
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 12

The Workshop 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 Workshop meeting was advertised in the Herald News in its issue of December 25, 2016 and January 1, 2017; 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 Ada Erik, Mike Hensley, Tim Wagner,
Peter McGuinness, Luciano Signorino, Marilyn Lichtenberg, 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

April 5, 2017 Workshop Meeting
April 5, 2017 Executive Session
April 12, 2017 Special Meeting Budget
April 12, 2017 Executive Session
April 19, 2017 Regular Meeting

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. IV

Meetings

Mayor Bieri noted the future meeting schedule:

May 17, 2017 Regular Meeting
June 7, 2017 Workshop Meeting
June 21, 2017 Regular Meeting

Agenda No. V

Executive Session

~ Resolution No. 2017 – 165 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 3rd day of May, 2017 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 12

- () 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.
 - Collective Bargaining Unit Negotiations
 - AFSCME 2275
 - Teamsters
 - () 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.
 - (X) 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 – Council on Mandates
 - Attorney – Client Privilege – Revitalization
 - Litigation – Newark Tax Appeals
 - Attorney – Client Privilege – Dam Loan
 - () 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: May 3, 2017

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

The Governing Body went into executive session at 6:40 p.m.
Councilman Hensley arrived during executive session at 6:46 p.m.
The Governing Body returned to the public meeting at 8:45 p.m. with all present as before.

Agenda No. VI

Action Items

1.	<p>Discussion: 2017 Budget Matters: Mayor Bieri opened the meeting to the public to speak to the amendments of the budget as proposed. There being no comments from the public Councilwoman Erik made a motion to close the public portion of the meeting.</p> <p>-----</p> <p>Moved: Erik Seconded: McGuinness Voted Aye: Unanimous voice vote Voted Nay: None Motion carried. -----</p> <p>Mr. Ferraioli supplied the Governing Body with a hand-out and spoke about the County decrease of \$600,000 when the budget was introduced 5 weeks ago. The final County budget presently shows a decrease of \$800,000. He discussed the increases and decreases in the County levy. He highlighted them because the levy went down for two reasons; no increase in the tax dollars and the other towns had large tax appeals in 2016. On January 1, 2018 they will have a \$500,000 County tax levy increase because it's only a one-time credit. He mentioned the decrease in ratables. He recommended stabilizing the assessed value by meeting with the tax assessor. He felt that the towns under the Highland Act should communicate with Trenton. Currently, there is a tax decrease of \$11.29. The night the budget was introduced to the Governing Body, they chose to raise the municipal levy by adding \$270,000 into a pay-as-you-go capital budget instead of bonding for it. If they take the \$200,000 additional savings from the County and increase the pay-as-you-go capital from \$270,000 to \$470,000 it will allow them to borrow a lesser dollar amount and will allow for some more room if next year's budget increases.</p>
----	--

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 12

If they increase the tax levy by \$200,000 the average home would see an increase of \$6.69. Mr. Ferraioli explained different options about what can be done with the \$200,000. Mayor Bieri mentioned they like the idea of the pay-as-you-go theory but it will affect the budget. Mr. Ferraioli clarified the options for the Governing Body; they could take the \$200,000 and do an additional \$200,000 of capital, or they could refer to the Bond Ordinance and cancel \$200,000. Councilman Wagner said their budget is increasing and it's being hidden by the County tax decrease and next year it will affect them. Mayor Bieri explained pay-as-you-go for the roadwork would save money in the long term. Whatever they move from capital to operating is a hit that year. This is the year to do that without having the impact that they would normally experience. Councilman Signorino asked how much the municipal budget will impact the taxpayers. Mr. Ferraioli said \$424,000, and Councilman Signorino said they would have to increase taxes to try to save taxes. People cannot handle the tax increases any longer. He knows they would save money by adding the roads into the operating budget without hurting the taxpayers. They are using the County decrease to justify spending more and raising taxes. Most of the years they have used the entire surplus. Councilman Wagner suggested a partial pay-as-you-go. Mayor Bieri said the point of pay-as-you-go is to decrease the debt. Councilman Hensley thinks pay-as-you-go is a good idea. They would be making a fiscally sound decision to save tax expenditures in the years ahead. The current annual expenditure for the roads to be paved every year is close to one million dollars, and over the years it will accumulate the added debt. He doesn't agree with the risk involved depleting the surplus. He fears a steeper increase in the tax levy next year based on the surplus depletion. Councilman Wagner said regardless of the dollar amount a tax increase will affect the taxpayers years to come. Councilwoman Lichtenberg mentioned how the County is taking a bond for Passaic County Tech which will cause higher taxes when they have to pay back the interest and bond payments. Her concern was the County taxes will double next year affecting the Township taxes. Mr. Ferraioli explained that County Tech is funded differently. Some of the money is funded through tuition. If they incur expenses that have to be paid through the tax levy then the Township will have to pay more. Councilman Signorino said lower taxes brings the Township more prosperity. Now they have astronomical surpluses. He wants them to work within their means without an increase. He doesn't want to utilize any benefits from the County, and he wants to continue to provide the services without an increase. Mayor Bieri said they need to find a way to fund pay-as-you-go. The tighter they make the budget the less surplus is generated. She referred to Mr. Casey for recommendations. Mr. Casey said the surplus was based on regeneration. There is about \$15 million dollars of outstanding debt, they should make sure they maintain their credit rating; not disturb it, and live within their regeneration. When they introduced the budget to the Governing Body it was with a 0% tax increase. That number has changed because Mr. Ferraioli recommended pay-as-you-go which caused an increase. Councilman Signorino said adding the \$300,000 to the roads is not going to be detrimental to the Township and they could always appropriate the funds. Mr. Casey said they are having this discussion because they had a good year. Councilman McGuinness asked how the \$300,000 is going to affect their rating, and Mr. Ferraioli said by 1.8 points. The pay-as-you-go capital section of the operating budget is \$275,000 including the roads and the \$30.00 increase. Assuming there will be a budget next year they need to regenerate about \$2.8 million to add back into the budget. Councilman Signorino said they will have a better chance of new businesses and people investing in the town if they don't raise taxes. Councilman McGuinness said if residents see stabilized taxes they will want to stay in town and improve their homes. Mr. Ferraioli said his concern is if they use \$3 million as surplus in the 2017 budget and they only put back a certain amount, they are looking at a \$500,000-\$600,000 increase next year. Mayor Bieri said they need to discuss the budget resolutions. Councilman Signorino made a motion to remove \$224,000 from surplus and add it to the operating budget and Councilman McGuinness seconded it. Mayor Bieri asked for a roll call vote.

Moved: Erik Seconded: McGuinness
Voted Aye: Wagner, McGuinness, Signorino
Voted Nay: Erik, Hensley, Lichtenberg
Motion carried.

Mayor Bieri broke the tie vote by voting not to remove the additional money from surplus. She mentioned that this is not their only option and there are other solutions. The reason for the increase is based on the changes the Governing Body decided to make.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 12

Agenda No. VII

Public Comments

Mr. Billy Stein, Camp Vacamas, 256 Macopin Road – Mr. Stein read a letter to the Governing Body from their President who was not able to attend the meeting asking the Township to cosign a loan for their dam restoration project.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting second by Councilman Signorino.

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

Agenda No. VIII

Council Comments

Mr. Semrau explained to Mr. Stein the state law regarding the cosigning of loans and the type of collateral that is required to back-up the loan in the event of a default. They gave Camp Vacamas the documentation the Township requires and there was no follow through after that from anyone at Camp Vacamas. He suggested that Mr. Stein provide Administrator Battaglia with the appropriate mechanism on how the collateral would be established. The Governing Body also has to provide the collateral to the taxpayers.

Agenda No. IX

Proclamations

None

Agenda No. X

Presentations

None

Agenda No. XI

Discussions

1.	Discussion: LDP Checklist – Mayor Bieri said this checklist is to guide people who visit the building and zoning departments. The goal is to provide guidance to assist them with the permit application so they don't have to make several trips back and forth. Administrator Battaglia noted she gave the checklist to Mr. Miller in the Engineering Department and asked him to resurrect it. Councilman Signorino asked if the Council could table this discussion because he didn't review the checklist. The Council gave consensus to postpone the discussion. Mayor Bieri said to contact the Administration with questions or recommendations.
2.	Discussion: Volunteer Guidelines – Administrator Battaglia said residents asked the Governing Body to consider a Volunteer Bill of Rights. If the Governing Body gave consensus this would be added to the Citizen Leadership Form. Mayor Bieri noted this will give volunteers guidance if they are interested in serving on a commission or committee. She recommended that the word "excused" be removed from the excused absences section. The Governing Body gave consensus.

Agenda No. XII

Action Items

Agenda No. XII 1

~ Resolution 2017 – 166 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCEPT DESIGN PROPOSAL FOR THE REPLACEMENT OF BRIDGE NO. 1605-174, ROUTE 23 NORTH, MILEPOST 25.52

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 6 of 12

WHEREAS, on April 17, 2017, New Jersey Department of Transportation officials gave a presentation on a concept design proposal for the replacement of State Highway Route 23 Northbound Bridge No. 1605-174, milepost 25.52; and

WHEREAS, The NJDOT's consulting engineer indicated that the bridge is structurally deficient and must be replaced, to include widening, storm drainage, sight distance and roadway profile improvements; and

WHEREAS, The proposed method includes staged construction to include contra-flow to cross the median and utilize a portion of the southbound roadway while providing two lanes north and two lanes south throughout the estimated one year of construction.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby support the New Jersey Department of Transportation concept design proposal for the replacement of Bridge No. 1605-174, Route 23 North, milepost 25.52: and

BE IF FURTHER RESOLVED that a copy of this resolution shall be sent to the Commissioner of the State of New Jersey, Department of Transportation (DOT).

Adopted: May 3, 2017

Agenda No. XII 2

~ Resolution 2017 - 167 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW S. KRAUSER TO REVIEW ASSESSMENTS WITHIN THE TOWNSHIP IN AN AMOUNT NOT TO EXCEED \$10,000.00

WHEREAS, the Township of West Milford wishes to conduct analyses and valuations of Newark Watershed land (Block 14605 Lots 1 et als.) subject to and in conformance with the Standards of Professional Practice and Code of Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice (USPAP); and

WHEREAS, Matthew S. Krauser of Integra Realty Resources has such experience and expertise; and

WHEREAS, Matthew S. Krauser of Integra Realty Resources of Whippany, New Jersey has submitted a proposal for such services in an amount not to exceed \$10,000; and

WHEREAS, the total amount of the contract shall not exceed \$10,000.00 without the written approval of the Township Council; and

WHEREAS, the Chief Financial Officer has certified availability of funds for these services said funds to be encumbered from the 01-201-20-100-450 account; and

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

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Matthew S. Krauser, of Integra Realty Resources, with offices located at 80 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, as municipal consultant to assist the Township in reviewing assessments at Newark Watershed land (Block 14605 Lots 1 et als.) in an amount not to exceed \$10,000.00 as per its proposal dated March 26, 2017.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 12

3. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: May 3, 2017

Agenda No. XII 3

~ Resolution – 2017- 168 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,
STATE OF NEW JERSEY AWARDING A CONTRACT TO THE JOSHUA TREE FOR FOOD
CONCESSIONS AT BUBBLING SPRINGS**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on March 17, 2017 at 10:00 a.m. for Food Concessions At Bubbling Springs as per the Bid Specifications; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Director of Community Services and Recreation; and

WHEREAS, the bid received from The Joshua Tree has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Director of Community Services and Recreation has submitted a written recommendation for the award of this contract to The Joshua Tree; and

WHEREAS, the Township of West Milford will receive revenue from the award of a contract to The Joshua Tree for the management and operation of the Bubbling Springs Food Concession in the amount of \$3,025.00

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

1. The Township Council hereby awards a contract to The Joshua Tree, Shawn Leonardo, Owner, 345 Main Street, Apt. 2, Ogdensburg, NJ 07439 for the management and operation of the Bubbling Springs Food Concession as per the Bid Specifications
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with The Joshua Tree in accordance with its bid for said management and operation of the Bubbling Springs Food Concession.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 3, 2017

Agenda No. XII 4

~ Resolution 2017 – 169 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A 2016 RECYCLING TONNAGE
GRANT**

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 12

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

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

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

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

Adopted: May 3, 2017

Agenda No. XII 5

~ Resolution 2017 – 170 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION FOR THE BUBBLING SPRINGS LOWER POND DAM, UNDER THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DAM RESTORATION LOAN PROGRAM.

WHEREAS, based on the *2008 Hazard Classification Study* and *2009 Regular Inspection Report*, the Bubbling Springs Lower Pond Dam does not meet the Spillway Design Storm (SDS), as required by the NJDEP Bureau of Dam Safety and Flood Control; and

WHEREAS, the Bubbling Springs Lower Pond is integral to the recirculation and aeration of the Township's main swimming lake at Bubbling Springs Park; and

WHEREAS, the Township Council has previously authorized a professional services contract for a dam engineer to design and provide construction oversight of the improvements to the Bubbling Springs Lower Pond Dam; and

WHEREAS, the consulting dam engineer has provided a preliminary construction cost estimate of necessary repairs to bring the dam into compliance with NJDEP standards; and

WHEREAS, the Township of West Milford has determined that the Dam Restoration Loan Program is the most cost effective method to provide the funding necessary to rehabilitate the dam.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the submission of a New Jersey Department of Environmental Protection dam restoration loan application under the provisions of the Dam, Lake, Stream, Flood Control, Water Resources and Wastewater Treatment Project Bond Act of 2003 in accordance with N.J.A.C. 7:24A et seq.

Approved: May 3, 2017

Agenda No. XII 6

~ Resolution 2017 - 171 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE SUBMITTAL OF A LOAN APPLICATION TO BE MADE BY FARM CREST LAKE HOMEOWNER'S ASSOCIATION TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN

WHEREAS, Farm Crest Lake Homeowner's Association is a private lake association in West Milford; and

WHEREAS, the dams on this property are in need of repair to comply with state standards governing same; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 12

WHEREAS, the State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan offers loans to private entities to effectuate such dam repairs with the condition that the municipality within which the dam is located co-signs the loan; and

WHEREAS, Farm Crest Lake Lodge wishes to make application to participate in the DEP loan program.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby endorse only the application for a DEP loan to effectuate dam repairs at the Farm Crest Lake Dam in the Township of West Milford; and

BE IT FURTHER RESOLVED that Farm Crest Lake Homeowner's Association shall provide the Township with a complete copy of their loan application.

Adopted: May 3, 2017

Agenda No. XII 7

~ Resolution 2017 – 172 ~

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:

Spring Rec Soccer		
Riley	\$55.00	Jennifer Kapral 16 Alpine Lane West Milford, NJ 07480
Spring Rec Soccer		
James	\$65.00	Kathleen Burghoffer 14 Capstan Road West Milford, NJ 07480

Adopted: May 3, 2017

Agenda No. XII 8

Mr. Semrau proposed a change to resolution 2017-174; whereas Administrator Battaglia is also given the discretion to revise and amend the request for proposals or any other documents needed. He spoke about how the MUA proposed to put their utility and the assets up for sale. They engaged in a number of professionals and worked on the sale process for over a year and a half. With the encouragement from the State of New Jersey, the MUA reached out to the Governing Body, DCA and DEP to have a meeting. The only way to effectuate the sale of the MUA and their assets is for the Township to become the agency to oversee and conduct the sale. The Township is the only entity that could take on the sale of the MUA, and by law the Township has to begin the bidding process. The Township by statute is now in a position where they have to get involved to move forward with the sale process.

~ Resolution 2017 – 174 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO SOLICIT BIDS FOR THE SALE OF THE WEST MILFORD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A §40:62-4

WHEREAS, the West Milford Township Municipal Utilities Authority ("WMTMUA") was organized by the Township Council pursuant to Municipal Utilities Authority Law (N.J.S.A. §40:14B-1 *et seq.*) on February 4, 1964; and

WHEREAS, the WMTMUA has been managed and operated by a Board of Commissioners duly appointed by the Township Council since its inception; and

WHEREAS, since its inception, the WMTMUA has provided water and sewer service to approximately 1700 homes and businesses within the Township of West Milford; and

WHEREAS, the WMTMUA has been solely supported by the rate payers; and

WHEREAS, the WMTMUA is facing insolvency and an inability to meet its obligations in terms of both service delivery and operating expenses; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 12

WHEREAS, over time, the infrastructure of the WMTMUA has deteriorated and is in need of repair; and

WHEREAS, the WMTMUA is unable to continue operations as currently structured and the Township Council has deemed it advisable to sell the system and solicit bids for the sale of same; and

WHEREAS, the property subject to sale consists of all WMTMUA assets, including nine (9) separate water treatment facilities and six (6) wastewater treatment facilities and associated collection systems ("assets"); and

WHEREAS, the sale for adequate consideration of the WMTMUA shall be for all contract rights relating to the water supply, treatment and distributions systems referenced above as assets and to be more specifically described in the bid documents attached hereto as Exhibit A; and

WHEREAS, sale of the WMTMUA must be for an amount sufficient to satisfy any and all outstanding debts currently held by the WMTMUA, including but not limited to fines and penalties; and

WHEREAS, the Township will advertise the RFP for sale of the WMTMUA at least six (6) times, once a week, in one or more newspapers circulating in the Township of West Milford, and at least once, not less than thirty (30) days prior to the date advertised for the receipt of bids, in a newspaper or magazine devoted wholly or partly to municipal matters, pursuant to N.J.S.A. §40:62-4; and

WHEREAS, the advertisements shall expressly include the requirement that each bid submitted shall be accompanied by a certified check in the amount of \$20,000.00, or a sufficiently secured bond of the bidder, to be approved by the governing body, guaranteeing the fulfillment of the contract if the bid is accepted; and

WHEREAS, sale of the WMTMUA shall not be concluded or finalized until the legal voters of the Township of West Milford have authorized same through a referendum on the November 2017 ballot; and

WHEREAS, sale of the WMTMUA shall furthermore not be concluded or finalized until same receives governing body approval and all other statutorily required approvals.

WHEREAS, the Township Administrator is given the discretion to revise and amend the request for proposals or any other documents required.

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 hereby authorize as follows:

- 1) The Township Council of the Township of West Milford, as prescribed by law, is authorized to solicit bids for the sale of the WMTMUA; and
- 2) The Mayor and Township Administrator, along with the Township Attorney, are authorized to undertake all steps required by applicable law to obtain bids from interested and qualified parties for the sale of the WMTMUA's systems in the form of the RFP bid documents which will be on file with the Municipal Clerk and to commence the process to conduct such in accordance with the provisions of N.J.S.A. §40:62-4 and as otherwise prescribed by law.
- 3) That the Township will proceed with this procurement process upon receiving a resolution of endorsement and cooperation from the West Milford Municipal Utilities Authority.

This Resolution shall take effect immediately.

Adopted: May 3, 2017

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. XIII

Consent Agenda

None

Agenda No. XIV

Approval of Expenditures

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: May 3, 2017
 Time of Meeting: 6:30 pm
 Minute Page No: Page 11 of 12

~ Resolution No. 2017 – 173 ~

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	\$58,059.83
3	Reserve Account	7,297.26
2	Grants	20,909.58
6	Refunds	120.00
1	General Ledger	5,699,678.36
26	Refuse	80,446.27
4	Capital	21,641.25
19	Animal Control	417.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	28,366.21
19	COAH	0.00
16	Development Escrow	38.25
19	Tax Sale Trust	0.00
21	Assessment Trust	52,114.89
	Special Reserve	0.00
Total		\$5,969,088.90
Less Refund Resolution		-120.00
Actual Bills List		\$5,968,968.90
Other Payments		
P/R		527,294.29
DCRP		375.86
Treasurer, State of NJ permit fee		100.00
Total Expenditures		\$6,496,739.05

Adopted: May 3, 2017

 Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: None
 Motion carried.

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Councilman Hensley – No report.

Councilman Wagner – The flyers and posters are printed for the Annual Fireworks and they will be circulating. The fireworks are July 1, 2017, with a rain date of July 6, 2017. He thanked the Administration for the additional recreation signage. He noted the recreation camp activities and dates, and thanked all the residents that signed up for Beautification Day.

Councilman McGuinness – No report.

Councilman Signorino – No report.

Councilwoman Lichtenberg – Reminded everyone about the Health Fair at the Recreation Center on May 13, 2017. She attended the 51st West Milford High School Class Reunion and wished Mayor Bieri a Happy Birthday.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 3, 2017
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 12

Councilwoman Erik – Apologized for not attending the meeting last week.

Mayor Bieri – Mentioned that May is Older Americans Month and the Recreation Department is having a free National Pizza Party Day on May 19, 2017 at the Hillcrest Community Center. Seating is limited; for reservations please call Gail at 973-728-2871 or Flo at 973-728-4213.

Administrator Battaglia – Updated the Governing Body on the DPW. DPW is working with two sweepers in Upper Greenwood Lake. Pinecliff Lake will be the next area to be swept. The DPW Director told her the change from brine to salt has reduced the amount of time it takes to do the street sweeping. Councilman Wagner asked about the reach mowers for the weeds, and Administrator Battaglia said she would get that information for him. She asked the Library Director to provide an update on the new library. The Warwick Turnpike bridge project will start on May 15, 2017, and there are concerns because it will affect a lot of West Milford commuters. Chief Storbeck has been proactive and meeting with the staff to understand the needs of the town. She asked Mr. Miller to provide a summary of the plans to try and anticipate all of the various issues that may arise. She updated the Governing Body on the SLAP road clean-up program.

Councilman Signorino suggested a sign and a designated parking spot in front of Town Hall for the Veterans. The Governing Body gave consensus.

Agenda No. XVI

Appointments and Resignations

None

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 10:41:16 p.m.

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

Approved: May 17, 2017

Respectfully submitted:

Sherry Zbrzeski, Clerk Typist

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK