenkins 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 # 11-086 pertaining to Christine Court, Block 09801, Lot 28.04 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 15 of 18

This Resolution shall take effect immediately.

Adopted: May 1, 2013

Agenda No. XI 8 c
~ Resolution No. 2013- 154 ~

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, Theodore Jenkins is the owner of Tax Sale Certificate 11-096 relating to Larsen Drive, Block 11101, Lot 31 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 Theodore Jenkins; 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, Theodore Jenkins 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 # 11-096 pertaining to Larsen Drive, Block 11101, Lot 31 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: May 1, 2013

Agenda No. XI 8 d
~ Resolution No. 2013- 155 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TEMPORARY EASEMENT AGREEMENT BETWEEN THE TOWNSHIP AND ALAN AND CHRISTINE MICHALKA REGARDING THE WEST MILFORD STREETScape PROJECT

WHEREAS, Alan and Christine Michalka are the owners of property known as Block 7621, Lot 4, also known as 1495 Union Valley Road, West Milford, NJ; and

WHEREAS, the property is located within the area where the Township's Streetscape project will encroach upon it; and

WHEREAS, the encroachment location on Block 7621 Lot 1 necessitates the Township to procure a Temporary Easement for Streetscape project construction; and

WHEREAS, the construction work will include reconstruction of existing sidewalks, reconstruction of existing curb ramps and turf restoration and final cleanup;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the sum of one dollar (\$1.00) and the mutual undertakings contained in the Temporary Easement Agreement, the parties have agreed to resolve issues therewith;

BE IT FURTHER RESOLVED by the Township Council of the Township of West Milford, the Mayor is hereby authorized to enter into a Temporary Easement Agreement for the use of the property known as Block 5701, Lot 1, 1502-14 Union Valley Road, West Milford, NJ in accordance with the terms contained in said Agreement which is on file in the Municipal Clerk's Office.

Adopted: May 1, 2013

Agenda No. XI 8 e
~ Resolution No. 2013- 156 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TEMPORARY EASEMENT AGREEMENT BETWEEN THE TOWNSHIP AND S & R HOLDINGS LLC REGARDING THE WEST MILFORD STREETScape PROJECT

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 16 of 18

WHEREAS, S & R Holdings LLC is the owner of property known as Block 7621, Lot 3.02, also known as 1499 Union Valley Road, West Milford, NJ; and

WHEREAS, the property is located within the area where the Township's Streetscape project will encroach upon it; and

WHEREAS, the encroachment location on Block 7621, Lot 3.02 necessitates the Township to procure a Temporary Easement for Streetscape project construction; and

WHEREAS, the construction work will include reconstruction of existing sidewalks, reconstruction of existing curb ramps and turf restoration and final cleanup;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the sum of one dollar (\$1.00) and the mutual undertakings contained in the Temporary Easement Agreement, the parties have agreed to resolve issues therewith;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, the Mayor is hereby authorized to enter into a Temporary Easement Agreement for the use of the property known as Block 7621, Lot 3.02, 1499 Union Valley Road, West Milford, NJ in accordance with the terms contained in said Agreement which is on file in the Municipal Clerk's Office.

Adopted: May 1, 2013

Agenda No. XI 8 f
~ Resolution No. 2013- 157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TEMPORARY EASEMENT AGREEMENT BETWEEN THE TOWNSHIP AND SUNNY BLUE LLC - WALGREEN'S REGARDING THE WEST MILFORD STREETScape PROJECT

WHEREAS, Sunny Blue LLC - Walgreen's is the owner of property known as Block 5701, Lot 1, also known as 1502-14 Union Valley Road, West Milford, NJ; and

WHEREAS, the property is located within the area where the Township's Streetscape project will encroach upon it; and

WHEREAS, the encroachment location on Block 5701 Lot 1 necessitates the Township to procure a Temporary Easement for Streetscape project construction; and

WHEREAS, the construction work will include reconstruction of existing sidewalks, reconstruction of existing curb ramps and turf restoration and final cleanup;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the sum of one dollar (\$1.00) and the mutual undertakings contained in the Temporary Easement Agreement, the parties have agreed to resolve issues therewith;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, the Mayor is hereby authorized to enter into a Temporary Easement Agreement for the use of the property known as Block 5701, Lot 1, 1502-14 Union Valley Road, West Milford, NJ in accordance with the terms contained in said Agreement which is on file in the Municipal Clerk's Office.

Adopted: May 1, 2013

Agenda No. XI 8 g
~ Resolution No. 2013- 158 ~

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

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

WHEREAS, the Administrator recommends the cancellation of interest penalties due to miscommunications between the tax office and the property owner;

NOW, THEREFORE, BE IT RESOLVED that the proper officers be are hereby authorized and directed to cancel the 6% year-end penalties plus interest and credit the account for the property hereafter listed below:

Block/Lot	Name	Amount	Year
-----------	------	--------	------

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: May 1, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 17 of 18

703-2	GPS Enterprises, LLC	\$901.35	2012
-------	----------------------	----------	------

Adopted: May 1, 2013

Agenda No. XII

Approval of Expenditures

~ Resolution No. 2013- 159 ~
RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$418,759.56
3	Reserve Account	21,572.85
2	Grants	36,843.10
6	Refunds	0.00
1	General Ledger	4,804,293.89
26	Refuse	146,700.50
4	Capital	92,208.94
19	Animal Control	373.48
19	Heritage Trust	4,715.28
19	Open Space Trust	125.00
19	Trust	4,136.80
19	COAH	497.00
16	Development Escrow	4,742.80
20	Special Reserve	0.00
21	Assessment Trust	0.00
Total		\$5,534,969.20
Less Refund Resolution		0.00
Actual Bill List		\$5,534,969.20
Other Payments		
Total Expenditures		\$5,534,969.20

Adopted: May 1, 2013

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

Agenda No. XIII

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

Administrator Gage said that there are a number of trees down in town but Verizon won’t address that unless the tree in question interferes with their service. She is gathering photographs and obtaining staff input. She will communicate with Verizon to express concerns about the danger and demand that they do something. Councilwoman Erik said that other towns have enacted ordinances for line maintenance. Mr. Semrau agreed that it is proactive to put Verizon on notice of dangerous conditions, identify issues and send to the corporate secretary. Ms. Gage announced the upcoming road improvement projects.

Councilwoman Erik said that the HEAT group stepped up to install signs. She thanked all volunteers who participated in the successful cleanup day noting that the results were accomplished with 100% volunteer efforts. Tomorrow is national day of prayer and she listed the related events. She thanked the MUA for fixing the pot hole she reported at the last meeting.

Councilman Rosone thanked all the volunteers for beautification day. He asked Ms. Gage for an update on the fuel monitoring system. Ms. Gage said there were issues with underground lines. She will get an update and relay it to Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 1, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 18 of 18

Councilwoman Horton thanked everyone who came tonight. She announced the upcoming Health & Wellness Fair and provided details.

Council President Signorino thanked all volunteers for cleanup day.

Mr. Semrau said he would like a future executive session on tax appeals including Newark watershed. At the last meeting the Council authorized legal action on Green Terrace Way. Today he had a conference call with the parties involved to review progress. He advised the governing body that a revised plan has been submitted and all are hoping this will move the project forward.

Council President Signorino said he would like to provide an update on the joint meeting with the BOE subcommittee. They discussed a newsletter as a joint venture which will be coordinated with the journalism class. The purpose will be to promote more positive things in town. They believe they have found some good news to get the cable channel going. Some equipment is already installed. We just need to determine who would run the station. It is recommended to have a studio manager, and the BOE is willing to give a stipend to an employee for that purpose.

From the audience Mr. Gerst said a resident questioned a mandate from the state and attorney did not address that.

Council President Signorino continued his report saying the subcommittees will have another meeting and will follow up with Council.

Mr. Semrau said does not have information in front of him to confirm or refute comments made about the library. The governing body in 2008 approved an agreement with the library to borrow the funding to support the project.

Agenda No. XIV

Appointments and Resignations

Councilwoman Erik made a nomination of Daniel Willever as Citizen Member to the Heritage Committee seconded by Councilman Hensley.

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

Agenda No. XII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:37:47 p.m.

Moved: Horton Seconded: Rosone
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Approved: August 21, 2013

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK