

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: July 17, 2013
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	<p>go online and get a check on name, address & SSI. It is a limited check and not a full criminal background check. It checks for 10 years for sexual offenses and 7 years for all other offenses. The subsequent fingerprint provides records for each person since the age of eighteen. Councilman Rosone asked how long the grace period would be and Council President Signorino recalled that it was proposed to be a 30 day grace period. He said he is amenable with a 30 day grace period. Councilwoman Horton said she is more concerned with the safety of children rather than allowing a grace period. Councilman Rosone said that the coach must confirm that he or she has made an appointment for fingerprinting in order to have their 48 hour check accepted. Jayme Mulhern, CS&R director, approached the podium. She explained that the 48 hour background check is very fast. The fingerprinting check takes up to 3 weeks in August. Other times it is between one & two weeks. Councilman Hensley said that the RAC committee thinks it will take longer than the 30 days and they are asking for a 45 day grace period. Councilman Rosone said he is suggesting that they must produce a receipt that they went for fingerprinting within 30 days of filing the online background check. (Mayor Bieri arrived and assumed chair). Councilmembers Hensley & Signorino agreed with Councilman Rosone and the Mayor polled the Council. Poll of agreement.</p> <p>-----</p> <p>Moved: Hensley Seconded: Signorino Voted Aye: Erik, Hensley, Erk, Rosone, Signorino. Voted Nay: Horton. Motion carried.</p> <p>-----</p>
2)	<p>Discussion – Reservoir Resolution – Mr. Semrau said that previously the Mayor of Woodland Park had asked for a resolution opposing Passaic Valley Watershed’s plans to drain reservoirs in his town. Woodland Park has a reservoir in town which is taxed in manner similar to the Newark Watershed properties in West Milford. Woodland Park has sent information that is consistent with issues being dealt with in West Milford particularly that municipalities that hold reservoirs and are stewards of these properties do not have control. Adopting a resolution may help garner support for the West Milford coalition efforts. Their issue is not just about draining but is about lack of local control over reservoirs. They are asking for support for this resolution. Councilwoman Horton said she is inclined to provide support. Mayor Bieri said that most Passaic County municipalities have supported this. The Council gave consensus to consider a resolution at the next meeting and instructed Mr. Semrau to notify Woodland Park accordingly.</p>
3)	<p>Discussion – Municipal Facilities - Mayor Bieri directed Council to the spacial analyst’s report. Ms. Gage said that the report is a good basis for discussion classifying it as an objective view of our facilities and our needs. The report, she said, makes logical recommendations. We needed an objective view and this provides that. This firm has a lot of experience with public entities. She asked for council input, commentary and direction. Councilwoman Erik said it is well written except for option B which is too costly. Councilwoman Horton said it is nice to see a statement about the negatives about moving into Hillcrest. She suggested that the Council must focus on strategies and the availability of the redevelopment money. Option A says we should move into the lower floor of the new library. Discussion ensued about the information the analyst was provided and the facilities that are part of his report. Councilwoman Horton said that having the ability to eliminate bad options we can focus on what it will cost to do what is recommended. We can analyze that from all perspectives including costs and needs. West Milford has an undersized library. She reviewed their financial prowess to save the money to proceed with a new building and she commended the board for having done so. She now thinks the Township should avail of the options that provides. She is enthusiastic about what this means. Mayor Bieri said that the spacial analyst was hired because there were multiple discussions over the years about the deficiencies in facilities. There is now an option to allow the Township to utilize the lower level of the new library. This is an independent study to help guide the Council in this important decision making process. We own many public buildings. This was a proper direction. A professional analyzed the options and spaces available. She reviewed the process by which the analyst was provided the information. His report provides two options. Both recommend not staying at Hillcrest for a host of reasons. He recommends not using Johner for lack of parking & septic. Remaining is this building, the lower level of a new library and the current library which will be given back to the Township. She said this gives Council guidance. Now is not the time to make specific space use decisions but it does narrow down which buildings should be used. Option B would move the police department to the old library. She listed the advantages adding that it is, however, a huge cost. It may not be worth the cost and there are other options. She hopes Council has enough information now to agree to the lower level of the library. The library board, she said, has directed the architect & engineer to prepare a bid package. Now is the time at no additional cost to get in on that option. Council President Signorino said he liked the report adding that both options seem good. He served as liaison to the facilities assessment committee and there was always a misconception that the Township is not ADA compliant. We are but we would like to see better access. The library plans on building a new library and he supports that. Council has to decide if they want to participate. Now he wants a cost analysis before proceeding. He would like to form a committee to determine who would move where. Administrator Gage said that the reason for moving the departments from the basement is primarily</p>

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for accessibility. She does not know that she can provide the analysis being asked for. Mayor Bieri said that a relocation of departments would be to provide user-friendly services. She explained what that means to her. Administrator Gage said there are other problems in the basement areas. Councilman Hensley said he hears consensus that Council needs a cost analysis of what it will cost to move. They need to know what type of agreement they will have with the library. We would need to know the construction costs of the new library from the library architect. Councilman Rosone asked if Mr. Schaffer did the report personally. Ms. Gage said he had input from his associates but he was involved and met with staff. They did a physical inspection of each building. Councilman Rosone said that we would need a complete analysis of the condition of each building and the capacity to meet the needs. He wants those numbers, including moving costs, new furniture, etc. Mayor Bieri said she does not disagree but Schaffer's instructions were limited to conducting a space analysis. She said Council needs to determine if they wish to proceed with the new library or not first. Councilwoman Horton said there is a difference between the one time cost and the debt service. The library portion will not cost taxpayer money. She asked what the long term debt service will be for the municipal portion. Ms. Gage said she will get quotes for a more extensive analysis. Councilman Rosone said there is no need for that type of analysis of the new library, Johner and Hillcrest. Councilman Hensley said that needs to be juxtaposed against current operating costs. Ms. Gage said she is unclear as to what is being asked noting that there are many costs involved. Council said to use the two options in the analysis. Councilman Hensley said he wants projected utility costs. Councilman Rosone said to ask Mr. Schaffer if he can do it saying that the administration can provide a scope of work. Mr. Semrau noted that the decisions Council makes now do not bind future administrations or Councils to a plan or a cost analysis done now. The use would be based on the needs at the time. You might want to ask the expert about the benefits of the proposed options. Mayor Bieri agreed and added that some departments are asking for extra space. That is based on the current configuration of their space in this building. Ultimately if buildings are more efficient, some departments may need more space and some may need less. She said some costs cannot be determined at this time. Ms. Gage said she has concerns that we may be ADA compliant now but that may change in the future.

Agenda No. VII

Public Comments

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

James Foody, 2 Kashuaqua Trail, Hewitt said he thinks it is a bad idea to forgive PAL 2 years of payments. He said it is a no-brainer to proceed with the library. Hillcrest is the money pit in the equation. The Township should not be there. If PAL cannot continue to pay for their building we could move CS&R there and that addresses both problems. He described his experience with a permit recently where he had to go to multiple departments. He recommends that the health department be located with the planning departments. There are many redundancies with our current departmental structure. If properly planned there will be a lesser space need. You do need an analysis but in the interest of moving forward he hopes that the Council will proceed with the space in the new library. Maybe ultimately we can bring CS&R back to the municipal complex. He urged the Council not to forgive the PAL 2 years payments.

David Ofshinsky, 47 Morris, West Milford urged the Council to participate in the new library. It appears that some pay to play issues have arisen in town in light of the recent Birdsall scandal. He asked Council to consider a local pay to play ordinances.

Doris Aaronson, 19 Bearfort Road, West Milford noted that Ella Fillipone recently passed away. She described her memorial last Saturday. She is grateful that we have not had similar events as Zimmerman, and other tragedies. She credits many of the gun owners in town for their safety standards. In this week's AARP bulletin there was an article about chickens. It discusses having chickens indoors.

Chris Garcia, 200 Lakeshore Drive, Hewitt commended the Council for considering resolution 2013-205 in opposition to the upcoming special election. He is representing the West Milford Democratic Club who opposes the October special election. It is a terrible waste of taxpayer money. Such matters were before the legislature in 2009. He read a quote from those discussions in December 2009. He implored the Council to take a position on this. The Governor's act in scheduling this election is politics and seeks only to serve the Governor's personal interest.

Tim Dalton, 548 Lakeshore, West Milford said he is here to support the chicken ordinance as written and proposed. He has no problems with chickens under these conditions. This process has provided good life lessons for all of us. Chickens are a bridge between conventional pets, farm animals and wildlife.

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Dale Cardinale Jones, 57 East Park Drive, West Milford is here to say to Council that we do not have the manpower to enforce the chicken ordinance. You may be voting because the kids are cute but that is irresponsible. There is a lack of responsibility in this.

Kevin Goodsir, 1333 Macopin Road, West Milford echoed the sentiments of the last speaker. His neighbor has chickens and he has experienced problems. There are consequences.

Samantha Forrest, Lakeshore Drive, West Milford is here to support changes to the chicken laws. She described her daughter & autistic son's experiences with 4H and chickens. It was a helpful and therapeutic learning experience.

Eleanor Monahan, 26 High Street, West Milford said she would like replies to her questions. She asked why the present ordinance is not being enforced despite current complaints about current chickens. How will the proposed ordinance be enforced? The ACO is responsible to enforce. The animal shelter cannot handle chickens. The health department cannot handle their current problems. The zoning officer cannot handle current complaints. The police department cannot be expected to enforce this ordinance. We cannot hire a chicken cop. This is about every resident in this town, not just 4H. Find 4H a piece of property to raise chickens properly. Check every complaint before you make any changes. There are already complaints about chickens. If you cannot enforce current laws how do you enforce a more stringent law? West Milford simply does not have the manpower. Council will not hire a person just to check on chickens. Do not adopt this without understanding the consequences. She has had a lot of calls from people objecting to this. Enforce the present ordinance and do not allow anyone involved with 4H to be involved with drafting this ordinance. It is not fair to neighbors who live with these conditions.

Elaine Dunn, 28 South Road, Bloomingdale is a retired teacher and a coordinator for NJ Bear Group. They have educated people in West Milford for years about bears and they feel part of this community. Their executive director attended a council meeting in April. At the June 5th meeting two Bear volunteers proposed a compromise including allowing 4H members to have chickens. The members of NJ Bear Group saw the proposed compromises as reasonable. Chickens are farm animals. Their feed may attract bears but the bears will get blamed for resulting damage. Character building includes being responsible for intended and unintended consequences. Setting appropriate limits is responsible. Be respectful to those opposed to this legislation. The Township must ensure that coops and feed are bear-proofed. Having chickens in your back yard is a privilege and privileges can be restricted. The Bear club suggested giving 4H club while leaving the ordinance as is.

Brandon, a 4H club member thanked 4H and the Council who helped bring this topic this far.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford thanked Council for having a spatial report done. It sounds like everyone feels it necessary to have more space. She feels that every Council member should support participating in third floor of the library. If it is built without that floor there will be no more going back. She is concerned that the redevelopment money will be taken by the state or it will cause a reduction in state aid. Council should let the library know what the Township's plan is. She hopes the septic system has capacity for a third floor. West Milford is 100% in the Highlands preservation zone. She would like to see Council request that the Highlands Council do a study about what it has cost this Township to be stewards of the water. Other towns have requested an economic study from the Highlands Council. Originally the Highlands Act was supposed to include funding and the lack of funding has caused economic hardship in West Milford. She listed some of the effects of these losses. The health department, she said, needs more space.

Judy Sarnicola, 16 Yearling Trail, West Milford was here on volunteer night. She is a member of the bear group and a business owner in town. She sees the condition of some pets in town that are in poor shape. She wonders how people can claim to love animals while keeping pets in such poor condition. She was told this is not a bear issue. She loves all creatures. This is a quality of life issue. We are blurring the lines. If this could be enforced it would be a fantastic idea. It cannot be enforced as written.

Linda DeMarco 40 Edgecumb Road, West Milford does not think this ordinance will mean that everyone will get chickens. Animals are mistreated because of ignorance. 4H will ensure that these children will properly take care of these chickens and they will be supervised. Town officials should supervise and enforce the ordinance. Bears are shown more deference than chickens.

Michael Gerst, Hillview Court, West Milford said the US constitution does not grant rights to citizens, it prohibits government interference.

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§71-44 Housing Requirements for Chicken Hens (Coops and Runs)

- A. Notwithstanding any other provisions of this chapter, chicken hens shall be housed and kept in a manner which will not constitute a public or neighborhood nuisance. Chicken hens shall not be permitted to fly or run at large.
- B. All chickens hens shall be housed in coops or structures that are properly designed for such use and completely separated from any building utilized for dwelling purposes.
- C. Coops and runs shall be placed only in rear yards, at least 10 feet from the property line. All zoning & setback requirements as outlined in the zoning laws of the Township shall be adhered to.
- D. The zoning officer shall approve the structures prior to their installation with the issuance of a zoning permit.
- E. No chicken hens shall be kept unless they can be contained on the property of their owner or the agent of their owner.

§71-45 Chicken Hen Waste Management

- A. Chicken hen manure may be applied to garden soil and incorporated into the soil.
- B. Chicken hen manure shall not be used on the surface of any property or portion thereof in a manner similar to that used in the laying of mulch or topsoil.
- C. Chicken hen manure may be composted in such a way as to minimize any fly and odor problems.
- D. Chicken hen manure may be bagged and removed from the premises.
- E. Chicken hen manure may not be stored, composted or applied to soil within 10 feet of the property line.
- F. There shall be no runoff of chicken hen manure to neighboring properties.

§71-46 Chicken Hen Feed

- A. Any food scattered for chicken hen consumption shall be cleaned up daily.
- B. All chicken hen food shall be stored & kept in tight containers.
- C. All chicken hen food shall be protected from access by rodents and other wildlife.

§71-46 Compliance

All parties seeking to house, keep or maintain chicken hens on properties of less than one (1) acre in size in the Township of West Milford shall comply with the provisions of this legislation.

§71-47 Enforcement and penalties

- A. All enforcement agents of the Township shall have the authority to enforce the provisions of this act. Such enforcement agents shall include but not be limited to the zoning officer, the construction code official, the health officer and his staff, the animal control officer and/or the police department.
- B. Penalties may include the removal of chicken hens from the property.
- C. Summonses for non-compliance with any provision hereof may be issued by the appropriate enforcement officials.
- D. Penalties may be imposed by the municipal court judge up to the maximum penalty allowed by law.

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

Introduced: July 17, 2013

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for August 21, 2013. Notice of this public hearing shall be published in the Herald News on or about July 21, 2013.

Discussion: Councilwoman Erk said she is concerned about these changes. 4H members are commendable and they should get property to do this. Residents do not want this infringing on their rights or their property. She is concerned with human rights. She does not like the precedent this may be setting. The Township has a problem with enforcing current zoning regulations. She would like to hear from the administration about existing complaints and what staff thinks about the added burden.

Councilman Rosone said his neighbor had a coop, abided by the current ordinance and had their coop destroyed by a bear twice and once by a cougar. The chickens got out and negatively affected his property. He thinks a plot for 4H would be best. His neighbor's intentions were good but it created a

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nuisance. He does not have a bird feeder on his property for that reason. This is a great learning experience for 4H but a plot of land for their use is a good idea. He asked Council to consider safety concerns. He believes that chickens attract predators. Council does due diligence and he asked them to think of the collective whole including property value. Miami is inundated with loose chickens and it is costing millions of dollars to contain the nuisance. There is a happy medium but he does not support allowing everyone to have chickens.

Councilwoman Erik said there is a certain group that opposes these amendments and they are the Bear Group. They said we live in bear country. They promote education.

Administrator Gage said she did seek input from various departments. Each expressed concerns about their ability to enforce this or any similar ordinance. She has not assessed current complaints but departments have expressed concern about lack of staffing to monitor and enforce this. They are overburdened now and property maintenance is particularly overburdened. Councilwoman Erk said we currently have a liberal chicken ordinance.

Mayor Bieri said that if Council passes this, she has several recommended changes. She recalled difficulties with planning board ordinances. In section 44c it mentions zoning ordinances in the zoning chapter. Those requirements should be specified right in the legislation. 71-43 says chicken hens but she recommends that it just say no roosters shall be permitted. 71-44 says chickens shall not be kept in a manner to cause a public nuisance. That language is very subjective and this lack of definition creates problems with current enforcement laws. It also says that coops should be designed for such use but does not specify what that is. 45 tells what you can do with the manure, it should include that it must be removed daily. 71-46 says all chicken food shall be kept in tight containers. It should say airtight and should specify that it be stored indoors. It says it should be protected from rodents & other wildlife. There are issues with that. You feed chickens from throwing food on the floor. The ordinance should specify that you must sweep and clean daily. It does not mention anything about water. It must be cleaned daily if not several times a day. If this passes she recommends those changes at a minimum. Mr. Semrau said there is a body of case law that makes it difficult to define a nuisance. It is okay to specify no roosters. He may need additional feedback to properly define coops and structures. He agrees waste removal daily. It is hard to know what other zoning issues may arise and it may be too cumbersome to incorporate all the zoning regulations into this ordinance. The township planner suggested that this ordinance would apply so long as those lots already comply with zoning requirements. If you have a lot that is a half-acre, and you're in a zone that requires a one-acre lot, then you cannot receive the benefit of this ordinance. Councilman Hensley appreciates clarification on the definition of a nuisance. He does not agree with having to clean excrement up every day. It is good for the soil. Chicken owners will not want their yards in poor condition. The cleaning regulations should pertain to the coop. The point of this ordinance is to allow people with less than an acre to have chickens. It is not equitable to exclude people who have lots that do not comply with zoning regulations. Mr. Semrau said that if you have a lot on less than an acre it does not mean you're precluded. Only if you have a lot that is undersized in that zone. Councilwoman Horton said that complicates things. Mr. Semrau said that in all zoning issues, people with undersized lots must get a variance for any use. He does not believe it will preclude a number of properties. But not doing so is ignoring planning advice and planning provides for consistency. There is consistency from a land use perspective. Council President Signorino interrupted, thanking Mr. Semrau for those comments and making a motion to vote on the ordinance. Councilman Hensley seconded that. Mayor Bieri noted that the motion and second have been made but the law allows elected officials to discuss legislation before voting on it. She has some comments before the vote. She said some people will have a coop and a pen. She does not have a city mentality and has a lot of experience with animals. She is well aware of avian excrement. If you do not pick up excrement every day, it will not compost quick enough. Councilman Hensley said geese are larger than hens and there are portable coops that can move the coop around the property to allow for even distribution of excrement.

Agenda No. IX 3

~ Ordinance No. 2013- 017 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY PROVIDING FOR VACATION OF LINDEN COURT BY THE TOWNSHIP

WHEREAS, there exists in the Township of West Milford, Passaic County, New Jersey, a certain right-of-way know as Linden Court as shown on the Official Tax Map of the Township of West Milford; and

WHEREAS, a request to vacate Linden Court (40' wide) has been made and is more fully described in the Metes & Bounds Description, attached hereto as Exhibit A; and

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WHEREAS, the former Township Engineer recommended in 2009 that Linden Court be vacated subject to the dedication of a 20' wide storm drainage easement that will be essential for future improvements to Homestead Road, as more fully described in the Metes & Bounds Description, attached hereto as Exhibit B; and

WHEREAS, the aforementioned right-of-way is to be vacated subject to certain requirements, obligations and restrictions as established herein by the Township Council of the Township of West Milford; and

WHEREAS, upon examination of the request to vacate and Exhibits A and B attached hereto, the Township's Supervising Engineering Aide does recommend that Linden Court be vacated; and

WHEREAS, the Township Council of the Township of West Milford does hereby determine that the aforementioned unimproved, dedicated right-of-way has never been needed as a municipal roadway and will no longer be needed as a municipal roadway; and

WHEREAS, the Township Council of the Township of West Milford does hereby determine that vacation of the aforementioned Linden Court will better serve the public interest; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the public's rights in said portion of Linden Court.

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

1. The public rights and interests in Linden Court (40' wide), as more fully described in Exhibit A, attached hereto, is hereby vacated, abandoned and released by the Township of West Milford, subject to the dedication of the northerly 20' as a Township storm drainage easement, as more fully described in Exhibit B, attached hereto.
2. By virtue of such release of such dedication, the land, as a matter of law, becomes the property of the respective contiguous landowners.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.
5. In accordance with N.J.S.A. 40:67-19 and 40:49-6, at least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be provided to the owners of all real property, as shown on the current tax map duplicates, located adjacent to Linden Court (a list which shall be provided by the Engineering Department)..
6. So long as the storm drainage easement has been deeded to the Township, the Township Attorney shall within sixty (60) days after such ordinance becomes effective, file a copy of said ordinance together with a copy of proof of publication thereof with the Clerk of Passaic County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A.40:67-21.
7. All costs relating to this Ordinance must be paid by the developer.

BE IT FURTHER ORDAINED, that 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; and

BE IT FURTHER ORDAINED, that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: July 17, 2013

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for August 21, 2013. Notice of this public hearing shall be published in the Herald News on or about July 21, 2013.

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

Agenda No. IX 4

~ Resolution No. 2013- 205 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN OPPOSITION TO A SPECIAL GENERAL ELECTION ON OCTOBER 16, 2013

WHEREAS, as of June 3, 2013, a vacancy exists in the representation of this State in the United States Senate due to the passing of the Honorable Frank R. Lautenberg; and

WHEREAS, on June 4, 2013 New Jersey Governor Chris Christie issued a Writ of Election prescribing the dates for a Special Primary and a Special General Election for the purpose of filling such vacancy; and

WHEREAS, in accordance with said Writ of Election a Special General Election will be conducted on Wednesday, October 16, 2013; and

WHEREAS, the expense for holding this additional election is estimated to be \$12 million statewide for costs associated with ballot printing, board worker salaries, mailings of sample ballots and vote by mail applications, overtime for office staff, polling place rentals, publication of election notices, voting machine transportation costs; and

WHEREAS, holding the Special Election on Wednesday, October 16, 2013 causes both financial and logistical issues; and

WHEREAS, the expense for holding such an election regarding the aforementioned costs for the Township of West Milford are approximately \$8,000; and

WHEREAS, the Township of West Milford's 2013 Fiscal Year Budget did not anticipate the costs associated with this Special General Election and therefore the necessary funds to cover said costs were not appropriated; and

WHEREAS, these costs represent an undue burden on the Township of West Milford, its finances, and its taxpayers. This additional cost could have been avoided by scheduling the Special Election on Tuesday, November 5, 2013; and

WHEREAS, the Board of Elections would incur great difficulty in processing two election in less than three weeks; and

WHEREAS, given that Primary and General Elections are typically held on a Tuesday, holding a Special General Election on Wednesday, October 16, 2013 may cause confusion among voters. Additionally, by holding the Special General Election in October, major concerns have arisen over low voter participation.

THEREFORE, BE IT RESOLVED, by the Council of the Township of West Milford, that it opposes Governor Chris Christie's Writ of Election directing a Special General Election for the purpose of filling such vacancy in the United States Senate created by the passing of the Honorable Frank R. Lautenberg and encourages Governor Chris Christie to reconsider his decision to hold the Special General Election on Wednesday, October 16, 2013, rather than holding the special General Election on the established Tuesday, November 5, 2013 General Election date; and

BE IT FURTHER RESOLVED, the Council of the Township of West Milford requests the State of New Jersey send a letter to each affected municipality providing written assurance for reimbursement of all costs associated with conducting the Special Primary and Special General Elections so each municipality may use said letter as the basis to amend its budget or to make an emergency appropriation for purposes not foreseen at the time of their budget adoption; and

BE IT FURTHER RESOLVED, that the Council of the Township of West Milford directs for a copy of this Resolution to be sent to Governor Chris Christie, the appropriate legislative delegates and the New Jersey Association of Municipalities.

Discussion: Councilwoman Horton quoted from a Supreme Court decision that supports the rights of voters in this society. As compelling as the financial concerns about this special election is the fact that

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this undermines voter participation, she sees it as voter suppression. It particularly affects those in the lower economic spectrum. She explained how the effects may be felt. We should demand that the Governor move the special general election to the November general election. Councilman Hensley said that the Governor's motives in scheduling this election on a date other than the general election date in November is politically motivated. He is very disappointed in the Governor for this fiscally irresponsible and politically motivated act. He cannot support that and he asked his Republican colleagues to join him in voting for this resolution and stand on principle.

Adopted: July 17, 2013

Moved: Erik Seconded: Horton
Voted Aye: Erik, Hensley, Rosone, Horton.
Voted Nay: Erk, Signorino.
Motion carried.

Mayor Bieri asked to move Resolutions 2013-206 and 2013-207 as one.

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

Agenda No. IX 5

~ Resolution No. 2013- 206 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RECEIPT OF BIDS FOR A SEPTIC SYSTEM ON BLOCK 7903, LOT 13 AND NOTIFYING THE WEST MILFORD LIBRARY BOARD OF THE LIBRARY'S OBLIGATION TO ASSUME ALL COSTS FOR SAME

WHEREAS, the Township of West Milford did acquire the property known as Block 7903, Lot 13 located at 1470 Union Valley Road and adjacent to the Municipal Town Hall; and

WHEREAS, said acquisition contained a deed restriction whereby the property in question can only be used to facilitate a new municipal library; and

WHEREAS, the Township of West Milford and the West Milford Library Board did enter into agreements whereby the Library Board would be responsible to reimburse the Township for all costs related to this project; and

WHEREAS, the Library Board Engineer has obtained all necessary approvals and permits to proceed with the design and construction of a waste treatment system for the proposed new library building; and

WHEREAS, in accordance with the terms and conditions of all agreements and commitments, the Township is working with the Library Board Engineer to begin the process of engaging in the competitive bidding process for said waste treatment system.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Township Clerk be and is hereby authorized to advertise for the receipt of bids for a waste treatment system for Block 7903, Lot 13, 1470 Union Valley Road in accordance with the specifications for same which are to be provided by the Library Board's engineer; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to file this resolution with the Director of the West Milford Municipal Library; and

BE IT FURTHER RESOLVED that the West Milford Library Board shall be responsible to reimburse all costs incurred by the Township for the bidding and construction of a waste treatment system on Block 7903, Lot 13, 1470 Union Valley Road, West Milford.

Adopted: July 17, 2013

Agenda No. IX 6

~ Resolution No. 2013- 207 ~

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 EXECUTION OF A SOIL EROSION AND SEDIMENT CONTROL PLAN CERTIFICATION FROM THE HUDSON-ESSEX-PASSAIC SOIL CONSERVATION DISTRICT FOR THE IMPROVEMENTS AT BLOCK 7903, LOT 13, 1470 UNION VALLEY ROAD

WHEREAS, the Township of West Milford did acquire the property known as Block 7903, Lot 13 located at 1470 Union Valley Road and adjacent to the Municipal Town Hall; and

WHEREAS, said acquisition contained a deed restriction whereby the property in question can only be used to facilitate a new municipal library; and

WHEREAS, the Township of West Milford and the West Milford Library Board did enter into agreements whereby the Library Board would be responsible to reimburse the Township for all costs related to this project; and

WHEREAS, the Library Board Engineer has obtained all necessary approvals and permits to proceed with the design and construction of a waste treatment system for the proposed new library building; and

WHEREAS, to proceed with the waste treatment system the Township must secure certification from the Hudson-Essex-Passaic Soil Conservation District.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Township Administrator or Township Engineer be and is hereby authorized to sign the requisite application to secure certification from the Hudson-Essex-Passaic Soil Conservation District for a waste treatment system for Block 7903, Lot 13, 1470 Union Valley Road in accordance with the specifications for same which are to be provided by the Library Board's engineer; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to file this resolution with the Director of the West Milford Municipal Library; and

BE IT FURTHER RESOLVED that the West Milford Library Board shall be responsible to reimburse all costs incurred by the Township for this application which includes an application fee of \$925.00

Adopted: July 17, 2013

Mayor Bieri asked to move Resolutions 2013-208, 2013-209, 2013-210, 2013-211, 2013-212, 2013-213, 2013-214, 2013-215, 2013-216, 2013-217, 2013-218, 2013-219 and 2013-234 as one.

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

Agenda No. IX 7

~ Resolution No. 2013- 208 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE CONSTRUCTION & RELOCATION OF A RETAINING WALL AT 20 MOUNTAINSIDE ROAD AND PERMISSION TO UTILIZE A PORTION OF THE TOWNSHIP'S RIGHT OF WAY

WHEREAS, in December 2005 the Township of West Milford did enter into an agreement with Jad Attal authorizing the demolition and reconstruction of a retaining wall on the Township's right-of-way adjacent to Block 10705, Lot 3; and

WHEREAS, the subject work has not been completed and the property has since changed ownership; and

WHEREAS, the condition of the retaining wall is considered a hazard and the new property owner, Frank Volpe, wishes to effectuate the demolition and reconstruction of the retaining wall.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the Mayor and Municipal Clerk be and are hereby authorized to execute an agreement with Frank Volpe to allow the property owner to demolish and reconstruct a retaining wall on the premises

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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known as 20 Mountainside Road, Block 10705, Lot 3 with limited access to a defined portion of the Township's right-of-way located in front of said property; and

BE IT FURTHER RESOLVED said agreement shall memorialize the understanding as to the construction of said retaining wall as well the owner's responsibility thereafter to maintain the retaining wall.

Adopted: July 17, 2013

Agenda No. IX 8

~ Resolution No. 2013- 209 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO HOWARD A. VEX, ESQ. TO ACT AS A HEARING OFFICER IN A DISCIPLINARY MATTER FOR THE TOWNSHIP IN AN AMOUNT NOT TO EXCEED \$1,500.00

WHEREAS, the Township of West Milford has a need to engage the services of a hearing officer in a confidential personnel matter in the Department of Community Services and Recreation; and

WHEREAS, Howard A. Vex, Esq. has the qualifications and experience necessary to provide such services; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, the total amount of the contract shall not exceed \$1,500; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purpose; and

WHEREAS Howard A. Vex, Esq. has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Howard A. Vex, Esq. or his firm from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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. In consideration for acting in the capacity of hearing officer in a disciplinary matter involving a confidential personnel matter in the Department of Community Services and Recreation, the Township of West Milford agrees to pay Howard A. Vex, Esq. for services provided in an amount not to exceed \$1,500.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
4. That a notice of this action shall be published in accordance with law.
5. The contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: July 17, 2013

Agenda No. IX 9

~ Resolution No. 2013- 210 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDDING A CONTRACT FOR THE PURCHASE OF ONE 2013 or 2014 FORD F450 4 X 4, TYPE I, MODULAR AMBULANCE AS AMENDED

WHEREAS, the Township Council has received a tabulation of bids received for the following:

Subject of Bid: One 2013 or 2014 Ford F450 4X4, Type I, Modular Ambulance

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Bid Date Received: June 28, 2013

WHEREAS, one bid was received as follows:

Table with 2 columns: Item Description and Amount. Items include P.L. Custom Body and Equipment Co., Inc. t/a New Jersey Emergency Vehicles (NJEV), Trade In Ford/Braun, Re-chassis Ambulance, Pre-payment Deduction, and TOTAL COST.

WHEREAS, the Township Council has determined, based on the recommendation of the West Milford First Aid Squad Rig Committee, to trade in one Ford/Braun Ambulance for a reduction of \$12,000.00; and

WHEREAS, the Township Council has determined to make prepayment in the amount of \$48,000 for a reduction of \$1,000.000 from the cost, which was an option in the submitted bid; and

WHEREAS, based on the recommendation of the Township Attorney the Township Council shall not waive the requirement that a performance bond be posted; and

WHEREAS, the West Milford First Aid Squad's Rig Committee, has recommended that this bid be awarded to P.L. Custom Body and Equipment Co., Inc. t/a New Jersey Emergency Vehicles (NJEV), 2201 Atlantic Avenue, Manasquan, NJ 08736, in an amount not to exceed \$200,866.00; and

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account numbers 04-215-55-818-001 for \$25,866.00 and 04-215-55-821-002 for \$175,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that a contract is hereby awarded, subject to Township Attorney review to P.L. Custom Body and Equipment Co., Inc. t/a New Jersey Emergency Vehicles (NJEV) in accordance with specifications and bid received and on file in the Office of the Township Clerk.

Adopted: July 17, 2013

Agenda No. IX 10

~ Resolution No. 2013- 211 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PURCHASE OF ONE PURE VACUUM SWEEPER WITH BROOM ASSIST

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on June 7, 2013 at 10:00 a.m. for the purchase of one (1) Pure Vacuum Sweeper with Broom Assist as per the Bid Specifications; and

WHEREAS, the Township of West Milford received two (2) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township's Supervising Mechanic, and the Township Attorney; and

WHEREAS, the bid received from the low bidder H.A. DeHart & Son does not comply with the bid specifications as written; and

WHEREAS, the bid received from the second low bidder W.E. Timmerman Co. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law and the specifications; and

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number 04-215-56-908-008.

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

- 1. The Township Council hereby awards a contract to W.E. Timmerman Co. for one Pure Vacuum Street Sweeper with Broom Assist in an amount not to exceed \$278,950.00.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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2. In accordance with the recommendation received from the Township's Supervising Mechanic, the Council authorizes the optional pendant remote control wandering hose for \$895.00 bringing the total approved amount to \$279,845.00.
3. Additionally, based on the recommendation of the Supervising Mechanic the Township Council rejects the trade-in offer for 2 Mobil M8-A Street Sweepers.
4. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with W.E. Timmerman Equipment Company, 3554 Route 22 West, PO Box 71, Whitehouse, NJ 08888 in accordance with its bid for said Pure Vacuum Street Sweeper with Broom Assist.
5. The Township's Chief Financial Officer has certified the availability of funds for same.
6. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: July 17, 2013

Agenda No. IX 11

~ Resolution No. 2013- 212 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO GENERATORS THROUGH STATE CONTRACT #A76607, WARSHAUER GENERATOR, LLC

WHEREAS, the Township Council did authorize in the 2013 Capital budget the purchase of one EPA Stationary Emergency Generator for the OEM Building and one EPA Stationary Emergency Generator for Fire Company #4; and

WHEREAS, Warshauer Generator, LLC was awarded State Contract #A76607 which contract provides the goods and services needed; and

WHEREAS, Fire Company #4 and OEM has submitted a purchase order for two (2) EPA Stationary Emergency Generators including installation in accordance with State Contract #A76607 in the amount of \$63,405.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number C-04-215-55-821-015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute the purchase order issued to Warshauer Generator for two (2) EPA Stationary Emergency Generators (and installation) for Fire Company #4 and OEM at a cost of \$63,405.00.

Adopted: July 17, 2013

Agenda No. IX 12

~ Resolution No. 2013- 213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A GRANT AGREEMENT BETWEEN TOWNSHIP OF WEST MILFORD AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER PF13-153

WHEREAS, the Governing Body of the Township of West Milford desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project:

2013 Green Communities Grant Community Forestry Management Plan

WHEREAS, therefore, the Governing Body resolves that Nancy Gage or the successor to the office of Township Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

WHEREAS, this authorizes Township Council of West Milford and hereby agrees to match \$3,000 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Adopted: July 17, 2013

Agenda No. IX 13

~ Resolution No. 2013- 214 ~

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

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2013 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2013 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
State of New Jersey Green Communities Grant 2013 \$3,000.00

BE IT FURTHER RESOLVED that a like sum of \$3,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
State of New Jersey Green Communities Grant 2013

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

Adopted: July 17, 2013

Agenda No. IX 14

~ Resolution No. 2013- 215 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF THE 2013 THIRD QUARTER TAX DUE DATE

WHEREAS, the Collector of Taxes recommends the extension of the due date of the 2013 third quarter to be August 16, 2013, after that date, interest will be charged at the rate of 8% on the first \$1,500.00 and 18% on any remaining balance above \$1,500.00, and,

NOW, THEREFORE, BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to extend the 2013 third quarter to August 16, 2013.

Adopted: July 17, 2013

Agenda No. IX 15

~ Resolution No. 2013- 216 ~

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 6202, LOT 1

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Collector of Taxes has reported to the Township Council the offer of ANA Management Company, Inc. 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
13-0051	3-19-13	6202-1	\$4,144.36

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 ANA Management Company, Inc., 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 17, 2013

Agenda No. IX 16

~ Resolution No. 2013- 217 ~

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 4303, LOT 8.01

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of John Miller 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
08-052	4-8-08	4303-8.01	\$6,297.51

WHEREAS, the said John Miller has paid to the Collector of Taxes the sum of \$6,297.51 representing the amount due on said Certificate, together with subsequent liens thereon.

NOW, THEREFORE, BE IT RESOLVED that August 21, 2013, at 6:30 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 offer of John Miller and

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-112 and 5-113, to publish such notice in the Herald News, mail such notices 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: July 17, 2013

Agenda No. IX 17

~ Resolution No. 2013- 218 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2013- 2014 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2013- 2014 License year have been received and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2012- June 30, 2013).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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.

2013-2014 ACTIVE LICENSES	
Blini LLC t/a Blini Restaurant 216 Cahill Crossroad West Milford, New Jersey 07480 1615-33-023-005	Frank & Satina LLC t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South Oak Ridge, New Jersey 07438 1615-33-034-008

Adopted: July 17, 2013

Agenda No. IX 18

~ Resolution No. 2013- 219 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2013 - 2014 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2013 - 2014 License year have been received and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2012 - June 30, 2013).
4. Recommendations have been received in the Office of the Township Clerk from all applicable departments, with conditions.
5. Licensees have received Special Ruling from the Director of A.B.C (where necessary).

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

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
SAAGAR BEVERAGE INC. 28 Phillip Dr. Parsippany, NJ 07054 1615-33-020-007	1. Licensee must file a Place-to-Place Transfer of License to site. 2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshal, Construction Official and Health Department before activating. 3. Food Handlers License must be current before issuance of License Certificate. 4. Certificate of Occupancy must be issued prior to opening if applicable. 5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12-page application, within ten days before or after the opening of the business to activate.	Pocket/ Inactive
WEST ORANGE LIQUOR LLC t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-009	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.	Active

Adopted: July 17, 2013

Agenda No. IX 19

~ Resolution No. 2013- 234 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH THE MORRIS COUNTY CO-OP CONTRACT #15-A; ITEM #3 OF FIVE (5) 2013 POLICE INTERCEPTOR UTILITY MODEL K8A VEHICLES AND ONE (1) 2013 DODGE CHARGER FROM BEYER FLEET

WHEREAS, the Township wishes to purchase five (5) 2013 Police Interceptor Utility vehicles and one (1) 2013 Dodge Charger; and

WHEREAS, the Township Chief of Police has provided a recommendation to award this contract through the Morris County Co-op #15A; Item #3 and #4B to Beyer Fleet; and

WHEREAS, the total amount of the contract shall not exceed \$155,489.75

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

1. The Township Council hereby authorizes the Township's Chief of Police to purchase five (5) 2013 Police Interceptor Utility Model K8A vehicles, and one (1) 2013 Dodge Charger, in an amount not to exceed \$155,489.75, through Morris County Co-op #15A; Item #3 from Beyer Fleet, 31 Williams Parkway, East Hanover, NJ 07936
2. The Township's Chief Financial Officer has certified the availability of funds for same
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: July 17, 2013

Agenda No. X

Consent Agenda

~ Resolution No. 2013- 220 ~

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. **2013-221** - Cancel Taxes
- b. **2013-222** - Duplicate Tax Sale Certificates
- c. **2013-223** - Refund Other Liens
- d. **2013-224** - Refund Performance Guarantees
- e. **2013-225** - Refund Overpayments
- f. **2013-226** - Refund Personnel Fees
- g. **2013-227** - Refund Police Fees
- h. **2013-228** - Refund Recreation Fees
- i. **2013-229** - Various Licenses
- j. **2013-230** - Stipend

Applications:

1. Application for On Premise 50/50 Raffle License No. 2013-21 by Sheryl's Den Animal Rescue for October 12, 2013.
2. Application for Off Premise Draw Raffle License No. 2013-22 by West Milford Elks Ladies Association for December 7, 2013.
3. Application for Duck Race Raffle License No. 2013-23 by West Milford Elks BPOE 2236 for October 20, 2013.

Adopted: July 17, 2013

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

Agenda No. X a.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution No. 2013- 221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

- REASON: 1. 100% DISABLED VETERAN
 2. TAX EXEMPT
 3. TOWNSHIP OWNED

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
1002-1	Michael Paul Burke	\$7,910.18	2013 2 nd Half	1
1002-1	Michael Paul Burke	\$3,956.00	2014 1 st Half	1
3501-1.1	Queen of Peace School	\$8,101.41	2013 Full Year	2
3501-1.1	Queen of Peace School	\$4,050.00	2014 1 st Half	2
10301-17	Lynne Lombard	\$3,718.65	2013 1 st Half	1
12205-1	Vincent Bavaro	\$5,441.85	2013 Full Year	1
12205-1	Vincent Bavaro	\$2,720.00	2014 1 st Half	1
1913-8	Howard Aiello	\$3,126.17	2013 Full Year	1
1913-8	Howard Aiello	\$1,564.00	2014 1 st Half	1
11501-10	Howard Fernandez	\$8,518.65	2013 Full Year	1
11501-10	Howard Fernandez	\$4,260.00	2014 1 st Half	1
9901-11	Township of West Milford	\$14.37	2013 2 nd Qtr	3
9901-11	Township of West Milford	\$30.36	2013 2 nd Half	3
9901-11	Township of West Milford	\$30.00	2014 1 st Half	3
9901-12	Township of West Milford	\$84.55	2013 2 nd Qtr	3
9901-12	Township of West Milford	\$178.60	2013 2 nd Half	3
9901-12	Township of West Milford	\$174.00	2014 1 st Half	3
9901-10	Township of West Milford	\$25.36	2013 2 nd Qtr	3
9901-10	Township of West Milford	\$53.58	2013 2 nd Half	3
9901-10	Township of West Milford	\$52.00	2014 1 st Half	3
TOTAL		\$54,009.73		

Adopted: July 17, 2013

Agenda No. X b.

~ Resolution No. 2013- 222 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

WHEREAS, Ridgeback Ventures, LLC is the owner of Tax Sale Certificate 13-0073 relating to 49 Sweetman Lane, Block 8802, Lot 11 and Tax Sale Certificate 13-0076 relating to 28 Alvin Road, Block 9406, Lot 8 in the Township of West Milford;

WHEREAS, the original Tax Sale Certificates originally issued in connection with these parcels have been lost and cannot be located; and

WHEREAS, the Tax Sale Certificates are held by Ridgeback Ventures, LLC of Mount Freedom; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue new Tax Sale Certificates to replace the lost certificates; and

WHEREAS, Ridgeback Ventures, LLC has submitted an Affidavit of Lost Tax Sale Certificates in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue duplicate Tax Sale Certificate # 13-0073 pertaining to 49 Sweetman Lane, Block

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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8802, Lot 11, and Certificate # 13-0076 pertaining to 28 Alvin Road, Block 9406, Lot 8 in the Township of West of West Milford.

BE IT FURTHER RESOLVED that these replacement Tax Sale Certificates shall have the same full force and effect as the original certificates issue by the Township.

This Resolution shall take effect immediately.

Adopted: July 17, 2013

Agenda No. X c.

~ Resolution No. 2013- 223 ~

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
11-052	04/19/2011	05701-007	\$17,468.84	VIRGO MUNICIPAL FINANCE FUND LP 1441 BROADWAY SUITE 5010 NEW YOR, NY 10018
11-081	04/19/2011	08401-010	\$15,925.93	US BANK CUST FOR PRO CAPITAL I LLC US BANK TLSG 1000 HADDONFIELD BERLIN R VOORHEES, NJ 08043
11-103	04/19/2011	12203-006	\$26,716.93	C & E PARTNERS PO BOX 23-1308 NEW YORK, NY 10023
13-0036	03/19/2013	03602-001	\$513.84	US BANK CUST FOR PRO CAP II; LLC US BANK TLSG 50 S. 16 TH ST STE 1950 PHILADELPHIA, PA 19102
13-0063	03/19/2013	07801-015.08	\$31,092.71	US BANK C/F N.J. BOARDWALK; LLC LOCKBOX #005191 PO BOX 645191 CINCINNATI, OH 45264-5191
13-0067	03/19/2013	07801-033.02	\$17,740.79	US BANK C/F N.J. BOARDWALK; LLC LOCKBOX #005191 PO BOX 645191 CINCINNATI, OH 45264-5191
GRAND TOTAL			\$109,459.04	

Adopted: July 17, 2013

Agenda No. X d.

~ Resolution No. 2013- 224 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ENGINEERING DEPARTMENT 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 as follows:

Name & Address	Block & Lot	Amount Remaining	Amount Refunded	Page No.
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Kerry Greene 267 Wooley Road West Milford, NJ 07480	7615/10	\$300.00	\$300.00	<u>85</u>
Your Home Team LLC 843 Union Valley Road West Milford, NJ 07480	703/1	\$850.00	\$150.00	<u>85</u>
Frances Vanderbeek 876 Westbrook Road West Milford, NJ 07480	11106/14	\$1,850.00	\$1,250.00	<u>71</u>

Adopted: July 17, 2013

Agenda No. X e.

~ Resolution No. 2013- 225 ~

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

WHEREAS, there appears on the tax records overpayments as shown below and the Collector of Taxes recommends the refund of such overpayments.

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

REASONS:

- | | |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen Veteran Deduction | 4. Homestead Rebate |
| 5. Tax Appeal | 6. 100% Disabled Veteran |

Block/Lot	Name	Amount	Year	Reason
1504-13	John & Diana Mandara 54 Hillcrest Drive, West Milford, NJ 07480	\$682.48	2013	6
1813-7	David L. & M. Stalter PO Box 273, West Milford, NJ 07480	\$229.74	2013	6
1913-8	Howard & Mary Aiello PO Box 425, West Milford, NJ 07480	\$1,516.96	2013	6
5005-10	Norman L. Sanders 176 Rockburn Pass, West Milford, NJ 07480	\$2,461.62	2013	5
6402-5	Granatell Associates 125 Main Avenue, Elmwood Park, NJ 07470	\$440.21	2013	5
6403-1.02	Jung Lee 307 Whitman Street, Haworth, NJ 07641	\$2,844.97	2013	5
6604-23	Kenat Inc. 15 Crestwood Drive, Northport, NY 11768	\$177.22	2013	5
11501-10	Howard Fernandez 11 Schofield Road, West Milford, NJ 07480	\$4,142.95	2013	6
12205-1	Vincent Bavaro 10 Clubhouse Ave. West Milford, NJ 07480	\$464.41	2013	6
12501-20	Helen & Greg Ryan 84 Weaver Road, West Milford, NJ 07480	\$1,928.48	2013	5
14001-6	Bruce Morse 498 Germantown Road, West Milford, NJ 07480	\$2,162.68	2013	5
14001-21	Bruce & Judith Ziegler 673 Macopin Road, West Milford, NJ 07480	\$1,242.91	2013	5
15502-29	Theodore & Angela Adragna 86 Circle Blvd S., Newfoundland, NJ 07435	\$595.11	2013	6
TOTAL		\$18,889.74		

Adopted: July 17, 2013

Agenda No. X f.

~ Resolution No. 2013- 226 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERSONNEL HEALTH INSURANCE PREMIUM

BE IT RESOLVED, that the following Health Insurance Premium fee be refunded

upon the report of the Personnel Administrator:

REASON: Overpayment

PARTICIPANT	AMOUNT TO BE REFUNDED
Kurt Wagner, 5072 Fiddleleaf Drive Ft. Myers, FL 33905	\$256.00

Adopted: July 17, 2013

Agenda No. X g.

~ Resolution No. 2013- 227 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT TRAFFIC FEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Chief of Police the following overpayment of traffic service fees be refunded:

Name & Address	From Account No.	Amount Refunded
Stepen Kaiser Pendergrast 148 Henderson Road Stockholm, NJ 07460	19-295-56-100-501	\$12.03
Michels Corporation P.O. Box 128 817 West Main Street Brownsville, WI 53006	19-295-56-100-304	\$3,525.79

Adopted: July 17, 2013

Agenda No. X h.

~ Resolution No. 2013- 228 ~

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:

Day Camp early/late pickup		
Madeleine	\$470.00	Evelina Sodt 3 Milton Ct. Hewitt, NJ 07421
Swim Team		
Alyssa & Nicholas	\$185.00	Mary Ellen Rotundi 295 Oak Ridge Road Oak Ridge, NJ 07438
Baseball Camp		
Ashton	\$199.00	Anela McRoberts 81 Kitchell Lake Drive West Milford, NJ 07480
Multi Sports		
Brandon Spliedt	\$130.00	Jennifer Morahan 14 Newark Road Hewitt, NJ 07421
Nicholas	\$130.00	Linda Bartoli 136 Bearfort Road West Milford, NJ 07480
Multi Sports – ½ day		
Mason	\$100.00	Deborah Fernbacher

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		23 Mtn. Circle North West Milford, NJ 07480
Lifeguard Second Class		
Alexis	\$290.00	Lawrence Silverman 58H Bunker Hill Road West Milford, NJ 07480
Lacrosse camp		
Dylan	\$161.00	Jennifer Connors 116 Fairlawn Drive Hewitt, NJ 07421

Adopted: July 17, 2013

Agenda No. X I.

~ Resolution No. 2013- 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2013

WHEREAS, applications have been made for the renewal of various Licenses 2013; 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 2013 Licenses as listed below:

Lic No.	Name/ Location
2013 Solicitor Licenses	
2013 - 01	Kellen McCaghey Power Home Remodeling Group 6 Commerce Drive Cranford, NJ 07016
2013 - 02	Oscar Douglas Gomez Power Home Remodeling Group 6 Commerce Drive Cranford, NJ 07016
2013 - 03	Dean Fitzgerald Power Home Remodeling Group 6 Commerce Drive Cranford, NJ 07016
2013 - 04	August Stadtmueller Power Home Remodeling Group 6 Commerce Drive Cranford, NJ 07016

Adopted: July 17, 2013

Agenda No. X j.

~ Resolution No. 2013- 230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING A STIPEND FOR THE RECYCLING COORDINATOR

WHEREAS, the governing body approved a stipend for the Recycling Coordinator during the 2013 budget process; and

WHEREAS, the stipend for the Recycling Coordinator will be taken from the 2013 Recycling Tonnage Grant, Account Number 02-213-41-700-503 in an amount not to exceed \$10,000; and

WHEREAS, the governing body recognizes the significant improvements and achievements made by the Recycling Coordinator which resulted in increased recycling grant funding; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby approve additional compensation in 2013 in the amount of \$10,000 for David Stires, Recycling Coordinator.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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their television station which has a great impact on the community. They did a survey at the football field because we will have a hookup to record events there and are working with the BOE to set up a station.

Councilwoman Horton said voting is a fundamental right. We need poll workers. If you can work on August 13th you need to immediately call the Board of Elections in Paterson. There will be training locally including in town. She thanked all poll workers for their service.

Mayor Bieri said she was in Trenton today with the Township attorney to address dated issues that she wanted to see progress on including the lease on Jungle Habitat and Brown's Point. Hoping to see progress. There was a large article in the Record regarding feral cats which is a statewide and national problem. She listed some specifics. She credited West Milford and prior councils for our TNR legislation. She said as a result animal shelter has sterilized a number of cats and are making a dent in this problem. She asked for public awareness and involvement. She received a memo from the DEP outlining many of the available parks and resources throughout the state and she urged people to take advantage of these resources. We still have non-functioning fire hydrants in town. She asked that the MUA pay attention to this matter. She asked Clerks office to compose a list of vacancies and give it to newspapers. It is on the Township website and she asked the newspapers to publish that.

Administrator Gage gave updates on road projects saying that the 1st 2nd 3rd Avenue project is moving along and we already got some grant money. The Streetscape has begun but has experienced some delays due to weather. The UVR project done by county had some unacceptable dips which will be addressed. The Crescent Road bridge project has had some opposition from the community. The layout is difficult with the bridge being located on the only point of access to the community. It requires road closings and engineering has tried to come to compromises and the community has come to consensus to get the project done as quickly as possible. The contractor will allow traffic through every two hours. Notifications were repeatedly sent out, input sought and efforts made to make this palatable. There was consensus at last night's meeting with the affected residents to proceed. It is a tough process but the lines of communication are open. Ms. Gage provided Council with a list of the roads that have been swept noting that the work continues. We have been making progress with Newark Watershed & Verizon with downed trees. The fuel security system has had all equipment installed and the vendor is now trying to install software and input data to begin using it in about two weeks.

Agenda No. XIII

Appointments and Resignations

~ Resolution No. 2013- 232 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Name	Position	Date Tendered
Margaret (Peggy) Sosa	Citizen Member – term expires 12/31/13 Beautification/Recycling Task Force Committee (Advisory)	June 28, 2013

Adopted: July 17, 2013

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

Councilwoman Erik nominated Nancy Conlon to the Beautification Recycling Task Force Committee (Advisory) to a Citizen Member seconded by Councilman Signorino.

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

It was stated by an email that Councilwoman Erk regrets but has a conflict with attending day meetings and can no longer be the Council Liaison for the ADA Committee.

Council appointed Councilwoman Erik to the ADA Committee.

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

Agenda No. XIV

Executive Session

~ Resolution No. 2013- 233 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 17th day of July, 2013 that:

- 1. Prior to the conclusion of this Workshop & Regular Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
() b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
() b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
() b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
() b. (4) A collective bargaining agreement including negotiations.
() b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
() 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.
Contract: PAL
Contract: Hillcrest Building Use
Contract: Triple T Construction & Recycling Center
Contract: Municipal Prosecutor
() 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 17, 2013

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

The Governing Body left for Executive Session at 9:55:26 pm
The Governing Body returned to the meeting room at 11:13:16 pm. with all present as before.

~ Resolution No. 2013- 235 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT WITH SKYTOP RECYCLING FOR THE PROVISION OF RESIDENTIAL BRUSH RECYCLING SERVICES

WHEREAS, the Township of West Milford offers residents the ability to dispose of residential brush at the recycling center; and

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WHEREAS, the Township has decided not to renew the current contract with Triple T. Construction and Organic Waste, and accordingly the Township must make alternate arrangements to continue these services; and

WHEREAS, Skytop Recycling has made a proposal and is negotiating with the Township to provide temporary measures on a month-to-month basis.

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

1. The Township Administrator be and is hereby directed to finalize the terms of an agreement with Skytop Recycling of 80 Airport Road, West Milford, NJ for the provision of residential brush recycling services.
2. The Mayor and Township Clerk be and are hereby authorized to execute said agreement upon its approval by the Administrator and Township Attorney.
3. Said contract and resolution shall be available for public inspection in the office of the Township clerk.

Adopted: July 17, 2013

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

~ Resolution No. 2013- 236 ~

MAYOR'S APPOINTMENT OF GLENN GAVAN, ESQ. AS MUNICIPAL PROSECUTOR WITH COUNCIL CONSENT

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment of Glenn Gavan, Esq. to the position of Municipal Prosecutor in accordance with section §15-78 of the Township Code for a term from August 1, 2013 through December 31, 2013.

Adopted: July 17, 2013

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:15:17 p.m.

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

Approved: September 18, 2013

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK