
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop-Regular Meeting
Date of Meeting: July 15, 2015
Time of Meeting: 6:30 pm
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The Regular Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop-Regular meeting was advertised in the Herald News in its issue of December 21, 2014 and January 4, 2015; copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Agenda No. I

Roll Call

Present: Councilmembers Ada Erik, Vivienne Erk, Michele Dale,
Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: Mike Hensley
Also Present: Township Administrator Kenneth Gabbert, Township Clerk Antoinette Battaglia, Township Attorney Fred Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the following Workshop, Regular and Executive Session Meeting Minutes as presented:

April 01, 2015 Workshop
April 01, 2015 Executive
April 22, 2015 Regular
April 22, 2015 Executive

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Erk, Dale, Signorino, Lichtenberg.
Voted Nay: None.
Absent: Hensley
Motion carried.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule.

August 12, 2015 Workshop-Regular Meeting
September 02, 2015 Workshop Meeting
September 16, 2015 Regular Meeting

Agenda No. VI

Proclamations

Americans with Disabilities Act – Mayor Bieri invited Janice Sangle and Janet Laycox to join her at the podium. She introduced Ms. Sangle and Ms. Laycox and commended them for all they do both locally and nationally to bring awareness to issues related to those living with disabilities. She read the proclamation and presented it to Ms. Sangle saying that everyone in society needs to work to achieve equality for those who live with disabilities. Ms. Sangle said ADA is the first declaration of quality for people with disabilities. People with disabilities must speak up to let their needs be known. Otherwise

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others don't understand. She explained some specifics. The idea behind ADA is independence & inclusion. When she encounters an issue she contacts the appropriate party to let them know of the issue. She encouraged others to point these issues out when they encounter impediments. Information is available on line about the regulations. She said the 25th anniversary is being celebrated nationwide. State and local governments must meet ADA guidelines. Cathy Shanahan is the local ADA coordinator and there is an active ADA committee in West Milford whose members work toward ADA compliance. They evaluate programs and services, create a plan to achieve ADA compliance and address identified issues. If you encounter an issue, please contact Cathy Shanahan. Government officials can find a toolkit online at the ADA website. There is a misconception that ADA contains a grandfather clause but everyone must strive to achieve ADA compliance. When she first started with advocacy it was for personal reasons in 1995. She has seen a lot of changes in West Milford and she enumerated some of those. It has been a long road but there have been significant strides. There is a lot that has yet to be done. Access and inclusion is getting better. She said training is available for organizations and individuals through the Northeast ADA Center.

Agenda No. V

Presentations

Princeton Public Affairs Group – Lobbyist William Pascrell III introduced himself and addressed the Council. He gave information about his lobbying firm. His firm was retained by the Township and the watershed coalition. On January 12th this year Assemblywoman BettyLou DeCrose introduced A-4068 which was referred to Assembly State Local Government Committee. Assemblyman Auth became a co-sponsor. Both are aware of the issues and unfair and inequitable treatment to watershed communities. He explained the membership of the committee. His firm has struggled in the past few months due to some politics. He explained some of those challenges. There were also challenges where a possible co-sponsor became ill. He said the Township attorney; planner and other land use professionals have been very helpful. The bill is in good shape. It is targeting the City of Newark which has had some political changes. He thought the new administrator would be open to conversation. Karen Brown was legal counsel but resigned in February this year. Mr. Pascrell has a good relationship with the new counsel. The good news is the chairman of senate environmental committee who has been in senate a long time, Bob Smith, has agreed to introduce the bill in the senate. He is well aware of the issue. He will introduce the bill during an unusual summer session possibly as early as next week. Committee meetings will take place on Monday with a voting session on the 23rd. He is trying to get a Republican in the senate to sign on and a democrat in the assembly to achieve balance. Candidly, many legislature members are loathsome to sign on because it will cost Newark. The Newark Water Commission has had difficult times. Keith Kazmark, Mayor of Woodland Park is strongly considering joining the coalition and has been helpful in discussing this with legislators to convey that this is not a party issue nor is it an effort to hurt Newark.

Mayor Bieri asked what the Governing Body can do at this stage. Mr. Pascrell said success is only possible by having a robust active coalition. He encourages everyone to become active. Reach out to members of the legislature and ask them to consider signing on. He is hopeful that after Senator Smith signs on it may get more attention. But if you have contacts or relationships with legislators please speak with them. It is important to get synergy going. Mayor Bieri recalled that she and Mr. Pascrell said it is unlikely that legislature will come back before the election and he hopes to get a hearing then.

Mr. Pascrell explained how the process works in the State legislature. He said that both houses have democratic majorities and he would like to see a democratic sponsor. The next order of business is to get a committee hearing in the Senate which is likely to happen because they are asking for it. When that happens he encourages everyone to come to Trenton because it is going up against Newark. He has tried to speak to Newark officials about this but could not. He and any interested person will be allowed to speak at the hearings. Perhaps environmental groups can come. He would like to see surrounding towns come down to speak about the fact that West Milford is protecting an invaluable resource. The State has not recognized that host communities devote local services to protect the water supply that is being used by Newark. The proposed bill is simply fair and equitable. It only allows host municipalities to break even. At the committee hearing he is hopeful that 3 of the 5 committee members will support it. Then it will go to a budget committee in both houses. Then to the floor of each house. He is hoping the senate environmental committee supports it. Then the governor signs.

Mr. Pascrell said he will send notifications when monitoring the legislation. He said he is disappointed at the slow grind but that is not uncommon in these processes. It is an uphill battle. He said he encourages everyone to pick up the phone and speak with any legislator you know ASAP. He thinks a letter campaign will be better when there are more sponsors. He will help draft the letter with all elected officials signature.

Agenda No. IV

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Executive Session

~ Resolution No. 2015 – 226 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 15th day of July 2015 that:

- 1. Prior to the conclusion of this Regular Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
() b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
() b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
() b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
() b. (4) A collective bargaining agreement including negotiations.
(X) 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.
(X) 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.
(X) b. (8) Personnel matters.
() b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: July 15, 2015

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

The Governing Body went into Executive session at 7:10 pm.
The Governing Body returned to the public meeting at 8:01 pm with all present as before.

Agenda No. VII

Discussion Items

- 1) Discussion: Cable TV Commission – Councilwoman Erik asked for consensus to delay this discussion to another time because there are still details to be worked out. The Council agreed.
2) Discussion: July 4th Celebration Committee – Administrator Gabbert said this would be for 2016.
3) Discussion: EDC Referendum Question – Councilwoman Lichtenberg advised that the EDC would like to have the subject of secession from Passaic County placed on the November ballot. It may be a good idea but this year’s ballot is too soon. People deserve to know the pros & cons. This year is likely to be low turnout. Next year is a presidential election with better turnout. She recommends that the EDC gather more information and be better prepared. Councilwoman Erik said the question is a non-binding referendum asking if voters want us to move forward. Council President Erk said there must be more research and Councilman Signorino said we need a good turnout. Mr. Semrau said it is always good to get suggestions. The EDC works hard but you have to be specific to

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identify what you want your committees to do. This would be non-binding and could be knocked off the ballot. You need the legislature to do this. You may need to take a different route. The Council does not have the legislative authority to do this. The ballot is already lengthy and the timeline is very short. He would want to draft a better question. Councilwoman Dale suggested taking the same route as we did with the petition. As the EDC collects more specific data, people can read and vote before it is placed on the ballot. Mr. Semrau said that is a mechanism to provide more information. First decide do you want to send this to EDC or does Council want to handle it. Councilwoman Dale said she is not opposed to assisting the EDC once they have all the information. The Council agreed that the EDC must conduct research and outline all the pros and cons. Then they should return to the Governing Body who, with the information at hand, will be able to make an informed decision. They agreed that the research is needed before asking residents and a non-binding referendum may be misleading. We need to do our research. Consensus to have the Administrator advise the EDC to do research, get facts & figures, work with administrator and then bring back to Council to proceed.

Agenda No. VIII

Public Comments

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

Renee Alessio, Upper Greenwood Lake, West Milford said she has been a resident for 38 years. The idea of seceding is not new. She would like to pay fewer taxes. She thanked Council for postponing this because the public needs to be educated. She gave statistics about West Milford pertaining to the Highlands and the size of the municipality. Morris County is larger than Passaic without even one town totally in the preservation area. Some people have alleged that Morris County can give more help with Highlands. That is not so. Passaic County was the first to get final approval from the Highlands Council. Morris & Sussex don't have that approval even at this date. Passaic County has 4 representatives on the Highlands Council with two from West Milford. We should look at Passaic County and compare them to Morris County. County roads in this town are great. She listed some of the things Passaic County does in West Milford noting that the County Clerk comes here often. They have a salt shed in this town. The County Health Department provides direct services and Passaic County has raised its credit rating twice in recent years. More than half of taxes go to schools not the county. She takes some issue with comments made about Paterson. She detailed them. Cost is the big factor. New Jersey has the highest property taxes in the nation regardless of county.

Gary Gittleson, Banker Road, Hewitt said the Messenger had an article last week about ATVs. It says an ATV park cannot be located in Jungle Habitat and that the town is examining other sites including Newark Watershed and Banker Road. Newark Watershed once allowed ATVs but they shut it down because it was abused. He doesn't understand what property on Banker Road. It says between 20-30 acres. He can only imagine it is his property. He searched and the second largest property on Banker is the Depot owned by the town. He has been at his property for over 30 years and his first experience was with ATVs and dune buggies. He fenced his property. When he fenced between the state park and his property it was immediately cut down by ATV riders. He finally put boulders there after years of fighting. They even lifted ATVs over the boulders. They have tried to run him down and have left trash on his property. They have made illegal trails on state land and surrounding properties. He is not happy with the proposal. ATV parks do not belong in West Milford or even New Jersey. We are too densely populated. He researched the potential for revenue and has learned that ATV parks do not generate a lot of revenue and ATV riders do not like the restrictions.

Ralph Harris, Bordeaux Terrace, West Milford said he is vice chair for the MUA and is speaking in that capacity tonight. He noted that the executive session resolution indicates that the Council was to discuss a possible sale of the MUA in executive session. The MUA is an autonomous authority so it is a surprise to learn that the Council is discussing its possible sale. The MUA wants to know roles & responsibilities for all parties involved. Particularly, there is a pending request from September 2013 to which the Council has not replied. Better collaboration is needed on this matter. There was a joint press release two weeks ago. The MUA continues investigating and doing due diligence. Rather than duplicate efforts, let's work together and share information. The press release has made the process more cumbersome than helpful. There is no tangible information to provide in response to queries. MUA employees read about these things in press which causes anxiety. The Council appoints the commissioners. Many are users and always have customers in mind. They have been fiscally responsible and have managed the utility well. There have been no rate increases in recent years and infrastructure updates. Please stop discussing the sale without talking to the MUA.

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Mary Louden, Banker Road, Hewitt said she too read the article about a proposed ATV park on Banker Road. Councilman Signorino leads that committee and she understands that he would prefer Jungle Habitat or Newark Watershed. She was concerned to read that a site on Banker Road was being looked at. She or her neighbors knew nothing about that. She asked when the feasibility study will begin and when exact properties will be identified. She said she would like answers tonight. She objects to the placing of an ATV park in Upper Greenwood Lake. She opposes joining properties to achieve greater space for an ATV park. These are privately owned properties that have been owned for years. They border residential areas. It would be habitat destruction. The owners are stewards of their property. She outlined some habitat preservation steps they have taken over the years. Their property has been subject to vandalism. They are now in their seventies and envision a peaceful retirement in Upper Greenwood Lake. Who would seek to evict such good residents? All their memories would be lost if you built that ATV park.

Bob Pawlo, Ridge Road, West Milford said he talked to people in Morris County today. Many thought he was joking about West Milford seceding from Passaic County to Morris County. He spoke with the Morris County administrator who has held that position for twenty-five years. There is a whole procedure for secession. He recalled the number of times secession has been discussed in West Milford. It is absurd that the EDC did no homework. The Morris County administrator said that West Milford would be responsible for its debt to Passaic County which is about \$25 million. There are other requirements. Other towns have spent millions in legal fees without successful secession. This should not be left in the domain of the EDC because it has been so mismanaged. The Morris County administrator said West Milford will be in major debt if this is pursued. The possibility of secession is almost non-existent. Taxes will not go down; it is simple nonsense. Maybe the idea is good but we must deal with reality.

Kathleen Caren, West Milford said she opposes secession from Passaic County. She attended the EDC meeting and was disappointed with the meeting. Members spoke, took a vote and then opened to public. That process alone says they don't want to hear from public. She is speaking as a private citizen but works for the Passaic County planning dept. Since 2001 upwards of \$6.5 million has come to West Milford through grants alone. Passaic County is considered urban which entitles us to CDBG money. Morris County is wealthier and not entitled to CDBG. Since 2008 West Milford has received almost \$800,000 in federal funding. In 2006 the Passaic County planning department did vision sessions in all Passaic County towns and they provide a myriad of other services. Passports were offered tonight at Hillcrest. There is a clerk's office in Wanaque now. The street clock by Shop Rite was paid for by the county without tax dollars. The money came from developer fees which are unique to Passaic County. Passaic County is very innovative. It was the first county in the state to achieve Highlands conformance. Statements that Morris County is more up on Highlands is a personal affront to her. She will find out how much money Passaic County spends on paving and maintaining West Milford roads. ATV parks in West Milford is a ridiculous concept. You cannot have ATVs in Newark Watershed. ATVs destroy environments and we are proposing to put one on watershed land. An ATV park should go on an abandoned quarry or land that is already trashed. We are fortunate for clean air and the beauty in West Milford. Some people look at cost without considering the true price. She likens that to the State of New Jersey. We are a wealthy state and the money we send to Washington goes to other states.

Bob Nicholson, 20 Hyde Road, Stockholm said Council made right decision with the proposed referendum question. Homework was not done. JCP&L put light at tressel on Canistear Road. We got money to replace guide rails but the guide rails on Canistear Road are covered with weeds and will be hard to find. This is a safety hazard. On behalf of the Cable TV Committee, Brian Jenkins put a link on the website with the channel 77 schedule. He reminded people not to park in handicap parking spots unless you qualify.

Dave Ofshinsky, Morris Avenue, West Milford sought to present the EDC ideas about the proposed referendum question. They did speak to state officials. The primary concern is economics. Passaic County has the highest tax rate per capita in the entire nation. Using 2013 tax rates the Township could have paid \$7 million less. That is potential for significant savings. People ask what services we get and the EDC will do that homework. Morris County has higher performing school districts which would benefit us. The referendum would send a message. He gave history that indicated that West Milford was never intended to be in Passaic County.

Celeste Hampton, Macopin Road, West Milford read a letter from Melissa Brown-Blauer who is running for Council in support of the EDC referendum.

Tim Wagner, 835 Westbrook Road, West Milford asked for an update on appealing to the Council on Mandates. He noted that the budget has been passed and he wants to know how much has been earmarked for Christmas decorations. He recently read an article about relocating a dinosaur park from Secaucus. He spoke with the principal of that operation and is hoping that they can relocate from the

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Meadowlands to West Milford. They would rather a more densely populated area but he would still like West Milford to be a consideration. He suggested Westbrook Park as a possible site.

Stu Feldman, Bisset Drive, West Milford said he is thrilled to speak on behalf of the Chamber of Commerce as its president. He thanked Mayor Bieri and Councilman Signorino who attended the scholarship award dinner. It was a fun night and government involvement was great. His passion is to stimulate the local economy and get new businesses in town which would help to stabilize taxes. He has served in many capacities and has seen many initiatives fail. They are now working on a shop local program and he has confidence it will be successful. He described the program noting that the Chamber of Commerce is working with HEAT to make this a success. They will roll it out at ALF.

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

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

Agenda No. IX

Council Comments

Councilman Signorino thanked everyone who spoke tonight. He wants to address the ATV topic. He is not sure where the author got comments attributed to him. He is sensitive to this community and concerns of residents. Banker Road does not ring a bell for him. The only list he saw was large properties. He and the Township Engineer went to a meeting with the DEP on Monday. The only outcome was to review guidelines about technical issues. That would help rule out properties that may not qualify for changes to ground cover. He understands concerns and there is no decision at this point. Banker Road is not under consideration. He said ATV riders do not trash things. Maybe a minority as with any other group. He favors the dinosaur idea. He will try to help with efforts. He would prefer KOA or a Township property. It would be good for the community. He likes that the EDC is thinking outside of the box. He appreciates their efforts.

Councilwoman Lichtenberg said that she has not seen any ATV committee minutes. Councilman Signorino said he got a request from the clerk's office to update minutes. He spoke to a member. There has not been a full meeting since January. The next one is scheduled for Tuesday. The Council may have to consider having members removed for failure to show up. Councilwoman Dale said minutes are taken at the meeting. Councilwoman Lichtenberg said she has concerns about ATVs in West Milford. She regrets voting for the feasibility study. She has been to Jungle Habitat and sees all the trails that are already there. She asks why the town should pay for this feasibility study. If it were on Jungle Habitat the state should pay for that. If it is a private site, the town should not pay for a feasibility study. The property owner should do that. JORBA doesn't ask the town to pay for anything. She will be voting no on anything else that comes before council for ATV parks. Personally she feels an ATV park in West Milford would invite ATV riders to come to West Milford and see all the open space. It may create a bigger problem with illegal ATV riding. She made a motion to rescind the resolution for a feasibility study for an ATV park. She said the Township should pay for work already done and no more. Councilwoman Erik seconded the motion. Councilman Signorino said this issue arose because there is such widespread riding of ATVs in West Milford. It is to address the illegal riding and find a place where a private organization can operate a facility on a property chosen by the township. If Council changes their mind he respects that. He said there is a large ATV population in town. Mountain bikers can ride legally. Many ATV riders are not disrespectful and he is just seeking to find a place to give them a legal right to ride. Councilwoman Dale asked everyone to consider that ATV riding is also passive recreation. One person's choice for passive recreation should not outweigh another's. She believes in equal rights. Mayor Bieri asked if we could postpone the vote until a memo comes from the engineer about the DEP meeting. The memo may say it is not even feasible. After professional input take the vote. Councilman Signorino said he would concentrate on the viable options rather than the hurdles. He appreciates that the engineer went to that meeting. He looks forward to having that discussion. Mayor Bieri said that the memo may apply to all the properties because of the Highlands Act and DEP restrictions. Discussion ensued about studies done at Jungle Habitat, ATV riders and the proper uses for public properties.

Motion to rescind Resolution 2015-145

Moved: Lichtenberg Seconded: Erik
Voted Aye: Erik, Erk, Lichtenberg
Voted Nay: Signorino

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Abstain: Dale
Absent: Hensley
Motion carried.

Councilman Signorino said giving ATV riders a place to ride would have allowed better enforcement of illegal riding. Councilwoman Dale said the vote does not mean we cannot move forward. Maybe some volunteers have the skill set to identify properties. We can also bring it back.

Councilwoman Dale said that she is the liaison to the MUA. She read the press release when Mayor Bieri brought up the issue. The intent was not to undermine the MUA or the commissioners. She agrees that we should work together. She asked that Mr. Semrau follow up with the request for a legal opinion about the dividing line between the MUA and the Council. Roles need to be clearly defined. Once she and Mayor Bieri sit with MUA it will become clear.

Mayor Bieri said the administrator and CS&R director have already begun banner discussions. The first time she heard of the buy local campaign, it was a private very convoluted process. It would have cost businesses money. She is glad HEAT found a viable way to accomplish that. The Township and BOE are the biggest business in town. She has had a buy local policy in town hall since becoming mayor in 2008. The ATV study has now been rescinded. She explained how it evolved. No second property has been identified. She thinks the feasibility studies will likely show it is not feasible to have an ATV park in West Milford. Some valid points about expending tax dollars were raised. The state park that has been built is not doing well. If there is an organization out there that wants to start up an ATV park they should do the research. The State said an ATV park at Jungle Habitat would not qualify for their standards because the law says that it must be newly acquired not existing state property. Mayor Bieri said no one has ever talked about taking private property. She said when she broached the subject of a possible sale of the MUA it was simply to get Council consensus to speak to the MUA. She has always been complimentary and supportive of this MUA board. She commends all their efforts. A sale was not possible a few years ago and to their credit, their efforts have caused improvements sufficient to generate interest. In executive session the discussion was to make this a cooperative effort and the intent is to figure out how to make this happen. She has met with two companies about the concept. She has directed them to the MUA. They discussed many issues that could ultimately become part of an RFP. She has been reading the minutes and the MUA is not sustainable in its current form. She commended the MUA board and enumerated many of their accomplishments and they have addressed all the issues. She thanked HEAT for the dinosaur park. She has been in touch with the owners and she suggested Westbrook Park. There is a lot to discuss. They are looking at other properties. They feel West Milford is remote although it has not been negated. She has turned this over to the Administrator and CS&R director. She listed some potential challenges at KOA including needed electrical upgrades. She and Councilwoman Erik went on a KOA tour yesterday. It would require a lot of work and they have started brainstorming on possible uses. With little investment it could be opened for use as a tent only campsite. The property is under utilized. She referred to a memo from Mr. Semrau months ago outlining the 8 restrictions at KOA.

Attorney Fred Semrau said a lot of topics were broached tonight. He asked for and received consensus to have the engineer generate his report from the DEP meeting. He said he requested executive session discussion of the MUA to address any legal questions. The governing body has not discussed specifics about a sale but discussed exploring the subject. He said the Governing Body has not endorsed any secession attempt. He has researched a possible appeal to the Council on Mandates regarding the Highlands Act. The Council gave consensus authorizing him to proceed.

Agenda No. X

Action Items

Agenda No X 1

~ Ordinance 2015 - 009 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING §135 "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES

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

135-2 Department of Community Services and Recreation

The Department of Community Services & Recreation is authorized to charge the following fees:

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- M. Use of teen center/coffee house.
(3) After school program at Teen Center
- \$35.00 per week registration fee
 - \$125.00 per month registration fee
 - This program is for Middle School students only - Grades 7 and 8

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

Introduced: June 17, 2015
Adopted: July 15, 2015
Effective Date: August 4, 2015

This Ordinance was introduced on June 17, 2015 and the Notice of Public Hearing was published in the Herald News on June 21, 2015. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2015-009.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Erk, Dale, Signorino, Lichtenberg
Voted Nay: None.
Absent: Hensley
Motion carried.

Agenda No X 2

~ Ordinance 2015 - 010 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND §169 "GAMES OF CHANCE ON SUNDAYS" OF THE TOWNSHIP CODE

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

The title of chapter 169 of the Township Code shall be changed from "Games of Chance on Sundays" to "Games of Chance"; and

§169-1 Bingos and raffles conducted by certain organizations

Games of chance, commonly known as "bingo" and "raffles", as provided by the Laws of the State of New Jersey, 1954, Chapters V and VI, may be conducted in the Township, on the first day of the week commonly known and designated as Sunday, provided the applicant for the license to conduct such game otherwise qualifies under the provisions of the aforementioned statutes and the Rules and Regulations of the Legalized Games of Chance Control Commission and, specifically, providing that the organization conducting the games is a charitable, religious, educational, patriotic, fire company or first aid organization, or other type of organization specifically qualifying under the provisions of the aforementioned statutes.

The Township Clerk shall issue and approve the granting of bingo and raffle licenses pursuant to the above mentioned statutes. Fees shall be charged in accordance with those established by the State of New Jersey Legalized Games of Chance Control Commission (LGCCC).

Introduced: July 15, 2015

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 12, 2015. Notice of this public hearing shall be published in the Herald News on or about July 19, 2015.

Motion to introduce Ordinance 2015-010

Moved: Signorino Seconded: Dale
Voted Aye: Erik, Erk, Dale, Signorino, Lichtenberg
Voted Nay: None.

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Absent: Hensley
Motion carried.

Agenda No. IX 3

~ Ordinance 2015 - 011 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXCHANGE OF PROPERTY PURSUANT TO N.J.S.A. 40A:12-16

WHEREAS, the City of Newark, County of Essex, State of New Jersey, is the owner of property identified as Block 15001, Lot 6 which is vacant land along Clinton Road consisting of 12,374 square feet (0.284 acres) within the Township of West Milford (hereinafter referred to as the "Newark Property"); and

WHEREAS, the Township of West Milford is the owner of property identified as Block 16908, Lot 1 which is a portion of the two-lane roadway known as Clinton Road consisting of 10,270 square feet (0.236 acres) located within the Township of West Milford (hereinafter referred to as the "West Milford Property"); and

WHEREAS, the County of Passaic ("County") is planning to undertake a project known as the Replacement of the Clinton Road Bridge (County Structure No. 1600-175) over Mossman's Brook ("Bridge Replacement Project") in the Township of West Milford; and

WHEREAS, the Bridge Replacement Project is needed as the present bridge is failing and is situated at a sharp curve at Clinton Road; and

WHEREAS, the Bridge Replacement Project will be funded from the New Jersey Transportation Trust Fund Authority Act, and the County has awarded a construction contract in order to preserve State funding for this project; and

WHEREAS, in connection with the above Bridge Replacement Project, the County of Passaic has obtained appraisals on the Newark and the West Milford Properties, which provided that the Newark Property had an appraised value of \$15,500.00, and the West Milford Property had an appraised value of \$12,800.00; and

WHEREAS, the City of Newark has determined that the Newark Property is not needed for public use; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:12-16, et seq., the City of Newark and the Township of West Milford agree to the exchange of the Newark Property for the West Milford Property in a form of Agreement to be agreed to by the City of Newark and the Township of West Milford; and

WHEREAS, Township of West Milford as part of its agreement to exchange the West Milford Property has agreed to vacate the West Milford Property and title to the vacated property shall revert to the City of Newark; and

WHEREAS, as part of the Bridge Replacement Project, the County of Passaic, pursuant to Resolution R-12-829, has agreed to provide the City of Newark with additional compensation for the exchange of property in the amount of Two Thousand Seven Hundred Dollars and Zero Cents (\$2,700.00) and will execute an agreement in a form to be agreed to by the City and County of Passaic in furtherance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, THAT:

- Section 1. The Mayor and Council declare the West Milford Property is not needed for public use.
- Section 2. The Mayor and Township Clerk are hereby authorized to enter into and execute an agreement with the City of Newark for the exchange of the Newark Property for the West Milford property, pursuant to the provisions of N.J.S.A. 40A:12-16, et seq., in a form to be agreed to by the parties and subject to the review and approval of the Township Council.
- Section 3. The Township Administrator is hereby authorized to execute such other documents as may be required to close and transfer title to the Township of West Milford property to the City of Newark and to obtain title to the Newark Property, subject to the review and approval of the Township's Counsel.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of West Milford desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account # 01-201-20-161-450; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA on file in the Clerks Office are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of West Milford for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of West Milford.

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4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of West Milford in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of West Milford hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of West Milford the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of West Milford will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000 it paid.
7. This Resolution shall take effect immediately.

Adopted: July 15, 2015

Agenda No. X 5

~ Resolution 2015 – 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING RESOLUTIONS 2013-354 AND 2014-337 TO INCREASE THE CONTRACT VALUE WITH ERIC L. HARRISON, ESQ. OF METHFESSEL & WERBEL IN THE MATTER KNOWN AS TRIPLE T CONSTRUCTION V. THE TOWNSHIP OF WEST MILFORD, ITS OFFICERS AND ASSIGNS

WHEREAS, by virtue of Resolution 2013-354 adopted December 4, 2013 and 2014-337 adopted on October 22, 2014 the Township Council did authorize the engagement of Special Legal Counsel services to be provided by Eric Harrison, Esq. of Methfessel & Werbel; and

WHEREAS, Resolutions 2013-354 and 2014-337 and the related Professional Services Contract did authorize services in an amount not to exceed \$40,000; and

WHEREAS, the Township Administrator has been advised that the Township's needs, related to the matter known as Triple T Construction vs. the Township of West Milford and certain officers and government officials named in the said litigation, necessitates an amendment in an additional amount not to exceed \$15,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account # 01-201-20-155-502 for \$12,000.00 and account # 01-201-20-161-450 for \$3,000; and

WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded Professional Services Contract, and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk and that the professional services offered by Eric Harrison, Esq. are extended by an additional twelve months or until the conclusion of the legal matter whichever comes first.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$15,000 to Eric Harrison, Esq. for Special Legal Services which amount is in excess of the initially approved contract amount of \$40,000 bringing the contract total to an amount not to exceed \$55,000 and re-engaging the services of Eric Harrison for an additional twelve months or until the conclusion of this legal matter whichever comes first.

Adopted: July 15, 2015

Agenda No. X 6

~ Resolution 2015- 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASING FROM AAA EMERGENCY SUPPLY, INC.

WHEREAS, the Township of West Milford, pursuant to N.J.S.A. 40a:11-12(a) and N.J.A.C. 5:34-7.29(c), may, by this resolution and a properly executed purchase order and without advertising for bids, purchase any goods or services from certain approved contract vendors, under the State of New Jersey Cooperative Purchasing Program, for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

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WHEREAS, the Township of West Milford intends to enter into contracts with State Contract Vendors and Morris County Cooperative Pricing Council vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to the current State Contracts; and

WHEREAS, the Fire Commissioner has made purchases and would like to purchase further from AAA Emergency Supply, Inc. which holds the following state contracts: #80945, #80952, #80953, #80954, #80961 and #80965; and

WHEREAS, the aggregate of purchases for this vendor will exceed the bid threshold;

NOW, THEREFORE BE IT RESOLVED, by the Township of West Milford Mayor and Council that authorization is provided for purchases from the State of New Jersey Cooperative Purchasing Program.

Adopted: July 15, 2015

Agenda No. X 7

~ Resolution 2015 - 230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A 2015 DRIVE SOBER OR GET PULLED OVER LABOR DAY STATEWIDE CRACKDOWN GRANT

WHEREAS, statistics show that there are increased incidences of impaired driving during the "labor day" season; and

WHEREAS, to aid municipalities in addressing this increased volume and to help offset the increased cost of police enforcement during these periods, the State of New Jersey offers grant funds to certain municipality's; and

WHEREAS, the Division of Highway Traffic Safety has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased DWI enforcement & monitoring thereby providing for overall public safety at the "labor day" season; and

WHEREAS, the West Milford Police Department has an obligation to keep our roadways safe.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submission and acceptance of a 2015 Drive Sober or Get Pulled Over Labor Day Statewide Crackdown Grant in the amount of \$5,000.

Adopted: July 15, 2015

Agenda No. X 8

~ Resolution 2015 - 231 ~

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

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

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

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

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Adopted July 15, 2015

Agenda No. X 9

~ Resolution 2015 - 232 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2015- 2016 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2015-2016 License year have been processed on the ABC POSSE website and reviewed; and

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

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

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

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

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

2015-2016 ACTIVE LICENSES	
BRUCO CORPORATION t/a Town Tavern Country Inn 673 Macopin Road, West Milford, NJ 07480 1615-33-002-002	M&M DISCOUNT LIQUORS LLC t/a M&M Discount Liquors 574A Macopin Road, West Milford, NJ 07480 1615-33-009-007
NEW VINELAND CORPORATION t/a Uncorked Wines & Spirits 9 Marshall Hill Road, West Milford, NJ 07480 1615-33-003-007	PLAZA BAR & LIQUORS INC. t/a Plaza Bar & Liquors 1930 Union Valley Road, Hewitt, NJ 07421 1615-33-010-003
2 MOMENTO 2, INC. t/a Momento Restaurant 374 Morsetown Road, West Milford, NJ 07480 1615-33-012-005	BLINI LLC t/a Blini Restaurant & Pizzeria 216 Cahill Cross Road, West Milford NJ 07480 1615-33-023-005
NTI LLC t/a The New Jessie's Kettle 1555 Greenwood Lake Tpk, Hewitt, NJ 07421 1615-33-024-013	FRANK & SATINA LLC t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South, Oak Ridge, NJ 07438 1615-33-034-009
FRANK M. SELL MEMORIAL POST NO. 289 t/a American Legion Post 289 177 Lincoln Avenue, West Milford, NJ 07480 1615-31-037-001	JOSEF LANG HOLDINGS LLC t/a The Lake Shore Inn Bar 399 Lake Shore Drive, Hewitt, NJ 07421 1615-33-035-008

Adopted: July 15, 2015

Agenda No. X 10

~ Resolution 2015 - 233 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2015- 2016 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2015-2016 License year have been processed on the ABC POSSE website and reviewed; and

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

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

4. The submitted applications are complete in all respects.
5. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
6. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners as active licenses with conditions.

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

LICENSEE	CONDITIONS
<p>WEST ORANGE LIQUOR LLC t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road, Oak Ridge NJ 07438 1615-33-001-009</p>	<p>1. The entire basement area is prohibited from the storage of any food, beverage, dry goods or other food related items due to chronic flooding conditions that have not been fully abated.</p>
<p>GRASSHOPPER IRISH PUB & RESTAURANT LLC t/a Grasshopper Irish Pub & Restaurant 2891 Route 23 Newfoundland, NJ 07435 1615-33-005-005</p>	<p>2. Persons are not to leave the property of the licensed premise or the extended premise with alcoholic beverages. 3. A written notice to advise patrons not to leave the extended premise with alcoholic beverages must be posted and the exit gate shall be alarmed. 4. Outdoor deck approved as a smoking area for existing customers not as an additional dining area. 5. A maximum occupancy for the outside deck area with tables and chairs is 42 patrons by NJAC 5:70-3.2(a)5, F-601.1 and the Township Building Construction Officials. 6. If noise becomes an issue additional restriction will be applied.</p>
<p>BEARFORT PLAZA, INC. t/a Valley View Pub 1612 Union Valley Road, West Milford, NJ 07480 1615-33-007-003</p>	<p>1. The room in the basement to be used for storage only. 2. No alcoholic beverages shall be located behind the dry bar in the basement room. 3. Tables and chairs shall not be set up in the basement room. 4. No open alcohol containers permitted in downstairs hall. 5. Occupant loads must be adhered to.</p>
<p>LATITUDE 41 LOUNGE LLC t/a Latitude 41 Lounge 322 Lakeside Road, Hewitt, NJ 07421 1615-33-011-004</p>	<p>1. Second floor licensed only for storage, use of the roof area is prohibited.</p>
<p>TUSCANY BREWHOUSE LLC t/a Tuscany Brewhouse LLC 3055 Route 23 N/S, Oak Ridge, NJ 07438 1615-33-016-006</p>	<p>1. Second floor occupancy load must be strictly adhered to.</p>
<p>HPLAY WEST MILFORD LIQUORS LLC t/a Island of Spirits 3025 Route 23 Oak Ridge, NJ 07438 1615-33-019-002</p>	<p>1. The owner is to consider parking limitations when scheduling advertised special events. 2. Occupant loads must be adhered to.</p>
<p>SPIRITS OF VREELAND LLC t/a The Vreeland Store 1383 Macopin Road, West Milford, NJ 07480 1615-33-022-003</p>	<p>1. The front porch area is not licensed.</p>

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LICENSEE	CONDITIONS
PIONEER BAR & GRILL, INC. t/a Pioneer Bar & Grill 350 Warwick Turnpike, Hewitt, NJ 07421 1615-33-028-007	1. Occupancy loads must be adhered to. 2. Exits are not to be blocked.
WEST MILFORD BAR & LIQUORS INC. t/a Westbrook Hootch Hut 717 Otterhole Road West Milford, NJ 07480 1615-33-033-002	1. License Certificate must be properly displayed. 2. Copy of most recent long form license application must be kept on licensed premises.

Adopted: July 15, 2015

Agenda No. X 11

~ Resolution 2015 – 234 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE, UNSITED) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2015- 2016 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption License for the 2015- 2016 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, these licenses have received a Tax Clearance Certificate and Special Ruling for the 2015-2016 year; and

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

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

7. The submitted application is complete in all respects.
8. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
9. The applicant had disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

WHEREAS, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

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

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
FESTA A. FRANK JR. PO Box 97 Scotch Plains, NJ 07076 1615-33-013-008	1. Licensee must file a Place-to-Place Transfer application to site this license, or a Person-to-Person and Place-to-Place Transfer application to transfer ownership and site this license in the Clerk's office. 2. Fire, Health, Building, Zoning and Police inspections must be made and satisfactory recommendations received in the Clerk's Office prior to transfer, activation or opening this license. 3. A Health Department Retail Food Establishment license must be acquired prior to opening.	Pocket
SAAGAR BEVERAGE INC. 28 Phillip Drive, Parsippany, NJ 07054 1615-33-020-007	1. Licensee must file a Place-to-Place Transfer application to site this license, or a Person-to-Person and Place-to-Place Transfer application to transfer ownership and site this license in the Clerk's office. 2. Fire, Health, Building, Zoning and Police inspections must be made and satisfactory recommendations received in the Clerk's Office prior to transfer, activation or opening this license. 3. A Health Department Retail Food Establishment license must be acquired prior to opening.	Pocket

Adopted: July 15, 2015

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. X 12

~ Resolution 2015- 235 ~

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 2004, LOT 11

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Gary and Kathy Van Orden 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
11-018	4-19-11	2004 / 11	\$2,410.52

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-112 and 5-113, 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 Gary and Kathy Van Orden, 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: July 15, 2015

Agenda No. X 13

~ Resolution 2015 - 243 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT TO CABLEVISION LIGHTPATH-NJ, INC. FOR THE INSTALLATION AND LEASING OF TELEPHONE COMMUNICATIONS EQUIPMENT AS WELL AS FOR THE PROVISION OF TELEPHONE AND INTERNET SERVICES PURSUANT TO N.J.S.A. 40A:11-5(f)

WHEREAS, NJSA 40A:11-5 (f) permits the award of a contract without bidding for the supply of any service which is a public utility subject to the jurisdiction of the BPU; and

WHEREAS, the Township's existing provider is Lightpath-NJ, Inc.; and

WHEREAS, the proposal from Optimum Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753, in the amount of \$6,125.00 per month, will result in substantial savings and is recommended by the Township Administrator; and

WHEREAS, the Township of West Milford intends to enter into a contract with Optimum Lightpath, Inc., for the continued leasing of the applicable hardware and maintenance services for the upgrade of the Township's phone system as well as for the provision of telephone and Internet service; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account # 01-201-31-440-261.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township is hereby authorized to enter into a contract with Optimum Lightpath, Inc., for the leasing of the applicable hardware and maintenance services for the upgrade of the Township's phone system and for the provision of telephone and Internet service, as well as enter into a property access agreement for a period of five (5) years for a total monthly price of \$6,125.00 which includes the leasing of the hardware, equipment as well as the provision of telephone and Internet services.

This Resolution shall take effect immediately.

Adopted: July 15, 2015

Agenda No. XI

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Consent Agenda

~ Resolution 2015 – 236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF A 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. **2015-237** – Cancel Outstanding Checks
- b. **2015-238** – Refund Other Liens
- c. ~~**2015-239** – Refund Performance Guarantees~~
- d. **2015-240** – Refund Recreation Fees
- e. **2015-241** – Reinstate Taxes
- f. **2015-242** – Various Licenses

Applications:

- 1. Application for Off Premise Raffle License #2015-21 by West Milford PBA Local 162 Civic Association Inc. for October 10, 2015.
- 2. Application for Social Affair Permit by Highlands Economic Development & Tourism Corp. (H.E.A.T) for September 2, 2015 from 1:00 pm to 5:00 pm.
- 3. Application for On Premise 50/50 Raffle #2015-22 by West Milford First Aid Squad for August 14, August 15, and August 16, 2015.
- 4. Application for Tricky Tray License #2015-23 by BPOE #2236 West Milford Lodge for November 21, 2015.

Adopted: July 15, 2015

Agenda X a

~ Resolution 2015 – 237 ~

RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford Claims Account Checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
12/2014	5699	\$ 130.00
12/2014	5884	\$ 450.00
12/2014	5947	\$ 450.00
12/2014	5954	\$ 427.00
12/2014	5970	\$ 427.00
12/2014	6201	\$ 125.00
12/2014	6236	\$ 32.98
1/2015	6346	\$ 5,813.66
Total		\$ 7,855.64

NOW, THEREFORE, BE IT RESOLVED that the above outstanding checks be restored to the Township cash balance.

Adopted: July 15, 2015

Agenda X b

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop-Regular Meeting
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~ Resolution 2015 – 238 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimburse Amount	Pay to the Lien Holder
13-0007	3/19/2013	00404-006	\$32,705.00	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 2050 PHILADELPHIA, PA 19102
Grand Total			\$32,705.00	

Adopted: July 15, 2015

Agenda X d

~ Resolution 2015 – 240 ~

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:

Swim lessons-session 2		
Izabella Diaz	50.00	Marie Palminteri 5210 Richmond Road West Milford, NJ 07480
Swim lessons-session 3		
Izabella Diaz	70.00	Marie Palminteri 5210 Richmond Road West Milford, NJ 07480
Swim Lessons Total	\$120.00	
Daycamp early drop		
Alexandra & Zoe	\$60	Lisa Bonomini 45 Greendale Drive Oak Ridge, NJ 07438
Lacrosse camp		
AJ Bolger	\$125.00	JT Bolger 112 Lincoln Ave. West Milford, NJ 07480
Overcharge for Bubbling member		
Stillman	\$20.00	Marianne Stillman 8 Paterson Road Hewitt, NJ 07421
Overcharge for Bubbling member		
Agrati	\$20.00	Bethany Agrati 31 Cleveland Drive West Milford, NJ 07480
Field trips for Day Camp		
Sergio and Christian	\$221.00	Miriam Armas 28 Terrace Road West Milford, NJ 07480
Day Camp		
Sergio and Christian	\$2,043.00	Miriam Armas 28 Terrace Road West Milford, NJ 07480

Adopted: July 15, 2015

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop-Regular Meeting
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Agenda X e

~ Resolution 2015 – 241 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
4701-38.02	#3 Momento #3 Inc.	\$7,181.35	2015
1611-11	Curtis Higgins	\$100.00	2015
13701-27	Anne Saggio	\$700.00	2015
TOTAL		\$7,981.35	

Adopted: July 15, 2015

Agenda X f

~ Resolution 2015 – 242 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2015

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2015 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2015 Licenses as listed below and;

2015 AMUSEMENT GAME LICENSE	
2015-03	Josef Lang Holdings LLC The Lakeshore Inn Bar 399 Lakeshore Drive Hewitt, NJ 07421
2015 POOL TABLE LICENSES (2)	
2015-07 2015-08	Josef Lang Holdings LLC The Lakeshore Inn Bar 399 Lakeshore Drive Hewitt, NJ 07421

Adopted: July 15, 2015

Agenda No. XI

Approval of Expenditures

Resolution No. 2015 - 244 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop-Regular Meeting
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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	977,145.50
3	Reserve Account	3,994.22
2	Grants	7,998.10
6	Refunds	36,640.85
1	General Ledger	5,496.92
26	Refuse	56,763.74
4	Capital	15,846.00
19	Animal Control	0.00
19	Heritage Trust	421.69
19	Open Space Trust	2,875.00
19	Trust	5,585.50
19	COAH	899.10
16	Development Escrow	5,181.91
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
Total		\$1,118,848.53
Less Refund Resolution		-36,640.85
Actual Bill List		\$1,082,207.68
Other Payments.		
P/R		502,080.09
BOE		4,506,715.00
P/R		487,232.42
State of NJ, Dog Report		123.00
Turtle Back Zoo		630.00
Castle Fun Center		439.00
Treasurer, State of NJ		100.00
The Funplex		1,581.00
NJ Jackals		300.00
Depository Trust Co.		53,129.00
B & B Disposal		80,000.00
Total Expenditures		\$6,714,537.19

Adopted: July 15, 2015

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Erk, Dale, Signorino, Lichtenberg.
 Voted Nay: None.
 Absent: Hensley
 Motion carried.

Agenda No. XIII

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

Councilman Signorino asked for and received consensus to submit an application nominating the Environmental Commission for this year's ANJEC awards. He has been reading about American chestnut trees and Ron Farr had positive feedback. He announced the Passaic County baseball history bus tour and the Passaic County fair.

Councilwoman Lichtenberg said last night was first concert at Bubbling but it was rained out. The make up will be Thursday next week. She announced some upcoming events and asked people to make nominations for the house beautiful contest. She distributed information to Council members about an electrical sign in front of town hall. An anonymous person will donate the sign and the base to the Township. She proposes that the top with "Township of West Milford" not be illuminated. She asked for and received consensus to accept this donation.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Mayor Bieri said the site plan for the library showed only one tree but there are other trees already there and there may be more trees with the reforestation grant. She and the administrator met with O&R officials to get updates about various matters. They have improved emergency responses. Eventually they plan on phasing in digitized meter readers and are working on an increased tree trimming program. Eventually the town center will have underground circuits. They are working hard to address needs and increase efficiencies. She asked Council if they would consider executive session at the end of the meeting rather than early unless we have a professional to pay for. The meetings used to go to 1 or 2 am which impeded ability to tackle important issues. Now that our meetings end earlier it would be more considerate to convene in executive session later in the evening. Councilmembers Erik and Lichtenberg agreed. Councilman Signorino disagreed. He believes people should be fresh for these discussions. Mr. Semrau suggested a compromise. The Council agreed to convene in executive session early in the meeting but if the discussions are not complete by 7:30 they will return to the public meeting and reconvene in executive session later in the evening.

Administrator Gabbert said a process has been established for the adopt-a-spot program and reaction has been positive. He analyzed health costs since 2012 including employee contributions and made some corrections to the budget presentation. A resident expressed concern about a catch basin and undermining a foundation. It was addressed. Councilwoman Erik said she spoke to the resident who said that no water came in during last two storms. Administrator Gabbert said the police department is almost ready to file an official application for a prescription drop box program. Notice has been posted on the website that FEMA will be holding open houses on 9/17 at the Passaic County Safety Academy. Council asked him to look into sweeper rentals. He had anticipated completion by end of July but that may not be so certain because of personnel issues. If we rent 2 sweepers we can complete by the end of July, if not mid-August. Cost is slightly under \$17,000. The Council gave consensus to rent sweepers. Administrator Gabbert said there is a proposed insert for the tax bills. He proposes a summary of current budget and a pie chart and the Council agreed. Administrator Gabbert said that he is getting bogged down with the reforestation grant. It must be done right so there will be some delays.

Fred Semrau said that Mr. Pascrell spoke about A-4068 which is the watershed legislation. On July 7th he filed a declaratory judgment on affordable housing seeking an order saying the Township is in compliance and he followed up with an immunity motion. He thanked various departments for their help.

Agenda No. XIV

Appointments and Resignations

None.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:46 p.m.

Moved: Erik Seconded: Signorino
Voted Aye: All in favor.
Voted Nay: None.
Motion carried.

Approved: October 7, 2015

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK