
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: June 6, 2012
Time of Meeting: 6:30 P.M.
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The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issues of January 1, 2012 with an update of the change in time advertised June 3, 2012 copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Agenda No. I

Roll Call

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia,
Edward Rosone, Luciano Signorino, Carlla Horton, Mayor Bettina Bieri.
Absent: Township Administrator Nancy Gage.
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Mayor noted that Nancy Gage, Township Administrator was not present and congratulated her on her son's award.

Agenda No. II

Minutes

None.

Agenda No. III

Meetings

June 27, 2012 Regular Meeting July 11, 2012 Workshop Meeting
July 18, 2012 Regular Meeting

Agenda No. IV

Discussion Items

~ Resolution No. 2012- 197 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 6th day of June, 2012 that:

1. Prior to the conclusion of this Workshop Meeting, the Township Council 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.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Costello v. West Milford

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- () 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: June 6, 2012

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

The Council went into executive session at 6:40 p.m.
The Council reconvened in public at 7:44 p.m. with all present as before.

Agenda No. V

Presentations

Liquor License 1615-33-001-0008 – Person to Person Transfer Public Hearing – Honky’s Oak Ridge to West Orange Liquors - Mayor Bieri directed the Council to the Clerk’s memo about this transfer.

There being no questions from Council and no one from the public wishing to be heard, the Council closed the public portion of the meeting.

~ Resolution No. 2012- 209 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-001-008 HONKY’S OAK RIDGE PUB & LIQUORS LLC TO WEST ORANGE LIQUORS LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application for the person to person transfer of Plenary Retail Consumption License 1615-33-001-008 Honky’s Oak Ridge Pub & Liquors LLC to West Orange Liquors LLC for premises at the same location has been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Mayor and Township Council have determined as follows:

- 1. The submitted application is complete in all respects.
- 2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).

WHEREAS, the Police Department has recommended that the license be transferred with all current conditions if applicable.

WHEREAS, the Health Department has recommended that the license be transferred with the following conditions:

- 1. The entire basement area is prohibited from the storage of any food, beverage, dry goods or other food related items due to chronic flooding conditions that have not been fully abated.
- 2. A Retail Food Establishment application and fee must be submitted to the Health Department for approval, and compliance with the New Jersey State Sanitary Code Chapter 24, Section 6.7 et sec. must be completed to Health Department satisfaction in a timely manner.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is authorized to endorse the transfer and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

Adopted: June 6, 2012

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

Presentations

Revaluation Brian Townsend, Tax Assessor addressed the Council. Mr. Townsend highlighted his presentation with a Power Point presentation focusing on sales activity over the past six months. The sales are truly the means used to determine whether or not the revaluation has been successful, he said. He went through each slide providing commentary and explanations of the revaluation process and the related data used to verify the accuracy of the revaluation numbers. He stated that the data indicates that the revaluation has valued properties within 95 to 97% of the actual sales and/or market value. Based on this analysis, the revaluation, he said, has resulted in uniformity and was correctly executed by ASI. He closed his presentation with a pie chart that indicated that 38% of the properties saw a tax increase as a result of the revaluation, 24% saw their taxes remain level and 46% saw a decrease.

Agenda No. X

Public Comments

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

John Orłowski, 603 Lakeshore Drive, West Milford stated that he understands how the numbers work and appreciates that his value has risen. The trouble is, he said, there is no way to accommodate for such a large increase in such a short period of time. When taxes jump from \$6,500 to \$8,500 sales will be affected. He wants to know proportionally how many lakefront properties increased or decreased.

Mike Cyrułik, 3 Laramie Trail, West Milford asked if lakefront properties have been targeted in the revaluation. He asked if people should aspire to bettering themselves. This, he said, is discriminatory.

Dwight Faulkner, 55 Bearfort Road, Pinecliff Lake, West Milford said that he is not a statistician. Everything here appears to be based on averages. Looking at Pinecliff there are lakefront designations and non-lakefront designations. When looking at this process, specifically for Pinecliff Lake, the lakefront properties increased about 3 times their prior value while the non-lakefront properties on the average doubled. He does not understand why lakefront would triple and non-lakefront would double. Lakefront properties have always been assessed higher. There are 11,700 properties in West Milford and there were 51 sales used as comparables. That does not seem like a good number to use to determine if the revaluation was done right. West Milford is experiencing a dead real estate market right now because people want out. Six lakefront houses have been sold. The information used by Mr. Townsend, he said, is not statistically enough.

John Monteleone, Lakeshore Drive, West Milford stated that the Tax Assessor appears to have used six lakefront sales as the denomination. He said that he is aware of five lakefront houses that sold at below \$500,000 that were not used as comparables. He said that, in his opinion, short sales are now the significant number of the market and they were not used. He thinks that all the sales of lakefront houses should be used in this process. To value a property for more than it sold is not proper.

Edwin Black, 47 Lake Park Terrace, West Milford stated that he uses his home on weekends and vacation. He owns a house in Allendale worth more than his West Milford home yet these taxes will be more than the Allendale house. Allendale has sewers, water and amenities as well as a good school system. His home is in an excellent location. That adds value to his Allendale home. He questioned what other considerations were given to lakefront properties in the revaluation other than being on a lake. That process is subjective and he would like to know what other criteria were used.

Michael Kindergan, 12 Seabright Court, West Milford stated that there are flaws in the statistical analysis. In his opinion, fifty-one is not a proper number and six is not a good number when used for comparables. Not all lakes are equal. To say that every lakefront property is equal is wrong. That makes the analysis flawed. We have to do an analysis of lakefront property. How much of total increase came from lakefront properties? 88% of houses are not lakefront and he questioned how much of the increase came from the 12% of lakefront homes. That type of analysis, he said, would give fairer picture. The issue is about the differential of assessment for lakefront properties.

Mr. Semrau noted that a number of people have spoken about the number of sales relied upon in the revaluation. Those are sales that came in after the values were set this year. This was not the information

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used to determine value. This is data that came in after last time these people came here. These are the numbers being used to test the accuracy of the revaluation.

Janet Colleta stated that she is a part time resident of Upper Greenwood Lake. She said that she would love to see only a 2% increase in her property taxes but they have gone up 83% without annual increases. Houses on the other side of the peninsula are not considered lakefront even though both sides are peninsulas. She said that it hurts to see taxes going down when yours are doubling. She gave an example of how the lakefront status is determined. A narrow road separating a property from a lake would make that property not lakefront despite the fact that those houses have no impediment to the lake views and amenities. In real estate listings they are listed as lakefront. She said that we need tiers and the tax burden needs to be more equitable. Lakefront owners are being punished for the negligence of West Milford to perform a revaluation for decades. Where are the people to get this money? She said that she hopes the Council sees the big picture because individual appeals will not work.

Allen Parsons, Lake Park Terrace, West Milford stated that he went to the ASI meeting where he was told that because he lives on Greenwood Lake he is automatically being charged \$250 on his assessment. He asked if this is being charged to every lake.

Terry Zielinski, 120 Kitchell Lake Drive, West Milford stated that his taxes are going up \$1,700. Last time this group was here they said everything that is being said tonight. At the last meeting the Mayor recused and yet talked to Mr. Semrau during the public comments. Mr. Semrau told residents that their only recourse was to file appeals. This is a complicated process so he hired Bob Moshman to be his attorney and the appeals are just starting. In the meantime, the municipal budget is being decided. That will mean another increase. His attorney sent him a letter he received from Mr. Semrau threatening that if residents do not withdraw their appeals they may see another increase. He read the letter. He asked if Mr. Semrau is threatening him noting that he pays the attorney's salary.

Ginger Spinelli, 56 Kitchell Lake Drive, West Milford stated that she is a lakefront owner. She has had to pay assessments for dam repairs on the lake and she asked if the town is going to take over the cost of these repairs. If you are going to rape lakefront owners, she said, then you should take care of the lake. If you are saying that lakefront ownership adds all this value to her home and increase taxes at this rate, accept the liability that comes with taxing the lakefront and pay for the dam.

Joseph Monteverde, 3 Capstan Road, West Milford came here in 2003 when his taxes were at \$10,000. They will go up to \$18,000. He asked if that was taken into consideration when valuing his house. Selling his house will become more difficult and this revaluation will have lasting effects on one's ability to sell lakefront property. He will appeal his taxes every year.

Tom Halloran, 297 Lakeshore Drive, West Milford said that he recently had surgery so could not attend his ASI meeting. However, he did speak with Brian Townsend. He has been paying taxes since 1976 and they are now \$10,000 with an increase of \$3,000 this year. Upper Greenwood Lake has septic & wells and only gets garbage collection from the Township. He went to the tax office and spoke with the staff because he equates the \$3,000 to an eviction notice. He asked if the current housing market decline was considered in this process noting that one cannot sell houses in this dead market. He asked how much the ASI contract cost and relayed his experience with the ASI person who came to his house. He have a brief overview of his family history adding that \$3,000 is too much of an increase.

Sharon DiFranco, Upper Greenwood Lake owns a part time home and resides full time in Wayne, New Jersey. She described her property advising that soon her West Milford property taxes will be comparable to her house in Wayne. It was assessed at \$25,000 previously, and now is being valued at \$198,000. The property, she said, is solid rock and one cannot even build on the land. Her taxes are going up several thousand dollars and becoming comparable to her Wayne house. Lakefront owners are getting hit very hard.

Rob Ferrarie, 277 High Crest Drive, West Milford stated that he is wondering if property is being assessed at 100% or 80% based on what the attorney said at a prior meeting. He has a great house. Council needs to hold taxes down and not keep raising them.

David Bell, Forest Lake Drive, Hewitt said that he has listened to everyone complaining about their assessment. He doesn't care at what he is assessed at. He is concerned about what he is paying in taxes. There are twelve resolutions on the agenda tonight. Not one has to do with a decrease in spending. Taxes have doubled in nine years and now some are increasing 30%. All he gets is garbage pickup and a police car once a month on his street. He asked what the Council is actively doing to decrease taxes. Residents are getting organized and will effectuate change at the elections. People must understand the power of the vote.

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Isabella Michaels, 526 Warwick Turnpike, West Milford stated that she has lived here since 1992. Back then her taxes were \$4,000; this year they will be \$12,000. She is now retired and is on a fixed income. How can taxes be raised so much? She does not have children in the school. Her friends have left New Jersey because it is too expensive and West Milford is higher than most. She described her property saying that she improved her home and is now being penalized for that. She is being penalized for living on a lake. She asked the Council to please do something about this.

Bob Nicholson, 20 Hyde Road, Stockholm thanked the Democratic Club for inviting the EDC to do a presentation at one of their recent meetings. It was informative. Councilman Ramaglia, he said, has been working hard too. On the website there is a seminar on June 11th for people who want to know about Green Streets. The State of New Jersey has passed a comprehensive resolution promoting a green philosophy. PCIA is also having a seminar on green building. He is hoping that we move forward with the new library. In 1976 he and his wife moved here. Taxes were an issue then even though they were under \$800. There was a revaluation the next year and taxes went up to \$2,700. The Highlands Act has made no more land available in this town which has created issues of supply and demand. We should be in Trenton demanding fair funding from the State. We should direct our energies to Trenton. We cannot cut services any further. There is no other place to cut. We should push for Trenton to pay their fair share.

Charles Galanaugh, 181 Highcrest Drive, West Milford said that he is happily retired. He is still somewhat confused regardless of the research he has done but commended Mr. Townsend on his recent presentation. Mr. Townsend has been very cooperative with residents and told him that the assessment company goes by actual value. His property card is based on numbers that are subjectively applied. It seems that the values are different for various lakes. It is not fair to say that the people who did this assessment did so in relation to the value of the house in a private market. He now must become involved in the appeal process and he needs comparables. They are hard to get. He was told it would be good to have an appraisal by an appraiser and to review recent sales. He is suggesting that there be better communication because there is a lot of confusion. If an assessment is being made based on market value why not have appraisers conduct the process as an appraiser would for a private sale. Many people will be hurt by these increases and there must be a way to accommodate this. He recommends that this Council figure out a way to influence the process of communication. He does not know about the impending threat against those who will avail of the appeal process. He should not have had to retain legal counsel. Communication would have been helpful.

Joan Dondorf, 45 Lake Park Terrace, West Milford said that she has read and heard that lakefront owners have not been paying their fair share over the years. Taxes have increased every year. She bought in the mid 1980s with taxes of \$3,000. Now her taxes are going to \$13,000. They paid off their mortgage and continue working in their seventies. She and her husband were hoping to retire but now their tax bill exceeds their mortgage payment.

Doris Aaronson, 19 Bearfort Road, West Milford said she made a presentation at the Environmental Commission yesterday about the Stanford property. The Passaic River Coalition recently bought it with mostly Green Acres funds making it available to the public. She is part of Skylands Clean and is partnering with the Passaic River Coalition and Trail Conference to seek a grant to upgrade a farm road to be a hiking trail. She described the project and the parties involved. This will connect West Milford to the Appalachian Trail network. She is hoping the grant application will be successful and the project completed in one year. This will be a recreational and educational facility in West Milford. She elaborated on the educational elements.

Renee Alessio, 39 Hillcrest Drive, Hewitt does not live on a lake. Her taxes increased due to the revaluation even though she has no lake view. In West Milford we value fresh pine trees and clean air. We also leave our cars idling when we run errands. She supports the anti-idling resolution on the agenda tonight. There is an environmental and health cost to idling vehicles. New Jersey is subject to pollution from other states. We cannot control that but we can control car idling. The proposed resolution is really about education. It is not intended to be an enforcement issue. Knowledge is powerful. She distributed literature to the Council. She is hoping Council favorably considers this resolution which will give us credit for sustainable certification.

Kathleen Simmons 385 High Crest Drive, West Milford said that she and her husband are retired. They cannot sell their house for close to what they paid nine years ago. If they stay here they will lose all the years of sacrifice. Retired people cannot afford this.

Joseph Maculoso, 195 High Crest Drive, West Milford has been at Highcrest for eleven years during which time his taxes have doubled. He loves where he lives. He does not understand why lakefronts are

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getting hit so hard. He and his wife both work hard. Lakefront property owners are seeing increases while others are getting decreases. In his community he does not own the first few feet between the lake and his property. He works two jobs as does his wife. It is hard to pay \$12,000 in taxes on top of a mortgage.

Darlene Kane, 149 High Crest Drive, West Milford has been here since 1985 when she paid \$3,500 in taxes. She made some home improvements with permits and always had tax increases. She paid \$14,000 last year. Her tax bill has now gone up another \$4,000 and she will now pay \$18,000. ASI appraised her home at \$585,000. She met with ASI and they came back out to her house. The process for determining her footage is flawed. She works daily with High Crest to keep membership up, keep the lake in good shape, and keep dams repaired. It is tough being a volunteer of a lake organizations.

Mike Simmons, 385 High Crest Drive, West Milford asked for an explanation of the method ASI used in determining property values. He described his property assessed at \$285,000.

Barbara Prospero, 40 Kitchell Lake Drive, West Milford has been here for 48 years without ever remodeling her home. Some windows were updated. Her taxes have gone up hugely. She hopes Mr. Moshman can handle her appeal and she did not appreciate Mr. Semrau's letter trying to intimidate her to withdraw her appeal. This is a democratic country.

Bob Moskin, 211 Point Breeze Drive, Upper Greenwood Lake stated that he is here to talk about dignity and respect. That is not what is going on outside this room. He had a tax appeal last week. He felt like he was in a criminal trial. Council may not understand this. Prior to going to his appeal hearing Mr. Moshman provided him with a copy of the Semrau threat letter. He threatened that if you dare to file your appeal you will see taxes increase. Moshman has gotten many disturbing calls from the Township containing threats and accusations. It sounds like this is coming from the Council. The question is what is driving this? This is the first time people have risen up against taxes in this town. At the hearing the Town had an attorney, ASI and Brian Townsend. He met with Mr. Townsend in March to ask what they had to do in the appeal process. He gave them the information with rules and regulations. That information said that you could present comparables between a certain time frame. ASI presented three comparable properties from early 2010. They made an adjustment to the court. ASI testified about his rental property. They took a 4,500 square foot house to compare to his 600-foot property. The 4,500 house was sold in 2011. That house has two offices. The Township's and ASI information said that the comparable house was 2,500 square feet. He spoke with the builder who signed a sworn statement saying the house is really 4,500 square feet. The land values are based on lakefront values. The land value is the problem. ASI was out of line in the appeal process. He relayed specifics about the ASI testimony. His attorney was cut off and spoken to with disrespect. Council is acting properly. Outside this venue there is a different approach. He wants to speak with each Council member about civility and how paid Township employees should be acting with residents. People are very upset. This is disgraceful.

Mike Hensley, 240 Maple Road, West Milford noted that a lot has been said tonight. He is here to thank voters for voting yesterday. They participated in our democracy. Some lady asked him to put fliers on the table and he did so. One is just a letter about tonight's meeting. He has heard resident's concerns. He was surprised by Mr. Semrau's letter and took it as a threat. Mr. Semrau may have been providing factual information but the tone was not needed. He asked if there has been input from local restaurant owners about their increases. He asked if the Township will see a mass exodus of lakefront residents and business owners. He is concerned about the anti-idling resolution. He trusts in the common sense of the people. With gas prices and current economic conditions they are likely being cautious. This is somewhat like prohibition. He does not see idling as an issue in West Milford and does not support this resolution.

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

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

Agenda No. VI

Council Comments

Mayor Bieri invited Brian Townsend to come forward. Mr. Townsend stated that his office is open and he will meet with anyone who wishes to make an appointment. He cannot always guarantee that everyone will agree. Assessments are a process of opinion. Everyone has the right to file an appeal which is the mechanism that affords the ultimate say. Most comments made here tonight were not about value. He

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sympathizes with those who are seeing tax increases and knows that many issues that crop up are understandable. The crux of the issue is the value of the properties, not the taxes. He said that he will be general in his answers.

Mr. Townsend stressed that lakefront properties were not targeted in this revaluation. When ASI evaluated homes the goal was to determine the value of the property. They, like him, have no control over the resulting taxes of those actions. If a property is worth \$300,000 the taxes will be what they are based on that value. The only thing they have control over is the value. Designations are determined and delineated by neighborhoods. It is true that one cannot compare one lake to another. Each lake and each neighborhood has its own land value calculation. That is a result of a review of sales, amenities, and any negative component. No neighborhood was targeted. He and ASI are solely looking to value properties based on the analysis. Greenwood Lake has a different land value than Shady Lake and so on. So the base land value is different. There was no discrimination. West Milford's ratable base is affected by lack of commercial and industrial properties. The statistical analysis based on sales was questioned. He would love to have more sales and he noted that the process mandates that he must utilize sales that are real. The analysis leading up to the valuation included sales in 2010 and 2011. There were 13 sales in 2011. The ratio came in at 93%. There were 21 sales in 2010. The ratio then was 82.11%. The database from which the values were derived for the entire town utilized as much available data as possible. He discussed value control sector noting that those differed from lake to lake. This is a fluid process. Sales will consistently be analyzed. Maintenance of the revaluation will continue throughout the coming years.

Mr. Townsend explained that the basis in New Jersey for taxation is market value. Improvements may result in increased taxes if the market value increases. This is governed by state statute. That can be debated but those are the confines. The revaluation firm does not create values. Location is definitely a factor. If your location diminishes your value it is reflected. If your location enhances your value that will also be reflected. The revaluation firm uses the discipline of mass appraisal as opposed to a fee appraisal which is used for individual appraisals. These are different disciplines and the use of the disciplines is dictated by statute.

Mr. Townsend reiterated that, in this venue, he cannot speak about specific blocks and lots. The question of taxes in an appeal process is not the issue. Value is the issue. He welcomes people to come into his office to speak with him or his staff. He takes pride in his work and how he treats residents. He and residents may not always agree but residents will leave his office with a better understanding. He advised that appeals this year are dominated by lakefront properties. There are 460 lakefront vs. 319 from properties that are not lakefront. That is not unusual nor is it unexpected.

Councilman Smolinski asked about the assessment over the asking price. Mr. Townsend stated that the underlying data must be accurate. Analyzing the sales and listings is next. Only usable sales are allowed. There is a difference between market value and market price and there are always anomalies. Those involved have to be consistent and uniform with the process.

Mr. Townsend reviewed the communications that took place from the onset of the revaluation process. He advised that introductory letters were sent out at the onset of the program. ASI also maintains a significant website containing substantial information. That site contains information about the process as does the brochure sent out. When valuations were sent out there were meetings at Hillcrest. His office is also available to answer questions. He and his staff do their best to communicate. Of the 11,000 properties in West Milford that were revalued in this process 800 appeals were filed. An appeal technically creates and adversarial relationship. However, the process creates an arbitration to resolve differences of opinion.

Mr. Semrau stated that, during the tax appeal process, if someone wants to introduce a comparable appeal the board will determine if it is allowed. Sometimes there are appeals that the assessor recommends be settled. The issue is about market value; it is not about taxes or comparing other assessments. The focus is on the individual value. Individual property owners make a case using comparable sales information that the assessor can look at and make a determination. Testifying that a realtor told you something is considered hearsay. At a recent hearing a particular petitioner stated that he had information from a realtor about the measurement of another house. Mr. Semrau rebutted by having ASI explain how measurements are taken in a revaluation process. It is important that there are clear presentations. Some appeals were very well presented but sometimes people try to inject unrelated testimony that is obstructive. The commissioner ultimately allows or rejects such testimony. Hearsay, third-party conversations and unrelated data are not accepted.

Mr. Semrau stated that the tax appeal process is not limited to a revaluation, if market values change there is an ability to appeal. Nobody feels good about tax increases but home values are driven by what the market says the values are. The revaluation process compels an obligation to the entire Township and the law says market values have to be applied to properties. If there are subsequent changes in

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neighborhoods there are mechanisms to adjust the values accordingly. It is called chapter 101. When you have a home with land, the only number that matters is the total value, the total assessment. The courts have said that you must use the total number which dictates the market value. The 51 sales used to confirm the data are limited to 2012 and Mr. Townsend's Power Point presentation was limited to lakefront properties. When using data for the entire Township, there are 148 sales from 2011 and 212 sales from 2012 currently being used as comparables. They were included in the ASI analysis. An appraiser needs three sales to determine market value under the law. The fifty-one sales being widely referenced are post assessment and used to see the accuracy of the revaluation. Mr. Townsend concurred with those statements adding that the revaluation company closed the process in October 2011. Mr. Semrau noted that it is important that there is a distinction.

Mr. Semrau recalled that at the last Council meeting comments were made about the integrity of the process. The numbers are supportive and convincing of the accuracy of the process. Overall the data indicates that the revaluation resulted in properties being assessed within in 95% of accuracy which attests to the integrity of the process. Regardless, certain individuals may have a case for appeal but overall the data supports equitability and fairness. Short sales, sales to family members, or distressed sales will not be included as comparables. Hearings provide an opportunity to present good testimony. If testimony presented is not good Township officials are obligated under the law to defend the values. He did send a letter to Mr. Moshman in response to correspondence he received which contained a number of questions about the tax appeal process. That full scope of the back & forth communications was not disclosed to his clients by Mr. Moshman. Rather, he provided them with the letter he received from Mr. Semrau's office as a stand-alone document which conveyed the content out of context. The purpose of the letter he sent was to clarify that if a case is presented the expectations must be realistic and increases are possible. No one is precluded from filing an appeal. People who file appeals are given the opportunity to withdraw after seeing the Township's evidence. If an appellant wishes to withdraw the appeal they must do so at least ten days before the scheduled hearing date.

Mr. Semrau noted that there was a question about his comment about values being calculated at 80%. At the last meeting a resident spoke about a specific sale and Mr. Semrau had the sales information specific to that property. That sale was in the area of 80%. There are some sales from the end of 2010 that would show that there are some differentials between assessments and sales. Properties were valued at 100%. Mayor Bieri recalled that there were two instances that night where the value was 80% based on actual sales of the properties in question. If those two people chose to file appeals they may lose because they actually purchased the properties for less than the assessed values. Mr. Semrau reiterated that the letter he sent was in response to a letter he received from Mr. Moshman and he was seeking to provide answers to those queries. This is a very hard process and ASI, the Tax Assessor and he are tied to the task of defending the revaluation. They seek to present accurate information before the tax board based on fact rather than emotion. He said that he would request that ASI identify the person who visited Mr. Halloran's property.

Mayor Bieri stated that no one here is seeking any result other than a fair process. If you have evidence that proves the valuation is wrong there is no animosity. Likewise if the valuation is right the Township must defend the appeals. Mr. Semrau noted that there are 11,000 line items with 700 appeals and he commended the Tax Assessor, the staff in that department and ASI.

Council President Signorino stated that he knows that Mr. Semrau behaves professionally and he said that all Township officials must keep in mind that we must act in a helpful manner with residents. We should behave with respect and decorum at all times. The letter did appear strong. He met with a business owner who saw an increase from \$18,000 to \$38,000. He asked Mr. Semrau if these increases can be phased in. He supports fairness but if we have gone 22 years without a revaluation, a phase-in process may be fair. Mr. Semrau concurred that it has been a long time since last revaluation. In the intervening years there was a real estate market that was doing very well and there were some very costly appeals being filed. The governing body asked for a revaluation and fair market value and sales are the driving force. Areas that are designated as "areas in need of redevelopment" could have taxes abated for three years and the abatement would be funded by the rest of the tax base. That provision in the tax law was enacted to address inequities in Camden and Trenton and may not be the best avenue in West Milford. The legislation allows for the phase in to be funded through the municipality's tax base. It could create additional issues from other areas in the Township and any area to be designated must meet the criteria for a blighted zone. The governing body can seek to have the Tax Assessor monitor specific neighborhoods and sales. If, in the future there are significant changes Mr. Townsend can seek to change the values through the tax board. The data does not appear support this in 2012. Mr. Townsend agreed adding that maintenance and Chapter 101 allows assessors go into neighborhoods and determine if there have been changes. That is an administrative remedy. A plan must be submitted to the tax board. He recalled that his office tried doing that a couple of years ago for Bald Eagle Commons and were denied. Now the entire town has been brought up to market value. So, with the playing field leveled, if his office

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sees a depression in a neighborhood that mechanism is there. Mr. Townsend expressed confidence that everything resulting in this revaluation is within the appropriate parameters. Council President Signorino stated that he does not support privilege to one neighborhood over another. Mr. Semrau stated that the tax assessor has the autonomy under the law to make those changes. If the data changes he may take that position at some point in the future. However, broad comments about the integrity of the process are not productive. Individual appeals must be addressed fairly. There are limited ways to change values and Mr. Townsend has indicated an aptitude to do that. Councilwoman Horton agreed with Mr. Bell about looking at the big picture and she agrees that it is appropriate to question what the Council is doing to decrease taxes. She has met with the administrator to discuss costs, benefit costs, open positions and many other expenses. She has a high regard for each public employee and has found them all to be responsive and pleasant. Nonetheless she will still look at costs. She is not mad at anybody who files an appeal. She hopes that the value placed on properties are fair. It is up to elected officials to try to make every taxpayer dollar a value to the taxpayers.

Mayor Bieri stated that she appreciates Mr. Townsend and his staff and commended their efforts. She thanked residents for their patience and wished them well. She echoed Council President Signorino's comments that Mr. Semrau is always professional.

The Council took a five-minute recess at 10:35 p.m.

Agenda No. VII

Discussion Items

1)	Ordinance: Amending and supplementing Chapter 470, "Subdivision of Land and Site Plan Review," Section 470-15.1, "Water Supply and Water Quality Requirements," Paragraph D, "Aquifer Test and Hydro geologic Evaluation" – the Council gave consensus to proceed to introduction at the next meeting.
2)	Resolution: Encouraging motor vehicle operators to turn off their engines if they plan to remain at a given location for more than 30 seconds (Anti-Idling) - Councilwoman Erik said that a car was idling in the parking lot tonight for hours. Councilwoman Horton stated that she was happy to get information about this but she does not want a law that requires police enforcement. Education is okay but enforcement is not the goal. We should not make this more of a crime than it already is. Mayor Bieri agreed stating that she supports education too but not legislating this matter. The Council gave consensus to have the Administrator reach out to the Environmental Commission to ask if they can get points with education and not enforcement. Council President Signorino stated that he is not interested in legislating this as written.
3)	Resolution: Bubbling Springs Lower Pond Dam Proposals – the Council gave consensus to proceed.
4)	Resolution: Reinstate the Sheriff's Labor Assistance Program - the Council gave consensus to proceed.
5)	Resolution: Supporting A1503 Requiring Fire Districts, School Districts and County Governments to Pay Fair Share of Tax Appeal Refunds and Settlements - the Council gave consensus to proceed.
6)	Resolution: Supporting A2027/S380 Creating the "Jessica Lunsford Act" - the Council gave consensus to proceed.

Agenda No. X

Action Items

Mayor Bieri asked to move Resolutions 2012-198, 2012-199, 2012-200, 2012-201, 2012-202, 2012-203, 2012-204, 2012-205, 2012-206, 2012-207, 2012-208, 2012-209 as one.

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

Agenda No. X 1

~ Resolution No. 2012- 198 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO REDIRECT PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FROM THE MARSHALL HILL ROAD (PASSAIC COUNTY ROAD) SIDEWALK PROJECT TO THE FIRST AVENUE, SECOND AVENUE, THIRD AVENUE IMPROVEMENT PROJECT

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WHEREAS, the Township of West Milford applied for and received \$383,581 in CDBG funding for the Marshall Hill Road Sidewalk project in three installments from 2008, 2009 and 2011; and

WHEREAS, the preliminary design process has revealed several constraints to the construction of a sidewalk within the existing right-of-way to be in compliance with Passaic County design guidelines; and

WHEREAS, it has been determined that the mitigation of these constraints would exceed the grant deadline and existing funding; and

WHEREAS, the properties contained within the dirt/gravel road network of First Avenue, Second Avenue and Third Avenue meet the CDBG low to moderate income requirements, as surveyed by the Passaic County Department of Economic Development; and

WHEREAS, the maintenance and erosion from the dirt/gravel roads creates a burden for the Department of Public Works and the storm drainage systems on the surrounding Township roads.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the existing CDBG funding for the Marshall Hill Road Sidewalk (\$383,581) be redirected to the First Avenue, Second Avenue, Third Avenue Improvements to be implemented in advance of the August 31, 2013 deadline.

Adopted: June 6, 2012

Agenda No. X 2

~ Resolution No. 2012- 199 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT TO GUERIN & VREELAND ENGINEERING INC. TO PROVIDE SCOPE OF SERVICES FOR THE REHABILITATION OF BUBBLING SPRINGS LOWER POND DAM

WHEREAS, Guerin & Vreeland Engineering, Inc. has provided all aspects of dam engineering services with relevant dam project experience on numerous dams throughout the state; and

WHEREAS, the Township Council has authorized the award of a contract to Guerin & Vreeland Engineering Inc. for this project; and

WHEREAS, Guerin & Vreeland Engineering Inc. has submitted a Request For Proposal for Scope of Services to provide Regular Inspection Report, Design and Implementation of Pending Repairs (Rehabilitation); Operation & Maintenance Manual to bring this dam into compliance with NJDEP Bureau of Dam Safety and Flood Control; and

WHEREAS, the Township Engineer has recommended award of a contract to Guerin & Vreeland in accordance with their proposal in an amount not to exceed \$46,950.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account numbers C-04-06-944-371 (\$10,035.00) and C-04-09-942-379 (\$36,915.00); and

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

1. The Township of West Milford hereby authorizes execution of a contract with Guerin & Vreeland Engineering, Inc. 272 Route 206 Suite 215 Flanders, NJ 07836 for Scope of Services of the rehabilitation of Bubbling Springs Lower Pond Dam project in an amount not to exceed \$46,950.00.
2. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: June 6, 2012

Agenda No. X 3

~ Resolution No. 2012- 200 ~

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 PRINCETON HYDRO, LLC FOR ENVIRONMENTAL ENGINEERING

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SERVICES ASSOCIATED WITH A BUDGET MODIFICATION REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) FOR THE SFY 2007 NON-POINT SOURCE GRANT (RP07-052) IN AN AMOUNT NOT TO EXCEED \$146,398.00

WHEREAS, the Township Council authorized, by resolution 2012-071, the award of a professional services contract to Princeton Hydro, LLC on February 1, 2012; and

WHEREAS, the contract was rejected by the Township Administrator because the NJDEP required "budget modification" had not been completed; and

WHEREAS, negotiations with Princeton Hydro, LLC and the NJDEP have resulted in a budget modification and time extension agreeable to all parties; and

WHEREAS, costs associated with the professional services and ultimate implementation of construction projects, intended to reduce phosphorous loads entering Greenwood Lake, will be funded entirely by the grant; 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, 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 Princeton Hydro, LLC with offices located at 1108 Old York Town Road, Suite 1, P.O. Box 720, Ringoes, New Jersey 08551 for consulting services to implement four additional stormwater projects, i.e.: Marshall Hill Road, Stainsby Road, Adelaide Terrace and Reidy Place in an amount not to exceed \$146,398.00 and in accordance with the proposal dated May 21, 2012.
2. The total fee authorized for this contract shall not exceed \$146,398.00 without written approval of the Township Council.
3. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and Determination of value shall be placed on file in the office of the Township Clerk.
4. It is the intent of this Resolution to supercede, replace and revoke Resolution 2012-071
5. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: June 6, 2012

Agenda No. X 4

~ Resolution No. 2012- 201 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION TO HOLD A FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH AREA

WHEREAS, the Upper Greenwood Lake Property Owners Association wishes to hold a display of fireworks on June 30, 2012 at the Upper Greenwood Lake launch area; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Fire Marshall and Chief of Police; and

WHEREAS, the Upper Greenwood Lake Property Owners Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application by the Upper Greenwood Lake Property Owners Association and Garden State Fireworks to conduct a fireworks display on June 30, 2012 at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.

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2. The Upper Greenwood Lake Property Owners Association will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owners Association, and the cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owners Association in advance.

Adopted: June 6, 2012

Agenda No. X 5

~ Resolution No. 2012- 202 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A FIREWORKS DISPLAY PERMIT TO THE WEST MILFORD P.A.L. TO HOLD A FIREWORKS DISPLAY AT THE "JUNGLE HABITAT" STATE PROPERTY

WHEREAS, the West Milford P.A.L. had received approval of the submission to the New Jersey Department of Environmental Protection to hold fireworks on June 29, 2012 at the "Jungle Habitat" State owned property, with a rain date of July 6, 2012; and

WHEREAS, the West Milford P.A.L. has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, and pending receipt of a letter of approval from Eric L. Pain of the State Park Service, the Township Council does hereby approve the application by the West Milford P.A.L. and International Fireworks Mfg Co. Inc. to conduct a fireworks display on June 29, 2012 (with a rain date of July 6, 2012) at the "Jungle Habitat" State owned property, between the hours of 8:30 p.m. and 10:30 p.m.
2. The approval of the application submitted by West Milford P.A.L. is contingent upon receiving copies of all authorizing permits from the State of N.J. before the June 29, 2012 fireworks display.
3. The West Milford P.A.L. will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
4. Police Officers must be hired for security by the West Milford P.A.L., and the cost for Police Officers will be paid by the West Milford P.A.L.

Adopted: June 6, 2012

Agenda No. X 6

~ Resolution No. 2012- 203 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CHANGING A CUSTODIAN OF THE PETTY CASH FUND FOR BUBBLING SPRINGS

WHEREAS, the Township facility known as Bubbling Springs requires a custodian of the petty cash fund in accordance with N.J.S.A. 40:5-21; and

WHEREAS, Elizabeth Pordon is bonded in the amount of \$50,000.00 by virtue of a surety bond and serves as the petty cash custodian for the Department of Community Services & Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby appoints Elizabeth Pordon to serve as the petty cash custodian for Bubbling Springs in accordance with N.J.S.A. 40:5-21; and

BE IT FURTHER RESOLVED that two certified copies of this resolution shall be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: June 6, 2012

Agenda No. X 7

~ Resolution No. 2012- 204 ~

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

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

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

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

Reasons: State Tax Appeal

Block/Lot	Name	Amount	Year
15701-37	Thomas & Jeanne Dayon Family Trust	\$29,875.43	2010
15701-37	Thomas & Jeanne Dayon Family Trust	\$12,178.67	2011
TOTAL		\$42,054.10	

Adopted: June 6, 2012

Agenda No. X 8

~ Resolution No. 2012- 205 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF WEST MILFORD TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

WHEREAS, the Township of West Milford cannot have their overall tax rate certified since the amount of the municipal tax levy will not be know until after the State Aid amounts are determined by the State of New Jersey and Tax Rates Certified by the State of New Jersey; and

WHEREAS, the Township of West Milford Tax Collector and Chief Financial Officer, have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, in the County of Passaic and the State of New Jersey on this 6th day of June 2012 as follows:

1. The Township of West Milford Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township of West Milford for the third installment of 2012 taxes.
2. The entire estimated tax levy for 2012 is hereby set at \$94,202,788.00 and the estimated tax rate set at \$3.385.
3. In accordance with the law, the third quarter installment of 2012 taxes shall not be subject to interest until the later of August 11th or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Adopted: June 6, 2012

Agenda No. X 9

~ Resolution No. 2012- 206 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 2012 TEMPORARY BUDGET

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, Resolution 2012-020 for the initial temporary appropriations budget needs to be amended; and,

WHEREAS, said temporary appropriations are extended and now limited to 51.15% of the total appropriations in the 2012 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2011 budget; and

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for their records:

APPROPRIATION	ACCOUNT NUMBER	2011 BUDGET AS ADOPTED	2012 TEMPORARY BUDGET	COMMENTS / EXPLANATIONS
Administrator S&W	01-20-100-100	\$312,613	\$159,902	
Administrator O.E.	01-20-100-200	\$83,950	\$70,000	
TOTAL		\$396,563	\$229,902	
Personnel S&W	01-20-105-100	\$0	\$ -	
Personnel O.E.	01-20-105-200	\$0	\$ -	
TOTAL		\$0	\$0	
Township Mayor & Council S&W	01-20-110-101	\$34,000	\$17,391	
Township Mayor & Council O.E.	01-20-110-200	\$850	\$850	
TOTAL		\$34,850	\$18,241	
Information Technology S&W	01-20-140-100	\$80,431	\$41,140	
Information Technology O.E.	01-20-140-200	\$65,725	\$33,618	
TOTAL		\$146,156	\$74,759	
Legal O.E.	01-20-155-200	\$209,000	\$209,000	
General Services S&W	01-20-161-100	\$30,000	\$15,345	
General Services O.E.	01-20-161-200	\$74,000	\$37,851	
TOTAL		\$104,000	\$53,196	
Insurance, Other	01-23-210-200	\$822,260	\$450,000	1st installment due Feb.
Insurance, Other, Less Library Charge Back	01-23-210-200		\$ -	
Insurance, Group	01-23-220-506	\$3,483,216	\$1,781,665	
Insurance, Group - Less Library Chargebacks	01-23-220-506		\$ -	
TOTAL		\$4,305,476	\$2,231,665	
Heritage O.E.	01-20-173-200	\$0	\$ -	
Clerk S&W	01-20-120-100	\$238,433	\$121,958	
Clerk O.E.	01-20-120-200	\$23,530	\$12,036	
TOTAL		\$261,963	\$133,994	
Elections S&W	01-20-146-101	\$1,200	\$614	Seasonal
Elections O.E.	01-20-146-101	\$16,400	\$8,389	Seasonal
TOTAL		\$17,600	\$9,002	
Treasurer S&W	01-20-130-100	\$159,281	\$81,472	
Treasurer O.E.	01-20-130-200	\$4,670	\$2,389	
Treasurer O.E. - Less Interlocal agreement	01-20-130-200		\$ -	
TOTAL		\$163,951	\$83,861	
Annual Audit	01-20-135-200	\$40,000	\$20,000	
Annual Audit Additional Services	01-20-135-201	\$10,000	\$20,000	
TOTAL		\$50,000	\$40,000	
Tax Collector S&W	01-20-145-100	\$152,881	\$78,199	
Tax Collector O.E.	01-20-145-200	\$13,990	\$9,756	
TOTAL		\$166,871	\$87,955	
Tax Assessor S&W	01-20-150-200	\$270,912	\$138,571	
Tax Assessor O.E.	01-20-150-200	\$5,200	\$7,000	
TOTAL		\$276,112	\$145,571	

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APPROPRIATION	ACCOUNT NUMBER	2011 BUDGET AS ADOPTED	2012 TEMPORARY BUDGET	COMMENTS / EXPLANATIONS
PLANNING BOARD O.E.	01-21-180-200	\$36,900	\$30,000	
Planning, Comp. S&W	01-21-181-100	\$174,026	\$89,014	
Planning, Comp. O.E.	01-21-181-200	\$23,300	\$12,500	
TOTAL		\$197,326	\$101,514	
ZONING ADMINISTRATION S&W	01-21-185-100	\$74,333	\$38,021	
BOARD OF ADJUSTMENT O.E.	01-21-186-200	\$30,400	\$28,500	
Historic Preservation S&W	01-20-175-101	\$1,600	\$818	
Historic Preservation O.E.	01-20-175-200	\$800	\$409	
TOTAL		\$2,400	\$1,228	
Autumn Lights Festival	01-20-171-200	\$3,000	\$ -	Seasonal
Building S&W	01-22-195-100	\$365,644	\$187,027	
Building O.E.	01-22-195-200	\$6,530	\$3,340	
TOTAL		\$372,174	\$190,367	
Environmental Commission S&W	01-22-196-101	\$1,600	\$818	
Environmental Commission O.E.	01-22-196-200	\$880	\$450	
TOTAL		\$2,480	\$1,269	
Police Patrol S&W	01-25-240-100	\$4,326,724	\$2,213,119	
Police Patrol O.E.	01-25-240-200	\$94,193	\$48,180	
Police Patrol-Purchase of Police Vechicles	01-25-240-201	\$50,000	\$ -	Deferred to later in year
Police Detective S&W	01-25-241-100	\$515,828	\$263,846	
Police Administration S&W	01-25-242-100	\$484,521	\$247,832	
Police Communication S&W	01-25-243-100	\$245,826	\$125,740	
Police Comm. O.E.	01-25-243-200	\$8,000	\$4,092	
Police Specials S&W	01-25-244-100	\$33,000	\$16,880	
Police Specials O.E.	01-25-244-200	\$8,000	\$4,092	
TOTAL		\$5,766,092	\$2,923,781	
Emergency Management S&W	01-25-252-100	\$5,000	\$2,558	
Emergency Management O.E.	01-25-252-200	\$26,500	\$13,555	
TOTAL		\$31,500	\$16,112	
First Aid - WMFAS Contributions	01-25-260-200	\$60,650	\$31,022	
First Aid - UGL 1st Aid Squad Contributions	01-25-261-200	\$40,500	\$20,716	
TOTAL		\$101,150	\$51,738	
Aid To Vol. Fire Co.	01-25-255-200	\$90,000	\$30,000	
Fire Prevention Bureau S&W	01-25-265-100	\$177,610	\$90,848	
Fire Prevention Bureau O.E.	01-25-265-200	\$15,830	\$8,097	
Fire Co. Admin. S&W	01-25-266-100	\$9,089	\$4,649	
Fire Co. Admin. O.E.	01-25-266-200	\$255,150	\$130,509	
LOSAP	01-25-267-200	\$90,000	\$46,035	Deferred to later in year
TOTAL		\$637,679	\$310,138	
Engineering S&W	01-20-165-100	\$277,592	\$141,988	
Engineering O.E.	01-20-165-200	\$40,400	\$36,000	
TOTAL		\$317,992	\$177,988	
DPW Streets & Roads S&W	01-26-290-100	\$1,598,185	\$817,472	
DPW Streets & Roads O.E.	01-26-290-200	\$408,900	\$209,152	

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DPW Buildings & Grounds S&W	01-26-291-100	\$91,072	\$46,583	
DPW Buildings & Grounds O.E.	01-26-291-200	\$37,600	\$37,600	
DPW Snow Removal S&W	01-26-294-100	\$235,000	\$43,500	Seasonal need 100%
DPW Snow Removal O.E.	01-26-294-200	\$1,161,385	\$314,000	Seasonal need 100%
DPW Vehicle Maintenance S&W	01-26-315-100	\$258,155	\$132,046	
DPW Vehicle Maintenance O.E.	01-26-315-200	\$278,500	\$190,000	
TOTAL		\$4,068,797	\$1,790,354	
Public Health S&W	01-27-330-100	\$306,373	\$156,710	
Public Health O.E.	01-27-330-200	\$47,738	\$24,418	
Vital Statistics S&W	01-27-331-100	\$9,000	\$4,604	
Vital Statistics O.E.	01-27-331-200	\$18,640	\$9,534	
Housing Standard Bureau O.E.	01-27-332-441	\$25,000	\$12,788	
Environmental Health S&W	01-27-335-100	\$193,156	\$98,799	
Environmental Health O.E.	01-27-335-200	\$69,150	\$69,000	
Animal Control S&W	01-27-340-100	\$85,000	\$43,478	
Animal Control O.E.	01-27-340-450	\$0	\$ -	
TOTAL		\$754,057	\$419,330	
Recreation Programs S&W	01-28-370-100	\$410,500	\$209,971	
Recreation Programs O.E.	01-28-370-200	\$132,000	\$70,000	
Recreation.-Bubbling Springs S&W	01-28-371-100	\$167,000	\$80,000	Seasonal later in year
Recreation.-Bubbling Springs O.E.	01-28-371-200	\$50,000	\$50,000	Seasonal later in year
Recreation.-Admin. S&W	01-28-372-100	\$175,323	\$89,678	
Recreation.-Admin. O.E.	01-28-372-200	\$14,400	\$7,366	
Recreation.-Hillcrest S&W	01-28-374-100	\$117,471	\$60,086	
Recreation.-Hillcrest O.E.	01-28-374-200	\$20,350	\$10,409	
Recreation.-Parks Maintenance S&W	01-28-375-100	\$256,212	\$131,052	
Recreation.-Parks Maintenance O.E.	01-28-375-200	\$117,350	\$100,000	
Senior Citizen Services S&W	01-28-376-100	\$88,838	\$45,441	
Senior Citizen Services O.E.	01-28-376-200	\$12,125	\$6,202	
TOTAL		\$1,561,569	\$860,205	
Veteran's Bureau S&W	01-20-172-100	\$1,500	\$767	
Veteran's Bureau O.E.	01-20-172-200	\$0	\$ -	
Public Assistance S&W	01-27-345-100		\$ -	
Public Assistance O.E.	01-27-345-200		\$ -	
TOTAL			\$ -	
Celebration of Public Events O.E.	01-30-420-200	\$6,500	\$5,000	Seasonal later in year
Mass Transportation	01-30-431-200	\$85,000	\$43,478	
Library S&W	01-29-390-100	\$536,245	\$274,289	
Library O.E.	01-29-390-200	\$611,482	\$312,773	
TOTAL		\$1,147,727	\$587,062	
Municipal Court S&W	01-43-490-100	\$286,157	\$146,369	
Municipal Court O.E.	01-43-490-200	\$13,100	\$6,701	
Municipal Court Prosecutor S&W	01-43-491-101	\$26,000	\$13,299	

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Municipal Court Public Defender Fees	01-43-495-450	\$0	\$ -	
TOTAL		\$325,257	\$166,369	
UTILITIES & FUELS				
Utilities-Electricity	01-31-430-200	\$160,200	\$81,942	
Utilities-Street Lights	01-31-435-200	\$49,000	\$30,000	
Utilities-Telephone	01-31-440-200	\$120,000	\$94,000	
Utilities-Natural Gas	01-31-446-200	\$117,500	\$60,101	
Utilities-Fuel	01-31-460-200	\$410,000	\$200,000	
TOTAL		\$856,700	\$466,044	
MISCELLANEOUS AND STATUTORY EXPENDITURES				
PENSION & FICA				
PERS	01-36-471-532	\$749,756	\$877,884.00	Deferred to 2nd Quarter
PERS - Less Library Chargebacks	01-36-471-532		\$ -	Deferred to 2nd Quarter
Social Security	01-36-472-533	\$617,293	\$315,745	
Less Library Charge backs - Social Security	01-36-472-533		\$ -	
PFRS	01-36-473-534	\$1,301,632	\$1,242,649.000 0	Deferred to 2nd Quarter
TOTAL		\$2,668,681	\$2,436,278	
Salaries & Wages Adjustment Account	01-37-480-501	\$0	\$ -	No Budget needed for 10
Compensated Absences	01-38-485-110	\$100,000		Deferred to later in year
DEFERRED CHARGES & RESERVE FOR UNCOLLECTED TAXES				
Judgements	01-37-480-503	\$0		No Deficit/No budget
Deficit in 2004 Assessment Bonds	01-46-886-000	\$17,169		No budget
Over Expenditure of Appropriations	01-46-887-531	\$48,200		Deferred to later in year
Reserve for Tax Appeals	01-46-886-667	\$20,000		Deferred to later in year
	01-46-887-528			Deferred to later in year
Def Charges - Ord 92-14 Impr to Mun Prop	01-46-875-528	\$39,000		Deferred to later in year
	01-46-877-000			No Budget
Reserve for Uncollected Taxes	01-50-899-200	\$1,890,000		Exempt
TOTAL		\$2,014,369	\$ -	
GRANTS	G-02-41	\$100,691	\$51,503	
SUBTOTAL		\$27,396,816	\$14,013,424.48	51.15%
CAPITAL BUDGET				
CURRENT YEAR CAPITAL				
Capital Improvements Fund	01-44-900-200	\$0	\$ -	Exempt
Cap Improvements Fund Down Payments	01-44-900-200		\$ -	Exempt
Cap. Improv. Fund-Fire Emer Equip.	01-44-939-290	\$0		
TOTAL		\$0	\$ -	
Debt Service Total	01-45-000-000	\$2,434,218	\$1,521,637.82	Exempt
TOTAL OPERATING BUDGET		\$29,831,034	\$15,535,062	

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APPROPRIATION	ACCOUNT NUMBER	2011 BUDGET AS ADOPTED	2012 TEMPORARY BUDGET	COMMENTS / EXPLANATIONS
SOLID WASTE DISTRICT BUDGET				
Solid Waste S&W	26-55-500-100	\$136,000	\$69,564	
Solid Waste O.E. All Other	26-55-500-200	\$93,250	\$47,697	
Contractual Services	26-55-500-202	\$1,085,750	\$555,361	
Disposal Fees	26-55-500-203	\$750,000	\$383,625	
Grants - Recycling County of Passaic	26-41-753-336	\$0	\$ -	Exempt
Prior Year's Bills	26-55-900-900	\$0	\$ -	No budget
Commercial Pick Up	26-55-500-201	\$0	\$ -	No budget
TOTAL		\$2,065,000	\$1,056,248	51.15%

Adopted: June 6, 2012

Agenda No. X 10

~ Resolution No. 2012- 207 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES AND CLUB LICENSES FOR THE 2012- 2013 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2012- 2013 License year have been received and reviewed; and

WHEREAS, the Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010- June 30, 2011).

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

2012-2013 ACTIVE LICENSES	
574A MACOPIN ASSOCIATES LLC S & S Liquors P.O. Box 76 Vernon, NJ 07462 1615-33-009-006	2 MOMENTO 2, INC. Momento Restaurant 374 Morsetown Road West Milford, NJ 07480 1615-33-012-005
JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Turnpike Hewitt, NJ 07421 1615-33-021-004	BRUCO CORPORATION Town Tavern Country Inn 673 Macopin Road West Milford, NJ 07480 1615-33-002-002
PETER W. ANOLL 322 Lakeside Road Hewitt, NJ 07421 1615-33-011-003	THE 2236 CORPORATION Elks Lodge 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001
PLAZA BAR & LIQUORS INC. Plaza Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-003	PMS LLC The Huntsman Restaurant 1745 Macopin Road West Milford, NJ 07480 1615-33-029-007

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FRANK M. SELL MEMORIAL POST NO. 289 AMERICAN LEGION POST 289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	GUSTAV KOHLE CORPORATION Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002
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Adopted: June 6, 2012

Agenda No. X 11

~ Resolution No. 2012- 208 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF ACTIVE, INACTIVE AND POCKET PLENARY RETAIL CONSUMPTION LICENSE(S) FOR THE 2012 - 2013 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2012 - 2013 License year has been received and reviewed; and

WHEREAS, the Mayor and Township Council have conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted application(s) is/are complete in all respects.
2. The applicant(s) is/are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant(s) has/have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).
4. Recommendations have been received in the Office of the Township Clerk from all applicable departments, with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue the active license certificate(s) for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
WEST MILFORD BAR & LIQUORS INC. Westbrook Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002	1. License Certificate must be properly displayed. 2. Copy of most recent long form license application must be kept on licensed premises.	Active
FILLIPPO ENTERPRISES LLC t/a The Lakeshore Inn 399 Lakeshore Road Hewitt, NJ 07421 1615-33-035-007	1. No combustible or flammable curtains or soundproofing devices or equipment shall be hung on walls or over windows or exit doors; 2. No double key locking devices are to be reinstalled on any exit door; 3. Any use of flame producing entertainment devices shall be prohibited; 4. All exit doors must remain clear at all times.	Active

BE IT FURTHER RESOLVED that the Township Clerk is directed to hold the inactive and pocket license certificate(s) for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
WINE IN THE WOODS LLC t/a Wine in the Woods Attn: Sal Falciglia 179 Cahill Cross Road Suite 311 West Milford, NJ 07480 1615-33-023-003	1. Licensee must apply for a place-to-place transfer to site this license prior to activation. 2. A Fire Department inspection must be made prior to opening. 3. A Health Department inspection must be made and a Retail Food Establishment license must be acquired prior to reopening 4. A Police Department inspection must be made and a satisfactory recommendation received in the Township Clerk's office prior to opening.	Pocket/ Inactive

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	5. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk to activate.	
SAAGAR BEVERAGE INC. 28 Phillip Dr. Parsippany, NJ 07054 1615-33-020-007	<ol style="list-style-type: none"> 1. Licensee must file a Place-to-Place Transfer of License to site. 2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshal and Health Department before activating. 3. Food Handlers License must be current before issuance of License Certificate. 4. Certificate of Occupancy must be issued prior to opening if applicable. 5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12-page application, within ten days before or after the opening of the business to activate. 	Pocket/ Inactive
JULIANO ANGELO M 7 Parkside Ct Wayne, NJ 07470 1615-33-015-009	<ol style="list-style-type: none"> 1. Licensee must file a Place-to-Place Transfer of License to site. 2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshall and Health Department before opening. 3. Food Handlers License must be current before issuance of License Certificate. 4. Certificate of Occupancy must be issued prior to opening. 5. Licensee must file an amendment to the 12-page application, within ten days before or after the opening of the business to activate. 	Pocket/ Inactive

Adopted: June 6, 2012

Agenda No. X 12

~ Resolution No. 2012- 209 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-001-008 HONKY’S OAK RIDGE PUB & LIQUORS LLC TO WEST ORANGE LIQUORS LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application for the person to person transfer of Plenary Retail Consumption License 1615-33-001-008 Honky’s Oak Ridge Pub & Liquors LLC to West Orange Liquors LLC for premises at the same location has been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Mayor and Township Council have determined as follows:

- 1 The submitted application is complete in all respects.
- 2 The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3 The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).

WHEREAS, the Police Department has recommended that the license be transferred with all current conditions if applicable.

WHEREAS, the Health Department has recommended that the license be transferred with the following conditions:

- 1 The entire basement area is prohibited from the storage of any food, beverage, dry goods or other food related items due to chronic flooding conditions that have not been fully abated.
- 2 A Retail Food Establishment application and fee must be submitted to the Health Department for approval, and compliance with the New Jersey State Sanitary Code Chapter 24, Section 6.7 et sec. must be completed to Health Department satisfaction in a timely manner.

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NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is authorized to endorse the transfer and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

Adopted: June 6, 2012

Approval of Expenditures

Agenda No. XI

~ Resolution No. 2012- 210 ~

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.	\$390,552.54
2	Reserve Account	3,192.50
3	Animal Control Trust	9,905.06
6	Capital.	8,086.24
7	Grants.	2,334.21
8	Refuse.	59,249.37
9	Refunds.	42,054.10
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	2,061.11
18	Development Escrow.	0.00
19	COAH	0.00
20	Special Reserve	
11	Assessment Trust	
Total		\$517,435.13
	\$Less Refund Resolution	-42,054.10
	Actual Bill List	\$475,381.03
	Other Payments Check # 49263 Bubbling Springs Petty Cash	230.00
	Total Expenditures	\$475,611.03

Adopted: June 6, 2012

Moved: Erik Seconded: Ramaglia
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
 Voted Nay: None.
 Abstain: Horton abstained on item on page 4 only.
 Motion carried.

Agenda No. XII

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

Councilwoman Horton thanked Brian Townsend for his informative presentation. She advised that "Project Graduation" needs donations and checks can be sent to the High School.

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Councilman Smolinski stated that the Council got scary numbers about the amount of money people are paying in taxes. It is becoming cost prohibitive to live in New Jersey but the Council is trying to address local property taxes. The focus must be on the future and consideration must be given to where we will be ten years from now. We must find other means to make this town affordable. Having too much open space takes land off tax rolls and it is a fair point to ask Trenton to kick in. We provide a resource and a commodity to millions of people for which we are not compensated.

Councilman Rosone echoed sentiments about tonight's presentation adding that West Milford does need some relief from Trenton. This Sunday West Milford Fire Company #4 is hosting the annual St. Baldrick's fundraiser for kids with cancer. They are asking people to shave their heads and donations go to cancer research.

Council President Signorino stated the Memorial Day Parade was great and he is thankful to see residents coming out. The Heritage Committee is preparing for the annual tennis tournament which will be held on June 24 & June 25. He listed the sponsors noting that more sponsors are needed.

Mayor Bieri stated that the annual Relay for Life will be held this Saturday. She attended an all day conference on Saturday and later attended a memorial ceremony for Bob Hanson, a key player in PAL. She conveyed her condolences to his family. She made note that Luke Slott volunteered to submit a grant for the Environmental Commission adding that he is the youngest appointee she has made and she thanked him.

Agenda No. XIII

Appointments and Resignations

Councilwoman Horton nominated Jon L. Sherwood as Citizen Member to the Economic Development Committee and seconded by Councilman Ramaglia.

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

Agenda No. XIV

Executive Session

None.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:00:14 p.m.

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

Approved: September 19, 2012

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK