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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of Governing Body Regular Meeting  
Date of Meeting: June 21, 2017  
Time of Meeting: 6:30 pm  
Minute Page No: Page 1 of 18

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The Regular Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 25, 2016 and January 1, 2017; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

**Pledge of Allegiance**

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

Agenda No. II

**Roll Call**

Present: Councilmembers Ada Erik (arrived 7:05), Mike Hensley, Tim Wagner,  
Peter McGuinness, Luciano Signorino (arrived 6:40), Marilyn Lichtenberg,  
Mayor Bettina Bieri.  
Absent: None  
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

June 7, 2017 Regular Meeting  
June 7, 2017 Executive Session

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

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Agenda No. IV

**Meetings**

Mayor Bieri noted the future meeting schedule:

July 12, 2017 Workshop and Regular Meeting  
August 16, 2017 Workshop and Regular Meeting  
September 6, 2017 Workshop Meeting

Mayor Bieri suggested moving forward with the presentations first since the seniors and Eagle Scouts were present. The Council gave consensus.

Agenda No. V

**Presentations**

Senior Olympian Champions – Mayor Bieri announced that the West Milford Senior Olympians won this year's Senior Olympics. She invited Mr. Roetman to the podium to speak about their success. Mr. Roetman gave a brief history about the West Milford Senior Olympians, he spoke about how dedicated they are and how they won the past three years. He thanked and congratulated them. The medal winners joined Mayor Bieri at the podium and spoke about their accomplishments and the type of games they played.

Eagle Scout Robert L. Woods, V – Spoke about how he has been in scouting since the 1<sup>st</sup> grade. For his project he spent about 50 hours building shelves and storage for the band. He is joining the army in the fall. He thanked his parents for all their support. Mayor Bieri congratulated him and thanked him for his service.

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Eagle Scout Alexander Barone Kerksen – Said he has been in scouting since 1<sup>st</sup> grade. For his project he built an outdoor classroom at Marshall Hill Elementary school. It was built around the rock and tree as a Memorial for Mrs. Valerie McGuinness. He displayed pictures for the Governing Body. The benches were made of tree trunks and logs. The heavy machinery was provided by Mr. Jason Stillman. The children are really enjoying the outdoor classroom. He thanked Mr. Stillman, his parents, and all his volunteers. He will be attending William Paterson in the fall majoring in Music Education with a concentration in Jazz Piano. He spoke about all the instruments he plays.

Mayor Bieri spoke about how special West Milford is and how it's the people that make the community even better. The dedication and support that the Eagle Scouts have to help them along the way is amazing and speaks value to the community. She encouraged the Eagle Scouts to always stay true to their roots and values in the future. She presented the Eagle Scouts with plaques and wished them good luck.

Bi-State Commissioner Paul Zarrillo – Thanked the Council for their continued support of the Greenwood Lake Commission. He spoke about how 2016 was a very successful year by strengthening their relationships with local counties and state partners. They partnered with Montclair State University and they are doing various studies around the lake. The water quality and safety issues improved significantly. One of their biggest issues is permanent funding. They would like to develop a foundation where they can hold fundraisers to help support the lake projects. He asked if the Council could help in that effort. He spoke about their achievements, and the funding they received from Orange and Passaic County. They want to get out to the schools and educate the kids.

Mayor Bieri thanked Mr. Zarrillo and all the commissioners. Administrator Battaglia mentioned that the Township has contributed more to Greenwood Lake this year. They have effectuated repairs to the weed harvester, and expended money on the weed harvester and the man power to have the weed harvester on the lake. Mr. Zarrillo mentioned the circus date and time, and the money that's raised from the event will be donated to the Bubbling Springs scholarship program, Christmas Light contest, various deserving families in town and the West Milford Animal Shelter. He presented to the Governing Body a \$1,000 donation to the West Milford Animal Shelter. Councilman Signorino noted that he was happy to support Mr. Zarrillo and he appreciated all his work. Councilman Wagner mentioned that Mr. Zarrillo is humble and very aggressive in securing the \$84,000 to help remove the stumps. The Governing Body thanked Mr. Zarrillo.

Plenary Retail Consumption License Transfer - Mayor Bieri opened the meeting to the public to speak directly to the license transfer only. Administrator Battaglia mentioned that at this point in time the license will remain a pocket license only.

There being no one wishing to be heard, Councilwoman Lichtenberg made a motion to close the public comment period.

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

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Agenda No. VI

**Executive Session**

**~ Resolution No. 2017 – 231 ~**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 21<sup>st</sup> day of June, 2017 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) 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.

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- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Attorney-Client Privilege – Licensing
    - Contracts – B&B Organics
    - Attorney-Client Privilege – Ordinance Enforcement
  - ( ) 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 21, 2017

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

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The Governing Body went into executive session at 7:07 p.m.  
The Governing Body returned to the public meeting at 8:26 p.m. with all present as before.

Agenda No. VII

**Proclamations**

None

Agenda No. VIII

**Unfinished Business, Final Passage Of Ordinances**

None

Agenda No. IX

**Public Comments**

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

Ms. Heale, 9 Cleveland Drive – Read an apology letter from Aerial Knapp explaining that she did not retain a permit from the Township to host a candlelight vigil at Veteran’s Park on behalf of those suffering with drug addiction. Ms. Knapp thanked the Police Department for not interrupting the vigil. Ms. Heale explained how an adjustment to the Ordinance should be considered in order to encourage these types of activities instead of prohibiting them.

Bob Nicholson, 20 High Road, Stockholm – Wished everyone a happy 1<sup>st</sup> day of summer and said the air conditioner works very well. He spoke about how he went through vintage Council meetings, and the bulletins that the County has been sending out in reference to all the different events happening in Passaic County.

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

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

Agenda No. X

**Council Comments**

Mr. Semrau – He didn’t think it was necessary for the Governing Body to comment on the Ordinance that applies to the candlelight vigil. The Police can always brief administration regarding the situation. In respect to the Ordinance, the Governing Body wants to review it and get legal guidance. He suggested taking a look at all aspects of that particular Ordinance and what it seeks to protect.

Councilman Signorino – Thanked Ms. Heale for the apology. He is looking to try and correct some of the wrongs that were done in having that Ordinance in place. He explained that most laws are unintended consequences.



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 Mayor Bieri suggested changing the language in the resolution so it states that the Governing Body is not supportive of their concept plans. Administrator Battaglia said that she would reach out to Assemblywoman DeCroce's office to see if they can establish some type of format for a discussion. The Council gave consensus.

Agenda No. XI 2

~ Resolution 2017 – 212 ~

**DEFEATED**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCEPT DEVELOPMENT FOR THE RECONSTRUCTION OF THE ROUTE 23 "S" TURNS SECTION OF THE STATE HIGHWAY, MILEPOST 17.2 TO MILEPOST 19.8**

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

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 Agenda No. XI 3

~ Resolution 2017 - 213 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2016 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7**

Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S.A 40:A:5-7. Summary of Synopsis of 2016 Audit Report of the Township of West Milford, County of Passaic, as required by N.J.S.A 40A:5-7.

<b>Assets</b>	<b>December 31 Year 2016</b>	<b>December 31 Year 2015</b>
Cash, Investments and Prepaid Debt Service	21,978,515.58	21,816,116.88
Taxes, Assessments, Liens and Utility Charges Receivable	4,438,366.24	4,337,745.92
Prospective Assessments Funded	1,000.00	1,000.00
Property Acquired for Taxes - Assessed Value	3,260,100.00	3,260,100.00
Accounts Receivable (and Inventory )	3,794,011.10	3,876,126.45
General Fixed Assets	45,065,388.25	42,480,490.02
Deferred Charges to Future Taxation - General Capital	34,228,776.43	33,901,415.35
Deferred Charges to Revenue of Succeeding Years	30,000.00	267,012.16
<b>Total Assets</b>	<b>112,796,157.60</b>	<b>109,940,006.78</b>
<b>Liabilities, Reserves and Fund Balances</b>		
Bond and Notes Payable	35,472,301.95	31,417,685.15
Improvement Authorizations	4,130,611.21	8,549,246.79
Other Liabilities and Special Funds	14,564,296.04	13,771,133.77
Net Assets Available for Benefits	2,010,006.32	1,958,192.90
Investment in General Fixed Assets	45,065,388.25	42,480,490.02
Reserve for Certain Assets Receivable	6,925,051.57	6,700,958.71
Fund Balance	4,628,502.26	5,062,299.44
<b>Total Liabilities, Reserves and Surplus</b>	<b>112,796,157.60</b>	<b>109,940,006.78</b>
<b>Revenue and Other Income Realized</b>		<b>2015</b>
Fund Balance Utilized	3,526,409.00	2,500,000.00
Miscellaneous - From Other Than Local Property Tax Levies	6,358,055.83	7,118,715.54
Collection of Delinquent Taxes and Tax Title Liens	1,406,827.50	1,357,286.99
Collection of Current Tax Levy	100,797,829.31	100,663,610.22

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Other Credits to Income	1,617,196.37	1,388,561.82
<b>Total Income</b>	<b>113,706,318.01</b>	<b>113,028,174.57</b>
Budget Expenditures:		
Municipal Purpose	31,922,794.92	31,498,150.81
Special District Taxes	1,792,903.63	1,792,906.07
Municipal Open Space Tax	150,622.08	150,625.58
County Taxes	22,820,508.39	22,194,822.17
Local and Regional School Taxes	54,074,067.00	53,810,404.00
Other Expenditures	69,958.14	91,155.18
<b>Total Expenditures</b>	<b>110,830,854.16</b>	<b>109,538,063.81</b>
Less: Expenditures to be Raised by Future Taxes		
<b>Total Adjusted Expenditures</b>	<b>110,830,854.16</b>	<b>109,538,063.81</b>
Excess in Revenue	2,875,463.85	3,490,110.76
Fund Balance January 1	4,794,317.61	3,804,206.85
	7,699,781.46	7,294,317.61
Less:		
Utilized as Anticipated Revenue	3,526,409.00	2,500,000.00
Fund Balance December 31	4,143,372.36	4,794,317.61

**RECOMMENDATIONS**

1. That 1099s be sent to all vendors required to receive them.
2. That all vendors required to submit Political Disclosure Forms submit them.
3. That all employees be paid according to the Township’s salary ordinance and the proper deductions be withheld.
4. That the PERS and PFRS pension payments be made in a timely manner.
5. That all eligible employees be enrolled in the DCRP.
6. That Other Trust Fund Reserved be reviewed and proper action be taken.
7. That a Fixed Asset Inventory report be available for audit and be updated for additions and deletions.

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A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2016. This Report of Audit, submitted by Charles J. Ferraioli, Jr. of Ferraioli, Wielkocz, Cerullo & Cuva, P.A., is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: June 21, 2017

Agenda No. XI 4

~ Resolution 2017 - 214 ~

**RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2016 ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

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WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body whom, after a date fixed for compliance, fails or refuses to obey an order of the director (Direct of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, in the County of Passaic, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: June 21, 2017

Group Affidavit of the Township Council of the Township of West Milford Certifying to the Annual Audit for the year ending December 31, 2016

BE IT RESOLVED that the Township Council of the Township of West Milford hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution which includes the required affidavit to said Board to show evidence of said compliance.

GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
} SS.
COUNTY OF PASSAIC

We, the members of the Governing Body of the Township of West Milford, County of Passaic, of full age, being duly sworn according to law, upon our oath depose and say:

- 1. We are duly elected members of the Township Council of the Township of West Milford.
2. In the performance of our duties, and pursuant to the local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Township Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2016.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

Ada Erik (L.S.) Mike Hensley (L.S.)
Tim Wagner (L.S.) Peter McGuinness (L.S.)
Marilyn Lichtenberg (L.S.) Luciano Signorino (L.S.)
Bettina Bieri, Mayor (L.S.)

Agenda No. XI 5

~ Resolution 2017 - 215~

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

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**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 2017 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 2017 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:  
2017 Clean Communities grant; \$71,633.11

**BE IT FURTHER RESOLVED** that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations  
(A) Operations – Excluded from CAPS  
Public and Private Programs Offset by Revenue  
2017 Clean Communities grant: \$71,633.11

**BE IT FURTHER RESOLVED** that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: June 21, 2017

Discussion:

Councilman McGuinness asked what the difference is between a regular police vehicle and a police pursuit vehicle. Administrator Battaglia explained that it's a title used in the resolution and will be replacing the older Chevy Tahoe. Councilman Signorino explained his concerns about the police vehicles. The police should not be hidden when they are patrolling the town and he doesn't agree with having a black vehicle with black lettering. It's a waste of money. He doesn't think the children will feel comfortable approaching a police vehicle that is all black with black tinted windows and black lettering. The vehicles should be inviting to the children with visible police lettering. He noted that it does not state anywhere what type of vehicle is being donated to the Police Department from the Passaic County Sheriff's Department. He said he should know what kind of vehicle it is before he gives his approval of the donation. Administrator Battaglia said the vehicle was described in the resolution that the Governing Body passed at the previous meeting.

Agenda No. XI 6

**~ Resolution 2017 - 216 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) 2017 CHEVROLET TAHOE POLICE PURSUIT VEHICLE THROUGH THE NJ STATE CONTRACT A89938 FROM DAY CHEVROLET**

**WHEREAS**, the Township wishes to purchase one (1) Chevrolet Tahoe; and

**WHEREAS**, The Township Chief of Police has provided a recommendation to award this contract through the NJ State Contract A89938 to Day Chevrolet; and

**WHEREAS**, the total amount of the contract shall not exceed \$36,732.40;

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase one (1) 2017 Chevrolet Tahoe Police Pursuit Vehicle in an amount not to exceed \$36,732.40 through NJ State Contract A89938 to Day Chevrolet, 1600 Golden Mile Hwy, Monroeville, PA 15146.
2. The Township Chief Financial Officer has certified the availability of funds for same.
3. The equipment and changeovers one (1) Chevrolet Tahoe Police Pursuit Vehicle will be submitted by future resolution.

Adopted: June 21, 2017





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AAA Emergency Supply Co.	T0109-83917	Protective Clothing
Atlantic Communications	T0109-83917	Communication Equipment and Accessories
Dell Inc.	89967	Computers, Printers and Network Hardware
Falcon Auto Parts	T2085-42093	Automotive Parts
Dover Brake & Clutch	T2085-23842	Automotive Parts
One Source of NJ	T2085-42119	Automotive Parts
Mid-Atlantic Truck Center	T2085-42075	Automotive Parts
Foley Inc.	T2188-23107	Parts & Repair of Road Maintenance Equipment
Custom Bandag	M8000-22770	Distributor of Tires, Tubes and Service

Agenda No. XI 11

**~ Resolution 2017 - 221 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING ELECTRONIC TAX SALE**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

**WHEREAS**, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

**WHEREAS**, the Director of Local Government Services has approved NJ Tax Lien Investors/ Real Auction.com to conduct pilot programs, and

**WHEREAS**, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS**, the municipality of the Township of West Milford wishes to participate in the pilot program for an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the municipality of the Township of West Milford, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Adopted: June 21, 2017

Agenda No. XI 12

**~ Resolution 2017 - 222 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZE ELECTRONIC TAX SALES NOTICE FEE**

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of West Milford wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**BE IT RESOLVED** by the Council of the Township of West Milford that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2017 electronic tax sale.

Adopted: June 21, 2017

Agenda No. XI 13

**~ Resolution No. 2017 – 223 ~**

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

**WHEREAS**, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Phil Preston, Inc.	6902	25	1783 Union Valley Rd.
Adelo Corporation	3603	7	2019 Greenwood Lake Turnpike
Heck, Timothy	13203	2	341 Macopin Rd.
Brike, LLC	7621	6	1483-85 Union Valley Rd.
GDS Enterprises	5701	6	16-22 Marshall Hill Rd.
Josef Lang Holdings LLC	2402	2	399 Lakeshore Drive

; and

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

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

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

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	COUNTY BOARD OF TAXATION SETTLEMENT	PROPOSED SETTLEMENT
Phil Preston, Inc.	2012	\$925,300	\$925,300	\$625,000
Phil Preston, Inc.	2013	\$925,300	\$925,300	\$625,000
Phil Preston, Inc.	2014	\$925,300	\$925,300	\$925,300
Phil Preston, Inc.	2015	\$925,300	\$925,300	\$925,300
Adelo Corporation	2012	\$1,225,100	\$1,000,000	\$1,000,000
Adelo Corporation	2013	\$1,000,000	\$1,000,000	\$900,000
Adelo Corporation	2014	\$1,000,000	\$1,000,000	\$700,000
Adelo Corporation	2015	\$1,000,000	\$1,000,000	\$700,000
Adelo Corporation	2016	\$1,000,000	\$1,000,000	\$700,000
Heck, Timothy	2014	\$701,300	\$701,300	\$358,000
Brike, LLC	2013	\$885,400	\$885,400	\$885,400
Brike, LLC	2014	\$885,400	\$885,400	\$750,000
Brike, LLC	2015	\$885,400	\$885,400	\$700,000
Brike, LLC	2016	\$885,400	\$885,400	\$650,000

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PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	COUNTY BOARD OF TAXATION SETTLEMENT	PROPOSED SETTLEMENT
GDS Enterprises, LLC	2013	\$975,200	\$975,200	\$975,200
GDS Enterprises, LLC	2014	\$975,200	\$975,200	\$975,200
GDS Enterprises, LLC	2015	\$975,200	\$975,200	\$900,000
GDS Enterprises, LLC	2016	\$975,200	\$975,200	\$900,000
Josef Lang Holdings LLC	2015	\$581,000	\$581,000	\$525,000
Josef Lang Holdings LLC	2016	\$581,000	\$581,000	\$525,000

2. All refund checks are to be made payable to the attorneys for the taxpayer and the taxpayer. Refunds are to be made within 60 days from the date of the entry of Judgment and interest is waived on said refunds on the condition that the refund is paid within 60 days from the date of the entry of Judgment.

3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

4. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

5. This Resolution shall take effect immediately.

Adopted: June 21, 2017

Agenda No. XI 14

~ Resolution 2017 – 224 ~

**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 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
05316-002.05	ANTHONY & VIRGINIA CEMELLI	\$880.00	2017
03508-007	JUDI OLEJNIK-HAUSER & LUKE HAUSER	\$500.00	2017
12801-006	CLAIRE L GEVEKE	\$700.00	2016/2017
05204-016	STANLEY P. KLINE	\$2,048.32	2017
15601-007	EMPIRE PROPERTY SERVICE LLC (ASANI ENEPE)	\$5,463.00	2017
10707-003	MIRTHA MIRANDA	\$1,691.00	2017
13701-027	ANNE C SAGGIO	\$750.00	2017
13102-037	JUDITH FITZPATRICK	\$835.00	2017
15301-008	JOHN BARRERE	\$2,605.00	2017
13601-001	CHRISTOPHER J. ASTARITA	\$1,908.00	2017
05202-005	DANIELLE SHERFER	\$3,300.00	2017
05316-003.07	CHRISTIE SHEFFE	\$300.00	2017
02707-001	DONALD BUTTERWORTH	\$3,261.53	2017
<b>TOTAL</b>		<b>\$24,241.85</b>	

Adopted: June 21, 2017

Agenda No. XI 15

~ Resolution 2017 – 225 ~

**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 overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

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

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- REASON:**
- |                           |                          |
|---------------------------|--------------------------|
| 1. Incorrect Payment      | 2. Duplicate Payment     |
| 3. Senior Citizen         | 4. Veteran               |
| 5. Homestead Rebate       | 6. Tax Court CB          |
| 7. State Court Tax Appeal | 8. 100% Disabled Veteran |

Block & Lot	Name and Address	Amount	Year	Reason
00505-005	Corelogic Centralized Refund PO Box 9202 Coppell, TX 75019-9760	\$2,567.00	2017	2
01204-005.01		\$2,629.00	2017	2
01807-017		\$2,069.00	2017	2
05904-007		\$2,157.00	2017	2
08903-027		\$2,844.00	2017	2
09201-020		\$2,567.00	2017	2
12901-006		\$54.00	2017	2
12901-017		\$2,478.88	2017	2
16005-017		\$2,447.00	2017	2
02414-006		Abraham Fogle 14 Eatontown Road Hewitt, NJ 07421	\$1,888.00	2017
09102-006	James P Everett 18 Red Barn Lane West Milford, NJ 07480	\$3,184.00	2017	2
10001-008	Pamela Krueger 20 Wooley Road West Milford, NJ 07480	\$1,966.55	2017	2
<b>TOTAL</b>		<b>\$26,851.43</b>		

Adopted: June 21, 2017

Agenda No. XI 16

~ Resolution 2017 – 226 ~

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

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

<b>Bob Ross Adult Painting</b>		
Betty Gartner, Berry Lusch	\$110.00	Betty Gartner 24 Christine Court West Milford, NJ 07480
<b>Flag Football</b>		
Jake and Kyle	\$150.00	Kim Schwarzlow 1 Post Brook Road South West Milford, NJ 07480
<b>Build It Camp</b>		
Dominic & Vincent	\$260.00	Tara Lenoir 583 Snake Den Road West Milford, NJ 07480
Connor	\$130.00	Christina Sacharoff 45C Manchester Lane West Milford, NJ 07480
Fiona	\$140.00	Paige Clutterbuck 158 Skyline Lakes Drive Ringwood, NJ 07456
Dylan	\$140.00	Jaime Gabriele 16 Mountain Avenue Highland Lakes, NJ 07422
Catherine	\$140.00	Suzanne Wiley 246 Cupsaw Drive Ringwood, NJ 07456
Daniel & Andrew	\$260.00	Jennifer Golas 35 McKinley Place West Milford, NJ 07480

Adopted: June 21, 2017

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Agenda No. XI 17

**~ Resolution 2017 – 227 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 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:

<b>Certificate No.</b>	<b>Certificate Date</b>	<b>Block/Lot/Qual</b>	<b>Reimbursement Amount</b>	<b>Pay to Lien Holder</b>
14-0001	10/14/2014	00402-014	\$69,429.99	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
<b>Grand Total:</b>			<b>\$69,429.99</b>	

Adopted: June 21, 2017

Agenda No. XI 18

**~ Resolution 2017 - 228 ~**

**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 2017-2018 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2017-2018 License year have been processed on the ABC POSSE website 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; 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.

**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.

<b>LICENSEE</b>	<b>CONDITIONS</b>
<b>M&amp;M DISCOUNT LIQUORS LLC</b> t/a M&M Discount Liquors 574A Macopin Road, West Milford, NJ 07480 <b>1615-33-009-007</b>	<ol style="list-style-type: none"> <li>1. Outstanding Fire Department situation needs to be abated by 6/30/17.</li> <li>2. Must remove all the items upstairs that constitute an illegal apartment above the liquor store and need Building Department inspections to be completed before 6/28/17.</li> </ol>
<b>2 MOMENTO 2, INC.</b> t/a Momento Restaurant 374 Morsetown Road, West Milford, NJ 07480 <b>1615-33-012-005</b>	<ol style="list-style-type: none"> <li>1. Outstanding electrical permits need Building Department inspections to be completed before 6/28/17.</li> </ol>

Adopted: June 21, 2017

Agenda No. XI 19

**~ Resolution 2017 - 229 ~**

**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. 1615-33-030-007 FROM SHARON A. MCKEAGE TAVERN INC. TO MICHAEL A. YAZGI AS AN INACTIVE/POCKET LICENSE**

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**WHEREAS**, an application has been received for a Person to Person transfer of Plenary Retail Consumption License 1615-33-030-007 presently inactive and held by Sharon A. McKeage Tavern Inc. to Michael A. Yazgi as an inactive license that has been 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; 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 financing obtained.

**WHEREAS**, the pocket / inactive license may be transferred with the following conditions:

1. Pocket licenses must submit a 12-page Place-to-Place Transfer application with detailed sketch of proposed site and a Police Investigation Request Form to the Township Clerk's Office and receive satisfactory recommendations from the following departments: Police, Fire Prevention, Health, Building and Zoning Departments prior to siting the license.
2. A Health Department Retail Food Establishment license must be acquired prior to opening.
3. To activate the pocket license the licensee must file an amendment and submit pages 1, 2, and 11 of the 12-page license application to the Township Clerks Office within ten days of opening the premises.

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

Adopted: June 21, 2017

Agenda No. XII

**Consent Agenda**

None

Agenda No. XIII

**Approval of Expenditures**

~ Resolution No. 2017 - 230 ~

**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	\$428,401.53
3	Reserve Account	5,049.25
2	Grants	19,154.33
6	Refunds	97,611.42
1	General Ledger	0.00
26	Refuse	56,438.64
4	Capital	417.22
19	Animal Control	0.00
19	Heritage Trust	1,435.10
19	Open Space Trust	0.00
19	Trust	6,894.87
19	COAH	0.00
16	Development Escrow	200.60
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00

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	Special Reserve	0.00
Total		\$615,602.96
\$Less Refund Resolution		-97,611.42
<b>Actual Bills List</b>		<b>\$517,991.54</b>
Other Payments		
P/R		522,271.60
Treasurer, State of NJ		159.00
<b>Total Expenditures</b>		<b>\$1,040,422.14</b>

Adopted: June 21, 2017

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

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Agenda No. XIV

**Reports of Administrator, Mayor and Council Members**

Councilman Signorino – Thanked Mr. Wagner for his time and effort he contributed to the Air Show and everyone who was involved in the Tennis Tournament. He thanked everyone who put in their time and effort to make the community so great. He spoke about the report he received at the last meeting regarding Ridge Road and the reach mowers because there are a significant amount of weeds on Ridge Road. He asked for an update on the salt shed. Since they are using more brine do they still need to have the big shed. He is not happy about the conditions at the recycling center, and it needs to be addressed.

Councilwoman Lichtenberg – Noted the date and time of Coffee with a Cop at Dunkin Donuts in town. She mentioned the dates and times of all the July events, and read a message from the Lake Lookover Committee thanking the Police Department. The Senior Olympians picnic is July 12<sup>th</sup> at Bubbling Springs. She wished everyone a happy 4<sup>th</sup> of July and a happy summer.

Councilwoman Erik – Apologized for being late to the meeting. She spoke about the chemical that the County used to spray the sides of the roads.

Councilman Hensley – Said they invested in the reach mower, the town is looking better and the DPW is doing a great job with the new equipment. They should offer the Board of Education assistance to help clean up the weeds at the High School before the graduation ceremony. He spoke about the candlelight vigil and how the drug epidemic is taking too many lives. He thanked Councilwoman Erik and Councilwoman Lichtenberg for the drug drop box outside the Police Department so people can drop their old or unused medications or drugs. He thanked the EDC for holding a good lecture series, and it was a step in the right direction. He mentioned the audio books in the new library.

Councilman Wagner – Reminded everyone that the fireworks are July 1<sup>st</sup>, and mentioned all the sponsorships. He asked Administrator Battaglia for an update regarding the political signs that haven't been removed throughout the town. The reach mower is shredding the signs and it's becoming more of a mess. The Air Show was a success and the emergency services in town do a great job bringing all the people into town and keeping them safe.

Councilman McGuinness – Mentioned that he attended the Air Show. It was held very professionally, and it was great for the town. He wished everyone a happy and safe 4<sup>th</sup> of July. The kids will be out of school on Friday, they will be out around town so keep your eye out for them. He congratulated the class of 2017 and wished them good luck. He would like to address more activities for the youth and children in town.

Mayor Bieri – Spoke about the Grand Opening of the library, and thanked everyone for all their cooperation. She mentioned all the services and programs that the library has to offer. She said she received a lot of emails from residents complaining about the Kelly Miller circus coming to town. She appreciates all the residents that reached out to her with their concerns. She has been an active Health Officer at the animal shelter for 24 years and she is not supportive of the circus. She noted that the circus is a private endeavor sponsored by a non-profit organization, and it's held on privately owned property not municipal property. Mayor Bieri asked the Council if they would consider an Ordinance that would prohibit the use of wild animals in West Milford.

Discussion:

Councilman Wagner explained that he reached out to the protesters, and they planned to arrange a meeting after the circus to hear everyone's input. He believes it's wrong for the Governing Body to pass an Ordinance without getting input from the residents or gathering information first.

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Mayor Bieri explained that there has to be research and discussions first even if the Council considers the Ordinance. Councilman Signorino said that he is not interested in considering the Ordinance, and there are laws in place on how the animals are treated. Councilman Hensley said he supports the discussion on the topic, and he noted that this particular circus has been banned from operating on Bergen and Passaic County grounds. Councilwoman Lichtenberg mentioned that she is not interested, and Mayor Bieri thanked the Council for their consideration.

Administrator Battaglia – Updated the Governing Body on the salt shed. The 4<sup>th</sup> bid that was sent out for competitive bidding by the county was rejected because the lowest bid exceeded the estimate. The county could have the option to try and negotiate. The Township did ask the county to consider that option and they have taken the request under consideration and have engaged in the process of negotiating. She provided status on the reach mowers and weeds. She spoke about the efforts made to combat the drug issue in town, and she is researching a cohesive approach to the problem. She reported the problem with the political signs to the zoning officer.

Discussion:

Councilman Signorino said that there is a sense of urgency with the salt shed. Councilman Wagner mentioned that the salt shed is on the verge of collapsing. Councilman Signorino asked Administrator Battaglia to clarify the cost to replace the shed. He doesn't want to incur additional costs and have that liability. Administrator Battaglia said that initially, the Governing Body appropriated \$50,000, and then increased that amount to \$78,000. In the most recent budget the Governing Body increased the amount to \$128,000. Councilman Wagner suggested having an engineer inspect the building to determine whether or not it's safe for people to be inside. He also recommended having a back-up plan in case the building is determined as unsafe. Councilwoman Erik suggested the tent with cement ground. She doesn't see why they have to wait for the county, and thinks that they should put in their own building. Administrator Battaglia said at this point in time the county is seeking to negotiate and she will refer back to the Governing Body with an update.

Agenda No. XV

Appointments and Resignations

None

Agenda No. XVI

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:31 p.m.

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

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Approved:       July 12, 2017

Respectfully submitted:

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Sherry Zbrzeski, Clerk Typist

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MAYOR BETTINA BIERI, PRESIDING OFFICER

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ANTOINETTE BATTAGLIA, TOWNSHIP CLERK