
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
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 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

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

Roll Call

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

Mayor asked for a moment of silence in memory of Frank Lautenberg Senator's demise.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the February 20, 2013 Regular Meeting Minutes, and March 6, 2013 Executive Session Meeting Minutes as presented and with amendment to page 21 of 22 of February 20, 2013 Regular Meeting Minutes:

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

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

June 19, 2013 Regular Meeting July 17, 2013 Workshop & Regular Meeting
August 21, 2013 Workshop & Regular Meeting

Agenda No. IV

Executive Session

None.

Agenda No. V

Presentations

Easement at Finn Property – Mr. Ferriero, the Township Engineer, addressed the Council advising that this is the next step in finalizing the highlands redevelopment approval. There was a waiver application submitted to allow the construction of a library on the Finn property. One of the standard DEP conditions is easements be obtained and he showed a map. The grey areas are impervious and can be developed under highlands. White areas are easement restrictions. He explained the easements. They are not typical nor do they prohibit any uses. There will be language to allow access for maintenance or repair of septic system. The purpose is to disallow construction on the easements. This preserves the Township's rights to develop in all the grey areas even if we have to make further applications to do so. This keeps the door open. Mr. Ferriero explained how the areas were determined and what analysis was required to get DEP approval for a redevelopment waiver. Mayor Bieri noted that the grey represents existing impervious areas plus delineates the potential for more. Mr. Ferriero agreed adding that the typical

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 2 of 12

conservation easement from DEP dictates that you cannot build a structure. You can plant and utilize the easements for other purposes. This process and these approvals allow for an expansion to the septic system for town hall if it becomes necessary. The analysis focused on delineating a large contiguous area that would allow development. It locks in the increased flow for all the properties, the library, town hall and the old library. It will allow us to shift flow from one property to another. He explained the formula to increase the number of persons allowed in town hall. The library allocation is based on visitors to the library while the Township allocation is based on the number of employees. He reviewed the formulas. The Township could potentially add 42 additional employees to town hall and there will be an additional 500 gallons of flow when the Finn house residency restrictions end. As the Township engineer Mr. Ferriero believes this will maximize the potential for the Township property. This changes the flow capacity for the entire property. Council President Signorino said he heard that the ground will not PERC. Mr. Ferriero advised that the PERC tests have been approved by the DEP already. He reviewed the soil tests and the process. It will be a somewhat raised system due to water table. He reiterated that there are no PERC issues at the Finn property and the approvals are already in place. He has not done a PERC test on town hall or the old library properties. If the Township wanted to build in the future on the grey areas the application process would be very fact specific. Mayor Bieri noted that is the same for any application on any property in town. Mr. Ferriero agreed adding that in the future we have a known parameter and a history on file as a result of this process.

Agenda No. VI

Proclamations

None.

Agenda No. VII

Public Comments

Mayor Bieri opened the meeting to the public advising that there is a five minute limit for each speaker.

Doris Aaronson, 19 Bearfort Road, West Milford said there were a lot of dignitaries at Senator Lautenberg's funeral today. She congratulated Mr. Signorino & Ms. Dale on their primary victory. She thanked Mr. Ferriero for his work on the library saying she looks forward to its speedy construction. Every month there is a delay costs increase because the economy is improving. She thanked the library board for their work.

Sandy Gross, 12 Board Road, Hewitt asked that the Township approve changes to zoning regulations to allow more chickens. They are not more intrusive or more risky than rabbits. She said there are municipalities in the USA that allow chickens without permits such as New York, Chicago & Boston. She distributed the information. She relayed her experience having chickens for a while even though she has less than an acre. She reviewed the positive aspects of such ownership. It is \$4 for a dozen eggs at the farmers market. She likes to feed her family healthy foods. This is a rural area and chickens promote that culture.

Elizabeth Scrimgeour, 141 Germantown Road, West Milford said that the objections she has heard about chickens could apply to any animal. People neglect cats & dogs. She has fears when walking about loose dogs. She said benefits of chickens outweigh the risks. They are great at tick control. She has not bought a supermarket egg since she moved to West Milford. She buys from local purveyors.

Eleanor Monahan, 26 High Street, West Milford said she is speaking as a representative of the NJ Bear Rescue Group. They oppose changes to ordinances for farm animals. It will cause problems in neighborhoods. It will be a problem for enforcement officials. Small lots are unfit for raising chickens. Her neighbors are upset at the prospect of this change. There should be a requirement of an acre or more of property. The bear group proposes allowing chickens at a pre-approved location for 4H groups with proper supervision and proper health & zoning provisions in place. The Bear group, she said, is offering to do a presentation on this subject to educate people.

Gary Oppenheimer, 24 Clove Road, West Milford said he has a few chickens on his property. He invited the Council to come to his property to determine if there is any objectionable results of his chicken raising. He said Councilwoman Horton took him up on that offer and he reissued the invitation. Chickens attract bears as do dogs because there is always a risk of losing one animal to preying animals. People should care properly for their animals. He has lost chickens to raccoons. He is inclined to agree roosters are not appropriate because they can be noisy. You get fresh eggs and you feed them your scraps which is very sustainable. He has lost fruit trees & vegetables to bears. A reasonable number of chickens on a small property should be allowed he said.

Rebecca Byrne, Macopin Road, West Milford and a friend, Brendan addressed the Council. Rebecca said she started this process and she thanked Mr. Oppenheimer for his comments. They, the 4H members,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 3 of 12

just want a few pets. Chickens, she said, are not a nuisance. Brendan said he lives off Ridge Road and he spoke about the benefits of owning chickens. His family lives on less than an acre and he would like to be allowed to reap the benefits of owning chickens.

Celeste Hamilton, 1335 Macopin Road, West Milford said she is the leader of the 4H Club. This issue a bigger than chickens. Win, lose or draw she is proud of the civics lesson this has proven to be to her students. She relayed some of the residual positive experiences and contacts made. She reviewed some of their activities and the variety of animals they have encountered. It is becoming almost an act of civil disobedience to raise food. That is not what West Milford is all about. We could be the heroin highway or the caretakers of chickens. This is wholesome healthy activity that teaches sustainable practices. How can that be a criminal activity? She recalled the government's efforts to promote raising chickens during World War II. Children will not be eaten at bus stops because there is a chicken coop in the back yard. She asked the Council to inject reality into the discussion. Regardless of the animal, owners must contain the feed to protect from critters. These kids earned credit for taking this issue to the governing body. Lots of kids want chickens. She said she appreciates all the effort vested in this process.

Judy Sarnicola, 16 Yearling Trail, West Milford said she also represents the bear group. She has listened to prior speakers talking about reality checks. The bear group also feels it is doing the right thing in objecting to this legislation. There is a threefold way to proceed. The bear group wants to educate people about bears. They want to teach people how to coexist with bears. They are opposed to changing the ordinances. She understands comments made about other pets. Other pets have some kind of ability to notify owners of danger. Chickens are sitting prey. Bear will go after feed and then after chickens. Right now there is no oversight of chickens in town. This would be an additional burden on enforcement agents. There will be neighborhood disputes. This will burden police & the State Department of Fish & Wildlife. The bear group proposes a limited compromise to allow the 4H club to have chickens under the parameters outlined by Mrs. Monahan. The Bear Group wants to prevent the killing of bears. She reiterated the conditions by which the 4H group would operate the chicken coops. The goal is to ensure that if a bear kills one of their chickens it will not be labeled a threat. The Bear Group will meet with any group to make presentations about coexisting with bears. They want to come to a compromise. They like chickens but they don't want to see bears killed.

Tim Wagner, Westbrook Road, West Milford said he loves chickens but this discussion has taken too much time. The weeds in town are very high. He asked what the maintenance schedule is for weed whacking. He has not seen any such work being done. There are not enough DPW workers. His group is trying to keep the town clean. The weeds are a hazard. He listed the many hazards of the weeds. This issue has to be addressed. They affect him as both a business owner and a resident. He gave Councilwoman Erik an adopt a spot form. He commended David Stires for all the work he does. He listed some of the upcoming activities at the Queen of Peace carnival this weekend and asked people to show support.

Joe Smolinski, Camelot Drive, West Milford asked Mr. Ferriero if these easements would have any negative effect on the first aid squad building. He said their gallonage was taken away. Mr. Ferriero said nothing was taken away in this process. They are okay as they are now. There is roughly 650 gallons that could be allocated to any of the buildings. Mr. Smolinski said it is a great idea to allow 4H to have a place at the community garden or Wallisch property to raise chickens. He listed the advantages. It would put Wallisch to use and this would be educational and beneficial. Such a group could put any number of animals there. It would enhance the town. He received the Mayors newsletter on the library. He described it as educational, incomplete & questionable. He would like to have an open forum discussion on this issue. It would allow people to ask questions and understand the subject. It would be healthy. He suggested the newsletter be used as an agenda. As a former councilman he questions many of the Mayors comments which he said are incorrect & incomplete but he will not address them now.

Carl Steele, Lakeside Community said he just returned from the Balkans. It is nice to be back and to see democracy in action. He and his wife support the proposed new library. He assumed they would hear the pros & cons tonight. He asked when the matter will be discussed. He read the Mayor's newsletter and had questions. He talked with Councilman Hensley. He is for the library but has a lot of questions. People need to hear from the board about the stumbling blocks. He would hate to see this project stumble due to inaction or not having questions answered. The library in Ringwood is great. He said he appreciates all the work done by the library board. The bond issue is complicated and needs to be spelled out. He hopes everyone will do what is best for West Milford.

Andrew Gargano, 45 Apshawa Crossroad, West Milford said the library board meets on the second Tuesday of every month. They welcome anyone who wants to address the board. They try to answer any questions. They do support a new library. The current library comprises twelve seats for a community of 29,000 residents. The Mayor's newsletter was quite informative. He thinks the Mayor's vision is an

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 4 of 12

excellent idea. The board is trying to improve the facility within their current means. His taxes increased in the revaluation. The library board has had public forum meetings with about 20-30 attendees. He is not faulting people for not coming but the board has been very open. This plan increases the potential for the entire complex. He welcomed everyone to attend their meetings. They are less formal. There are exchanges allowed.

Charlie DeConin, Bald Eagle Village, West Milford is concerned about the library. He supports it. He read the Mayor's newsletter which had facts & figures he never knew. He thought the process would be further along by now. It is disappointing and frustrating. If everyone agrees we need a library why can't the Council discuss how to proceed. The last time he was here Council postponed appointments to the library board. The library has open meetings where anyone can attend. The Council has now appointed a liaison even though the Mayor is involved and regularly reports back. Her input is more than sufficient to move this along.

There being no more comments from the public Councilwoman Erik moved to close the public portion of the meeting.

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

Agenda No. VIII

Council Comments

Councilwoman Erik said that next Thursday night at the Passport Café the library board will be the first guests at a civics club meeting to answer any and all questions about the library. It is not just kids who want chickens. This is not a bear issue for the Bear group. She is sixty years old and has owned chickens all her life. She has never lost one to a bear. The kids spoke well tonight. Having a centralized place sounds great. The problem is transportation to a centralized place. Most parents work and cannot provide that ride. She thanked Mr. Wagner for his adopt a spot form. She explained the concept.

Council President Signorino asked Ms. Gage to get an update on the weeds. He noted that the Greenwood Lake Commission did receive a \$10,000 appropriation in the municipal budget and he said it looks like there are sandbars on the lake. He asked how the weed harvesting is going and if Council would consider asking the commission to use enzymes to treat weeds as the New York side does. Given that lakefront taxes went up so much we should consider being proactive. Using the Wallisch for 4H is something he has discussed many times and suggested an Eagle Scout project to build the coops. Council President Signorino said he has no problem with chickens. We could limit the number allowed on certain lot sizes to allow everyone to have an opportunity. He plans to visit Kinnelon & Ringwood libraries to see their facilities.

Councilwoman Horton said she has and does consistently support the library and agrees we should be further along. Every generation makes a gift to the next generation. The library is a lasting gift to the next generation. She supports allowing chickens. The Bear Group has offered to support education about coexisting with bears. That should be applied to chickens. We should be as sustainable as possible. We should promote that. This minimizes the waste stream too. She will not stand in the way of young people who are exercising their freedoms and seeking to do so. The rest of us have been disappointed enough. Let them realize their dreams when they are young. If they work hard enough & are committed to a cause they can achieve something. She asks for something reasonable that addresses concerns and achieves the goals of the 4H children.

Councilwoman Erk said that having chickens at Wallisch would be a great concept to be realized. She has received an inordinate amount of complaints from residents who object to the ordinance changes so Wallisch would be a great compromise. She thinks a public forum on the library is great and the meeting at the Passport Café next week is a great start.

Councilwoman Hensley echoed Councilwoman Erk's sentiments. The civics club will discuss the library next week. That is very timely and he urged everyone to attend. He read the Mayor's newsletter which was well written. It spelled out a lot of things but left him with questions namely how much will it cost? Those questions need to be addressed. Designs are important. Specifications with costs and analyses are important. He is confident those facts will emerge. If he does not have those facts now he is confident they can be provided to elected officials and the public at large. There is a need for a new library. He thanked Mr. Ferriero for his presentation and is happy to hear there is potential for future growth. He urged people to attend the civics club meeting. If there is a need for a future open forum he would support that. He supports chickens.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 5 of 12

Mr. Semrau said he is hesitant about the potential uses for the Wallisch property suggested here tonight. Environmental issues have been identified at that site. It is safe but may not be suitable for farming or raising animals. There is a meeting with the DEP scheduled in the near future to develop a remediation plan. He recalled that a macro comment was made when a resident said the revaluation was wrong. The weed issues at Greenwood Lake and throughout town are also macro/micro issues. People would be better off delineating specific areas of concern. The DPW complies with State mandates that every catch basin be cleaned out. That is an overwhelming process. The governing body always strives to strike a balance between addressing issues and being fiscally responsible and he commended them of generally achieving that balance. It is best he said to refrain from using a broad brush when speaking about these issues. Only so much can be done with available resources and funds. It is hard to strike a balance. Ms. Gage agreed and invited Mr. Wagner to send an email to point to specific areas of concern. She agreed that achieving balance can be challenging and she questioned the wisdom of increasing the manpower in DPW to address seasonal issues. She noted that this year is exceptionally challenging because the Township is still recovering from a hard winter and the summer facilities preparing to open. The immediate focus is safety and drainage issues. When that work is done the DPW can focus on weeds. Adding a lot more staff to keep weeds at a low level is not within the confines of the budget. She will find out what the weed schedule is going to be. DPW, she said, is working on a number of important issues now. Council President Signorino said there is a tree laying on wires across the road on Union Valley Road. He asked Mr. Semrau what can be done to force these utility companies to address these concerns. Mr. Semrau said the Council can direct him to seek a court order for public safety reasons. A court order may compel action. If there is a list of known areas of concern and Council gives approval, he can file that motion. Council President Signorino made a motion to direct Administrator Gage to provide that list and instructing Mr. Semrau to file the motion.

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

Mayor Bieri said she understands counsel asking us to hold off on Wallisch. For years she has heard many reasons as to why we cannot use Wallisch but it seems unreasonable when that property was once a farm and she sees no reason why it cannot be used for such purposes now. She outlined her vision for walking trails, farming and a petting zoo for residents. She has heard that the Greenwood Lake Bi-State Commission has hired a new employee to operate the harvester. He cut but did not harvest the weeds so that is why they are floating. There is 150 miles of roadways in West Milford with sixteen men in DPW. She listed some of their current functions including street sweeping, road repairs, catch basin cleanouts and a long list of other functions. They have to prioritize. All the work will get done but not in speed lightning time. She thanked people for comments on her newsletter. She did her best to be thorough & accurate in all the details about the library. The questions she addressed were a result of comments she has heard. There may be more questions. She has offered to speak to groups to educate them and address questions. Her newsletter was factual. A former Councilman alleged here tonight that it contained nonfactual information and she welcomes anyone specifically identifying those areas. The new library will come at no additional cost. The Council adopts a budget every year with committees. They have had negotiations for Hillcrest that are not televised or public. Some of the questions raised tonight about costs or furnishings or other things are not within the Council's jurisdiction. How the Board furnishes the library is not for Council input. The Board cannot determine the final cost of construction without knowing if there will be two or three stories. To the best of her knowledge every question has been addressed. Email or call her and she will answer whatever she has not addressed and even expand on the issues she has addressed. She has done her best to provide information and the library board has repeatedly provided data to Council. She has had many favorable comments about the library. She read a line from a long commentary she received.

Mayor Bieri asked to move to ordinance 2013-014 now so that Mr. Ferriero can leave. The Council agreed.

Agenda No. X 2

~ Ordinance No. 2013- 014~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE THE GRANT OF A CONSERVATION RESTRICTION/EASEMENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") provides that in order for the Township of West Milford to construct a septic system for the expansion of a Township

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 6 of 12

facility, it is necessary for the municipality to grant a conservation restriction to the NJDEP with respect to certain Township lands; and

WHEREAS, a map, entitled "Proposed Conservation Restriction Map" for Block 7903, Lots 12, 13, 14, 15 & 16 which identifies those portions of lands owned by the Township that would in fact be subject such conservation restrictions, is on file in the Township Clerk's Office; and

WHEREAS, the Municipal Engineer hereby recommends that it is in the best interest of the Township to grant such conservation restrictions and such action will not inhibit the ability to develop Township lands.

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

1. The Mayor is hereby authorized to execute a Grant of Conservation Restriction/Easement to the New Jersey Department of Environmental Protection for those portions of the lands owned by the Township as outlined on the map entitled "Proposed Conservation Restriction Map" for Block 7903, Lots 12, 13, 14, 15 & 16 which is incorporated herein as part of this Ordinance and is on file in the Township Clerk's Office.
2. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

This Ordinance shall take effect after publication and passage according to law.

Introduced: June 5, 2013

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for June 19, 2013. Notice of this public hearing shall be published in the Herald News on or about June 9, 2013.

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

The Mayor and Council thanked Mr. Ferriero for his attendance tonight.

Agenda No. IX

Discussion Items

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| <p>1. Ordinance – Amend 500-90 Farm Animals – Ms. Gage noted that this discussion was requested to allow chickens on properties of less than one acre. Council President Signorino suggested that limitations be placed using a formula quarter, half and one acre properties. Councilwoman Horton said she would even support no more than four on any property of less than one acre. Mayor Bieri noted that there are no restrictions on non-farm animals. Councilwoman Erik said the pros & cons are in the packet as well as sample ordinances from other communities. She read a proposed ordinance which would allow a maximum number of hens or 4 square foot per bird. She outlined the coop requirements. There are state laws about poultry waste management and there is a provision about poultry food to provide a healthy standard. The Council gave consensus to have an ordinance drafted based on Councilwoman Erik's comments. Councilman Hensley addressed the historic references. He asked if the number of hens should be related to the number of adults in the household. He likes the idea of a breakdown by quarter of acre as Signorino suggested. Mayor Bieri asked the Council to be cognizant of the potential enforcement issues that have been expressed by staff. Councilwoman Erk said our current policy is lenient and she likes the idea of community farms rather than amending our code. Council President Signorino said he likes the proposed language suggested by Councilwoman Erik. He said a prorated mechanism is important and he does not believe enforcement should be the guiding factor. Councilwoman Erik explained the number of chickens she has and the number of eggs they produce. These kids, she said, are not asking for a community garden they are asking for friends in their own backyard.</p> |
| <p>2. Resolution – CDBG Grant 2014, 2015 and 2016 – Council gave consensus to proceed with this resolution later in the meeting.</p> |

Agenda No. X

Action Items

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 7 of 12

Agenda No. X 1

~ Ordinance No. 2013- 012 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING §15-108 OF THE TOWNSHIP CODE TO CHANGE THE NUMBER OF MEMBERS OF THE LIBRARY BOARD OF TRUSTEES FROM SEVEN MEMBERS TO NINE MEMBERS

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

Section §15-108 of the Township code be and is hereby amended to reflect that the composition of the Board of Trustees of the West Milford Township Library shall change so that the number of citizen members on the Board shall increase from five to seven, which members shall be appointed by the Mayor with the advice and consent of the Council.

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

Introduced: April 17, 2013
Adopted: June 5, 2013
Effective Date: June 25, 2013

This ordinance was introduced on April 17, 2013. Public hearing was held on May 22, 2013 and Council tabled action until the workshop meeting of June 5, 2013.

Discussion: Mr. Semrau recalled there was a question at the last meeting as to whether or not the Council could make these appointments. By State statute these are Mayoral appointments but the Council can give advice & consent. He suggests that the ordinance be amended to say, "which members shall be appointed by the Mayor with the advice & consent of the Council". This would apply to all the seats going forward.

Motion to adopt ordinance 2013-012 as amended.

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

Mayor Bieri asked to move all the resolutions as one.

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

Agenda No. X 3

~ Resolution No. 2013- 179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ADOPT THE 3- YEAR COOPERATION AGREEMENT BETWEEN PASSAIC COUNTY AND THE TOWNSHIP OF WEST MILFORD TO PARTICIPATE IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: FISCAL YEARS 2014, 2015 AND 2016

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, provides federal funds to Passaic County to carry out eligible community development activities; and

WHEREAS, the Township of West Milford (hereinafter referred to as the "Municipality") agrees to participate in eligible activities to be carried out under the Passaic County Urban County Entitlement Community Development Block Grant Program; and

WHEREAS, the Mayor of the Township of West Milford is authorized to execute this Cooperation Agreement, and

WHEREAS, Passaic County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 8 of 12

WHEREAS, The County and the Municipality agree to take all actions necessary to assure compliance with the Passaic County Urban County Entitlement Program certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The provision must also include the obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The provision must also include the obligation to comply with other applicable laws. The agreements shall also contain a provision prohibiting urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the county) that can, in turn, provide cause for funding sanctions or other remedial actions by the Department.

WHEREAS, this agreement shall be in effect for the three year program period: Federal Fiscal Years 2014, 2015 and 2016, and remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period) are expended and the funded activities completed, and that the County and Municipality cannot terminate or withdraw from the Cooperation Agreement while it remains in effect. The agreement shall remain in effect until expressly terminated by one of the parties hereto but said termination may only occur at the end of each three year Urban County requalification period.

WHEREAS, the County has the authority to carry out activities which shall be funded from annual Community Development Block Grant funding appropriations: the County has final responsibility for selecting projects, preparing the Five Year Plan as required by HUD and annual Action Plans; and

WHEREAS, by executing this Cooperation Agreement, the Municipality understands the following:

1. It may not apply for grants under the Small Cities or State CDBG Program for appropriations for fiscal years during the period in which it participates in the Passaic County Urban County CDBG Program;
2. This agreement shall remain in effect until the CDBG funds and income received with respect to the three year qualification period are expended and the funded activities completed;
3. The County and the Municipality may not terminate or withdraw from this agreement while this agreement remains in effect as above;
4. The Municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
5. The Municipality has a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of nonviolent civil rights demonstrations within its jurisdiction.
6. The Municipality shall be prohibited from receiving Urban County funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification,
7. The Municipality, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement as described in 24 CFR 570.503, and

WHEREAS, the Municipality shall comply with all applicable laws, ordinances, and codes of the State and Local governments, and shall commit no trespass on any private property in performing any of the work embraced by this Cooperation Agreement, and.

WHEREAS, the Municipality shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, handicap or familiar status. The Municipality shall take affirmative action to ensure that applicant for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap or familiar status. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Municipality shall post in conspicuous places, available to employee and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Municipality shall incorporate the foregoing requirements of this paragraph (a) in all its contractors for such work to incorporate such requirements in all of its contractors for such requirements in all subcontractors for program work, and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 9 of 12

WHEREAS, the Municipality is subject to the requirements of Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. (P.L. 88-352) and HUD regulations with respect thereto including the regulations under 24 CFR Part I. In the sale, or lease, or other transfer of land acquired, cleared, or improved with the assistance provided under this Agreement, the Municipality shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex, or national origin in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected thereon, and providing that the sub grantee and the United States are beneficiaries of and entitled to enforce such covenant. The Municipality in undertaking its obligation in carrying out the program assisted hereunder agrees to take such measures as are necessary to enforce such covenant and shall not itself so discriminate and

WHEREAS, the aforesaid activities are in the best interest of the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford that the Mayor is authorized to execute the Cooperation Agreement with the County of Passaic to participate in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2014, 2015 and 2016; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its enactment, as provided by law.

Adopted: June 5, 2013

Agenda No. XI 4

~ Resolution No. 2013- 180 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUE AND APPROPRIATION.

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2013 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2013 in the sum of \$64,582.12 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:
State of New Jersey Clean Communities Grant \$64,582.12

BE IT FURTHER RESOLVED that a like sum of \$64,582.12 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
Clean Communities Grant \$64,582.12

BE IT FURTHER RESOLVED, that the Township Clerk shall forward two copies of this resolution to the Director of Local Government Services.

Adopted: June 5, 2013

Agenda No. XI 5

~ Resolution No. 2013- 181 ~

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

WHEREAS, an appeal of the 2010 and 2012 real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: June 5, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 10 of 12

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Moe's Plaza LLC	2802	1	355 Warwick Turnpike
Spinelli, Virginia	4901	13	56 Kitchell Lake Drive
Village Holdings, LLC	15505	2.01	2887 Route 23
Village Holdings, LLC	15505	2.02	2891 Route 23
P & J Co.	13604	2	1865 Route 23

; and

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

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

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

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
Moe's Plaza LLC	2010	\$ 378,700.	\$322,900.
Spinelli, Virginia	2012	\$ 409,400.	\$398,100.
Village Holdings, LLC	2010	\$ 140,600.	\$ 60,000.
Village Holdings, LLC	2011	\$ 140,600.	\$ 60,000.
Village Holdings, LLC	2010	\$ 298,000.	\$215,000.
Village Holdings, LLC	2011	\$ 298,000.	\$215,000.
P & J Co.	2010	\$1,024,700.	\$777,000.
P & J Co.	2011	\$1,024,700.	\$777,000.

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.
4. This Resolution shall take effect immediately.

Adopted: June 5, 2013

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2013- 182 ~
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	\$429,095.21
3	Reserve Account	1,315.00
2	Grants	99,489.92
6	Refunds	0.00
1	General Ledger	0.00
26	Refuse	101,898.55
4	Capital	0.00
19	Animal Control	644.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	0.00
19	COAH	0.00
16	Development Escrow	18,057.26
20	Special Reserve	0.00
21	Assessment Trust	0.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: June 5, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 11 of 12

	Total	\$650,499.94
Less Refund Resolution		0.00
Actual Bill List		\$650,499.94
Other Payments		
Check. # 51366 N. Monello		3,219.40
Check. # 51367 Blini Restaurant		336.70
	Total Expenditures	\$654,056.04

Adopted: June 5, 2013

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

Agenda No. XII

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

Council President Signorino said he is impressed every year with Relay for Life and the number of people who come out for such a good cause. It is amazing. He congratulated Fire Company #5 saying it was a great event on Saturday for the new tanker.

Councilwoman Erik said that at the corner of 511 & Lincoln Avenue there are weeds looking towards Falls Place. She said the beautification & recycling committee wants to establish an independent roadside cleanup crew. She asked people to report specific areas of concern. She thanked the MUA for responding in a very timely fashion to a complaint she relayed on behalf of a resident. The civics club is a non-political group started by her and Marilyn Lichtenberg. Next Thursday is its first meeting which will be primarily dedicated to discussion about the library. However the civics club will listen to any concerns from residents on any subject.

Councilman Hensley thanked everyone who participated in the election yesterday. He said he is concerned about weeds also, especially this year.

Council President Signorino announced the tennis tournament for the museum which will be held on June 22 & 23. He listed and thanked the sponsors.

Mayor Bieri complemented all those who ran the multiple events this past weekend including Relay for Life and the wet-down at Company 5. She was dunked 84 times at Relay for Live and it was fun. On a more serious note, she commended the new MUA commissioners for their work but noted that the Township did receive another notice about discharge at Bald Eagle Village. From the audience Commissioner Ofshinsky said the MUA is working corrective measures.

Administrator Gage provided an update on construction projects. The plaque for the clock is the remaining item for the streetscape. Traditionally the plaque reflects who provided the funding. We are putting one up for the county. If we want another for the town we would pay for it. Generally it is just the names of the sitting governing body. Council President Signorino said he is fine with that but Mayor Bieri said that rather than names that will be long forgotten, perhaps the Township logo and the year West Milford was established would be more appropriate. Ms. Gage said she will find out the cost. Ms. Gage advised that staff cannot apply for the COPS grant because it requires hiring new officers not funded in the budget. The fuel security system will begin installation tomorrow. The street sweeping schedule is moving along and she provided details. The new sweeper is out to bid and she hopes there will be a recommendation to award a contract at the next meeting.

Clerk Battaglia advised the Governing Body that the Governor has called for two special elections, a primary in August and a general election in October to fill the seat vacated as a result of the passing of Senator Lautenberg. Discussion ensued about the related costs. Ms. Battaglia advised that the Governor has said costs will be reimbursed but specifics are not available at this time.

Mr. Semrau advised that there is a consultant working with the DEP about the environmental issues at Wallisch. Last year, he recalled, the holidays became fraught with the issue of displays. He asked if the governing body wants to appoint a committee to streamline this process, establish guidelines, set a timetable and report back. Councilwomen Erik and Erk volunteered to serve.

Councilwoman Horton asked Mr. Semrau about MUA issues she had broached with him. Mr. Semrau said he is working on research and will give an opinion to the governing body before advising the MUA.

