
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

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

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

Pledge of Allegiance

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

Roll Call

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

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the March 21, 2012 Regular Meeting Minutes, April 4, 2012 Workshop Meeting Minutes and April 4, 2012 Executive Session Meeting Minutes as presented:

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Rosone, Signorino, Horton.
Voted Nay: Smolinski no on April 4, 2012 Executive Session meeting minutes only.
Motion carried.

Agenda No. II

Executive Session

~ Resolution No. 2012- 211 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 27th day of June, 2012 that:

- I. 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.
 - o Attorney Client Privilege – Tax Appeals & Revaluation
 - o Litigation – Breamer v. West Milford
 - o Contract Negotiations – Hillcrest Lease
 - () b. (8) Personnel matters.

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() b. (9) Deliberations after a public hearing that may result in penalties.

II. 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 27, 2012

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

The Council went into executive session at 6:40 p.m.
The Council reconvened in public at 7:46 p.m. with all present as before.

Agenda No. III

Presentations

1) ~~Johannes Wilem deWaal, Eagle~~

2) Affordable Housing – Township Planner, Chuck McGroarty, addressed the Council. He advised that there are two resolutions on the agenda tonight for action. 2012-212 will authorize conveyance of a Township property to Habitat for Humanity. The second would authorize COAH to approve our spending plan which has already been sent to them. The conveyance of the municipal property is a strategy set forth in the housing plan approved in 2010. We are in the highlands and we try to protect the Township from builders remedy lawsuits. This resolution implements that strategy. The spending plan was devised by COAH and we are compelled to the rules that have not been struck down by the court. The spending plan lays out how the money in the Township’s housing trust fund will be spent. The money comes primarily from developer fees and is for affordable housing initiatives. We must have a spending plan approved by COAH. In particular we would be most eager to see this money committed. If it is not committed, the Township runs the risk of forfeiting that money to the state. They may and likely will take that money back if we do not take this action, but we will still have to comply with COAH obligations. In response to Councilwoman Horton, Mr. McGroarty stated that Habitat for Humanity must comply with COAH parameters for marketing as part of this process which includes a lottery system to select the ultimate homeowner. There are income qualifications that must be met and the property will be deed restricted for a minimum of 30 years. Mr. Semrau advised that the state plans to take funds from municipal housing trust funds and use them as they see fit. Mr. McGroarty has found a way to use the money here and have a home that helps us meet our COAH obligations. The property will be managed by Habitat for Humanity for COAH purposes. Mr. McGroarty stated that the property will be privately owned and the affordability restrictions will ultimately be lifted. The property will be on the tax rolls when the home is built.

Agenda No. IV

Proclamations

None.

Agenda No. V

Unfinished Business Final Passage of Ordinances

Agenda No. V 1

~ Ordinance No. 2012- 008 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, “ADMINISTRATION OF GOVERNMENT,” SUB-SECTION 15-46, DIRECTOR OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES TO ESTABLISH 15-46 H, ENTITLED “QUALIFICATIONS” AS AMENDED

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

SECTION 1 Chapter 15, Administration of Government, Article IX, Department of Public Safety, Section 15-46, Director of Public Safety, of the Revised General Ordinances of the

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Township of West Milford, is hereby amended and supplemented to read in its entirety as follows:

§ 15-46. Director of Public Safety

The Director of Public Safety shall:

- A. Be the executive head of the Department of Public Safety, subject to the direction and supervision of the Mayor, and shall be responsible for the proper and efficient operation of divisions within the Department of Public Safety and the supervision of its activities.
- B. Formulate and administer such rules and regulations for all divisions of the Department of Public Safety subject to the approval of the Township Council.
- C. Be responsible for the observation and enforcement of all laws of the state and ordinances within the jurisdiction of the Department of Public Safety, the enforcement of the rules and regulations of all divisions of the Department of Public Safety, and shall perform such other duties as shall be prescribed by ordinance of the Township Council.
- D. See that all persons connected with the Department are properly instructed in their duties and shall give particular attention to the training and instruction of new members thereof.
- E. Have under his control all records and property of the Department of Public Safety and designate any member of the division to prepare these reports and keep the records in such manner as he may prescribe, as well as take charge of such property and any other property coming into the custody of the division.
- F. Furnish to the Township Council complete monthly and yearly reports of police matters of public safety.
- G. Perform such other duties as set forth in ordinances relating to the Department, as hereinafter referred to, and not inconsistent with the provisions of this chapter.
- H. Qualifications:
 - 1. Is currently the Chief of Police for the Township of West Milford, or, in the alternative, all of the following:
 - a. Is a high school graduate and holds U.S. citizenship;
 - b. Possess a minimum of a 2-year degree with 4 year degree preferred in Criminal Justice, Fire Science or related field;
 - c. All standard employee qualifications of the Township of West Milford and appropriate background check performed and cleared;
 - d. Possess a minimum of 10 years' experience in professional Law Enforcement with at least 5 of those years at supervisory level.
 - e. Experience in Fire Department or Emergency Management field preferred;
 - e. Experience in the Fire Department or Emergency Management field is preferred.
 - f. EMT & CPR Certification is preferred;
 - g. Have a satisfactory knowledge of the principles, practices and methods of New Jersey criminal, Police, Fire, Emergency Medical and Emergency Management laws, rules, regulations and services;
 - h. Possess knowledge and basic skills in the operation of various Fire & Emergency Medical apparatus;
 - i. Possess the knowledge and ability to prepare memoranda and written reports that may be used in a Court of Law;
 - j. Possess the knowledge and ability to prepare and administer an annual budget for the Department of Public Safety; and
 - k. Possess the ability to enact and enforce Departmental policies, rules, regulations, procedures and employee-related functions.

SECTION 2 All ordinances of the Township of West Milford inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3 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 4 This Ordinance may be renumbered for purposes of codification.

SECTION 5 This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: May 23, 2012
Adopted: June 27, 2012
Effective Date: July 17, 2012

This Ordinance was introduced on May 23, 2012 and the Notice of Public Hearing was published in the herald News on May 27, 2012. The Council will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard from the public, Councilwoman Horton made a motion, seconded by Councilman Rosone and carried by unanimous voice vote to close the public portion.

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Motion to adopt ordinance.

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

Agenda No. V 2

~ Ordinance No. 2012- 009 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 239, OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND OF THE TOWNSHIP CODE

BE IT ORDAINED by the Township Council of the Township of West Milford that Chapter 239 of the Township Code be amended as follows:

CHAPTER 239 OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND

§239-2 Funding; Utilization of Funds

- A. The Open Space, Recreation, and Farmland and Historic Preservation Trust Fund shall be funded through the dedication to the fund of an amount of \$0.0054 per \$100 of assessed valuation of each annual tax levy commencing with the year 2012. The fund shall also be permitted to accept donations and testamentary bequests.

Introduced: May 23, 2012
Adopted: June 27, 2012
Effective Date: July 17, 2012

Mayor Bieri explained that this will reduce the open space tax rate to keep it level based on the revaluation.

This Ordinance was introduced on May 23, 2012 and the Notice of Public Hearing was published in the Herald News on May 27, 2012. The Council will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard from the public, Councilwoman Erik made a motion, seconded by Councilman Rosone and carried by unanimous voice vote to close the public portion.

Motion to adopt ordinance.

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

Agenda No. V 3

~ Ordinance No. 2012- 010 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RESURFACING OF LA RUE ROAD, APPROPRIATING THEREFORE THE SUM OF \$250,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE FULLY FUNDED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$250,000.

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

- SECTION 1** The Township of West Milford, in the County of Passaic, New Jersey (the "Township") is hereby authorized to resurface La Rue Road. Said improvements shall include all work, materials and appurtenances necessary and suitable therefore.

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- SECTION 2** The sum of \$250,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be funded from New Jersey Department of Transportation grant in the amount of \$250,000.00.
- SECTION 3** Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.
- SECTION 4** The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.
- SECTION 5** This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: May 23, 2012
Adopted: June 27, 2012
Effective Date: July 17, 2012

This Ordinance was introduced on May 23, 2012 and the Notice of Public Hearing was published in the herald News on May 27, 2012. The Council will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard from the public, Councilwoman Erik made a motion, seconded by Councilwoman Horton and carried by unanimous voice vote to close the public portion.

Motion to adopt ordinance.

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

Agenda No. V 4

~ Ordinance No. 2012- 011 ~

TOWNSHIP OF WEST MILFORD CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$240,922.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.1.4, be increased by 3.50%,

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amounting to \$843,228.02, and that the CY 2012 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: May 29, 2012
Adopted: June 27, 2012
Effective Date: July 17, 2012

This Ordinance was introduced on May 29, 2012 and the Notice of Public Hearing was published in the herald News on June 3, 2012. The Council will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard from the public, Councilwoman Erik made a motion, seconded by Council President Signorino and carried by unanimous voice vote to close the public portion.

Motion to adopt ordinance.

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

Mayor Bieri asked to move Resolutions 2012-212 and 2012-213 as one.

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

Agenda No. V 5

~ Resolution No. 2012- 212 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CONVEYANCE TO MORRIS HABITAT FOR HUMANITY OF TAX LOT 11, BLOCK 10508 TOGETHER WITH A CONTRIBUTION FROM THE TOWNSHIP'S AFFORDABLE HOUSING TRUST FUND FOR THE CONSTRUCTION OF AN AFFORDABLE 'COAH' UNIT

WHEREAS, the Township of West Milford received substantive certification on October 6, 1999 for its Second Round petition and adopted an affordable housing trust fund ordinance on May 7, 2008; and

WHEREAS, the Township Council of the Township of West Milford, Passaic County petitioned the Council on Affordable Housing (COAH) for substantive certification on June 8, 2010 for its Third Round Housing Element and Fair Share Plan (HE/FSP) dated May 27, 2010 prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, the Township of West Milford did also submit a Spending Plan dated June 2, 2010 to COAH prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, the Township of West Milford has prepared an amended Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 in order to specify a municipally-owned property known as Tax Lot 11 in Block 10508, which is one of the municipally-owned properties identified in the Township's Third Round HE/FSP, for the purpose of committing funds from the Township's Affordable Housing Trust Fund to Morris Habitat for Humanity to develop the site in question for a single-family home.

WHEREAS, Morris Habitat for Humanity has agreed to accept conveyance from the Township of a vacant, municipally-owned parcel known as Tax Lot 11 in Block 10508 for the purpose of constructing a

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single-family dwelling which will qualify as an affordable housing unit pursuant to the Township's HE/FSP and for which the Township will also make a contribution in the amount up to \$50,639 from the Township's Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Township Council, Township of West Milford, Passaic County, that it does hereby authorize the Mayor and the Township Clerk to execute the appropriate Deed of Conveyance and Affidavit of Title prepared by the Township attorneys for the conveyance to Morris Habitat for Humanity for the property known as Tax Lot 11 in Block 10508, which Deed shall specify that it is solely being conveyed for the purposes of the construction of a residential unit which complies with the provisions set forth in N.J.A.C. 5:96 and 5:97 for a period of thirty (30) years or the property shall revert to the Township, and that the Township in addition to conveying the property in question, will contribute an amount up to \$50,639 to Morris Habitat for Humanity for said COAH compliant residential dwelling to be constructed by Morris Habitat for Humanity.

BE IT FURTHER RESOLVED that the Mayor, the Township Administrator, Township Clerk, Township Attorney and the Township's CFO are hereby authorized to take any and all necessary steps, including but not limited to the execution of a developers agreement consistent with this resolution, to effectuate the conveyance of Lot 11, Block 10508 to Morris Habitat for Humanity as well as the payment to Morris Habitat for Humanity for an amount up to \$50,639 for the construction of an affordable housing unit in compliance with N.J.A.C. 5:96 and 5:97 and the Township's HE/FSP.

Adopted: June 27, 2012

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

Agenda No. V 6

~ Resolution No. 2012- 213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, PASSAIC COUNTY, STATE OF NEW JERSEY REQUESTING REVIEW AND APPROVAL OF A REVISED MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Township of West Milford received substantive certification on October 6, 1999 for its Second Round petition and adopted an affordable housing trust fund ordinance on May 7, 2008; and

WHEREAS, the Township Council of the Township of West Milford, Passaic County petitioned the Council on Affordable Housing (COAH) for substantive certification on June 8, 2010 for its Third Round Housing Element and Fair Share Plan (HE/FSP) dated May 27, 2010 prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, the Township of West Milford did also submit a Spending Plan dated June 2, 2010 to COAH prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

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1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of West Milford has prepared an amended Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 in order to specify a municipally-owned property known as Lot 11 in Tax Block 10508, which is one of the municipally-owned properties identified in the Township's Third Round HE/FSP, for the purpose of committing funds from the Township's Affordable Housing Trust Fund to Morris Habitat for Humanity to develop the site in question for a single-family home.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford, in the County of Passaic does hereby request that DCA's Local Planning Services review and approve the Township of West Milford's revised Spending Plan dated June 6, 2012.

Adopted: June 27, 2012

Agenda No. VI

Public Comments

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

Eleanor Decker, 15 Lincoln Avenue, West Milford said she is here about the proposed sidewalk on Lincoln Avenue. She reminded Council that she has been requesting this sidewalk for years to give pedestrian access to the Shop Rite plaza to the seniors that live in Lincoln Hill. The seniors, she said, just want a simple sidewalk. There is only one house close to the road. She has been asking for this since 2006. She gave a petition to the administrator. She heard that there will be no sidewalk but instead there will be a path in the back. They don't want that for fear of bears. She urged the Council to give the seniors a break.

Brian Generosa, 578 Morsetown Road, West Milford stated that he left his plan for the memorial on the dais. He is proposing his memorial to the right of the entrance to town hall. Mayor Bieri stated that this would require review by Township professionals. Council thanked Mr. Generosa.

Maryann Minikus, Oak Ridge stated that she opened up the Tuscany Brewhouse which has been doing well for the past six months. She just got notified that her taxes will be going up to \$34,000. She has 48 employees and has given back close to \$2,000 in local fundraisers. Now her business getting hit with this, as busy as she is, she is just making her bills. She had a meeting with local business owners where the consensus is that many businesses will close based on these increased taxes. It is a shame and devastating and something must be done. For her it will probably mean closing. She cannot absorb that tax increase.

Judy Ziegler, Macopin Road, West Milford stated that she has owned the Towne Tavern for the past 40 years. The taxes have gone from \$30,000 to \$48,000. She is open 3 days per week because this town cannot support a seven day business. Her restaurant is on a back road. There is not a lot of traffic. She described the traffic on Macopin Road. Her parking lot can be used free as a park & ride. She has 10 acres and 1¼ acres are used for the restaurant. The rest of the property is rock & wetlands. You cannot

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build on her property. All she has is the parking lot which cannot be developed because of its proximity to a brook. There is not enough business to sustain her business. If her taxes increase \$18,000 that equates to \$1,000 per week. How can she make that? She offers buffets and does not hinder people's access. If she leaves the Township loses all the taxes. There appears to be a lot of greed here. That is a lot of money and they cannot sustain it. The local businesses are not making a lot of money. Most money goes back into the businesses. Everyone else is having the same problem. That will have a larger impact.

Mike Freidman, Executive Director of Camp Vacamas and William Stein read a statement providing the history of Camp Vacamas in West Milford. The property has been well maintained. But the dam is now in need of repair. They applied for a low interest loan with DEP. The funds are limited and the DEP requires Township approval of the application. They reviewed the services Camp Vacamas provides both globally and to the local community. They reviewed the property they have donated to the Township stating that they also gave an easement to another lake community. They noted that Camp Vacamas employs many seasonal workers. They are not a great burden on the town. They contribute to the community. They want to continue to be a good neighbor. The loan will be paid back from their annual operating budget. They have been in existence since 1924. They have paid debt service in the past. They are hoping for Council endorsement of their application to continue to provide these services to the community.

The consensus of the Council was to deviate from standard practice and allow for an interactive discussion of this matter. Councilman Smolinski asked what services are given to local kids by Camp Vacamas. Mr. Friedman stated that about 20 West Milford kids use their facility every year. About 100 kids come from Bloomingdale and most of their kids come from more urban areas. Their programs help these at-risk kids to graduate high school. Mr. Stein stated that they are trying to affect urban kids with the positive effects of this rural environment. Camp Vacamas, he said has other locations. They are good neighbors in West Milford and when the community needs a service they are there to contribute. Councilwoman Horton asked about their fiscal stability. Mr. Friedman stated that they have a \$2 million endowment. They will borrow about \$800,000 to \$900,000 for this dam repair. Mr. Stein stated that they have the endowment and the land value. Mayor Bieri asked about the property and Mr. Friedman stated that about 2/3 of their land is located in West Milford and about 50 acres in Bloomingdale. But the lake is entirely in West Milford. Mayor Bieri asked if this will protect West Milford residents if the dam breaches. Mr. Stein explained that they understand that it is there responsibility to protect the dam because of the potential impact should it be breached. Mr. Semrau stated that the DEP process requires Council endorsement to submit the application. If selected to proceed with the grant process, the application would come back to the Council to proceed and address issues about ability to pay, etc. There is a deadline. This resolution tonight does not obligate the Township to cosign rather it simply allows submittal of the application. Council President Signorino asked what the process is. Mr. Semrau advised that in the past the assessment process is the Township's guarantee for collecting the funds. In other situations, where there is a single property owner, the Township may seek to ensure that there are provisions and commitments in place. In 2007 the governing body cosigned on a private residence with the condition that there be a line of credit posted. This low interest loan cannot be obtained without municipal endorsement. Mayor Bieri clarified that endorsement tonight is simply limited to the submittal of the application and not obligating the Township in any way.

Robert Nolan 1 Winding Way, West Milford stated that he is here to speak about Camp Vacamas. He contributes to them and he shares two grandchildren with Mr. Friedman. When he was on Council the Township cosigned many of these loans for other entities and property owners. In 2007 the Council signed for a loan for a gentleman who did not even have a certificate of occupancy. He has reviewed Camp Vacamas' financial records and he reviewed the services they offer throughout the year. Their goal is to keep kids safe and help them with positive development and support. They work with kids and employ West Milford residents. Non-profit organizations, he said, are mission driven as opposed to for profit organizations. He reviewed their expenditures which show that 86% of their money is spent on their programs. He grew up in Jersey City and it is positive to have a kid from an urban area experience a rural environment like West Milford. He urged the Council to endorse this application. A higher interest loan will impact their funding of programs.

Maria Elena Grant, 1 Yearling Trail, Hewitt stated that she knows that budget time can be very frustrating. Council cannot change assessments but the budget needs to be slashed. It will take hard decisions that will have long-term effects. Businesses and households have done this because of this economy. The money is simply not there. Council has to make those hard decisions. She told the Council to stop making excuses and whining. Stop blaming Passaic County. Stop blaming Newark. We have to deal with those issues. Stop saying you cannot lay people off. This fiscal catastrophe happened on the Council's watch. They need to drive the truck and create an affordable budget.

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John Dundorf, 45 Lake Park Terrace, West Milford stated that he is here to speak about the Recycling Coordinator, Dave Stires who has been trying to run the recycling program. Last year the Township passed a law prohibiting stealing of metals. Dave Stires has estimated the loss. The fine is \$100 to \$1,000 which, he said, does nothing to prevent these thefts. He has been putting out metal for years. He has put out 400 to 500 pounds in the past year. Mr. Stires told him it never made it to the recycling center. It was stolen. Changes must be made to the law. The fine should be \$5,000 and 25% should go to any resident who helps lead to the arrest and conviction of these thieves. He recalled years ago he had to call recycling to have metal picked up. Now it goes curbside. We should return to the pick-up system because it allows for controls. This would allow residents to recycle to the town's benefit. Dave Stires mentioned that stuff was stolen at the recycling center. We could fund security if we improved recycling.

Alex Polonez, 23 Lake Shore Drive, West Milford said that he is here to advise Council of a dangerous situation with construction at his neighbor's house. A temporary carport was installed. It is completely metal and is 475 sq. ft. He gave the exact dimensions. It was built 40% larger than the permit allowed and is on the property line. It has caused flooding in his basement, his sidewalk is cracking and his pavers are being undermined. He showed a photo indicating the carport is larger than the house. He complained to the former Land Use Administrator, Dorrie Fox and the former Administrator, Kevin Boyle. They met with the Planner. They sent a letter dated October 26, 2011 to his neighbor to remove the carport. He read the letter. It told the owner that he would have to apply for a zoning permit. Dorrie Fox and Kevin Boyle are no longer here. He has had a difficult time getting hold of the Zoning Officer, Jim Lupo. The Construction Official, Tim Ligus went to the site and issued a summons on 3/21/2012. He has had a difficult time getting them to take action. The court date was two weeks ago. It was cancelled. Mr. Ligus was not forthcoming when questioned about the reasons. This is an accident waiting to happen. It is in effect a giant kite. He described specific impacts that the structure has had on his quality of life. The setbacks should be adhered to. There is nothing good about this. The Township should not allow this. The court date is scheduled for 2 pm tomorrow and he is hoping it will be aggressively addressed.

Stu Feldman, 54 Bisset Drive, West Milford said that he is here to speak about the commercial revaluation. He is on the EDC and VP of the Chamber of Commerce. He wants to speak about taxation without representation. He reviewed the Boston Tea Party and the history surrounding that era. He sees that on a smaller scale here. Folks had business taxes doubled. Our forefathers missed the mark. Taxation with representation may be worse than taxation without representation. Every group now has representation if they organize. The state gives tax incentives to those who have the money to lobby. All these things cost taxpayers money. Who are the people here who do not have representation? The business owners, he answered. They are told they need to hire attorneys and specialists. They have to go to Paterson to appeal. The revaluation company was here a few weeks ago showing how the job they did was right. Those charts are not right. We need equality. People in Paterson pay half the sales taxes we pay. We talked about an enterprise zone in the highlands and people laughed. How are we getting representation for these people? Council needs to fight for them. We cannot double people's taxes. If we lose businesses taxes must go up or services must be cut. Please help us. This is not right.

Bob Nicholson, 20 Hyde Road, Stockholm said he is speaking as a citizen and chair of the EDC. Council gave him the charge of bringing business to town. Now people are moving out. Someone said cut services while someone else said that we cannot provide services with our current staffing level. Cutting services only serves to cut our nose to spite our face. We cannot afford to have businesses go under, we cannot afford to have people move out, we cannot afford not to reevaluate property values. Council must advocate for West Milford at the State and demand that they pay us what they owe us. We have nothing to lose. We are being bullied by the state. We could sell all our properties to the state.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she is here to speak on behalf of the Board of Health. She will distribute graphs of several major reportable diseases in the Township provided by our nursing staff. Lyme disease has high incidents and second highest is hepatitis C. She reviewed statistics for West Milford. The incidents of lyme disease has been declining. Hepatitis C has been increasing in part because it is hard to develop a vaccine. She distributed data. She reviewed the data.

Richard Randazzo, Wooley Road, West Milford saw on the agenda there is an ordinance to amend the well testing legislation. This is a great service. He needs further amendments. He reviewed the amendments he felt were necessary to make this legislation effective.

Re Lippner, 490 Ridge Road, West Milford is a 25 year resident and business owner and also serves as the Chamber president. She is here to reinforce comments made about the revaluation. She hears about the effects of the revaluation on both business owners and residents. She is here to ask that Mayor & Council reach out to local businesses to help find a solution to this problem. Many people have used up all their finances to keep their businesses alive. The town came to the Chamber this year to work to keep

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the tax burden. Mr. Townsend agreed reiterating that the governing body is precluded from interference. The impact of the revaluation is driven by property valuations. He referenced the values of the lakefront properties. The tax board cannot listen to testimony about tax increases. They are limited to reviewing the value. The revaluation does not impact the budget. The revaluation provides a base to determine the multiplier. Councilwoman Horton stated that there are two issues. The real question is about taxes and not about values. Are we getting value for our money? Is it what we want and need? Can we afford it? What will the Council do to get good bang for the buck or make hard decisions about services to provide? She would like to hear commentary from people about those matters. There were some budget decisions made this year based on this premise and the public needs to provide input on these decisions. She thanked everyone for their polite demeanor and comments tonight.

Council President Signorino said that he has met many in this room before. His biggest regret is that it took so long to do a revaluation. Council has looked at many options. He talked about possible phase-ins noting that there were discussions about the fairness of that. The system is not perfect. Individual property owners must be vigilant each year. The goal is to be fair and equitable with property values, residential or commercial. There have been many meetings. He will continue to make those hard decisions. The results may not be readily visible. There are long-term goals. And ultimately there may be a need for drastic short-term decisions. The Council has been advised that a phase-in is not a viable avenue. Mr. Semrau stated that the income and expense data for commercial properties is very important. This year the assessor's office asked for income & expense information in accordance with Title 54 and the response was low. Those requests will be sent out again this year. He urged people to respond. It may benefit the individual property owners and the information may be used to impact the value of individual properties. If you don't provide this information, the courts may dismiss your case. Before the assessor finalizes his books for next year it may be of benefit to meet with Brian Townsend and discuss and review that information. That would be in lieu of hiring an attorney who will charge a contingency when the exchange of information may result in an adjustment to the value. That saves the Township litigation costs and assists in equitably setting the value.

Councilwoman Erik stated that she is also on Recycling Committee. For many months there has been extensive discussion about theft of metal. She reviewed the potential losses. She does not know what the answer is. Camp Vacamas provides for kids and the dam repair protects everyone downstream. She relayed an anecdote about a friend who regularly experiences flooding because of lack of dam repair. Municipal operations have been slashed and all departments are doing more with less. Cuts can be made, she said, but they will affect services. There is little left to cut. The Council is reviewing every line in the budget. The voters approved an increase in the school budget. The largest item in the municipal budget is the cost of benefits for current and past employees. She asked for input from residents because, at this time, she is not prepared to cut services.

Council President Signorino stated that Council cannot do a lot as a result of the Highlands. They have cut the open space tax and he said he questions the need for open space. He asked if that should go to referendum. He has suggested pushing HSA's as a health plan for municipal employees. He is consistently told that it is not convenient for the employees even though it could save up to 40%. He urged that residents ask employees they know to look into that option to save the town a lot of money. The state is now mandating employee contributions to benefits and they will have to contribute more. HSA's will ultimately benefit employees. It is an education process and requires change & open minds.

Mr. Semrau stated that he spoke to Mr. Geminario about the amendments to the well testing ordinance and the issues raised by Mr. Randazzo. The hydrogeologist will be hired by the planning board and there is a lot of work involved before and after those timetables on a case by case basis. A standardized timetable may not work. It is not a good idea to impose an absolute timetable. It may not always be appropriate. By placing this in the hands of the hydrogeologist we are deferring to the expert in the field which will protect us in the event of challenges and defending those decisions.

Mayor Bieri asked for and received Council consensus to have staff look into Mr. Genoroso's memorial proposal. Administrator Gage will have engineering work with Mr. Genoroso and will report back to Council. Mayor Bieri recalled that at a prior meeting Council agreed that the sidewalk from Lincoln to Shop Rite is not feasible. Among other things, there is significant cost and it would have impacted residents. It is also a county road. She credited Eric Miller for his efforts to work with the county on that project. There was not enough headway to reduce costs and minimize the impact on residents along that route. She agrees that a sidewalk from Shop Rite to Bearfort is a good idea. It takes funding and money. She agrees with concerns expressed about stealing metal and asked for consensus to have legal review. It is an issue and we are losing money. She and the administrator have talked about what proactive measures can be taken to enforce zoning violations more effectively. It will take time and it is not clear what can be done. The revaluation and the budget, she said, are two separate issues. It is hard to balance services with budgetary constraints. The administration, thanks to Administrator Gage and the

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Council, worked hard to make cuts. Roughly 20% of taxes are municipal, 60% is school board and 20% is county. Thereby the governing body has no control over 80% of your tax bill. We have over 150 miles of road in this Township, about 28,000 residents, everyone wants certain services and yet in the past four years we have lost about 18 employees. These vacancies created through attrition and resignations have not been replaced because everyone is doing more with less. There is a point where there will still be high taxes and we cannot provide services. There has been agreement to look at future opportunities to seek long-term solutions to reduce the budget. Further cuts to this year's budget would be irresponsible. This governing body has made a commitment to long-term solutions and long-term planning.

Agenda No. VIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VIII 1

~ Ordinance No. 2012- 012 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, "SUBDIVISION OF LAND AND SITE PLAN REVIEW," SECTION 470-15.1, "WATER SUPPLY AND WATER QUALITY REQUIREMENTS," PARAGRAPH D, "AQUIFER TEST AND HYDROGEOLOGIC EVALUATION"

WHEREAS, Township Ordinance Section 470-15.1, entitled "Water Supply and Water Quality Requirements," requires aquifer testing in connection with certain residential and non-residential development applications; and

WHEREAS, to avoid undue delay in processing those development applications to which the aforesaid Ordinance applies, the Township Council finds that the aquifer test plan should include an implementation schedule establishing the timeframe within which the required aquifer testing will be performed and completed.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford as follows:

SECTION 1. Ordinance Section 470-15.1, "Water Supply and Water Quality Requirements," Paragraph D, "Aquifer Test and Hydrogeologic Evaluations," shall be amended and supplemented by the addition of a new Subparagraph (4)(i), to read as follows:

"(4)(i) The aquifer test plan shall include an implementation schedule, subject to the approval of the municipality's consulting hydrogeologist, which shall establish deadline dates for the completion of the aquifer test and submission of the preliminary hydrogeologic report. In the event that the aquifer test cannot be completed by the deadline date, the Applicant may request, and the Board may grant, an extension of up to sixty (60) days for good cause, and the implementation schedule will be revised accordingly. If the Applicant fails to complete the aquifer test in accordance with the implementation schedule, a revised aquifer test plan shall be re-submitted with a new implementation schedule, subject to the approval of the municipality's consulting hydrogeologist, and all owners of monitored offsite wells shall be notified of their option to have the monitoring equipment removed from their wells. Applicant will provide additional escrow funds as necessary for the municipality's consulting hydrogeologist to review the revised aquifer test plan."

SECTION 2. 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 3. 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 4. This ordinance shall take effect upon final passage and approval in accordance with law.

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 18, 2012. Notice of this Public Hearing shall be published in the Herald News on or about July 1, 2012. The Council will open the meeting to the public to speak on this ordinance only.

Moved: Erik Seconded: Horton

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

Agenda No. VIII 2

~ Ordinance No. 2012- 013 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 470, "SUBDIVISION OF LAND AND SITE PLAN REVIEW," SECTION 470-15.1, "WATER SUPPLY AND WATER QUALITY REQUIREMENTS," PARAGRAPH D, "AQUIFER TEST AND HYDROGEOLOGIC EVALUATION"

WHEREAS, Township Ordinance Section 470-15.1, entitled "Water Supply and Water Quality Requirements," requires aquifer testing in connection with certain residential and non-residential development applications; and

WHEREAS, to avoid undue delay in processing those development applications to which the aforesaid Ordinance applies, the Township Council finds that the aquifer test plan should include an implementation schedule establishing the timeframe within which the required aquifer testing will be performed and completed.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford as follows:

- SECTION 1.** Ordinance Section 470-15.1, "Water Supply and Water Quality Requirements," Paragraph D, "Aquifer Test and Hydrogeologic Evaluations," shall be amended and supplemented by the addition of a new Subparagraph (4)(h), to read as follows:
"(4)(h) The aquifer test plan shall include an implementation schedule, subject to the approval of the municipality's consulting hydrogeologist, which shall establish deadline dates for the completion of the aquifer test and submission of the preliminary hydrogeologic report. In the event that the aquifer test cannot be completed by the deadline date, the Applicant may request, and the Board may grant, an extension of up to sixty (60) days for good cause, and the implementation schedule will be revised accordingly. If the Applicant fails to complete the aquifer test in accordance with the implementation schedule, a revised aquifer test plan shall be re-submitted with a new implementation schedule, subject to the approval of the municipality's consulting hydrogeologist, and all owners of monitored offsite wells shall be notified of their option to have the monitoring equipment removed from their wells. Applicant will provide additional escrow funds as necessary for the municipality's consulting hydrogeologist to review the revised aquifer test plan."
- SECTION 2.** 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 3.** 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 4.** This ordinance shall take effect upon final passage and approval in accordance with law.

Introduced: June 27, 2012

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 18, 2012. Notice of this Public Hearing shall be published in the Herald News on or about July 1, 2012. The Council will open the meeting to the public to speak on this ordinance only.

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

Mayor asked to move Resolutions 2012-214, 2012-215, 2012-216, 2012-217, 2012-218, 2012-219, 2012-220, 2012-241, 2012-221, 2012-222, 2012-223 and 2012-224 as one.

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

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Agenda No. VIII 3

~ Resolution No. 2012- 214 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT SHERIFF RICHARD H. BERDNICK, REINSTATE THE "SHERIFF'S LABOR ASSISTANCE PROGRAM S.L.A.P."

WHEREAS, the Township of West Milford, like other small Passaic County Communities has taken full advantage of the SLAP assistance program from the Sheriff's Office for many years; and

WHEREAS, in many cases this program has supplied much needed additional labor to countless projects including last year's clean up in the aftermath of the floods; and,

WHEREAS, the Township of West Milford was led to believe this programs cancellation was a result of budget cuts by the Board of Chosen Freeholders only to find the Sheriff's budget was increased by nearly 4% over last year in an era of a 2% cap.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that is hereby implores Sheriff Richard H. Berdnick to re-instate the SLAP program which has benefited all of the Communities of Passaic County for many years by allowing non-violent offenders to perform Community Service; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Sheriff Richard H. Bernick, Passaic County Board of Chosen Freeholders, members of the 26th Legislature.

Adopted: June 27, 2012

Agenda No. VIII 4

~ Resolution No. 2012- 215 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING A2027/S642/S380 CREATING THE "JESSICA LUNSFORD ACT" IN NEW JERSEY

WHEREAS, bills A2027 and S642/S380 propose to create the "Jessica Lunsford Act" which would revise the sentencing of certain sex offenders and persons who may harbor them; and

WHEREAS, this bill would also require electronic monitoring of sex offenders who prey on minors while on bail or released from incarceration; and

WHEREAS, this legislation also seeks to establish child protection zones requiring fourth degree sex offenders to reside some 2,500 feet away from an elementary or secondary schools, playgrounds or child care centers; and

WHEREAS, under this bill sexual acts against minors would be punishable as a crime in the first degree, with terms of imprisonment of 25 years to life; and

WHEREAS, New Jersey is only one of eight states that has not enacted some form legislation pertaining to the matters addressed in these bills.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, that they do hereby support this proposed legislation as New Jersey expands on "Megan's Law" to protect our most important resource, our children.

Adopted: June 27, 2012

Agenda No. VIII 5

~ Resolution No. 2012- 216 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING S-1896 AND A-1503 REQUIRING FIRE DISTRICTS, SCHOOL DISTRICTS AND COUNTY GOVERNMENTS TO SHARE THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, presently the law provides that when a municipality provides a refund in a tax appeal it is the municipality that must shoulder the entire refund of taxes; and

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WHEREAS, municipalities are responsible for 100% of the tax appeal refund as well as the expenses associated with the defense of such appeal; and

WHEREAS, generally municipal taxes account for less than one-third of the amount of funds to be raised through taxation with county and education costs being funded by the remaining two-thirds; and

WHEREAS, S-1896 and A-1503 is proposed state legislation that seeks to equitably distribute the cost of tax appeal refunds on a pro-rated basis among the entities that derive their funding from those taxes thereby injecting a level of equity in the process.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor & Township Council of the Township of West Milford, in the County of Passaic, hereby urge the swift passage and signing of S-1896 and A-3412.

Adopted: June 27, 2012

Agenda No. VIII 6

~ Resolution No. 2012- 217 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A SUSTAINABLE JERSEY® GRANTS APPLICATION FOR A GRANT PROGRAM FUNDED BY PSEG

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township Council of the Township of West Milford strives to save tax dollars, assure clean land, air & water, and improve working & living environments; and

WHEREAS, the Township Council of the Township of West Milford is participating in the Sustainable Jersey Program; and achieved Sustainable Jersey Bronze Certification; and

WHEREAS, the Township Council of the Township of West Milford continues to authorize the long established West Milford Environmental Commission to act as the Green Team Advisory Committee working through long standing protocols to assist the Town Council and Township officials in implementing programs and projects in the Township's decision making, purchasing and operations; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSEG.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of West Milford has determined that the Township of West Milford should apply for the aforementioned Grants, in the amount of \$20,000.00. The grant applied for will be applied to the project entitled "Impact Assessment of the Utilization of Soil Condition Evaluation Information on Fertilization Use and Surface Water Nutrient Concentration." The grant will not require matching funds from the Township; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Milford, State of New Jersey, hereby authorizes the submission and acceptance of the aforementioned Sustainable Jersey Grants funded by PSEG.

Adopted: June 27, 2012

Agenda No. VIII 7

~ Resolution No. 2012- 218 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLALUCE WELL & PUMP SERVICE TO SEAL WELLS ON BLOCK 8001, LOT 1

WHEREAS, there exists a need for a licensed Water Well Professional services to seal wells on the Township owned property known as Block 8001, Lot 1; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from the open space trust account.

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Colaluze Well & Pump Service for professional services to seal wells at the property known as Block 8001, Lot 1 in an amount not to exceed \$71,260.00.
2. The total fee authorized for this contract shall not exceed \$71,260.00 without the prior written approval of the Township Council.
3. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: June 27, 2012

Agenda No. VIII 8

~ Resolution No. 2012- 219 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PURCHASE ORDER TO J.D. RAGONESE, JR. TO EFFECTUATE A SEPTIC SYSTEM REPAIR AT THE PROPERTY KNOWN AS THE JOHNER BUILDING LOCATED ON EDGAR DRIVE

WHEREAS, by virtue of Ordinance 2008-026 adopted by the Township Council of the Township of West Milford on May 28, 2008 certain capital funds were dedicated to a capital account titled "Facilities Fund"; and

WHEREAS, said ordinance requires Council approval for any expenditures to be charged to this account prior to the encumbering of same; and

WHEREAS, there is a need to effectuate repairs to the septic system at the Johner Building and it has been determined that such repairs comply with the intent of the funds dedicated to such needs in the facilities fund; and

WHEREAS, J.D. Ragonese, Jr. has submitted a proposal to effectuate the septic repairs at the Johner Building in an amount of \$5,600.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby authorize the appropriate Township officials to execute a purchase order in the amount of \$5,600 to J.D. Ragonese, Jr. to effectuate septic repairs at the Johner Building in accordance with his proposal for same.

Adopted: June 27, 2012

Agenda No. VIII 9

~ Resolution No. 2012- 220 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE SUBMITTAL OF A LOAN APPLICATIONS TO BE MADE BY VACAMAS PROGRAMS FOR YOUTH TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN

WHEREAS, Vacamas Programs for Youth is a non-profit organization that owns property located at 256 Macopin Road, West Milford; and

WHEREAS, said property includes a dam at Henion Pond/Lake Larriwien; and

WHEREAS, the dam on each of this property is in need of repair to comply with state standards governing same; and

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

WHEREAS, Vacamas Programs for Youth wishes to make application to participate in the DEP loan program.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby endorse only the applications for a DEP loan to effectuate a dam repairs at the Vacamas Programs for Youth property in the Township of West Milford; and

BE IT FURTHER RESOLVED that Vacamas Programs shall provide the Township with a complete copy of their loan application.

Adopted: June 27, 2012

Agenda No. VIII 10

~ Resolution No. 2012- 241 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE SUBMITTAL OF A LOAN APPLICATIONS TO BE MADE BY HIGH CREST LAKE LODGE, INC. TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN

WHEREAS, High Crest Lake Lodge, Inc. is a private lake association in West Milford; and

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

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

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

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

BE IT FURTHER RESOLVED that High Crest Lake Lodge, Inc. shall provide the Township with a complete copy of their loan application.

Adopted: June 27, 2012

Agenda No. VIII 11

~ Resolution No. 2012- 221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE - BLOCK 3013, LOT 27

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Jerzy Durlik to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block/ lot	Amount Due
10-032	3-23-10	3013-27	\$814.41

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-114, including due publications in the Herald News: and

WHEREAS, a public hearing has been held with no one appearing to contest the above application.

NOW, THEREFORE, BE IT RESOLVED, that the assignment from the Township, to the said Jerzy Durlik, be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: June 27, 2012

Agenda No. VIII 12

~ Resolution No. 2012- 222 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: June 27, 2012
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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE BLOCK 403, LOT 2

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Robert A. Brady to acquire by assignment the following tax lien certificate held by the Township of West Milford; and

Lien Certificate	Date of Sale	Block / Lot	Amount Due
12-0002	3-27-12	403-2	\$576.21

WHEREAS, the said Robert A. Brady has paid to the Collector of Taxes the sum of \$576.21 representing the amount due on said Certificate(s), together with subsequent liens thereon; and

NOW, THEREFORE, BE IT RESOLVED that July 18, 2012, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offers of Robert A. Brady; and

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted June 27, 2012

Agenda No. VIII 13

~ Resolution No. 2012- 223 ~

NUMBER NOT USED

Agenda No. VIII 14

~ Resolution No. 2012- 224 ~

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

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

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

WHEREAS, as a result of that review the 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, 2011 - June 30, 2012).
4. Recommendations have been received in the Office of the Township Clerk from all applicable departments.

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 as follows:

LICENSE/LICENSEE/T/A	
Gioia Restaurant LLC t/a Joeys Casa Italiana 9 Lakeside Road Hewitt, NJ 07421 1615-33-017-008	JESSIE'S COUNTRY KETTLE INC. t/a Jessie's Country Kettle 1603 Greenwood Lake Turnpike Hewitt, NJ 07421 1615-33-013-008

BE IT FURTHER RESOLVED that the Township Clerk is directed to issue the license certificate for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS
Pioneer Bar & Grill, Inc.	1. Occupancy loads must be adhered to.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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LICENSE/LICENSEE/T/A	CONDITIONS
t/a Pioneer Bar & Grill 350 Warwick Turnpike Hewitt, NJ 07421 1615-33-028-006	2. Exits are not to be blocked.
OLD SCHOOL PUB LLC t/a Pickles Pub 551 Warwick Turnpike Hewitt, NJ 07421 1615-33-004-007	1. Premises outlined on the drawing submitted at transfer of license, which excludes the use of the basement as a storage area for alcoholic beverages be continued. 2. Occupancy loads must be adhered to. 3. Exits are not to be blocked.

Adopted: June 27, 2012

Finance Matters

2012 Municipal & Solid Waste Budget Public Hearing

Mayor Bieri welcomed Chuck Ferraioli, the Township’s Auditor, who addressed the Council. Mr. Ferraioli explained that he is here tonight to have a public hearing on the budget as introduced. He said that the Council will introduce an amendment before adopting the budget. DCA has approved both. He reviewed the percentage by which the budget is under all caps. The amendment would lower the tax increase on the average home to \$63.24. The total overall levy is .99%. With the budget amendment the budget is \$250,000 more than last year. The budget amendment changes many numbers, subtotals and totals. Generally it takes additional money from surplus. To make up for that, he said, we increased general revenues. He listed those increases. He said that the budget reflects all FEMA money on hand and an additional \$70,000 of FEMA money that came in since introduction. The municipal tax levy was decreased. He reviewed cuts which included reducing appropriations for police salaries, DPW salaries and group insurance for employees. He amended the assessment budget based on DCA comments. Mayor Bieri noted that we will not have to move the proposed temporary budget because we received DCA approval of the budget and amendments today. Mr. Ferraioli agreed.

Notice of this public hearing for the 2012 Municipal and 2012 Solid Waste budget was published in the Herald News on June 10, 2012. The Mayor opened the meeting to the public to speak on the Budget only.

There being no one wishing to be heard, Councilwoman Erik made a motion to close the public portion.

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

Councilman Rosone asked if the decrease to the police department salaries & wages relates to not hiring two police officers to fill vacancies. This will reduce our police staff to 42. He stated that if we adopt this amendment we will not hire these two officers nor with the Township hire the mechanic for DPW. He said that he does not favor that. He feels that we could have found that \$13 per household elsewhere. The police department needs these personnel and DPW needs the mechanic. There are other areas where we could have saved that money. He sleeps better knowing that we have sufficient police officers on the road.

Councilwoman Horton stated that she does not favor these hires. It is not the last \$13 she cares about. It is about the thousands being paid in taxes. It is time to put the brakes on spending. With health benefits costing \$23,000 on average for a police officer she would rather pay some overtime. She does not take any pleasure on instituting layoffs rather than not hiring someone in the first place. We can just no longer afford this. The salary and benefits for both the current employees and retirees is unaffordable. Residents in general in town do not earn as much as our municipal employees. The cost is too great at this time. Residents have never told her they want more police. Many have made comments about roads and snow plowing. There are long-term decisions to be made. The public, she said, has been clear. She has asked that we have a finance committee to review all these issues. She will work with bargaining units to make decisions that balances services with costs. Our taxes are too high. She would like to start 2013 budget process next week. Councilman Rosone stated that he still believes having a staffed police force is for the benefit of the town. We cannot continue operating without staff and we cannot sacrifice the police department. He feels we should fill the vacant positions. He recalled that it was agreed at budget meetings that we would hire two police officers and a mechanic. It is a matter of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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safety for residents and officers. He does not think we need the road resurfacing program. Mayor Bieri said we have not budgeted for roads for years. For \$13 we can budget for both the hires and the roads. We need 4 votes to pass the budget. Council President Signorino stated that Council worked hard on this budget. He recalls the discussion Councilman Rosone referenced. There were comments made that night that referenced that the bottom line is the total cost. There has been much talk about attrition. That is the easiest way to cut. He would like to cut more. He wants to make it affordable. He has done the best he can with the information provided. He is comfortable with this. He would like to avail of the option of attrition to realize savings. There is a new program to outsource for road repairs. Councilwoman Erik stated that she was brought up to speed and she is comfortable and ready to vote. Councilman Smolinski stated that we are half way through this year. The impact of new hires will affect the 2013 budget. We are losing two high salaried positions in the police department. He asked how the number was reached. Administrator Gage said that there are payouts and promotions to fill the spots. Councilman Smolinski stated that he would like to see a finance committee formed. Councilwoman Horton asked for Council consensus to form a finance committee to take a long-term look at Council's obligations. Mayor Bieri asked that the finance committee be a workshop discussion while we focus on the budget. Councilman Smolinski commended the Council's efforts on this budget. They are responsible for 20% of the budget and get 100% of the blame. Mayor Bieri echoed those sentiments and commended Nancy Gage who she said has been very responsive and has a lot of good ideas.

Mayor Bieri asked to move Resolutions 2012-225, 2012-226, 2012-227, 2012-228, 2012-230 and 2012-231 as one.

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Rosone, Signorino, Horton.
Voted Nay: Rosone no to Resolution 2012-226 and 2012-227 only.
Motion carried.

Agenda No. VIII 15

~ Resolution No. 2012- 225 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING READING OF THE MUNICIPAL BUDGET BY TITLE

WHEREAS, pursuant to the Local Budget Law N.J.S.A. 40A:4-1 et seq., all provisions for the introduction and public hearing of the 2012 Municipal Budget for the Township of West Milford have been met; and

WHEREAS, the budget is available for inspection in the office of the Township Clerk, posted on the municipal website, and published in accordance with the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the 2012 Municipal Budget and Solid Waste Budget shall be read by title.

Adopted: June 27, 2012

Agenda No. VIII 16

~ Resolution No. 2012- 226 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AMENDMENTS TO THE 2012 MUNICIPAL BUDGET AS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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INTRODUCED

WHEREAS, the local municipal budget for the year 2012 was approved on May 29, 2012; and,
 WHEREAS, the public hearing on said budget has been held as advertised, and
 WHEREAS, it is desired to amend said approved budget,
 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford, Passaic County, that the following amendments to the approved budget of 2012 be made:

RECORDED VOTE (Insert Last Names)	AYES	(Ada Erik (Joseph Smolinski (Edward Rosone (Luciano Signorino (Carla Horton	NAYS (None	(((((ABSTAIN	(None (((
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CURRENT FUND BUDGET	From	To
ANTICIPATED REVENUES		
1. Surplus Anticipated		
2. Surplus Anticipation with Prior Written Consent of Director	300,000.00	3.00
TOTAL SURPLUS ANTICIPATED	1,900,000.00	1,600,000.00
3. Miscellaneous Revenues - Section A: Local Revenues Interest and Costs on Taxes	290,000.00	298,410.27
Total Section A: Local Revenues	1,691,000.00	1,697,410.27
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items Uniform Fire Safety Act General Capital Surplus Reserve for Debt Service Assessment Trust Surplus FEMA Reimbursement FEMA Reimbursement - Invo	270,300.00 70,300.00 40,300.00 300,000.00 0.00	472,200.00 142,600.00 85,200.00 388,500.00 70,000.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	980,102.64	1,416,602.64
TOTAL MISCELLANEOUS REVENUES	6,361,289.05	6,804,709.17
5. SUBTOTAL GENERAL REVENUES (Items 1, 2, 3 and 4)	9,217,289.31	9,366,209.68
6. Amount to be Raised by Taxes for Support of Municipal Budget: (A) Local Tax for Municipal Purpose Including Res. for Uncollected Taxes	20,480,109.00	20,234,608.27
TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	21,581,348.00	21,326,148.27
7. TOTAL GENERAL REVENUES (Items 5 and 6)	30,808,847.31	30,696,357.66
APPROPRIATIONS		
8. (A) Operations Within "CAPS" Division of Patrol Salaries and Wages Division of Streets and Roads Salaries and Wages Insurance Group Insurance Plan - Employees	4,228,095.20 1,641,477.74 3,619,444.00	4,163,623.74 1,610,277.74 3,584,705.00
TOTAL OPERATIONS (Item 8A) Within "CAPS"	21,283,098.48	21,282,688.02
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"	21,283,098.48	21,282,688.02
Detail: Salaries and Wages Other Expenses (including Contingent)	12,590,472.26 8,692,626.22	12,315,100.76 8,887,887.23
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	24,067,222.25	23,937,111.78
8. (A) Operations - Excluded from "CAPS" Group Insurance for Employees	12,179.00	0.00
Total Other Operations Excluded from "CAPS"	1,282,419.00	1,240,230.00
TOTAL OPERATIONS - EXCLUDED FROM "CAPS"	1,517,626.41	1,505,446.41
Detail: Other Expenses	1,489,359.01	1,457,180.01
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	4,851,425.06	4,939,246.06
(I) TOTAL GENERAL APPROPRIATIONS - EXCLUDED FROM "CAPS"	4,851,425.06	4,939,246.06
(L) SUBTOTAL GENERAL APPROPRIATIONS (Items (H-1) and (I))	28,918,947.31	28,906,357.65
9. TOTAL GENERAL APPROPRIATIONS	30,808,847.31	30,696,357.85

DEDICATED ASSESSMENT BUDGET	From	To
DEDICATED REVENUES FROM		
Assessment Cash	247,177.82	251,967.82
Total Assessment Revenues	264,584.82	269,364.82
APPROPRIATIONS FOR ASSESSMENT DEBT		
Payment of Bond Anticipation Notes	0.00	4,780.00
Total Assessment Appropriations	264,584.82	269,364.82

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2012 Local Municipal Budget so amended.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 27th day of June, 2012

Certified by me, this 27th day of June, 2012

Clerk

IT IS HEREBY CERTIFIED that the Adopted Budget Amendment annexed hereto and hereby made a part of the 2012 Budget is a copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.


 Registered Municipal Accountant

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: June 27, 2012

Agenda No. VIII 17

~ Resolution No. 2012- 227 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2012 MUNICIPAL BUDGET AS AMENDED

Be It Resolved by the Township Council of the Township of West Milford of the County of Passaic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$20,234,909.27 (Item 2 below) for municipal purposes, and
 (b) _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
 (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of
 (d) \$160,272.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
 (e) \$1,101,239.00 (Item 5 below) Minimum Library Tax

the following summary of general revenues and appropriations.

{ AdaEnk { Edward Rosone { Abstained { None
 { JosephSmolinski { { {
 RECORDED VOTE Ayes { LucianoSignorino Nays{ {
 (Please - last name) { CarillaHorton { { Absent { Michael Ramaglia
 { { { { {

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	1,000,000.00
Miscellaneous Revenues Anticipated		40004-10	6,804,209.32
Receipts from Delinquent Taxes		15-499	958,000.26
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 2a), Sheet 11			
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 7, Sheet 42		07-195	
Item 5(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	
5. AMOUNT TO BE RAISED BY TAXATION FOR MINIMUM LIBRARY LEVY			
		07-192	1,101,239.00
Total Revenues		40000-00	30,696,357.85

Sheet 41

SUMMARY OF APPROPRIATIONS

6. GENERAL APPROPRIATIONS:			
Within "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a&b) Operations Including Contingent		30001-00	21,262,898.92
(c) Deferred Charges and Statutory Expenditures - Municipal		30004-00	2,684,123.77
(g) Cash Deficit		46-885	
Excluded from "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"		60023-00	1,505,446.41
(c) Capital Improvements		60002-00	573,175.00
(d) Municipal Debt Service		60003-00	2,434,217.65
(e) Deferred Charges - Municipal		60024-00	326,407.00
(f) Judgements		37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A:48-17.1 & 17.3)		29-408	
(g) Cash Deficit		46-886	
(k) For Local District School Purposes		60008-00	
(m) Reserve for Uncollected Taxes (include Other Reserves if any)		50-899	1,890,000.00
7. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)			
Total Appropriations		30000-00	30,696,357.85

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 27th day of June, 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Sheet 42

Adopted: June 27, 2012

Agenda No. VIII 18

~ Resolution No. 2012- 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2012 SOLID WASTE BUDGET

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Be it Resolved by the GOVERNING BODY of the TOWNSHIP of WEST MILFORD, County of PASSAIC that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 1,655,000.42 (Item 2 below) for amount to be raised by taxation for Solid Waste Collection District. Abstained { None

RECORDED VOTE
 (insert last name)

Ayes { Ada Erik
 { Joseph Smolinski
 { Luciano Signorino
 { Carilla Horton

Nays { Edward Rosone
 {

Absent { Michael Ramaglia

SUMMARY OF REVENUES and APPROPRIATIONS

1. General Revenues		
Surplus Anticipated		140,000.00
Miscellaneous Revenues Anticipated		238,357.00
2. AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT		
TOTAL REVENUES		2,033,357.42
3. General Appropriations		
Operations		2,033,357.42
Deferred Charges		
Statutory Expenditures		
Judgement		
Deficit in Operations in Prior Years		
Surplus (General Budget)		
TOTAL APPROPRIATIONS		2,033,357.42

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 27th day of June 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Sheet 6

Adopted: June 27, 2012

Agenda No. VIII 19

~ Resolution No. 2012- 229 ~

NUMBER NOT USED

Agenda No. VIII 20

~ Resolution No. 2012- 230 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2011 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 2011 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

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:

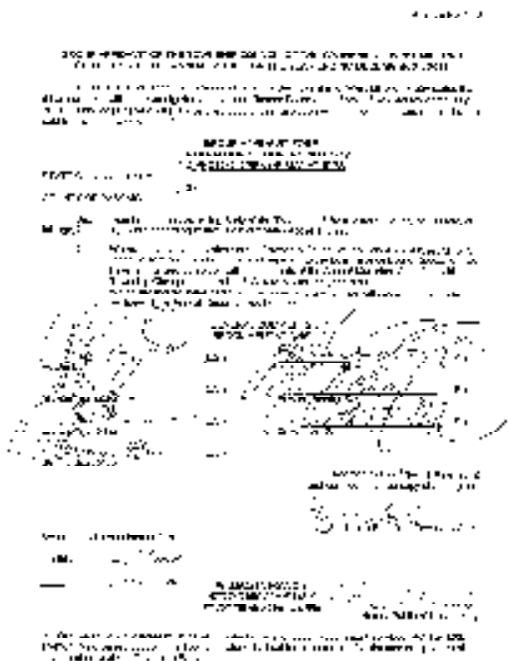
R.S. 52:27BB-52: A local officer or member of a local governing body whom, after a date fixed for compliance, fails or refuses to obey and order of the director (Direct of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
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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 27, 2012



Agenda No. VIII 21

~ Resolution No. 2012- 231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2011 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. 40A:5-7. Summary of Synopsis of 2011 Audit Report of the Township of West Milford, County of Passaic, as required by N.J.S. 40A:5-7.

SUMMARY OF SYNOPSIS OF AUDIT REPORT FOR PUBLICATION		
ASSETS	December 31 Year 2011	December 31 Year 2010
Cash, Investments and Prepaid Debt Service	14,729,896.79	16,353,086.61
Taxes, Assessments, Liens and Utility Charges Receivable	4,288,402.42	4,190,656.50
Prospective Assessments Funded	65,623.75	82,792.75
Property Acquired for Taxes - Assessed Value	2,764,000.00	2,702,100.00
Accounts Receivable (and Inventory)	5,387,659.01	7,794,837.56
General Fixed Assets	31,331,193.00	31,331,193.00
Deferred Charges to Future Taxation -General Capital	30,020,248.38	30,389,030.04
Deferred Charges to Revenue of Succeeding Years	1,362,547.95	48,200.00
TOTAL ASSETS	89,949,571.30	92,891,896.46
LIABILITIES, RESERVES AND FUND BALANCES		
Bond and Notes Payable	31,660,180.25	30,597,288.77
Improvement Authorizations	4,407,194.97	6,025,399.70
Other Liabilities and Special Funds	13,249,975.47	15,452,910.57
Net Assets Available for Benefits	1,272,750.97	1,254,751.57

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Investment in General Fixed Assets	31,331,193.00	31,331,193.00
Reserve for Certain Assets Receivable	5,387,888.36	5,396,274.46
Fund Balance	2,640,388.28	2,834,078.39
TOTAL LIABILITIES, RESERVES AND SURPLUS	89,949,571.30	92,891,896.46

TOWNSHIP OF WEST MILFORD, N. J.		
COMPARATIVE STATEMENT OF OPERATIONS AND		
CHANGE IN SURPLUS - CURRENT FUND		
	2011	2010
Revenue and Other Income Realized		
Fund Balance Utilized	1,900,000.00	2,010,000.00
Miscellaneous - From Other Than Local		
Property Tax Levies	7,394,845.03	7,296,833.31
Collection of Delinquent Taxes and Tax		
Title Liens	769,115.59	1,051,269.16
Collection of Current Tax Levy	91,365,226.00	90,370,447.42
Other Credits to Income	1,611,449.33	1,824,627.82
Total Income	103,040,635.95	102,553,177.71
Expenditures		
Budget Expenditures:		
Municipal Purpose	29,904,201.60	28,881,485.28
Special District Taxes	1,701,493.95	1,907,410.36
Municipal Open Space Tax	149,385.57	150,011.29
County Taxes	19,725,071.05	19,651,456.53
Local and Regional School Taxes	50,396,165.00	49,030,641.00
Other Expenditures	611,950.31	1,057,598.77
Total Expenditures	102,488,267.48	100,678,603.23
Less: Expenditures to be Raised by Future Taxes	1,350,000.00	48,200.00
Total Adjusted Expenditures	101,138,267.48	100,630,403.23
Excess in Revenue	1,902,368.47	1,922,774.48
Fund Balance January 1	1,956,590.64	2,043,816.16
	3,858,959.11	3,966,590.64
Less: Utilized as Anticipated Revenue	1,900,000.00	2,010,000.00
Fund Balance December 31	1,958,959.11	1,956,590.64

RECOMMENDATIONS

1. That the salary ordinance contain the salaries to be paid to the Mayor and Council.
2. That all employees be paid in accordance with the salary ordinance.
3. That the Township's General Fixed Assets be updated for additions and deletions.
4. That the cash deficits for ordinances over five years old be funded in future year's budgets.
5. That all deferred charges to future taxation – unfunded balances over 5 years old where the projects have been completed be funded.
6. That old escrow and trust reserve balances be returned or canceled.
7. That separate bank accounts be opened for escrow accounts with balances over \$5,000.
8. That old grant receivable and reserve balances be reviewed and be collected, spent or canceled.
9. That receivable balances in the General Capital Fund be reviewed and the proper action be taken.
10. That a functioning formal general ledger be maintained.
11. That the payroll bank account be reconciled on a monthly basis.
12. That all employees required to be enrolled in the DCRP be enrolled.
13. That payments to the PERS and PFRS be made on time.
14. That Political Disclosure forms be obtained from all vendors required to submit them.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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 2011. This Report of Audit, submitted by Charles J. Ferraioli, Jr. of Ferraioli, Wielkotz, Cerullo & Cuva, P.A., is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: June 27, 2012

Agenda No. IX

Consent Agenda

~ Resolution No. 2012- 232 ~

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. **2012-233** – Refund Overpayments
- b. **2012-234** – Refund Other Liens
- c. **2012-235** – Refund Other Liens
- d. **2012-236** – Refund Performance Guarantees
- e. **2012-237** – Refund Recreation Fees
- f. **2012-238** – Reinstate Taxes
- g. **2012-239** – Release Maintenance Bond

Applications:

- 1. Application for Off Premise 50/50 Raffle License No. 2012-26 by BPOE West Milford Elks Lodge #2236 for October 6, 2012.
- 2. Application for Off Premise Draw Raffle License No. 2012-27 by BPOE West Milford Elks Lodge #2236 for November 3, 2012.
- 3. Application for On Premise 50/50 Raffle License No. 2012-28 by The Last Resort Rescue, Inc. for July 15, 2012.
- 4. Application for Off Premise Draw Raffle License No. 2012-29 by West Milford Elks Ladies Association for December 8, 2012.
- 5. Application for Off Premise Draw Raffle License No. 2012-30 by The Friends of Long Pond Ironworks, Inc. for October 7, 2012.

Adopted: June 27, 2012

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

Seconded: Signorino

The following resolutions were included in the consent agenda:

Agenda No. IX a

~ Resolution No. 2012- 233 ~

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

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

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

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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
1611-20	Royal Tax Lien Service, LLC 115 West Avenue Ste. 300 Jenkintown, PA 19046	\$1981.86	2012	2
1811-4.02	Corelogic R.E. Tax Service Refund Department P.O. Box 961250 Fort Worth, TX 76161-9887	\$1,489.00	2012	2
5311-3.10	Affinity Federal Credit Union 73 Mountain View Boulevard P.O. Box 621 Basking Ridge, NJ 07920	\$369.00	2012	2
5311-3.10	Affinity Federal Credit Union 73 Mountain View Boulevard P.O. Box 621 Basking Ridge, NJ 07920	\$369.00	2012	1
10805-11	Mark A. Moore 37 Upsula Path West Milford, NJ 07480	\$463.35	2012	1
TOTAL		\$4,672.21		

Adopted: June 27, 2012

Agenda No. IX b

~ Resolution No. 2012- 234 ~

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/Qual	Reimbursement Amt	Pay to the Lien Holder
11-076	04-19-2011	07801-038.03	\$11,757.33	THEODORE JENKINS 1418 CORNELL PLACE UNION, NJ 07083
12-0006	03-27-2012	00905-015	\$5,890.28	US BANK CUST/CRESTAR CAPITAL LLC 2 LIBERTY PLACE 50 SO. 16 ST. STE 1950 PHILADELPHIA, PA 129102
12-0010	03-27-2012	01002-009	\$20,573.33	ROSEHILL FUND 1 LLC JOHN HANRATTY P.O. BOX 503 RYE, NY 10580
12-0018	03-27-2012	01803-006	\$27,993.91	FWD SL & ASSOCIATES LP 290 US HIGHWAY 22 GREEN BROOK, NJ 08812
12-0043	03-27-2012	02712-001	\$16,111.05	US BANK CUST/CRESTAR CAPITAL LLC 2 LIBERTY PLACE 50 SO. 16 ST STE 1950 PHILADELPHIA, PA 19102
12-0050	03-27-2012	03602-001	\$854.59	DENNIS MOELLER

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				118 LONG POND ROAD HEWITT, NJ 07421
12-0084	03-27-2012	07801-038.03	\$15,832.84	SINGH REAL ESTATE 555 LINCOLN DRIVE WEST SUITE 100 MARLTON, NJ 08053
Grand Total			\$99,013.33	

Adopted: June 27, 2012

Agenda No. VIII c

~ Resolution No. 2012- 235 ~

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:

Received From	LC#	DOS	Block/Lot	Amount	Pay to the Lien Holder
Veirecrest Financial	10-142	3-23-10	14901-36	\$46,382.77 Premium \$17,500.00	Lien Times, LLC 203 Stephens Road West Milford, NJ 07480
TOTAL				\$63,882.77	

Adopted: June 27, 2012

Agenda No. VIII d

~ Resolution No. 2012- 236 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded:

Name & Address	Block & Lot	Amount Refunded	Page No.
Bruce Morse 498 Germantown Road West Milford, NJ 07480	17002/2.02	\$200.00	<u>40</u>
Bruce Morse 498 Germantown Road West Milford, NJ 07480	14001/9	\$750.00	<u>6</u>
Bruce Morse 498 Germantown Road West Milford, NJ 07480	10801/10.01	\$100.00	<u>33</u>
Bruce Morse 498 Germantown Road West Milford, NJ 07480	6102/8	\$350.00	<u>39</u>
Bruce Morse 498 Germantown Road West Milford, NJ 07480	9402/16	\$400.00	<u>51</u>
Bruce Morse 498 Germantown Road West Milford, NJ 07480	5003/6	\$400.00	<u>52</u>

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Agenda No. VIII e

~ Resolution No. 2012- 237 ~

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:

Event & Participant	Amount	Payee
Day Camp Thomas "T.J." Beninati	\$265.00	Donna Benovitz 1413 Richmond Road West Milford, NJ 07480
Ceramics/Clay Camp Sophie Stoff	\$80.00	Tracy Stoff 12 Quigley Road Hewitt, NJ 07421
Ceramics Julia Dan	\$15.00	Simona Dan 144 Ridge Road West Milford, NJ 07480
Ceramics Kyleigh Winters	\$15.00	Robin Winters 114 Broadway West Milford, NJ 07480
Ceramics Mikulas Kucera	\$15.00	Simona Kucerova 23 Florence Road Hewitt, NJ 07421
Ceramics Annie Krukis	\$15.00	Jaime Yanofsky 7 Bearfort Terrace Ringwood, NJ 07456
Swim lessons Raymond and Isabella Medina	\$130.00	Criselda Romero 23 Brook Road Hewitt, NJ 07421
Lifeguard Class Donald	\$300.00	Donald DeBlock 7 Moore Road West Milford, NJ 07480
Switch Take A Bow to Lego Mattias Eriksson	\$26.00	Maria Eriksson 1058 Union Valley Road West Milford, NJ 07480
Take A Bow Theater Camp Grace	\$125.00	Lauren Fiorilla 1432 Macopin Road West Milford, NJ 07480

Adopted: June 27, 2012

Agenda No. VIII f

~ Resolution No. 2012- 238 ~

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: INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16307-7	Alfred Coursen	\$2,088.00	2012
4104-3	Robert & Linda Riegler	\$2,783.00	2012
2402-32	Ingeborg Bizub	\$1,340.00	2012
14113-38	Jan & Anna Krol	\$2,889.00	2012
5304-7	Edna Bordino & Susan Perricone	\$3,685.97	2012

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7206-10	John & Rose Pugliese	\$2,560.00	2012
13901-001	JICO Inc.	\$13,499.75	2012
TOTAL		\$28,845.72	

Adopted: June 27, 2012

Agenda No. VIII g

~ Resolution No. 2012- 239 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE TO SUNNY BLUE, LLC OF MAINTENANCE BOND #24543 IN THE AMOUNT OF \$22,723.35 POSTED AS SURETY FOR THE REPLACEMENT AND REPAIR OF ANY DEFECTS IN CONSTRUCTION WORK AT BLOCK 5701 LOT 1

WHEREAS, based on recommendations from the Planning Board Engineer Paul Ferriero, the Planning Board Secretary has submitted a recommendation that Maintenance Bond # 24543 posted as Surety for the replacement and repair of any defects in construction work at Block 5701 Lot 1 in the amount of \$22,723.35 be released to Sunny Blue LLC; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the release of Maintenance Bond #24543 for Block 5701 Lot 1 in the amount of \$22,723.35 posted by Sunny Blue LLC, PO Box 509, Ridgewood, New Jersey 07451; and

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.

Adopted: June 27, 2012

Approval of Expenditures

Agenda No. X

~ Resolution No. 2012- 240 ~

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.	\$157,874.70
2	Reserve Account	17,865.14
3	Animal Control Trust	44.00
6	Capital.	268,787.68
7	Grants.	4,160.00
8	Refuse.	62,053.32
9	Refunds.	104,520.54
12	General Ledger.	0.00
16	Heritage Trust.	326.98
14	Open Space Trust	637.50
17	Trust	2,291.50
18	Development Escrow.	8,209.70
19	COAH	2,591.50
20	Special Reserve	
11	Assessment Trust	
Total		\$629,362.56

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Less Refund Resolution	\$ -104,520.54
Actual Bill List	\$524,842.02
Other Pyts Ck. # 49386 Mun. Cap. Corp.	376.00
Ck # 49387 WM Public Schools	2,000.00
Total Expenditures	\$527,218.02

Adopted June 27, 2012

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

Agenda No. XI

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

Councilwoman Erik stated that about two weeks ago she came into town with the Ringwood ambulance for a call in UGL. The other Ringwood paramedics on the call asked her to thank the West Milford police officers for their compassion and professionalism as well as the CPR they performed admirably. She said that there are outsiders and West Milford residents who are stealing metal in town. These are not small operations; they are making substantial money. We need to do something about it.

Councilman Rosone stated that open registration will begin on July 1st for ALF. Go to website to register.

Council President Signorino thanked the Council and Administrator Gage for the work on the budget. It was a group effort. FAC has asked him to get consensus on the pole barn. They did get approval for the pole barn and the funding is there. They now need Council approval to move forward. He said the idea is to move the Parks & Recreation equipment out of Johner. The septic there is being repaired. With that we can hopefully ultimately vacate and sell that building. As part of the plan the equipment can be housed in the Bubbling Springs pole barn. Mayor Bieri suggested that the governing body needs to understand the entire plan and said that Wallisch may be an option for storage. The plan should be formulated in its entirety rather than to be considered piecemeal. Council President Signorino stated that FAC was under the impression that Council favored the pole barn. The financing would come from the facilities account. He does not have the numbers with him. Administrator Gage asked if the proposed building has been modified to reflect the lack of need for office space. The Council agreed that they are not prepared to proceed at this point. Councilman Smolinski asked for complete plan and data. Council President Signorino congratulated the museum for a great tennis tournament.

Councilwoman Horton echoed comments about the tennis tournament and heritage committee. She would like to follow up on the finance committee to work on long-term solutions for the future of the town. The Council, she said must make long-term decisions about facilities. She thanked CASA and the police for the success of the beach party at Bubbling Springs commending the young people and their parents. All were delightful. She urged those experiencing problems to reach out for help.

Mayor Bieri noted that Thunder in the Highlands is scheduled for this coming Friday. Gates open at 5:30 p.m. and she urged everyone to support PAL. The farmer's market is now open every Wednesday into the fall. She said that she appreciates the efforts of FAC but all options should be reviewed in one full picture to ensure proper direction. Wallisch should be factored into the mix. There was information from the Director of CS&R quoting about \$50,000 to fix the roofs at Wallisch. She said she would rather invest \$50,000 in that than spend \$80,000 on a new pole barn. The Council recently expressed opinions on amendments to OPRA and OPMA. Those resolutions outlined issues and requested that any amendments apply to members of the State Senate and Assembly and requesting significant discussions. Despite promises from Senator Weinberg, earlier this week at 11th hour these laws were moved out of committee without comment. They were moved by Senator Pennachio. That would force all municipalities to be subject to legal fees. Council made comments and apparently those comments were ignored. That shows lack of concern for the impact on local government and it was disheartening.

Administrator Gage stated that there has been a concern because the generator at Hillcrest is broken. That is our emergency shelter and the administration has engaged in communications with the BOE to seek that the generator be replaced with capital funding. They have not agreed. She asked Council to take action to authorize her to purchase generator and to subsequently seek BOE approval.

Township Attorney Semrau read Resolution 2012-242 aloud.

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Motion to close & confirm.

Discussion ensued about the feasibility and logic of canceling the July 11th regularly scheduled workshop meeting.

Motion to cancel the scheduled July 11, 2012 Council Workshop Meeting

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

Agenda No. XIII

Executive Session

None.

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:18:32 p.m.

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

Approved: October 24, 2012

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK