
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: June 15, 2011
Time of Meeting: 7:30 P.M.
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Pump Track Presentation – EDC

Messrs. Bob Nicholson & Jeff Mergler came to make a presentation to the Council and they asked the Mayor & Council to come into audience to see presentation. Mr. Nicholson provided background information on what is being proposed today and the history of how this project evolved. The subject of bicycling was broached at a number of meetings with Passaic County EDC and there was a presentation at the West Milford EDC meeting last February. He stated that certain elected officials and local business owners attended and liked the presentation. The EDC is pleased with the enthusiasm and support from various groups in the community. Family bicycling is the goal. He described what pump track bicycling is all about noting that extreme sports are too dangerous. This is a fun cardiovascular sport open to all ages and will serve as a program for all sectors of the community. People come from far and wide to use pump tracks as has been evidenced in other communities that build pump tracks. Geoffrey Mergler addressed the Council noting that he has been a West Milford resident since 1991 and is an avid bicyclist. He serves as the Executive Director of a New Jersey bicycling association and uses state and private trails for outdoor sports. The video presentation being made tonight is also available on their website. Mr. Mergler gave overview of JORBA, their history and their purpose. He advised that they have a network of trails in Jungle Habitat and they dig trails on Tuesday nights. He showed a presentation of other facilities they have built in other towns. Jay Huggins, a former pro biker & West Milford resident spoke about local bike activities for families. People from Passaic County travel lengthy distances to use pump tracks and people of all ages participate in this sport which is now an Olympic sport. The only cost is the cost of the bike. This is a dry, safe & clean sport for all ages. It is also a great physical activity. Mr. Mergler showed the video about the Alexandria pump track in Hunterdon County and advised that they are here to ask for permission to build and manage a pump track in West Milford. They want a property too. They will take care of everything else including installation and maintenance. Councilman Weisbecker asked about maintenance & upkeep. Mr. Mergler explained what the pump track is comprised of advising that maintenance is low because the facility is comprised and made of dirt. After installation it requires raking and watering and usually closes in winter in this area. It is generally resurfaced once per year. Councilman Ramaglia advised that Mr. Mergler approached both the EDC and RAC to discuss suitable sites. Six or seven were identified, some more suitable than others with ultimately Farrell Field being considered viable. Keith Knudsen, Director of CS&R, said Farrell Field was chosen because we currently invest a lot of money in that property. It needs the annual turnover of soil. With the new turf field at the High School, Farrell Field is used less. He would transfer a group that uses Farrell Field to Mount Laurel. This would reduce our annual costs for Farrell Field. There is already parking & fencing at that site. This will eliminate the possibility of motorized vehicles trespassing and ruining the track. Farrell Field is not in a residential neighborhood. A pump track does not need much water nor does it need irrigation. Mr. Mergler advised that they mostly water to minimize dust. Mr. Knudsen advised that this requires less maintenance than a regular field and the RAC fully supports this concept. Mr. Mergler said it would be open to residents and the general public all of the time. Discussion ensued about fencing, security, and monitoring. Mr. Nicholson stated that the Environmental Commission also supported this concept and provided a list of potential locations including Farrell Field. They recommended a secure site with water, a remote location, and no environmental issues. He said this is a collective effort for residents and as such all groups have been included in the process. Mr. Semrau asked Mr. Mergler to walk everyone through construction, enforcement, and safety with an overview of the vision. Mr. Mergler advised that there are a number of options and consideration can be given to specific needs of this community. In Alexandria they have a park representative from JORBA that runs the track. He oversees the day-to-day operations and works with local municipal officials. In construction they secure a dirt source which is screened clay. They will have a professional design the track. They will then have the dirt installed with machines. They then hand shape all the features with volunteers over about four weekends. Within four weeks it would be ready for use. The park is self-running but their representative will be available and members & stakeholders present using the track most of the time. They provide insurance with the Township listed as an additional insured. They also did a memorandum of understanding with Alexandria that outlines the terms of the agreement. JORBA will be responsible for maintenance and for the success of the program. They have an agreement with the State for Jungle Habitat and will provide that to Mr. Semrau. If successful, they may broach the town in the future for a BMX track. Mr. Nicholson stated that this will also give West Milford recognition as an innovative community. There are a number of bike friendly facilities in West Milford which could afford opportunities to expand upon a program like this. He envisions this being an opportunity to attract both outdoor enthusiasts and new businesses. Mr. Mergler stated that if it takes a couple of months to get Township permission he envisions being operable by October. Mr. Semrau stated that he has spoken with the Township Planner and it would be permissible requiring at most a percusory review by Planning Board at most. Mayor Bieri said there is a Green Acres sign at Farrell field. Mr. Knudsen will look into that and Mr. Semrau said if this is a Green Acres property the change in use will require a public hearing. The first issue, Mr. Semrau said, is the design. Title 59 requires the engineer to sign off on the design. He spoke with the Executive Director of the JIF who would want their safety committee to look at it and he will work on the memorandum of agreement. Mr. Semrau asked for consensus to allow the Township Engineer work on the design phase and received consensus to proceed.

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- Public Hearing for Passaic County Open Space Applications
Echo Lake Park and Nosenzo Pond Park -

Mr. Boyle stated that the Township is seeking funding to improve CYO recreational facilities as well as funding for the roller hockey rink at Echo Lake Park. He reviewed the amounts being applied for adding that applications will be submitted on Friday.

Council President Smolinski stated that the West Milford Bears are definitely interested in proceeding with a roller hockey rink despite lesser interest in other towns. Mayor Bieri concurred that interest exists.

The audience applauded to show support for both these applications.

Linda Goshniski from the Land Conservancy of New Jersey addressed the Council to advise that she did look into a possible funding application for acquisition of Eagle Ridge. She described the parcels totaling 77 acres. The larger parcel does have a drive leading to a central portion that has an existing path area. The smaller parcel also has a network of dirt roadways. They did put the application together and she reached out to the owner who is willing to sell if the price was right. Mayor Bieri clarified that she wanted to ensure that we had researched all possible parcels. She did mention the potential for recreation. However she would only agree to ATV track if it did not interfere with residential areas. If it is disruptive to neighbors she would not support that. If there is an appropriate area it would pull ATVs from sites that are not so remote. Ms. Goshniski said there is an existing trail system, the center part of property has two ponds but there would be limitations to ballfields. There are environmental issues to prevent such use. Mr. Semrau advised that the Township Engineer concurs and has advised that this property is mostly forest not suitable for ballfields in addition to existing environmental concerns. It would appear that development of ballfields would pose a significant challenge. Mayor Bieri said this property was initially slated for 288 homes and the Township invested a lot of money to prevent that.

Council President Smolinski asked what price range is being considered adding that to the best of his knowledge Mrs. Winters has a minimum that is not realistic. Ms. Goshniski said she did not negotiate. Council President Smolinski stated that acquiring this property would be a tax loss of about \$65,000 per year which should be a consideration. Such a loss would affect future budgets. Mr. Semrau stated that the property was rezoned last December and as such a large number of units could not be constructed. The Township prevailed in court to ensure that their permits have expired. Council President Smolinski said he has been to this site but has not walked the entire property. Mr. Boyle will obtain permission to allow Council President Smolinski access. Mr. Semrau stated that he has worked with the Land Conservancy for a number of years. This is Ms. Goshniski's first year working in West Milford and he commended her for her efforts. Mayor Bieri echoed those sentiments and thanked Ms. Goshniski for her response. The consensus of the Council was not to pursue this application.

Close public hearing.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. III

Proclamations

None.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

None.

Agenda No. V

Public Comments

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

Stew Feldman, 54 Bisset Drive, West Milford who is a board member for the Chamber of Commerce is here with several members to show support for the pump track. This proposed facility will bring in

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customers. Farrell Field is a central location for visitors to frequent local business. He asked people to visit the Chamber's updated website.

Edward Kessler 15 Stainsby Road, Hewitt stated that he attended the MUA meeting last night and was surprised at the lack of attendance. He saw that the MUA said they have their budget but he doesn't know if it has been approved. He heard the back & forth among members who simply engage in a blame game. They could have taken action when they were first appointed. They have not done anything. They brought up Bald Eagle having a smoke test. They are planning that for July 31st. They indicated that if they find smoke coming it will show that groundwater is going into sewerage system. The property owner will be fined \$1,000 immediately. He asked if the pump track group could look at local contractors for dirt and installation and he listed some local businesses. He also suggested Brown's Point as an option for a pump track advising that at that location they could possibly utilize the lake water and there is parking across the street.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford stated that she favors the pump track. When she chaired RAC she reviewed properties for BMX and they suggested that Farrell Field would be the best site with a savings for the Township. The turf field frees up the field for other uses.

Frank Yevchack, 158 Papscoe Road, Hewitt stated that he serves on RAC and there was unanimous support for the pump track. He initially liked West Milford because it was supposed to be a recreational community. He is pleased that we are seeking to restore the recreational aspect of West Milford. He commended Council, RAC and Keith Knudsen the CS&R Director. He stated that he would like to see more recreational opportunities in West Milford.

Jim Novack, Larchmont Drive, West Milford stated that he is a member of Beautification & Recycling. This morning he got a phone call from our Recycling Coordinator. It was upsetting. The Recycling Coordinator was doing house inspections with the garbage company when certain residents on Macopin Road became upset because he tagged their garbage. Most houses were not recycling. A resident witnessed the abuse the employee was subjected to. It is upsetting that residents are not recycling and are treating an enforcement official in such a manner when he is simply enforcing the law. Residents, he said, treat many enforcement officers in a similar fashion. A local doctors office put out about 25 encyclopedias and the garbage contained medical waste. The Board of Health was called out. He spoke with the Health Director who went out personally. The garbage was removed. A commercial entity should have private garbage collection, garbage should be separated and people should be recycling. Businesses should prove that they have private garbage collection. The Council adopted the metal ordinance.

Carla Horton 132 Bearfort Road, West Milford stated that she finds it distressing that Township employees would be subjected to abuse. She met Dave Stires about a week ago at a local presentation and opined that he is excited about garbage & recycling and passionate about his work. She asked that residents appreciate municipal staff and expressed regret that they are subjected to abuse. Residents need to recycle to contribute to our bottom line.

Eleanor Monahan, 26 High Street, West Milford thanked Mayor Bieri for informing everyone about the serious MUA problems. Hiding this would be unethical. People are happy that she did so. It was distressing that Cablevision was not here at the last meeting. The Mayor should have been commended but instead she was viciously attacked. There is another health issue. The Council refuses to fill two vacancies on the Health Board which handles complaints about MUA as well as other public health issues. Both people who applied are very well qualified; Doris Aaronson & Marilyn Lichtenberg. Not appointing them is pure politics and she suggests that these two positions be filled as soon as possible. This is not about popularity but about health. She relayed an anecdote about her son's work in a third world country. He is disgusted with what is happening in West Milford. This is not about the Council, their friends and their political party. It is not easy to be respectful given the behavior of the Council. Luke Slott was attacked last year even though he was a gentleman. He had nothing to apologize for. The ongoing attacks from the Council serves a poor example. She gave specifics. She asked the Council to stop wasting time with bullying. She asked them to work with the Mayor for the benefit of the town.

Carl Richko, 9 Shepard Road, West Milford stated that he has lived in Awosting for 25 years and is an MUA user. His family and those in Awosting have a gravity fed water system. Their street is the first to lose water when there are problems. They have lived with water problems for years. When Diane Paretti was director, residents had a good reciprocal working relationship with the MUA. It has been difficult working with the new administration. He has explained the situation often. It is always an inconvenient time to call. He gave examples of answers he has received to various complaints. He read from a notice he received in February 2010 advising that the water was now safe to drink. However, he never got the initial notice to boil water. He was told to ignore the notice. Some MUA commissioners came to the last Council meeting claiming they inherited all these problems. After Diane retired they should have hired a Director with experience. They hired the part time receptionist who worked in Sal Schimmenti's office to

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Councilman Jurkovic said that when one person disagrees with another it is not necessarily an attack. It is insulting to Mayor Bieri to say that. He often disagrees with the Mayor but she is more than capable of taking care of herself. We will have disagreements but that doesn't mean that she is being bullied or not being heard. He said the Mayor usually asks people to be polite and respectful and asks people to address the Governing Body as a whole. People should not be allowed to come up to Council and suggest that he abuses his wife or daughter. He is extraordinarily offended. He asked Mr. Semrau to get a copy of the February 4, 1964 ordinance and the minutes establishing the MUA. There was a reason it was established as it was.

Councilman Rosone stated that the MUA has plans for centralizing plants and consolidating. There is a long term solution. There was an MUA meeting last night with minimal attendance. At a Council meeting two weeks ago he urged people to attend MUA meetings. He urged residents to bring complaints directly to them. It is odd that people come to Council and not to the MUA. We should work as a team. The MUA has licensed professionals. There are adept board members. There is an administrator. She does not have to know the specifics of the operations. There are a lot of qualified people. There are plans in place. There was a consolidation plan that was knocked down by residents.

Councilman Weisbecker asked Mr. Boyle if the Health Board can meet in evenings to encourage greater participation. Attacks are what they are. He stated that Ms. Aaronson and Mrs. Monahan are great at attacking. There is bending of truth. He did not tell Luke to apologize. He told him he was disrespectful. The Council, he said, will listen but they should be treated with respect.

Mayor Bieri stated that she took exception to being called a liar. She has a good command of the English language. When that budget meeting occurred there was a lot of disrespect. Council President Smolinski got up and left saying to let him know when you're done when she was speaking. He was disrespectful. Was there a suggestion that the chief retire? A suggestion she believes is an inference. She believes that this is what occurred. It is heard in tone as well as words. She quoted the words and saw that as an inference. Her letter was not a lie. That evening Mr. Smolinski said that the Township can replace Chief Chiosie with 3-4 officers. She would like to see that math. Chief Chiosie is earning a captains salary. Each and every year the Council is given a list of eligible retirees from the police department as required by law. Never before was any other officer or chief questioned about that. She believes that this was a violation of the employee's rights with regard to Rice notices.

Mayor Bieri said that she has heard snide comments from dais about allowing Carl Richko to exceed the five minutes despite the fact that at the last meeting the Council gave Mr. Scangarello 20 minutes. She assumed from that that they wanted to hear all comments. Councilman Ramaglia interrupted. He condemned the Mayor for making this political. The last meeting had a number of MUA members who spoke and expressed concerns. There was a handful tonight. Mayor Bieri stated that she appreciates all suggestions proffered. MUA Commissioners asked for suggestions at the last meeting but they left before even the public had finished. She had suggestions as well. She asked that Councilman Jurkovic pass her suggestions along when he is conveying those made by Mr. Richko. The Council addressed infrastructure tonight. The DEP letter was about basic housekeeping and maintenance. Her suggestions address those concerns at no cost to the ratepayers. She asked that those be passed along. Those housekeeping issues have not been addressed. We got a letter on June 1st giving the MUA ten days to provide a plan. That is tomorrow. She has not seen anything yet. She encouraged people to continue to advocate. She has heard that people do not go to MUA meetings because they are not well received. People have the right to express their concerns and they can come to the Council who is the appointing authority. The Council made a motion to direct the Attorney to have the MUA and any associated parties investigated by the Prosecutors office. Council President Smolinski stated that this is correct and based on accusations made by the Mayor. Mayor Bieri asked if that includes board members and this Council.

Council President Smolinski stated that the Mayor's version of his comments from the budget meeting are untrue. He will not allow this. She quoted him in the paper and what she said is wrong. He said the Mayor should not quote him especially if he didn't say something. He never said the things the mayor assigns to him. It is disrespectful to the police department. It is disrespectful to the command structure and other members of the department.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance 2011-013 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO REVISE CHAPTER 500, ARTICLE XIV "SIGNS"

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WHEREAS, the Township of West Milford has duly adopted land use and zoning regulations in conformance with a Master Plan, consistent with the standards set forth in the Municipal Land Use Law and in particular with regard to N.J.S. 40:55D-62; 65; and

WHEREAS, the West Milford Planning Board has reviewed the regulations concerning signs as set forth the Township's Zoning Ordinance (Chapter 500, Article XIV) for the purpose of effecting certain revisions and to consolidate said standards in a more streamlined fashion; and

WHEREAS, the Planning Board does further recommend to the Township Council of the Township of West Milford that the proposed revisions and modifications be adopted; and

WHEREAS, the Township Council of the Township of West Milford concurs with the recommendations put forward by the Planning Board

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that Article XIV, entitled "Signs" of Chapter 500, entitled "Zoning" shall be amended and supplemented as provided herein.

Section 1. Article XIV entitled "Signs" in Chapter 500, entitled "Zoning" shall be amended and revised as follows:

§ 500-148. Purposes; authority. No change.

§ 500-149. Applicability; effect. No change.

§ 500-150. Computations. No change.

§ 500-151. Signs allowed on private property with and without permits; sign tables shall be eliminated in its entirety and replaced with new section to read as follows:

§ 500-151. Definitions.

ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered "banners." Banners shall be considered "temporary signs" and regulated as same.

BILLBOARD - Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than that on a building or its grounds.

BUILDING MARKER - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN - Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered "an animated sign" and not a "changeable copy sign" for purposes of this Land Development Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a "changeable copy sign" for purposes of this Land Development Ordinance.

COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

ELECTRONIC MESSAGE CENTER - A variable-message sign that utilizes computer-generated messages or some other electronic means of changing copy.

FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

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FREESTANDING SIGN - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

IDENTIFICATION SIGN - A SIGN PROVIDING THE NAME AND OCCUPANT OF PREMISES.

MARQUEE SIGN - Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN - A sign lawfully existing on the effective date of this chapter, or any amendment to it rendering such sign nonconforming, which does not comply with all of the standards and regulations of this chapter or any amendment hereto.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are not to be classified as "temporary signs".

PROJECTING SIGN - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

RESIDENTIAL SIGN - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Land Development Ordinance.

RESIDENTIAL NEIGHBORHOOD ASSOCIATION AND LAKE COMMUNITY ORGANIZATION IDENTIFICATION SIGN - Any sign in conformance with the standards set forth in this Chapter which serves to identify a residential neighborhood or a lake community organization in West Milford.

ROOF SIGN - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN - A device on any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interest of any person or product when the same is placed in view of the general public.

STRUCTURE - Anything constructed, assembled, or erected which requires location on the ground or attachment to something having such location on the ground, including buildings, fences, tanks, towers, signs, advertising devices and swimming pools. For purposes of Chapter 500, Article XIII, Historic Preservation Commission, a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SUSPENDED SIGN - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN - Any sign that is used only temporarily and is not permanently mounted and permitted for limited duration pursuant to this Chapter. Banners shall be considered as temporary signs and regulated as such. Portable signs are not to be classified as temporary signs.

WALL SIGN - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN - Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

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§ 500-152. Permits required.

- A. No change.
- B. No change.

New subsection 'C' shall be added and shall read as follows:

- C. Permits shall not be required for the following signs: "building marker", "identification", "incidental", "window", "flag", "political", and "community organization"

§ 500-153. Design, construction and maintenance. No change.

§ 500-154. Plan requirements for sign permit.

Subsection A shall be modified to read as follows:

- A. When applying for a new sign, with the exception of Subsection B below, the following information shall be provided to the Construction Code Official or Zoning Officer:

Subsection A (1) and (2). No change.

Subsections B. through H. No change.

§ 500-155. Off-site signs.

Subsections A (1) and (2): No change.

Subsection A (3) shall be modified to read as follows:

- (3) Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of § 500-162.

Subsections B. through E.: No change.

Subsection F shall be modified to read as follows:

- F. Billboard signs in conformity with the conditions of § 500-162.

New subsection 'G' shall be added and shall read as follows:

- G. Residential neighborhood and lake community organization identification signs in conformity with the conditions of § 500-162.

§ 500-156. Exempt signs. No change.

§ 500-157. Prohibited signs. No change.

§ 500-158. General permit procedures. No change.

§ 500-159. Permits to construct or modify signs. Shall be modified to read as follows:

Signs shall be erected, installed, or created only in accordance with the duly issued and valid sign construction permit from the Construction Official. Such permits shall be issued only in accordance with the following requirements and procedures:

§ 500-160. Temporary sign permits (private property).

Subsections A through C: No change.

Subsection D shall be eliminated in its entirety.

§ 500-161. Time of compliance; nonconforming signs and signs without permits. No change.

Section 2. The following new sections shall be added to Article XIV.

§ 500-162. Zone district signage standards.

Signs shall be permitted in the applicable zone districts subject to the specific standards set forth in subsections A through Q.

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- A. Projecting Sign. Projecting signs shall be permitted in VC, NC, LC, CC, LMI, SED, OR and HC zone districts, subject to the following standards:
- (1) Maximum number: one
 - (2) Maximum sign area: twenty square feet
 - (3) Placement requirements:
 - a. Where a projecting sign extends over a designated pedestrian walkway including both public and private sidewalks there shall be a minimum vertical clearance of nine feet between finished grade and base of the sign.
 - b. Projecting signs shall not be permitted to extend into the right-of-way of a public street or within the paved cart way of a private lane or driveway.
 - c. Projecting signs shall maintain a minimum distance of five (5) feet to all property boundaries.
- B. Freestanding Sign. Freestanding signs shall be permitted in VC, NC, LC, PN, CC, OT, LMI, SED, OR and HC zone districts, subject to the following standards:
- (1) Maximum number per lot: one sign
 - (2) Maximum height:
 - a. VC, NC, LC and PN zones: six feet
 - b. CC zone: twelve feet
 - c. OT, LMI, and SED zones: five feet
 - d. OR zone: ten feet
 - e. HC zone: fifteen feet
 - (3) Maximum sign area:
 - a. VC, NC, LC, PN and OT zones: twenty square feet
 - b. CC, OR, LMI and SED zones: fifty square feet
 - c. HC zone: sixty square feet (single use); seventy-five square feet (2 or more uses)
 - (4) Front yard setback:
 - a. VC, NC, LC and PN zones: six feet
 - b. CC, HC, OR, OT, LMI, SED zone: twelve feet
- C. Canopy Sign. Canopy signs shall be permitted in VC, NC, LC, PN, CC, OT, LMI, SED, OR and HC zone districts, subject to the following standard:
- (1) Maximum sign area: twenty percent of the total surface area of the canopy
- D. Suspended Sign. Suspended signs shall be permitted in VC, NC, LC, PN, CC, OT, LMI, SED, OR and HC zone districts, subject to the following standard:
- (1) One per entrance.
 - (2) Maximum sign area:
 - a. VC, NC, CC, LC, HC, PN and OT: ten square feet
 - b. OR, LMI and SED: fifteen square feet
 - (3) Placement requirements:
 - a. Where a projecting sign extends over a designated pedestrian walkway including both public and private sidewalks there shall be a minimum vertical clearance of nine feet between finished grade and base of the sign.
- E. Wall Signs. Wall signs shall be permitted in VC, NC, LC, PN, CC, OT, LMI, SED, OR and HC zone districts, subject to the following standards:
- (1) Aggregate total not to exceed five percent of that portion of the face of the building upon which sign(s) is affixed in the VC, NC, CC, LC and OR zone districts.
 - (2) Aggregate total not to exceed ten percent of that portion of the face of the building upon which sign(s) is affixed in the HC, LMI and SED zone districts.
 - (3) Aggregate total not to exceed two percent of that portion of the face of the building upon which sign(s) is affixed in the OT and PN zone district.
- F. Window Sign. Window signs shall be permitted in VC, NC, LC, CC, LMI, SED, OR and HC zone districts, subject to the following standards:
- (1) Maximum sign area:
 - a. VC and NC zones: not to exceed twenty percent of the glass area
 - b. CC, LC, HC, OR, LMI and SED zones: not to exceed forty percent of the glass area
- G. Portable Sign. Portable signs shall be permitted in VC, NC, LC, CC, LMI, SED, OR and HC zone districts, subject to the following standards:
- (1) Maximum sign area: nine square feet
 - (2) Maximum height: four feet
 - (3) Number of signs per lot: one sign per business
 - (4) Placement requirement: Where a site has is permitted two or more signs based on multiple businesses on one lot, there shall be a minimum distance of fifteen feet between each portable sign.
 - (5) Design requirement:
 - a. Where a site has is permitted two or more signs based on multiple businesses on one lot, the signs shall uniform with respect to material, size, and color scheme.
- H. Home Occupation and Home Professional Office
- (1) Signs for home occupation and home professional offices in all Residential zone districts, subject to approval pursuant to §§500-20; 21, shall not exceed four square feet.
- I. Residential Neighborhood Association and Lake Community Organization Identification Sign

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- (1) Maximum sign area: twenty square feet
 - (2) Maximum height: six feet
 - (3) Placement requirement: Signs may be located on a residential lot or upon common property of the association or community organization subject to the restriction regarding placement within a "sight easement at intersection" as defined in Chapter 400, "Land use Procedures".
- J. Temporary signs shall be permitted in all zone districts in accordance with the standards set forth in §500-160.
- K. Banners shall be permitted in all zone districts in accordance with the following standards
- (1) Maximum sign area: seventy-five square feet
 - (2) Maximum number: one banner per building.
 - (3) Compliance with the standards set forth in §500-160.
- L. Building marker signs shall be permitted in all zone districts in accordance with the following standards:
- (1) Maximum sign area: four square feet.
 - (2) Maximum number: one per building.
- M. Identification signs shall be permitted in all zone districts in accordance with the following standards:
- (1) Maximum sign area: four square feet.
 - (2) Maximum number: one per building.
- N. Incidental signs shall be permitted in all zone districts.
- O. Roof, integral signs shall be permitted in the VC, NC, CC, LC, HC, OR, LMI and SED zone districts subject to the following standard:
- (1) Maximum number: one sign per lot frontage
- P. Pennants shall be permitted in LC, HC and LMI zone districts subject to the following standard:
- (1) Compliance with the standards set forth in §500-160.
- Q. Billboards shall be permitted in the HC zone district subject to the following standards:
- (1) Maximum sign dimensions: twelve feet in height; twenty-four feet in length.
 - (2) Minimum distance between signs: 0.5 miles (2,640 feet)

Section 3. All ordinances of the Township of West Milford which are inconsistent with the provisions of the ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

Section 5. This Ordinance may be renumbered for purposes of codification.

Section 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: June 15, 2011

This Ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for July 20, 2011. The Mayor and Council opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Rosone
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. VII 2

~ Ordinance 2011-014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF \$52,000 FROM THE CAPITAL ACCOUNT

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Municipal Council of the Township of West Milford has determined that it is in the interest of the Township to acquire property shown as Block 2801, Lot 1 as shown on the official tax maps of the Township of West Milford, and known as 352 Warwick Turnpike in the Township of West Milford, from Anjo Associates for the sum of \$52,000.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

- SECTION 1.** The Township of West Milford hereby authorizes the acquisition of property shown as Block 2801, Lot 1 as shown on the official tax maps of the Township of West Milford, and known as 352 Warwick Turnpike in the Township of West Milford, from Anjo Associates, LLC for the sum of \$52,000.
- SECTION 2.** There is hereby appropriated the total amount of \$52,000 for the purpose set forth in Section 1 from the Capital Account of the Township of West Milford, County of Passaic, State of New Jersey.
- SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.
- SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.
- SECTION 5.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.
- SECTION 6.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.
- SECTION 7.** This Ordinance may be renumbered for purposes of codification.
- SECTION 8.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: June 15, 2011

This Ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for July 20, 2011. The Mayor and Council opened the meeting to the public to speak on this matter only.

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Mayor Bieri asked for and received consensus to move all resolutions as one.

Moved: Weisbecker Seconded: Jurkovic
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. VII 3

~ Resolution 2011-216 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR FAIR DISTRIBUTION OF STATE AID FOR EDUCATION

WHEREAS, the Township of West Milford, County of Passaic believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III, Paragraph 1, of the New Jersey State Constitution states, "The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;" and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, "the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen year;" and

WHEREAS, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, "the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;" and

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WHEREAS, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;” and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford, County of Passaic do hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

BE IT FURTHER RESOLVED, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex DeCroce.

Adopted: June 15, 2011

Agenda No. VII 4

~ Resolution 2011- 217~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES 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 2011 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 2011 in the sum of \$20,438.00 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:
NJHOA Emergency Notification System mini grant

BE IT FURTHER RESOLVED that a like sum of \$20,438.00
be and the same is hereby appropriated under the caption of:

General Appropriations
Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
Emergency Notification System mini grant \$20,438.00

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

Adopted: June 15, 2011

Agenda No. VII 5

~ Resolution 2011- 218 ~

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

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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 July 1, 2011 at the "Jungle Habitat" State owned property, with a rain date of July 2, 2011; 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 July 1, 2011 (with a rain date of July 2, 2011) 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 a copy of the blasting permit from the State of N.J. Division of Fire Safety allowing for the discharge of fireworks and a copy of the original Special Use Permit being filed with the Township Clerk before the July 1, 2011 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 15, 2011

Agenda No. VII 6

~ Ordinance No. 2011- 219 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RELEASE OF A CASH BOND POSTED AS A MAINTENANCE BOND FOR BLOCK 6002, LOT 2 (VANESSA CT., MORSETOWN ACRES) TO VINCENT LANZA, ENVIRONMENTAL CONSTRUCTION CO.

WHEREAS, in 2009 Vincent Lanza, Environmental Construction Company posted a maintenance bond in the form of a cash bond for public improvements on Vanessa Court in the amount of \$3,150.00 for two years; and

WHEREAS, the Township Clerk's Office has received a request from Vincent Lanza for the release of said cash bond; and

WHEREAS, the Township Engineering Department and Land Use Administrator have provided recommendations for the release of said Cash Bond.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the release of the Cash Bond in the amount of \$3,150.00 posted by Vincent Lanza, Environmental Construction Company for public improvements to Vanessa Court;

BE IT FURTHER RESOLVED, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution and forward a check to Vincent Lanza, Environmental Construction Company, P.O. Box 746, 4 Countryside Lane, Ringwood, NJ 07456 in the total amount of \$3,150.00.

Adopted: June 15, 2011

Agenda No. VII 7

~ Resolution No. 2011- 220 ~

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 2011- 2012 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2011- 2012 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

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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 license 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.

FRANK M. SELL MEMORIAL POST NO. 289 American Legion Post 289 177 Lincoln Avenue West Milford, NJ 07480 1615-31-037-001	NEW VINELAND CORPORATION Uncorked Wines & Spirits 9 Marshall Hill Road 1615-33-003-006
THE 2236 CORPORATION Elks Lodge 1860 Union Valley Road West Milford, NJ 07480 1615-33-031-001	PMS LLC The Huntsman Restaurant 1745 Macopin Road West Milford, NJ 07480 1615-33-029-007
PLAZA BAR & LIQUORS INC. Plaza Bar & Liquors 1930 Union Valley Road Hewitt, NJ 07421 1615-33-010-003	SHARON ANN MC KEAGE'S TAVERN Mc Keage's Tavern 341 Macopin Road West Milford, NJ 07480 1615-33-030-007
GUSTAV KOHLE CORPORATION Mountain Rest Inn 17 Wooley Road West Milford, NJ 07480 1615-33-008-002	WEST MILFORD BAR & LIQUORS INC. Westbrook Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002

Adopted: June 15, 2011

Agenda No. VII 8

~ Resolution No. 2011- 221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2011- 2012 LICENSE YEAR

WHEREAS, an application for renewal of Plenary Retail Consumption Licenses for the 2011-2012 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 as active licenses with conditions.

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

LICENSEE	CONDITIONS
HPLAY WEST MILFORD LIQUORS LLC t/a ISLAND OF SPIRITS 3025 Rt. 23 Oak Ridge, NJ 07438 1615-33-019-002	<ol style="list-style-type: none"> 1. The owner is to consider parking limitations when scheduling advertised special events. 2. Occupant Loads must be adhered to.

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LICENSEE	CONDITIONS
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.
PIONEER BAR & GRILL, INC. t/a Pioneer Bar & Grill 350 Warwick Turnpike Hewitt, NJ 07421 1615-33-028-006	1. Occupancy loads must be adhered to. 2. Exits are not be blocked.
NORMTRA LLC t/a Big John's Pub 49 Old Rt 23 N Newfoundland, NJ 07435 1615-33-027-008	1. Patrons are not to leave the curtilage of the licensed premises with alcoholic beverages. 2. The licensed portion of the deck must have a railing and gate which physically separates it from non-licensed areas. 3. A written notice must also be posted instructing patrons that they cannot leave the licensed portion of the premises with alcoholic beverages. 4. Amplified music should be restricted to the interior of the building only. This should include live bands and DJ's. 5. Non-amplified musical entertainment outside the building should remain within the licensed area and cease by 9:00 P.M.

Adopted: June 15, 2011

Agenda No. VII 9

~ Resolution No. 2011- 222 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2011- 2012 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2011- 2012 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 license be renewed to the current owners as inactive licenses with conditions.

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

LICENSEE	CONDITIONS
ALO INC. VILLAGE SQUARE INN 2887 ROUTE 23 NEWFOUNDLAND, NJ 07435 1615-33-005-003	1. The Open Violation, for multiple locations in the building of the Fire Code must be abated prior to activation of license and opening of premises. 2. A Retail Food Establishment license must be acquired prior to activation. 3. A Health Department inspection must be made 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.

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LICENSEE	CONDITIONS
	5. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to opening.

Adopted: June 15, 2011

Agenda No. VII 10

~ Resolution No. 2011- 223 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF A POCKET PLENARY RETAIL CONSUMPTION LICENSE WITH CONDITIONS FOR THE 2011- 2012 LICENSE YEAR

WHEREAS, an application for renewal of a Pocket Plenary Retail Consumption License for the 2011- 2012 License year has been received and reviewed; and

WHEREAS, the 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 Township Council has 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 renewed to the current owner as an inactive/pocket license with conditions.

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

LICENSEE	CONDITIONS
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	<ol style="list-style-type: none"> 1. Licensee must apply for a place to place transfer to site this license prior to activation. 2. A Fire Dept 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. 5. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to opening.

Adopted: June 15, 2011

Agenda No. VII 11

~ Resolution No. 2011- 224 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AWARDDING A CONTRACT TO KEVCO ELECTRIC, INC. FOR THE WARWICK TURNPIKE/LAKESHORE ROAD TRAFFIC SIGNAL PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on May 20, 2011 for the Warwick Turnpike/Lakeshore Road Traffic Signal Project as per the Bid Specifications; and

WHEREAS, the Township of West Milford received five (5) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Supervising Engineering Aide; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Supervising Engineering Aide has submitted a written recommendation for the award of this contract to Kevco Electric, Inc.; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number C-04-10-945-290;

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

1. The Township Council hereby awards a contract to Kevco Electric, Inc., P.O. Box 2360, Bloomfield, New Jersey 07003 in an amount not to exceed \$167,729.95 for the Warwick Turnpike/Lakeshore Road Traffic Signal Project as per the Bid Specifications
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Kevco Electric, Inc. in accordance with its bid for said Warwick Turnpike/Lakeshore Road Traffic Signal Project.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 15, 2011

Agenda No. VII 12

~ Resolution No. 2011- 225 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,
STATE OF NEW JERSEY AWARDING A CONTRACT TO TILCON NEW YORK, INC. FOR THE
OTTERHOLE ROAD – SECTION 2 IMPROVEMENT PROJECT**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on May 20, 2011 for the Otterhole Road – Section 2 Improvement Project as per the Bid Specifications; and

WHEREAS, the Township of West Milford received seven (7) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Supervising Engineering Aide; and

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

WHEREAS, the Supervising Engineering Aide has submitted a written recommendation for the award of this contract to Tilcon New York, Inc.; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number C-04-11-950-315;

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

1. The Township Council hereby awards a contract to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey 07885 in an amount not to exceed \$428,785.00 for the Otterhole Road – Section 2 Improvement Project as per the Bid Specifications.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tilcon New York, Inc. in accordance with its bid for said Otterhole Road – Section 2 Improvement Project as per the Bid Specifications.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 15, 2011

Agenda No. VII 13

~ Resolution No. 2011- 226 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE
PASSIAC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND FOR ECHO
LAKE PARK IN THE TOWNSHIP OF WEST MILFORD**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Department of Community Services and recreation has recommended to the Township Council the submission of an application for funding the rehabilitation of Echo Lake Park Roller Hockey site for this calendar year; and

WHEREAS, the Department of Community Services and Recreation has recommended that this application be approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program; and

WHEREAS, the Department of Community Services and Recreation submitted the following application for consideration to the Township Council:

Project

Echo Lake Park Roller Hockey		
Germantown Road	Total Project Funding:	\$95,000.00
Block 14403 Lot 1	County Funds Requested:	\$25,000.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the township advertised a public notice on June 5, 2011 for the public hearing to be held on June 15, 2011 on the application; and

WHEREAS, the public hearing is scheduled for June 15, 2011, at which time public input will be solicited on the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials as prepared by the West Milford, Department of Community Services and Recreation to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Rehabilitation of Echo Lake Park – Roller Hockey.

Adopted: June 15, 2011

Agenda No. VII 14

~ Resolution No. 2011- 227 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND FOR CYO/NOSENZO POND PARK IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Department of Community Services and recreation has recommended to the Township Council the submission of an application for funding the rehabilitation of CYO/Nosenzo Pond Park for this calendar year; and

WHEREAS, the Department of Community Services and Recreation has recommended that this application be approved by the Township Council and submitted to Passaic County Open Space Committee for consideration in the County Open Space Program; and

WHEREAS, the Department of Community Services and Recreation submitted the following application for consideration to the Township Council:

Project

CYO/Nosenzo Pond Park		
Nosenzo Pond Road	Total Project Funding:	\$175,000.00
Block 9301 Lot 12	County Funds Requested:	\$125,000.00

WHEREAS, in accordance with the requirements of the Passaic County Open Space Committee, the township advertised a public notice on June 5, 2011 for the public hearing to be held on June 15, 2011 on the application; and

WHEREAS, the public hearing is scheduled for June 15, 2011, at which time public input will be solicited on the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, that it hereby authorizes the Township Administrator to arrange for the submission of all grant application materials as prepared by the West Milford, Department of Community Services and Recreation to seek funding from the Passaic County Open Space and Farmland Preservation Trust Fund for the Rehabilitation of CYO/Nosenzo Pond Park.

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Consent Agenda

Agenda No. VIII

~ Resolution No. 2011- 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:

- a. **2011-229** – Refund Other Liens
- b. **2011-229** – Refund Overpayments
- c. **2011-230** – Refund Recreation Fees
- d. **2011-231** – Reinstate Taxes

Applications:

- a. **Application** for On Premise 50/50 Raffle License No. RL2011-24 by West Milford Police Athletic League for July 1 and July 2, 2011.
- b. **Application for Canvasser Permit No. 2011 - 01** by the New Jersey Environmental Federation.
- c. **Application for Clothing Bin Permit No. 2011 - 01** by Amvets/GSW Inc.
- d. **Application for Clothing Bin Permit No. 2011 - 02** by Millennium International Textile.
- e. **Application for Clothing Bin Permit No. 2011 - 03** by the NJ/NY Volunteer Firemen's Association/H&M Leasing Corp.
- f. **Application for Clothing Bin Permit No. 2011 - 04** by Goodwill Industries

Adopted: June 15, 2011

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2011- 229 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qualifier	Reimburse Amount	Pay to the Lien Holder
10-078	03/23/2010	07510-005	\$5,852.75	US BANK CUST FOR PRO CAPITAL I LLC US BANK TLSG, 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
11-009	04/19/2011	01701-067	\$6,867.23	EMPIRE TAX FUND III LLC 8 HARROWS LANE, PURCHASE, NY 10577
11-026	04/19/2011	02315-007	\$5,794.32	ROSEHILL FUND I LLC 409 MILTON ROAD, RYE, NY 10586
11-041	04/19/2011	03703-014	\$6,521.65	EMPIRE TAX FUND III LLC 8 HARROWS LANE, PURCHASE, NY 10577
11-067	04/19/2011	07306-006	\$16,326.70	US BANK CUST FOR TOWER DBW

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Certificate No.	Certificate Date	Block/Lot/Qualifier	Reimburse Amount	Pay to the Lien Holder
				50 SOUTH 16TH ST. STE 1950-TOW PHILADELPHIA, PA 19120
11-089	04/19/2011	10602-019	\$6,807.80	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE, 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
11-090	04/19/2011	10602-056	10602-056	US BANK CUST FOR TOWER DBW 50 SOUTH 16TH ST. STE 1950-TOW PHILADELPHIA, PA 19120
11-107	04/19/2011	12309-004	\$8,425.10	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE, 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
11-111	04/19/2011	13704-006	\$10,344.75	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE, 50 SOUTH 16 ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$80,617.57	

Adopted: June 15, 2011

Agenda No. VIII b

~ Resolution No. 2011- 230 ~

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 overpayments were 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:

1. Incorrect Payment
2. Duplicate Payment
3. Senior Citizen/Veteran Deduction
4. Homestead Rebate
5. Tax Appeal

Block/Lot	Name	Amount	Year	Reason
1001-9	CoreLogic Refund Department CoreLogic R.E. Tax Service P.O. box 961250 Fort Worth, Texas 76161-9887	\$2,227.00	2011	2
1611-22	Lien Times 203 Stevens Road West Milford, NJ 07480	\$309.06	2011	1
7618-10	Theodore & Diane Tallaksen 10 Butler Lane West Milford, NJ 07480	\$757.68	2011	1
11302-29	U.S. Bank Cust. for Tower DBW 50 South 16 th Street Suite 1950-TOW Philadelphia, PA 19102	\$2,009.90	2011	2
TOTAL		\$7,313.64		

Adopted: June 15, 2011

Agenda No. VIII c

~ Resolution No. 2011- 231 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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BE IT RESOLVED that the following Recreational fees upon the report of the Director of Community Services and Recreation be refunded:

PARTICIPANT	AMOUNT	MADE PAYABLE TO:
Day Camp		
Logan & Jayden	\$180.00	Deanna Bussanich 1651 Cole Springs Road Bishop, GA 30621

Adopted: June 15, 2011

Agenda No. VIII d

~ Resolution No. 2011- 232 ~

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

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

WHEREAS, the Collector of Taxes recommends the cancellation of receipt of, and reinstatement of taxes due to reasons stated below.

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
7605-3	Richard Hourihan	\$1,973.00	2011
7206-10	John & Rose Pugliese	\$2,086.65	2011
6204-8.02	Christopher & Jennifer Cordero	\$3,055.00	2011
2407-4	Frances Ann Molinari	\$855.00	2011
8101-3	Antonio & Maria Miraglia	\$2,253.00	2011
11902-1	Robert & Jennifer Carmean	\$938.84	2011
TOTAL		\$11,161.49	

Adopted: June 15, 2011

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2011- 233~

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	\$412,160.35
2	Reserve Account	8,680.95
3	Animal Control Trust	0.00
6	Capital.	27,833.16
7	Grants.	31,574.35
8	Refuse.	8.99
9	Refunds.	88,111.21
12	General Ledger.	0.00
16	Heritage Trust.	310.06
14	Open Space Trust	10,100.00
17	Trust	4,551.17
18	Development Escrow.	2,802.25

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Administrator Boyle advised that the Highlands Council asked West Milford to be part of conservation plan pilot project. There will be a kickoff meeting on June 21st. He stated that the finance department began putting the bill list online under forms & documents and it will stay up until the next meeting. He advised that the environmental assessment at Wallisch came back with a recommendation for a phase II study and he will schedule a workshop discussion. We are part of joint meeting for electric aggregation and this year the Township will have service with Rockland and PSE&G and there will be savings of 10-16%. The Council received a memo from recreation regarding the need for a vehicle because no worthy vehicle is available from the County. There is money available in a 2000 capital account. He advised that the Township has not had a volunteer accident policy in the past. There is no insurance for people who participate in beautification day as an example. He stated that Paul Zarillo resigned unexpectedly from the Greenwood Lake Bi-State Commission because he has work commitments. He has been a great asset and Mr. Boyle will miss him. Capital and debt ordinances will be on the July agenda. Tennessee Gas Pipeline will tunnel under Belcher's Creek to avoid silt conditions that could affect Greenwood Lake. They have commended Councilman Weisbecker for his work on this effort. TGP is offering to give Council a tour of the pipeline.

Mr. Semrau said that he is working on the Upper Greenwood Lake litigation and Council will be receiving updates.

Agenda No. XI

Appointments and Resignations

Councilman Rosone nominated Kathy Glatz as Citizen Member on the Beautification and Recycling (Advisory) Task Force seconded by Councilman Signorino.

Motion to close and confirm.

Moved: Jurkovic Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. XII

Executive Session

**~ Resolution No. 2011- 234 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 15th day of June, 2011 that:

1. Prior to the conclusion of this **Regular 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.
 - Upper Greenwood Lake Property Owner's Association - Litigation
 - Labor Counsel – Contract Negotiations
 - () 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).

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Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Bieri
Voted Nay: Rosone, Signorino, Jurkovic.
Motion carried.

The Council went into executive session at 10:45 p.m.
The Council returned to the public portion at 11:25 with all present as before.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:25:14 pm.

Moved: Signorino Seconded: Rosone
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
Voted Nay: None.
Motion carried.

Approved: October 5, 2011

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK