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

Minutes of: Township Council Regular  
Date of Meeting: July 20, 2011  
Time of Meeting: 7:30 P.M.  
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 19, 2010 and January 9, 2011; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers, Philip Weisbecker, Joseph Smolinski, Edward Rosone,  
Luciano Signorino, Daniel Jurkovic, Mayor Bettina Bieri.  
Absent: Michael Ramaglia.  
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

None.

Agenda No. II

**Presentations**

None.

Agenda No. III

**Proclamations**

Americans with Disabilities Act Awareness Day – Mayor Bieri invited Janice Sangle and Janet Meluzio to join her at the podium to accept this proclamation. Mayor Bieri commended both Ms. Sangle and Ms. Meluzio for their activism on matters pertaining to disability awareness. She noted that they each live very well with disabilities serving as positive role models for all. Mayor Bieri read the proclamation and presented it to Ms. Sangle.

Ms. Sangle thanked the Mayor & Council, introduced herself and advised that she serves as a medical representative to the ADA committee and the FAC. The ADA, she said, serves to protect the rights of persons with disabilities and provide for equal access. She thanked the Mayor & Council for reaffirming their commitment to work toward full compliance in West Milford. On July 26, 1990 the act was signed by President Ronald Reagan and she read what the President said then. She reviewed many requirements of ADA and the evaluation processes to identify levels of compliance. She said that the ADA committee looks forward to working with the governing body toward full compliance to ensure equal access for all members of the community.

Janet Meluzio thanked everyone. Ms. Sangle gave contact information for ADA agencies. Mayor Bieri thanked them both saying that the township tries to enforce ADA and make accommodations when possible. She urged residents to help by not parking in ADA spots and to be considerate and helpful.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

~ Ordinance 2011-013 ~

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

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

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

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

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

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

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

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

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

§ 500-150. Computations. No change.

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

§ 500-151. Definitions.

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

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

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

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

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

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

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

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

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

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

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

**INCIDENTAL SIGN** - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar

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directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

IDENTIFICATION SIGN - A sign providing the name and occupant of premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 500-152. Permits required.

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

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

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

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

§ 500-154. Plan requirements for sign permit.

Subsection A shall be modified to read as follows:

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

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

Subsections B. through H. No change.

§ 500-155. Off-site signs.

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

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

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

Subsections B. through E.: No change.

Subsection F shall be modified to read as follows:

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

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

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

§ 500-156. Exempt signs. No change.

§ 500-157. Prohibited signs. No change.

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

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

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

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

Subsections A through C: No change.

Subsection D shall be eliminated in its entirety.

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

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

§ 500-162. Zone district signage standards.

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

- A. Projecting Sign. Projecting signs shall be permitted in VC, NC, LC, CC, LMI, SED, OR and HC zone districts, subject to the following standards:

- (1) Maximum number: one  
(2) Maximum sign area: twenty square feet  
(3) Placement requirements:

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

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- (5) Design requirement:
  - a. Where a site has is permitted two or more signs based on multiple businesses on one lot, the signs shall uniform with respect to material, size, and color scheme.
- H. Home Occupation and Home Professional Office
  - (1) Signs for home occupation and home professional offices in all Residential zone districts, subject to approval pursuant to §§500-20; 21, shall not exceed four square feet.
- I. Residential Neighborhood Association and Lake Community Organization Identification Sign
  - (1) Maximum sign area: twenty square feet
  - (2) Maximum height: six feet
  - (3) Placement requirement: Signs may be located on a residential lot or upon common property of the association or community organization subject to the restriction regarding placement within a "sight easement at intersection" as defined in Chapter 400, "Land use Procedures".
- J. Temporary signs shall be permitted in all zone districts in accordance with the standards set forth in §500-160.
- K. Banners shall be permitted in all zone districts in accordance with the following standards
  - (1) Maximum sign area: seventy-five square feet
  - (2) Maximum number: one banner per building.
  - (3) Compliance with the standards set forth in §500-160.
- L. Building marker signs shall be permitted in all zone districts in accordance with the following standards:
  - (1) Maximum sign area: four square feet.
  - (2) Maximum number: one per building.
- M. Identification signs shall be permitted in all zone districts in accordance with the following standards:
  - (1) Maximum sign area: four square feet.
  - (2) Maximum number: one per building.
- N. Incidental signs shall be permitted in all zone districts.
- O. Roof, integral signs shall be permitted in the VC, NC, CC, LC, HC, OR, LMI and SED zone districts subject to the following standard:
  - (1) Maximum number: one sign per lot frontage
- P. Pennants shall be permitted in LC, HC and LMI zone districts subject to the following standard:
  - (1) Compliance with the standards set forth in §500-160.
- Q. Billboards shall be permitted in the HC zone district subject to the following standards:
  - (1) Maximum sign dimensions: twelve feet in height; twenty-four feet in length.
  - (2) Minimum distance between signs: 0.5 miles (2,640 feet)

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

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

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

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

Introduced: June 15, 2011  
Adopted: July 20, 2011  
Effective Date: August 9, 2011

This Ordinance was introduced on June 15, 2011 and the Notice of Public Hearing was published in the Herald News on June 19, 2011. The Council will open the meeting to the public to speak on this ordinance only.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he serves as chairman of the planning board and is speaking tonight as a resident. This ordinance came about because the Township planner had difficulty interpreting the existing sign ordinance when applications came before the board. Prior amendments were piecemeal and not consistent so this ordinance consolidates the legislation. He advised that members of the Chamber of Commerce attended several meetings and the EDC had no objections to this ordinance. The intent was to include the entire community. He asked Council to approve this.

There being no further comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Rosone, to close this public portion of the meeting. Approved by majority roll call vote with Councilman Signorino voting no.

Motion to adopt ordinance.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Rosone, Jurkovic.  
Abstain: None.  
Voted Nay: Signorino.  
Motion carried.  
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Agenda No. IV 2

~ Ordinance 2011-014 ~

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

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

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

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

**Section 1.** The Township of West Milford hereby authorizes the acquisition of property shown as Block 2801, Lot 1 as shown on the official tax maps of the Township of West Milford, and known as 352 Warwick Turnpike in the Township of West Milford, from Anjo Associates, LLC for the sum of \$52,000.

**Section 2.** There is hereby appropriated the total amount of \$52,000 for the purpose set forth in Section 1 from the Capital Account of the Township of West Milford, County of Passaic, State of New Jersey.

**Section 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**Section 4.** No debt is to be authorized by the enactment and passage of this ordinance.

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**Section 5.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 7.** This Ordinance may be renumbered for purposes of codification.

**Section 8.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: June 15, 2011  
Adopted: July 20, 2011  
Effective Date: August 9, 2011

This Ordinance was introduced on June 15, 2011 and the Notice of Public Hearing was published in the Herald News on June 19, 2011. The Council will open the meeting to the public to speak on this ordinance only.

There being no further comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Rosone, to close this public portion of the meeting. Approved by majority roll call vote with Councilman Signorino voting no.

Motion to adopt ordinance.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
Abstain: None.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IV 3

~ Ordinance 2011-015 ~

**BOND ORDINANCE APPROPRIATING \$1,127,000, AND AUTHORIZING THE ISSUANCE OF \$1,073,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,127,000 including the aggregate sum of \$54,000, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and excluding, in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$77,000 available therefor under Ordinance #2007-18 of the Township.

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$1,127,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,073,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,073,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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**Section 3.** The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

| IMPROVEMENT OR PURPOSE   | APPROPRIATION AND ESTIMATED COST | ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES |
|--|----------------------------------|---|
| (a) Acquisition by purchase of new and additional vehicular equipment, including one (1) front end loader and one (1) dump truck for use by the Department of Public Works of the Township, one (1) utility vehicle for use by the Police Department of the Township and one (1) ambulance for use by the Upper Greenwood Lake First Aid Squad, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the estimated cost thereof being exclusive of the amount of \$77,000 available for said dump truck under Ordinance #2007-18 of the Township. | \$486,000                        | \$462,700                                   |
| (b) Acquisition by purchase and installation, as necessary, of new and additional equipment, including one (1) tire machine for use by the Department of Public Works of the Township, and fire hoses, tools, lights and emergency equipment for use by the Fire Companies of the Township, together with all appurtenances, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.  | 104,000                          | 99,000                                      |
| (c) Acquisition by purchase and installation, as necessary, of new and additional computer and communications equipment for use by the Police Department and the Office of Emergency Services of the Township, together with all appurtenances, attachments, accessories and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.  | 25,000                           | 23,800                                      |
| (d) Improvement of municipally-owned facilities and grounds in and by the Township, including the Department of Public works garage by the renovation of the ceiling thereof and the construction of a roller hockey rink at the former tennis courts located off of Germantown Road, together with for all the aforesaid all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.   | 73,000                           | 69,500                                      |
| (e) Acquisition by purchase of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the Upper Greenwood Lake Fire Company, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.  | <u>439,000</u>                   | <u>418,000</u>                              |
| Totals   | <u>\$1,127,000</u>               | <u>\$1,073,000</u>                          |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

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- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.56 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,073,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$150,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

**Section 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

**Section 6.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 7.** The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

**Section 8.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: July 6, 2011  
Adopted: July 20, 2011  
Effective Date: August 9, 2011

This Ordinance was introduced on July 6, 2011 and the Notice of Public Hearing was published in the Herald News on July 10, 2011. The Council will open the meeting to the public to speak on this ordinance only.

Doris Aaronson, 19 Bearfort Road, West Milford stated that small relatively inexpensive items that do not have a long life span should not be funded through bond ordinances. She compared that to buying groceries on credit. Fire hoses, tools, lights, computers, accessories for computers, and attachments should be paid for as we go. This is just jacking up property taxes because we pay interest on bonds. She said that she knows that one councilman agrees.

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Andrew Gargano, 45 Apshawa Crossroad, West Milford asked if the tanker truck will be titled and registered to West Milford. Administrator Boyle answered in the affirmative.

There being no more comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Rosone, to close this public portion of the meeting. Approved by unanimous roll call vote.

Discussion: Council President Smolinski asked Administrator Boyle if we only bond for items with a lifespan of ten years or more. Administrator Boyle replied that two items computer related are part of a police department program that will allow them to scan and barcode evidence. This will allow for better evidence tracking with federal and state agencies. The other item is spatial data logic and this funds another seat for the fire prevention bureau. We give fire companies funding annually. The Township is limited by law on how much they can fund these companies and the only other means of contributing is to fund capital purchases. The tire machine has a 25-year life. This is how we make the budget work. Bond counsel writes these ordinances and counsels us on that. The language is standard. Councilman Jurkovic reviewed some of the purchases including a front end loader dump truck, a utility vehicle for the police department and an ambulance for Upper Greenwood Lake. He said the computer equipment is part of upgrades to the police department and emergency services. Much of these funds are necessary for municipal business and emergency services. They mostly have 20 to 25 year life expectancies. Mr. Boyle stated that West Milford has a high long term debt structure from some years ago and he has been working to level our debt. This is a conservative amount for capital projects. Councilman Jurkovic continued by saying that they put off purchasing much of this equipment and work to make these vehicles last in the long term. Bonding is a necessity. The Upper Greenwood Lake first aid squad is frugal. We are replacing a 1995 ambulance. That is most commendable. The round trip to a local hospital is over 50 miles and these first aid squads respond to a large number of calls in a year. Councilman Signorino stated that he knows these items are necessary. He asked that we get to pay as we go and asked Mr. Boyle to outline that process. Councilman Jurkovic stated that we must pay down existing debt first before we get to that point. We started out with \$33 million which must be dealt with. We cannot forego buying emergency service vehicles. To pay off \$30 million the Township would have to shut down all municipal services for a year. We can raise taxes or chip away at it slowly. We had a zero percent budget and a small amount of debt over the past two years. Councilman Signorino agreed and asked Mr. Boyle to let Council know how to get to pay as you go.

Motion to adopt ordinance.

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

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Agenda No. V

**Public Comments**

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

Don Partington Snake Den Road, West Milford stated that he is here as an upset and concerned parent. His eight-year old dove at Bubbling Springs on Wednesday and got 22 stitches in his forehead. He commended the staff at Bubbling Springs noting that the recreation department has changed over recent years. There is a chlorination pipe in the diving area held down by concrete blocks. Sand bags would have been better. That is unconscionable. The police divers went in yesterday morning and he reviewed the response and efforts to get medical attention for his son. He showed a photo of where the diving program is run at Bubbling. The concrete buoys are still there and, he said, they must come out of the water. He showed photos of his son with his injuries. He asked that the blocks be removed from the water immediately. This happened during diving lessons. This pipe and the blocks should not be there. He gave a theory as to what happened and he stated that he wants to see engineering plans and the layout for the pipes. His son is now afraid of diving which is very upsetting and is based on stupid actions. He urged Township officials to remove the cinder blocks tomorrow and replace them with sand bags. Councilman Jurkovic asked Mr. Boyle to take care of that tomorrow. Mr. Semrau stated that he is working with all departments on this matter and it is being dealt with administratively. Mr. Partington stated that he received a call from Mr. Boyle with apologies. He said that during that call the Administrator made stupid comments and caused the end of the conversation. If that is the way this situation is being handled it must be revisited. The Township is fortunate his son is not paralyzed or dead as a result of his incident but the matter is very serious. This is a lack of education and caused by stupid actions. Councilman Weisbecker asked the Administrator to get a copy of the engineering plans to Mr. Partington. Mr. Semrau advised that there is an ongoing investigation into this matter whereby the Administrator, Attorney, police and recreation departments are looking into it. Councilman Jurkovic stated

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that using a cinder block is stupid. Mayor Bieri asked that the investigation be allowed to continue and advised that in the meantime the area has been shut down. Councilman Jurkovic stated that he has worked with young adults who have suffered serious injuries.

Richard Randazzo 278 Wooley Road, West Milford recalled that in 2007 this Council adopted a well ordinance to protect residents. He referenced a memo from Mr. Semrau and Matt Mullhall noting that at the time everyone considered this to be an excellent ordinance. Now it is being put to the test for the first time and it is a disaster. He outlined the activities at a proposed development wherein the developer must now comply with this water testing ordinance and he asked that the towns hydro geologist monitor this. He said sections e, f and h of the ordinance require that residents be notified and he stated that the notification came very late in this instance. There was little time to respond. He went to the planning board demanding that his water be tested and he asked that the ordinance be changed so that the Township's hydro geologist chooses the wells to be tested. There should be more time for notification. The ordinance, he said, is great but it needs modification.

Dan Trout, 26 Heritage Drive, West Milford stated that he owns one of the ten houses in phase I at Village on Ridge. All the existing houses require booster pumps in the house. About a year ago the developer asked him to sign off on the water plant. Since then he has gotten no information about the water system and he has asked to see third party verification about this because he would like to know if it is tied in to other areas. He asked if this aquifer has the ability to supply the proposed 60 houses. He questioned if there is enough water pressure. The existing residents have no knowledge of the costs associated with a private water supplier. He asked who will monitor that the costs will be same as the MUA and he asked for an understanding as to regulations and enforcement. He asked what happens if the water supply is ultimately worse than that being provided by MUA. Will residents then be allowed to go back to the MUA? Residents in that area have no information. Their second concern is sewerage removal. The MUA has issues with the current number of users and he asked what happens if we add 60 more houses to the MUA system. What is the capital expenditure to add users to MUA? Who pays that? Will all MUA users be assessed or will all Township residents be charged? Residents want an understanding before Council approves this developer to go to the DEP. He asked to be provided with a contact person in the Township to receive answers to his queries.

Christine Chiovaro, 15 Heritage Drive, West Milford stated that she attended a meeting earlier this year when the Village on Ridge developer was here. She asked about getting answer to questions asked at that meeting noting that the attorney said he would provide answer. Mayor Bieri stated that she recalls that being a planning board meeting.

Louis Monaco, Beacon Hill Road, Bald Eagle Village, West Milford stated that he has concerns about the MUA. He has lived there for 15 years and has had bad experiences. He has had water problems and has had to install a filtration system. Recently residents have had to deal with sewerage problems with overflow. There has been a lot of press about MUA and he expressed hope that this is not a political game. He is genuinely concerned and hoping that something is being done. His costs for water and sewerage are more than he pays for electric or gas. On the state website it shows that his sewerage cost is three times the cost for the average user in this region. In the past three years there have been increases in rates with over 18% this year. At the June 28<sup>th</sup> meeting of the MUA he gave a request for public records including the budget, business plan, and employee information. He wanted to know if they employ experienced people. He received a response on July 12<sup>th</sup> but it did not include everything requested and there was no explanation. The approved budget contains all gross amounts and the numbers are large. In the approved budget there are references to other records and he asked for those documents assuming that they contain details. They did not provide those and had no explanation. He stated that he also asked for a copy of their business plan expecting to see capital improvements with projected costs which would then explain the rate increases. The response was that there are no responsive records. In their approved budget the MUA message says water and sewer charges will increase this year for financing various capital improvements. He stated that he is not sure what that means because it is contradictory. He asked for a salary history and experience of employees. He did not receive any records detailing experience. The salary history shows that the Administrator earns \$66,000 but he has no way of knowing her job experience. She was hired in August 2009 and by February 2011 has gotten a 25% increase in salary. There is no job specification for her position on the Department of Personnel website. State guidelines say employees are entitled to a 2.5% salary increase based on merit. The Council gave consensus to allow Mr. Monaco to finish asking him to be very brief. He said that he intends to follow up to get more information and he stated that he is not confident that the right people are there. The Commissioners approved these salary increases at a time when they keep saying they need more money. He would like them to look at costs.

Mary Perez, 152 Longpond Road, West Milford has been living in Awosting for 6 years. Her water has, at times, been brown and lately it is a milky white. She has to drink bottled water. The DEP report indicates that there is rat feces in holding tanks at MUA facilities. When the MUA commissioners spoke at last meeting did not have answers. One commissioner told residents to shut up. There is a resolution on the

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agenda proposing changes at the MUA and she implored the Council to look at this. Residents, she said, are living with disgusting water conditions. She thanked Mayor Bieri for bringing this out. The MUA should have contacted residents directly. They need solutions and help. She wants clean drinking water.

Sal Petrane, 54 Pine Lane, West Milford stated that he lives in Greenbrook, where they have a community, private pool. He is the licensed pool administrator. He chlorinates the pool. They deal with the MUA to fill the pool. He got a telephone call on Monday from his wife saying that the MUA was flushing fire hydrants into their pool. A resident went there and was told by the workers that an MUA official instructed them to do this. The MUA Administrator denied this when the resident called the MUA. He manages a print shop and is responsible for the actions of all employees. Ms. Love should have said she would take care of it rather than trying to place blame. He showed a photograph of rusty water in the pool. He advised that Greenbrook had to cancel swim lessons and have water tested. They closed the pool for an extra day to be safe. There is no assumption of responsibility by MUA officials and no recourse for users. They are just told to shut up and deal with it. He is tired of dealing with it.

Carlla Horton, 132 Bearfort Road, West Milford stated that in last week alone at work she has used expression *the buck stops here* often. In the past has twice offered her resignation to the board of directors because of the actions of her subordinates. Fortunately she had the opportunity to fix problems. That is not happening here. Fundamental issues are being ignored. She has attended a couple of MUA meetings. She has listened and recently heard an auditor speak. On basic business fundamentals the MUA has failed as stated by their own auditor. She listed some deficiencies. At same time that they were not doing 1099 forms or balancing check books they were not paying certain taxes. It was appalling to hear a commissioner tell residents and officials to shut up. She thought that sooner or later that person would apologize. There is no apology or plan. The Mayor comes up with a resolution containing suggestions. She asked the Council to give that resolution a chance. Basic statutory requirements are not being met by MUA officials. This cannot continue to be a political football. The people there do not have business savvy to perform basic business functions. Their answer to the problems is to hire a public relations firm. They are not going to fix the problem, they are going to fix the spin. The Council appoints these people. She urged the Council to lead by example and to give fair consideration to the Mayor's proposal or come up with better one. MUA users should believe that elected officials have their best interests at heart.

Renee Alessio, 39 Hillcrest Drive, West Milford stated that elected officials take an oath of office. No one took an oath to uphold their political party. Political partisanship has taken hold in West Milford and it appears that officials often forget who they represent. Decisions should be made to promote the general welfare. There are over 2,000 residents in West Milford who depend on the MUA for clean water. They expect clean water and sewer services. There have been serious issues for years. There have been complaints about both water and sewer and there are many DEP violations. If she was an MUA user she would be concerned about drinking that water. She would be angry about increasing fees. The West Milford MUA is among most expensive providers in the industry. Commissioners are volunteers and some are MUA users but they may not have the qualifications to tackle these problems. Users have not been kept informed and there is no accountability. She suggested that users request information through OPRA. She stated that the Mayor has sensible resolutions including utilizing our Administrator and Health Officer. They are professionals who can take over key roles. Mayor Bieri is very smart. She urged the Council to sit with the Mayor and MUA commissioners to resolve these problems. Perhaps you may want to even include the MUA users by allowing them to vote on decisions. That, she said, would be open government.

Bob Nicholson, 20 Hyde Road, West Milford stated that he likes each individual on the Council and many in the audience are his friends. He has lived here for years. It was once very nice. The partisan politics has been divisive. Friendships are not allowed anymore. The economy is bad. The MUA has problems and no one denies that. He cannot decide if MUA staff is qualified but he knows that we cannot keep pointing fingers. We need to find solutions. People are too angry. We should use common sense not anger.

Laura Vogt, 36 Heritage Drive, West Milford stated that she lives in Village on Ridge and had to replace her water pump. Of the ten existing houses two have sewer pumps both of which have broken down. It is very unpleasant. Mr. Lefkowitz has not been responsive to residents nor has he fulfilled his prior commitments. She stated that she spoke with Kelly Love at the MUA to ask who will fix this if Lefkowitz fails to do so. Ms. Love did not know who would be responsible. She was told that this situation would be temporary when she purchased she purchased her home. If Lefkowitz says he will not fix pump again, where can she go.

Ashley Rosone, 192 Vreeland Road, West Milford stated that she has a knot in her stomach about the attacks on the Council tonight. The audience, she said, should not say what they are saying about the Council. They are all very smart men including her dad.

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Ronnie Glum, 12 Storms Island Road, West Milford stated that there appears to be a disconnect about the Greenwood Lake commission and Storms Island. There is misinformation out there. The residents live on an island and they knew that when they purchased. People had reduced taxes because of the lesser services they receive until there was a reassessment. Then taxes went up. The town gave a bridge to allow access to homes every year. When a certain gentleman moved out the Township stopped providing access and the Greenwood Lake commission provided the bridge. Five years ago the drawdown went out to bid. Steve DeFeo was contact for the bid specifications and he said that the bid went out to every marina owner. Mr. Glum said that he talked to marina owners and they say they did not get bids. There was only one bid submitted and it came from DeFeo. He got awarded \$40,000 to use his docks to install a bridge. The residents on Storms Island pay taxes too. The EPA has give the Greenwood Lake commission a waiver, and residents were supposed to be invited to the hearing. A commissioner, who has inside information, was awarded the bid. Now the residents on Storms Island have no bridge and the Commission plans to lower the lake in October. Property owners will not have access to their homes. They have right to have access to their homes. He wants to know what the Township will do. The Township cannot provide emergency access and he cannot get a letter from any department with assurances.

Robert Nolan, 1 Winding Way, West Milford is a 30-year resident, s 30-year MUA customer and a former councilman. One of his favorite presidents was Harry Truman who said if you want a friend in politics get a dog. Truman also said *the buck stops here*. The MUA buck stops with the Township Council. The May letter from the DEP talks about lack of operational oversight and management neglect and it appears that these deficiencies also apply to their finances. He has schedule of findings from the MUA auditor which, among other things found that they have no formal cash management plan on file. The Auditor also found that there were no minutes of special meetings and rates are insufficient to cover bonds. The MUA does not charge in accordance with their own ordinance and the auditor said there is a failure to reconcile bank statements. He attended the June 1<sup>st</sup> meeting when the MUA came before the Council. All six commissioners, the MUA attorney, their operation and their engineer discussed MUA business. However, they did not advertise a public meeting. This could be a violation of the open public meetings act. After last week's MUA meeting he believes the MUA structure must change. They are proposing to pay for a public relations company with ratepayer dollars rather than address the issues. He stated that, in his opinion, the best approach would be for Commissioners Scangarello & Schimmenti to resign and take Kelly Love with them. His parents taught him to own up to his mistakes. He made some mistakes when on Council. One was voting on the Hillcrest lease. He also voted to appoint most if not all MUA commissioners; that was also a mistake. If he were on council now, he would do the right thing and pass the resolution on tonight's agenda proposing restructuring of the West Milford MUA. The Council continues to repeat mistakes expecting different results. This approach is insane.

Judy Forster, 5 Highland Avenue, West Milford stated that in 1994 a bridge was washed out in Stoway Park. That was the only access and residents had to pay for bridge themselves. It cost each resident at the time \$500 per year for 5 years. A resident in the area has the specifications which may help Storms Island.

Ada Erik Macopin Road, West Milford noted that there are no appointments and resignations on tonight's agenda. There are vacancies on the Health Board and qualified people have applied. Qualified people are willing to serve during the day without employees getting comp time to attend these meetings. She urged the Council to get some work done and make these appointments.

Richard Mele, 7 Mallory Road, West Milford thanked God he doesn't have to use the services of the MUA. He and others opposed the change in government to partisan group. It was the worst mistake made in West Milford. He stated that he would rather have the former elected officials than what he has heard of late. Everything of significance and importance appears to be decided on political associations and he is glad he is no longer participating in local issues. He believes in Truman's desk sign that said the buck stops here. The Mayor & Council, intelligent people all, should sit down and get some work done. Contaminated water and sewerage overflowing is disgusting and must be addressed.

Doug Trainor, 29 B Concord Road, Bald Eagle Village West Milford stated that he has lived in Bald Eagle Village for 26 years. Over time he has witnessed that the MUA has not maintained their property. He can cite from papers about sewerage overflows from sewers and manholes. They block the flowing sewerage with hay bales. It flows into the pond into Pinecliff Lake and Greenwood Lake. Greenwood Lake is having problems with phosphorous and that will cost them money. Those problems may be linked to the MUA. He concurs with many things said by former speakers. The MUA must be regulated. At the MUA meetings of late he has personally seen an arrogant group that were rude to ratepayers. He and his wife spoke at that meeting and were subject to this treatment. There are 440 units at BEV. He believes that a large number are not happy with water quality, service, and filtering from MUA. He asks the Council if

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they would support maintaining the status quo or having regulations for the MUA. He asked to have a vote to see if Council supports regulations.

Doris Aaronson, 19 Bearfort Road, West Milford stated that at the July 6<sup>th</sup> council meeting she was embarrassed by Councilmen Jurkovic and Smolinski attacking Mayor Bieri. They have lately been attacking about police matters. At the budget meeting Councilman Jurkovic attacked the Police Chief and the Mayor while Councilman Smolinski rudely walked out. At the July 6<sup>th</sup> meeting the Council attacked the Mayor because she expressed her opinion about their appointment of a labor attorney in the Costello matter. Mayor Bieri's choice had already reviewed documents and prevailed in similar a case. The new attorney does not have that experience. Councilman Jurkovic kept interrupting and yelling at the Mayor in an effort to keep her from talking. When he stopped Councilman Smolinski chimed in. It is shame that Councilmembers Jurkovic and Smolinski .... At this point, the speaker could not be heard. Councilman Jurkovic interrupted saying that this is a personal attack on Council people. Ms. Aaronson continued stating that she has been disappointed with decades of neglect at the MUA. She reviewed the domino effect of the MUA failures adding that Pinecliff Lake should not be paying for MUA pollution.

Andrew Gargano, 45 Apshawa Crossroad, West Milford mentioned that Dick Meaney should not be taken lightly. He founded the Environmental Commission in 1963. He is eloquent and speaks with understanding. At the July 6<sup>th</sup> meeting Council President Smolinski said that we should work together to reach across the aisle. He heard that years ago. Has not witnessed that happen with the current Council and that is unfortunate for all residents and taxpayers. He stated that there are several things that can be done to make that happen. Most specifically, the Council can make that happen. When a good idea is formed by the Mayor, the Council can ratify that idea by adopting resolution. He cited the MUA as an example. This is the second meeting where people are complaining about water quality. The complaints make the MUA sound like a 3<sup>rd</sup> world country. It is incredible that we will keep this going without taking pause for a solution. The Mayor at that first meeting when complaints were lodged and people were told to shut up came up with some very good ideas. Even if you don't agree, adjust accordingly. The Council can disagree but during discussion there can be back & forth. An idea should not be rejected because it comes from a particular person. The Republicans have had a majority on the Council since 2004. They object to everything proposed by Mayor Bieri for no reason other than she is proposing it. The health board needs members but the Council won't appoint those who applied because of personal hatred. That is a disservice to the Township. For the betterment of the Township he urged the Council to appoint Doris Aaronson and Marilyn Lichtenberg to the BOH. There is also an appointment for the Greenwood Lake bi-state commission and an applicant who has been recommended by Ella Filipone. He asked the Council to work together to make West Milford a better place.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford stated that there are no appointments on the agenda tonight. She asked to be appointed to the Health Advisory Board. There is also a recent resignation from the Senior Advisory Board and she has applied for that committee. She would like to work with the seniors and would serve as secretary foregoing the monetary stipend.

Chris Garcia, 200 Lakeshore Drive, Hewitt stated that he agrees with many statements about the MUA. He fully supports the Mayor's resolution that should be adopted. There is no long-term capital plan in place but we need such a plan. He looked at the July 6<sup>th</sup> meeting on municipaltv.tv. He was appalled at what he heard. Councilman Jurkovic interrupted the roll call to change executive session minutes. During his commentary he disclosed information from a January executive session that is very disturbing. The executive session in question pertained to the Costello contract. He quoted Councilman Jurkovic saying that Mr. Semrau accused the Council of something. He is concerned about such an accusation. Residents should know why the Township Attorney issued such a warning to the Township Council. He is glad that Councilman Jurkovic disclosed that something is questionable. There has been an unusual display of admiration and support from certain council members for the former police chief. The Council, he said, has an obligation to act within law and represent all taxpayers and not just friends. The public deserves to know specifics about the matter addressed in public by Councilman Jurkovic. The matter with the former police chief should be handled properly.

John Lauritano, 20 Brady Street, West Milford stated that he and thirteen neighbors were sued by the Mount Glen Lake association. That litigation has been resolved and the Township owns the lakes. The proposed transfer of these lakes back to association was deferred until the litigation was completed. The association, he said, is already violating the court order. If negotiations have begun to transfer ownership of the lakes, he said they should stop until this is resolved. The Township cosigned a loan but they should look at the quality of work being done.

James Warden, 199 High Crest Drive, West Milford stated that he knows that the Council does not like municipal tv. He has devoted a lot of time and effort to make these meetings public on the internet. Meetings like parading crying children here when teen center was to be closed. Parading seniors when Hillcrest was to be closed. Calling colleagues retarded when you didn't know camera was on you. Bullying a teenager then denying it. The July 6<sup>th</sup> meeting was the prize. At that meeting Council

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President Smolinski asked the attorney if minutes of the January 6<sup>th</sup> executive session will ever be released. They will be released at some time in the future. That is a concern to the Council. When statements are made on camera they don't have meaning at the time. But when it is all put together, it paints a picture. Councilman Jurkovic violated executive session by disclosing that the Township attorney accused the Council of illegal behavior. That is why he got angry. He let the cat out of the bag. Now there is another problem. The Township Attorney is potentially accusing the Council of illegal behavior. The entire Township has a right to know what went on in that meeting. The Council took no action on a resolution about Costello. They could have voted it down to represent the interests of the taxpayers. They could have voted yes but they couldn't because it would look bad. So they took no action. He said that he hopes Council members have not betrayed their responsibility to the taxpayers. He hopes they have not been in contact with Costello. Council President Smolinski has publicly berated the current chief. Although he has denied making statements he did ask Chief Chiosie, in a roundabout way, to retire. What was not said is that Smolinski has a plan that involves Costello. He hopes there is no betrayal of the taxpayers. He gave the Township Attorney a copy of the video of the meeting which he said is also available on municipaltv.tv

There being no further comments from the public Councilman Weisbecker moved to close the public portion of the meeting.

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

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Agenda No. VI

**Council Comments**

Councilman Jurkovic said the he did not have a slip of the tongue as suggested earlier. He was defending himself because what Mr. Semrau said is not true. He will defend himself vigorously. At some point all executive session minutes become public. Mr. Semrau advised caution stating that he is neither confirming nor refuting what was said here tonight. However the subject matter was discussed in executive session and is not subject to disclosure at this time. He stated that he will brief the governing body as to statements made here tonight. Councilman Jurkovic stated that he takes exception to the Chief of Police asking the Council to vote on any resolution stating that neither he nor anyone else should be telling the Council what to do. He lamented that this is disrespectful to the Council. He stated that with respect to MUA there is no doubt that there are problems that need to be addressed. However, he cautioned about knee jerk reactions. At the last meeting the Council got info from 1973-1974. He asked Administrator Boyle to invite Paul Cuva, the MUA auditor, to the next Council meeting firm to discuss the MUA audit. He would also like to discuss bonding for repairs with Mr. Cuva. He stated that there has been a lot of discussion about water quality. He asked that Mr. Mullhall review the water testing results from the MUA and advise the Council as to whether or not there is danger to the water supply. He stated that he has been researching the history of the MUA. He asked for Council consensus to secure the services of a qualified engineer to provide input. These problems are real and need to be addressed. There is also a political aspect. He wants to put this in context. In April 2007 the Mayor was running for office with Messrs. Warden & Nolan. Councilman Jurkovic was elected in 2008 and took his seat in 2009. There was an article on July 13, 2007 about heated disagreements on MUA issues written by Terry McGann. He quoted from that article. On June 29, 2007 there was another article and he read that article too. He stated that he is not dismissing the problems. However, changing people does not appear to be working and he wants professional advice as to how this can be done better. A band aid does not address the problems; we need to know what successful plants do. He took issue that the Mayor knew about violations before she took office as did her running mates. Everyone, he said, is aware of problems at the MUA and yet he has only seen it on the agenda once. He accused Mayor Bieri of politicizing this issue six months before the election. When the DEP letter came in, he said, it had never gone to the MUA. The Mayor did not bring it to Council for discussion. She sent a letter to Governor Christie accusing illegalities. He asked Mr. Semrau for an update on the investigation requested by the Council. Mr. Semrau stated that he is working on this. He stated that he will complete his task, distribute the report to Council and take the information to the prosecutor's office as instructed. Councilman Jurkovic asked for Council consensus for Messrs. Cuva and Mullhall and he asked Mr. Boyle to ask the MUA to pay for Mr. Cuva to attend the Council meeting.

Robert Nolan sought to be heard as a point of order. Mr. Semrau advised it best to handle that after Council comments.

Councilman Rosone stated that he is new to the dais and he is getting disheartened about accusations. Mr. Gargano accused the Council of hating residents. He does not hate anyone; that is ridiculous. He is upset about accusations from recent meetings. The Council is trying to do a job and were voted in for that purpose. He ran with the best intentions and is trying his best. Reaching across aisle works both ways.

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

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Politics is intelligent debate. There is no need to attack Council and their families. It is okay to disagree. There were concerns about how Luke Slott was treated and yet his daughter was laughed at tonight. That is ridiculous. We are supposed to do right thing. That is his intention. He will listen to everyone. To attack the Council and their families is not necessary. He asked for decorum.

Councilman Weisbecker asked Mr. Semrau to review a water ordinance as asked by Mr. Randazzo. Mr. Semrau advised that the whole process will be reviewed by the Planning Board and he asked that comments be brought to the Planning Board. That will indicate whether or not the ordinance needs change. Councilman Weisbecker stated that the issue with the bridge to Storms Island has been ongoing for many years. He recalled some of the history. He asked Mr. Boyle and Mr. Semrau to review the potential of installing a permanent bridge by virtue of an assessment program.

Council President Smolinski thanked everyone for being respectful. The majority are very respectful. He urged everyone to know that the Council is addressing the MUA issue. He urged people not to get wrapped up in the politics of it. The Council is thick skinned and are addressing the issue. He asked people not to leave but to hear the Council's solutions which may be better than that being proposed. There was an issue in Upper Greenwood Lake about a traffic light. Everyone was getting misinformation. The Council held a meeting in their back yard and as a result there was a better understanding after that. The rumors were proven untrue. As far as Village on Ridge there are ten homeowners with concerns. He asked the Administrator to go to them with the engineer and Mr. Lefkowitz. Smolinski stated that our form of government requires that the Council make appointments to the MUA. There have been times that former Councilman Bob Nolan made appointments and approved appointments. That is how it works. It is not a party issue; it is a Council issue. He thanked Mr. Boyle for looking into Bubbling Springs. He accused Doris Aaronson of coming to the podium several times and attacked Councilman Weisbecker about comments to a high school student. He respects that student. Tonight we witnessed Miss Rosone take courage to come to the dais. He addressed Ms. Aaronson by name saying that he doesn't want to hear from her again. He accused Ms. Aaronson for laughing at that young lady which was very disrespectful. That was way out of line. He apologized for that happening to Miss Rosone. He said that heard the viciousness of Mr. Warden and said we should put that behind us. When Mayor Bieri took office she said that she wants to reach across the aisle. He does not want an aisle. The concerns about the MUA are valid. He is an MUA user. He received his annual report for Olde Milford; it is a good report and he is glad to receive it. The report comes out once per year. His only comment is that he would like to see these reports more frequently perhaps even once a quarter.

Mayor Bieri stated that several Village on Ridge residents had questions and she asked if they should contact the Administrator or the Township Attorney in this regard. Mr. Semrau stated that the Village on Ridge developer is asking for Council consensus for a water system. It has been on the agenda twice for Council discussion. They need consent from the Council to go to the DEP. The Council had concerns about the existing ten homes because there was language in the ordinance that affected the ten residents. That was a draft ordinance and no decision has been made. He has Mr. Trout's information and Mr. Trout will provide contact information for other residents. Now is the time for those residents to provide information to the Council. Now is time to address those concerns. He and Mr. Boyle will coordinate an information channel; he will reach out to Mr. Boswell and will get information back to Governing body and he will get contact information for all ten residents. Mayor Bieri said that she sits on the Planning Board and voted against that application. Mr. Semrau stated that now is the time to bring all queries to the developer. Mayor Bieri stated that she has received a number of complaints from residents in that area. It is a shame what they have had to endure. Mayor Bieri stated that it was noted during public comments that there are two persons who applied for vacancies to the Health Board. The Council makes those appointments and she has brought the matter to their attention. An existing health board member sent a communiqué asking for Doris Aaronson to be appointed and Mayor Bieri quoted from the letter. In the interim the Council had asked for evening meetings to generate interest despite the existing requests and despite the fact that the health officer advised that the board has requested to meet during the day. She asked about cost because there are staff members on that committee. As elected officials we are held to a higher standard. The public is entitled to express opinions and get heated. The Council, as elected officials, should not reciprocate in kind. She reviewed many of the issues associated with the MUA stating that this is an ongoing issue. Based on the historical data presented by Jurkovic it would appear that it is getting worse. She listed increases in violations.

Mr. Semrau addressed the point of order from Mr. Nolan. Mr. Nolan stated that he wants to address comments made by Council members Jurkovic and Smolinski with misinformation about him. He wants to clarify the record. The Council gave unanimous consensus to have Mr. Nolan heard.

Robert Nolan, 1 Winding Way, West Milford stated that he was at a recent MUA meeting where he learned that the MUA did have the DEP letter. Their main concern was focused on correcting the address with the DEP rather than the violations noted in the letter. Mr. Warden requested point of order to answer Councilman Jurkovic's question about water tests. The Council gave unanimous consensus to have Mr. Warden heard.

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

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James Warden, 199 Highcrest Drive, West Milford noted that Councilman Jurkovic brought up questions in his Council comments. Mr. Warden recalled that he did serve on Council from 2005-2007. No one worked harder than he and then-Councilman Gervens to clean up Greenwood Lake. That was precipitated by the water test that Councilman Jurkovic referred to. He and Doris Aaronson took those tests. The tests came back as mentioned in the article. Those tests were dismissed and he was accused of urinating in the tests. The Council appointed him and then-Councilman Scangarello to take new tests. Mr. Scangarello never showed up.

Mr. Gargano asked for a point of order to address Councilman Rosone's concerns. The Council gave unanimous consensus to hear Mr. Gargano

Andrew Gargano, 45 Apshawa Crossroads, West Milford stated that he recklessly used the word hate earlier because he was unprepared. He apologized saying it was inappropriate.

Agenda No. VII

**New Business, Introduction of Ordinances, Resolutions**

Mayor Bieri asked to move Agenda items 1-10 as one.  
Motion to move Agenda Resolution items 1-10.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 1

**~ Resolution No. 2011-244 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF THE 2011 THIRD QUARTER TAX DUE DATE**

**WHEREAS**, the 2011 tax rate has been certified to the Collector of Taxes late, and,

**WHEREAS**, the Collector of Taxes recommends the extension of the due date of the 2011 third quarter to be twenty five days from the date of mailing, 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 2011 third quarter due date to be twenty-five days from the date of mailing.

Adopted: July 20, 2011

Agenda No. VII 2

**~ Resolution No. 2011-245 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILORD AND JERSEY OFF ROAD BICYCLE ASSOCIATION ("JORBA")**

**WHEREAS**, the Township of West Milford desires to enhance its recreational opportunities to provide for an activity bicycle pump track; and

**WHEREAS**, the Director of Community Services & Recreation has suggested that the Farrell Field site is the most efficient and suitable location for such a facility; and

**WHEREAS**, JORBA, a non-profit organization has proposed to construct, maintain and oversee such activity bicycle pump track at no cost to the Township; and

**WHEREAS**, the Administration has negotiated a Lease Agreement for the use of such facility for Township residents and members of the public; and

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

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**WHEREAS**, the said property has been funded by the New Jersey Department of Environmental Protection Green Acres and accordingly requires the submission of the proposed to the NJDEP for approval forty-five days before said Lease Agreement is executed; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby authorizes the Mayor to execute a Lease Agreement between the Township of West Milford and the Jersey Off Road Bicycle Association for a term of thirty-six (36) months.

**BE IT FURTHER RESOLVED** that the Lease Agreement shall be at no cost to the Township of West Milford.

**BE IT FURTHER RESOLVED** that while the construction, maintenance and upkeep of the facility shall be JORBA's responsibility, the Township of West Milford shall have the right to inspect the facility at any time as well as the right to promulgate rules and regulations for the use of the facility.

**BE IT FURTHER RESOLVED** that the Lease Agreement is subject to the approval of the New Jersey Department of Environmental Protection Green Acres pursuant to N.J.A.C. 7:36-25.13.

**BE IT FURTHER RESOLVED** that the Township Attorney is authorized to submit the Lease Agreement to the NJDEP Green Acres for consideration and approval.

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby approve any modifications herein that are consistent with NJDEP Green Acres guidelines.

Adopted: July 20, 2011

Agenda No. VII 3

~ Resolution No. 2011-246 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE ACCEPTANCE OF CDBG FUNDING**

**WHEREAS**, the Passaic County Board of Chosen Freeholders have passed a resolution reprogramming some \$100,000 of CDBG funds; and

**WHEREAS**, this reprogramming of funds has provided for additional CDBG projects within Passaic County; and

**WHEREAS**, the Township of West Milford requests County consideration for this funding given our ability to undertake a paving and milling project on 10 roads in Upper Greenwood Lake at an estimated cost of \$167,000; and

**WHEREAS**, this project is within the defined low and moderate income area as required by the CDBG program; and

**WHEREAS**, once approved this project will be completed by the October 2011 deadline.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that it respectfully requests \$100,000 in reprogrammed CDBG funding to improve the roadways in Upper Greenwood Lake and greatly appreciates Freeholder Board's consideration.

**BE IT FURTHER RESOLVED** by the Township Council of the Township of West Milford that the Township will fund the remaining \$67,000 through its 2011 capital account.

Adopted: July 20, 2011

Agenda No. VII 4

~ Resolution No. 2011- 247~

**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 ENVIROTACTICS, INC. FOR THE PERFORMANCE OF A LIMITED SOILS INVESTIGATION ASSOCIATED WITH BLOCK 6401, LOT 6 IN AN AMOUNT NOT TO EXCEED \$3,300.00**

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

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**WHEREAS**, there exists a need for professional services to be rendered in the performance of a Limited Soils Investigation to the Township of West Milford associated with the Wallisch property identified as Block 6401, Lot 6; and

**WHEREAS**, the Township wishes to retain Envirotactics, Inc. to provide such professional services regarding the above referenced property and in accordance with its proposal for such services dated June 3, 2011, which has been placed on file with the Office of the Township Clerk; and

**WHEREAS**, the total amount of the contract shall not exceed \$3,300.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number 1-01-20-100-450; 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 Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc. with offices located at 1625 Highway 71, Wall, New Jersey, 07719 to provide professional services regarding the performance of a Limited Soils Investigation associated with the property identified as Block 6401, Lot 6 in an amount not to exceed \$3,300.00 and in accordance with its proposal dated June 3, 2011.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$3,300.00 without the prior written approval of the Township Council.
4. Envirotactics, Inc. must complete the work set forth under its proposal within forty (40) calendar days from the time the professional services agreement is executed by both parties.
5. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: July 20, 2011

Agenda No. VII 5

~ Resolution No. 2011- 248 ~

**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, and

**WHEREAS**, the Township of West Milford wishes to amend its 2011 Budget to include an amount as revenue.

**NOW THEREFORE, BE IT RESOLVED** that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2011 in the sum of \$50,000.00 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent                      \$50,000.00  
of the Director of Local Government Services:  
    Public and Private Revenues Off-Set with Appropriations:  
        State of New Jersey Highlands Plan Conformance Grant

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

General Appropriations  
(A) Operations – Excluded from CAPS

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

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Public and Private Programs Offset by Revenue  
Highlands Plan Conformance Grant \$50,000.00

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

Adopted: July 20, 2011

Agenda No. VII 6

**~ Resolution No. 2011- 249 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2011 CONTRACT WITH HAWKINS, DELAFIELD & WOODS FOR BOND COUNSEL SERVICES TO ALLOW FOR A PAYMENT OF \$3,300 IN EXCESS OF THE PRE-APPROVED NOT TO EXCEED AMOUNT**

**WHEREAS**, by virtue of Resolution 2011-040 adopted on January 5, 2011 the Township Council did authorize the engagement of bond counsel services to be provided by Hawkins, Delafield & Woods; and

**WHEREAS**, resolution 2011-040 and the related contract did authorize services in an amount not to exceed \$7,500; and

**WHEREAS**, the Township Administrator has advised that the Township's needs, related to this contract, caused the provider to exceed the authorized contractual amount by \$3,300; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from various section 20 costs.

**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 payment of \$3,300 to Hawkins, Delafield & Woods for bond counsel services provided in the 2011 calendar year which amount is in excess of the initially approved contract amount of \$7,500 bringing the contract total to \$10,800.

This Resolution shall take effect immediately.

Adopted: July 20, 2011

Agenda No. VII 7

**~ Resolution No. 2011- 250 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER FOR DR MULLEN CONSTRUCTION FOR THE STORMWATER BMP RETROFIT INSTALLATION PROJECT**

**WHEREAS**, Jacob Helminiak, P.E. CFM of Princeton Hydro, LLC has recommended approval of a change order to the D R Mullen Construction Co. for certain changes in specifications of the Stormwater BMP Retrofit Installations in the amount of \$21,368.65 and,

**WHEREAS**, the increased cost recommended in the approval of the change order is \$21,368.65 which amount represents an updated contract amount of \$186,529.01; and,

**WHEREAS**, the change was recommended due to the need to add additional stone, additional items for the relocation of one device on Greenwood Lake Turnpike, and the addition of one Officer for Police Protection; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from G-02-41-755-755.

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

1. The Administrator be and is hereby authorized and directed to execute a change order to the contract with DR Mullen Construction Co. in an amount not to exceed \$21,368.65 representing an increase to the original contract amount of \$186,529.01 and establishing a new not to exceed amount of \$207,897.66.
2. The Township's Chief Financial Officer has certified the availability of funds for same.

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

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3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 20, 2011

Agenda No. VII 8

~ Resolution No. 2011- 251 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE ORDER FOR THE WEST MILFORD POLICE DEPARTMENT (CONTRACT #C0964)**

**WHEREAS**, Captain Andrew Russo (ret) had recommended approval of a change order to the West Milford Police Department Contract #C0964, previously awarded to Mark Construction, Inc. in the amount of \$83,000.00 and,

**WHEREAS**, the increased cost recommended in the approval of the change order is \$2,495.71 which amount represents an updated contract amount of \$85,495.71; and,

**WHEREAS**, the change was recommended due to the need to install door hardware and electrical ballasts; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this change order, said funds to be paid from Contract #C0964, in the Township budget.

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

1. The Administrator be and is hereby authorized and directed to execute a contract amendment with Mark Construction, Inc. in an amount not to exceed \$2,495.71 representing an increase to the original contract amount of \$83,000 and establishing a new not to exceed amount of \$85,495.71.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 20, 2011

Agenda No. VII 9

~ Resolution No. 2011- 252 ~

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

**WHEREAS**, an appeal of the 2010 real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

| PROPERTY OWNER | BLOCK | LOT   |
|----------------|-------|-------|
| Charles Aikey  | 9501  | 19.03 |
| Charles Aikey  | 9501  | 19.06 |

and

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

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

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

| PROPERTY OWNER | YEAR | ORIGINAL ASSESSMENT | PROPOSED SETTLEMENT |
|----------------|------|---------------------|---------------------|
| Charles Aikey  | 2010 | \$68,700.           | \$6,900.            |
| Charles Aikey  | 2010 | \$69,900.           | \$7,000.            |

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

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2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.
4. This Resolution shall take effect immediately.

Adopted: July 20, 2011

Agenda No. VII 10

**~ Resolution No. 2011- 253 ~**

**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**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of Timothy and Lisa Curran to acquire by assignment the following tax lien certificate, held by the Township of West Milford:

| <b>LIEN CERTIFICATE NO.</b> | <b>SALE DATE</b> | <b>BLOCK/LOT</b> | <b>AMOUNT DUE ON CERTIFICATE</b> |
|-----------------------------|------------------|------------------|----------------------------------|
| 08-088                      | 4-08-08          | 1805-002         | \$3,508.68                       |

**WHEREAS**, the said Timothy and Lisa Curran has paid to the Collector of Taxes the sum of \$3,508.68 representing the amount due on said Certificate, together with subsequent liens thereon.

**BE IT RESOLVED** that August 17, 2011, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offer of Timothy and Lisa Curran.

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

Adopted: July 20, 2011

Agenda No. VII 11

**~ Resolution No. 2011- 254 ~**

Mayor Bieri asked to move Agenda items 11, 12, and 13 as one.  
Motion to move Agenda Resolution items 11, 12, and 13.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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**~ Resolution 2011 - 254 ~**

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

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2011 – 2012 License year have been received and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).

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**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 with conditions as noted below.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

| LICENSE/LICENSEE/T/A   | CONDITIONS  |
|--|---|
| <b>OLD SCHOOL PUB LLC</b><br>t/a Pickles Pub<br>551 Warwick Turnpike<br>Hewitt, NJ 07421<br>1615-33-004-007                            | 1. Premises outlined on the drawing submitted at transfer of license, which excludes the use of the basement as a storage area for alcoholic beverages be continued.<br>2. Occupancy loads must be adhered to.<br>3. Exits are not to be blocked.   |
| <b>MILFORD STEAKHOUSE INC.</b><br>t/a Hudsons<br>George Chrzanowski<br>38 Cherry Tree Terrace<br>Kinnelon, NJ 07405<br>1615-33-016-005 | 1. Any room layout changes must be reported to the Fire Prevention Bureau.<br>2. Posted occupant loads must be strictly adhered to.<br>3. Pool table and/or amusement game licenses must be applied for and received.   |
| <b>BEARFORT PLAZA INC.</b><br>t/a Valley View Pub<br>1612 Union Valley Road<br>West Milford, NJ 07480<br>1615-33-007-003               | 1. The room in the basement to be used for storage only.<br>2. No alcoholic beverages shall be located behind the dry bar in the basement room.<br>3. Tables and chairs shall not be set up in the basement room.<br>4. No open alcohol containers permitted in downstairs hall.<br>5. All fire code violations must be abated in a time frame specified by the Fire Marshall.<br>6. Occupant loads must be adhered to. |

Adopted: July 20, 2011

Agenda No. VII 12

~ Resolution No. 2011- 255 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-015-009 ANGELO JULIANO FOR THE 2011-2012 LICENSE YEAR**

**WHEREAS**, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-015-009, having no sited premise, held by Angelo Juliano; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant 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 investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).
4. Licensee has received a Special Ruling from the Office of the Attorney General for the 2011-2012 and 2012-2013 license years.

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the license be renewed as a "Pocket" license with the following conditions:

1. Licensee must file a Place-to-Place Transfer of License.
2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshall and Health Department before opening.
3. Food Handlers License must be current before issuance of License Certificate.
4. Certificate of Occupancy must be issued prior to opening.
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 receive current license certificate.

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the renewal and hold the license certificate until activated per conditions referenced above.

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

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Adopted: July 20, 2011

Agenda No. VII 13

~ Resolution No. 2011- 256 ~

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

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2011- 2012 License year have been received and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).

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

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

|  |   |
|--|---|
| <b>574 MACOPIN INC.</b><br>S & S Liquors<br>574 Macopin Road<br>West Milford, NJ 07480<br>1615-33-009-004  | <b>JESSIE'S COUNTRY KETTLE INC.</b><br>t/a Jessie's Country Kettle<br>1603 Greenwood Lake Turnpike<br>Hewitt, NJ 07421<br>1615-33-013-008 |
| <b>2 MOMENTO 2, INC.</b><br>Momento Restaurant<br>374 Morsetown Road<br>West Milford, NJ 07480<br>1615-33-012-005  | <b>MERSIMI &amp; MAHMUDI, INC.</b><br><b>t/a Cafe Amore</b><br>P.O. Box 1093<br>Hewitt, NJ 07421<br>1615-33-032-009                       |
| <b>PETER W. ANOLL</b><br>T/A Lakeside Inn<br>322 Lakeside Road<br>Hewitt, NJ 074221<br>1615-33-011-003   | <b>NTI LLC</b><br>Red Oak Pancake House<br>47 Olcott Road<br>Hewitt, NJ 07421<br>1615-33-024-012  |
| <b>JAMES ANTHONY DELI RESTAURANT, INC.</b><br>t/a Greenwood Lake Discount Liquors<br>2019 A Greenwood Lake Turnpike<br>Hewitt, NJ 07421<br>1615-33-021-004 |   |

Adopted: July 20, 2011

Agenda No. VII 14

~ Resolution No. 2011- 265 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY URGING THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY TO ADDRESS THE IMMEDIATE PUBLIC HEALTH CONCERNS IDENTIFIED BY THE NJDEP IN CONNECTION WITH THE MUNICIPAL UTILITIES AUTHORITY**

**TABLED TO AUGUST 3, 2011 WORKSHOP MEETING**

Motion to Table Resolution to Workshop Meeting of August 3, 2011.

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Moved: Weisbecker Seconded: Jurkovic  
Voted Aye: Weisbecker, Rosone, Signorino, Jurkovic.  
Voted Nay: Smolinski.  
Motion carried.  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**Consent Agenda**

Agenda No. VIII

~ Resolution No. 2011- 257 ~

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

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

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

**Resolutions:**

- a. **2011-258** – Refund Other Liens
- b. **2011-259** – Refund Police Department Fees
- c. **2011-260** – Refund Overpayments
- d. **2011-261** – Refund Recreation Fees
- e. **2011-262** – Refund Recreation Fees
- f. **2011-263** – Reinstate Taxes

**Applications:**

- a. **Application** for Off Premise Draw Raffle License No. RL2011-25 by the West Milford Elks Ladies Association for December 10, 2011.
- b. **Application** for Off Premise 50/50 Raffle License No. RL2011-26 by the West Milford Rotary for October 8, 2011.
- c. **Application** for Social Affair Permit by Holy Institution Panagia Soumela, Inc. for August 20, 2011 and August 21, 2011.
- d. **Application** for Limo Driver License No. 2011 - 6 by Michele Townsend.

Adopted: July 20, 2011

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Moved: Weisbecker Seconded: Jurkovic  
Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2011- 258 ~

**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:

| <b>Certificate No</b> | <b>Certificate Date</b> | <b>Block/Lot/Qual</b> | <b>Reimbursement Amt</b> | <b>Pay to the Lien Holder</b>  |
|-----------------------|-------------------------|-----------------------|--------------------------|--|
| 10-068                | 03/23/2010              | 06604-010             | \$8,967.92               | PAM INVESTORS C.O PA<br>C/O PATRICK CARABELLESE<br>127 SOUTH WASHINGTON AVE<br>BERGENFIELD, NJ 07621 |
| 11-007                | 04/19/2011              | 01611-022             | \$18,768.35              | LIEN TIMES LLC<br>203 STEPHENS ROAD<br>WEST MILFORD, NJ 07480  |
| 11-008                | 04/19/2011              | 01612-005             | \$18,343.37              | US BANK CUST FOR TOWER DBW<br>50 SOUTH 16 <sup>TH</sup> ST<br>STE 1950-TOW<br>PHILADELPHIA, PA 19120 |

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

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|        |            |           |                     |   |
|--------|------------|-----------|---------------------|---|
| 11-031 | 04/19/2011 | 02507-010 | \$16,850.43         | LIEN TIMES LLC<br>203 STEPHENS ROAD<br>WEST MILFORD, NJ 07480   |
| 11-061 | 04/19/2011 | 06712-005 | \$8,316.02          | US BANK CUST FOR TOWER DBW<br>50 SOUTH 16 <sup>TH</sup> ST.<br>STE 1950-TOW<br>PHILADELPHIA, PA 19120               |
| 11-071 | 04/19/2011 | 07702-006 | \$9,952.95          | LEAN MAN RETIREMENT PLAN<br>C/O ALEX GARCIA; TTEE<br>103 FINCH ROAD<br>RINGWOOD, NJ 07456                           |
| 11-084 | 04/19/2011 | 09409-005 | \$55,146.16         | US BANK CUST FOR TOWER DBW<br>50 SOUTH 16 <sup>TH</sup> ST.<br>STE 1950-TOW<br>PHILADELPHIA, PA 19120               |
| 11-104 | 04/19/2011 | 12203-014 | \$4,249.50          | US BANK CUST FOR PRO CAPITAL I LLC<br>US BANK TLSG<br>50 S. 16 <sup>TH</sup> ST. STE 1950<br>PHILADELPHIA, PA 19102 |
| Total  |            |           | <b>\$140,594.70</b> |   |

Adopted: July 20, 2011

Agenda No. VIII b

**~ Resolution No. 2011- 259 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT 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 fees held in Police Trust Accounts be refunded:

| <u>Name &amp; Address</u>   | <u>Trust Account No.</u> | <u>Amount Refunded</u> |
|---|--------------------------|------------------------|
| Upper Greenwood Lake Property<br>Owners Association<br>P.O. Box 457<br>Hewitt, NJ 07421 | T-15-56-240-002          | \$568.05               |

Adopted: July 20, 2011

Agenda No. VIII c

**~ Resolution No. 2011- 260 ~**

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

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

**WHEREAS**, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

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

**REASONS:**

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

| <b>Block/Lot</b> | <b>Name</b>  | <b>Amount</b>      | <b>Year</b> | <b>Reason</b> |
|------------------|--|--------------------|-------------|---------------|
| 4107-4           | CoreLogic for HSBC-1 <sup>st</sup> Mortgage<br>1 CoreLogic Drive<br>Roanoke, Texas 76262 | \$28,551.66        | 2011        | 1             |
| <b>TOTAL</b>     |  | <b>\$28,551.66</b> |             |               |

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

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Adopted: July 20, 2011

Agenda No. VIII d

~ Resolution No. 2011- 261 ~

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

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

| <b>PARTICIPANT</b>                                      | <b>AMOUNT</b> | <b>MADE PAYABLE TO</b>  |
|---|---------------|---|
| <i>Muppet Camp</i>                                      |               |   |
| Cameron   | \$105.00      | Patricia Horan<br>531 Morsetown Road<br>West Milford, NJ 07480              |
| <i>Preschool</i>  |               |   |
| Justin  | \$65.00       | Pamela Fenning<br>15 Allendale Road<br>Hewitt, NJ 07421                     |
| <i>Father's Day Workshop</i>                            |               |   |
| Veronica  | \$20.00       | Heather Moyer<br>59 Ridge Road<br>West Milford, NJ 07480                    |
| <i>Frog Night - instructor rescheduled class</i>        |               |   |
| Vitale Family   | \$18.00       | Kiawa Vitale<br>64 Banker Road<br>Hewitt, NJ 07421                          |
| <i>Summer Arts – schedule conflict</i>                  |               |   |
| Megan Fantuzzi  | \$200.00      | Rose Fantuzzi<br>12 Renault Rd.<br>West Milford, NJ 07480                   |
| <i>Refund: Day Camp – head injury</i>                   |               |   |
| Kate  | \$255.00      | Jill Krogen<br>9 Crawford St.<br>West Milford, NJ 07480                     |
| <i>Refund: Lacrosse Camp – medical</i>                  |               |   |
| Eric  | \$160.00      | Lois Rudden<br>1179 Union Valley Rd.,<br>Apt. C-1<br>West Milford, NJ 07480 |
| <i>Refund: Bubbling Springs Lake - family relocated</i> |               |   |
| Fulton Family   | \$205.00      | Kim Fulton<br>4 Cherbourg Dr.<br>West Milford, NJ 07480                     |

Adopted: July 20, 2011

Agenda No. VIII e

~ Resolution No. 2011- 262 ~

**NUMBER NOT USED**

Agenda No. VIII f

~ Resolution No. 2011- 263 ~

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

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

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

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

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**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 |
|--------------|--|-------------------|------|
| 13203-2      | Macopin Associates for Anne & Maurice Heck | \$4,704.97        | 2011 |
| 3610-16      | Patricia Clune                             | \$300.00          | 2011 |
| <b>TOTAL</b> |  | <b>\$5,004.97</b> |      |

Adopted: July 20, 2011

Agenda No. IX

**Approval of Expenditures**

~ Resolution No. 2011- 264 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

| Acct #                    | Account Name                | Amount              |
|---------------------------|-----------------------------|---------------------|
| 1                         | Current Account. . . . .    | \$242,254.83        |
| 2                         | Reserve Account . . . . .   | 0.00                |
| 3                         | Animal Control Trust        | 283.00              |
| 6                         | Capital. . . . .            | 6,094.00            |
| 7                         | Grants. . . . .             | 2,325.00            |
| 8                         | Refuse. . . . .             | 0.00                |
| 9                         | Refunds. . . . .            | 170,174.36          |
| 12                        | General Ledger. . . . .     | 0.00                |
| 16                        | Heritage Trust. . . . .     | 0.00                |
| 14                        | Open Space Trust            | 2,875.00            |
| 17                        | Trust . . . . .             | 300.00              |
| 18                        | Development Escrow. . . . . | 636.00              |
| 19                        | LOSAP                       | 0.00                |
| 20                        | Special Reserve             | 834.20              |
| Total                     |                             | \$424,942.19        |
| Less Refund Resolution    |                             | -170,174.36         |
| <b>Actual Bill List</b>   |                             | <b>\$254,767.83</b> |
| Other Payments            |                             |                     |
| <b>Total Expenditures</b> |                             | <b>\$254,767.83</b> |

Adopted: July 20, 2011

Moved: Weisbecker Seconded: Signorino  
 Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
 Abstain: Jurkovic abstain on Glatt only.  
 Voted Nay: None.  
 Motion carried.

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 Agenda No. X

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

Council President Smolinski asked what is being done with the world trade center steel. Mr. Boyle advised that he met with the fire commissioner and fire department. They are moving forward with installing this at the existing memorial site. There will be donations for services to do the installation. Council President Smolinski stated that he received a call from St. Joe's about a possible conflict with the time of the ceremonies. Mr. Boyle advised that the conflicts have been addressed and the Township's

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

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ceremony is at 11:30 that morning. Mayor Bieri advised that there was a lot of coordination to avoid many conflicts. She thanked Ron Sverchek for getting the steel.

Councilman Rosone asked Mr. Boyle for an update on the coffee house construction and the COPS grant. Mr. Boyle advised that the grant application has been filed and we reached out to Senator Lautenberg asking him to support our application. The Township received notification that the COPS grant program is being ended. Work at the coffee house is moving forward and he will provide an update. Councilman Rosone stated that he has been advised that there are increased incidents of illegal dumping. He asked Administrator Boyle to discuss this with Dave Stires and the Chief of Police. Asked that police be more diligent in routine patrols on recycling pickup days.

Councilman Signorino stated that the museum needs volunteers with help with gardening and upkeep around the building. Interested persons can each out to him or Tonya Cubby. They would also like to have someone speak at museum during ALF to share historical stories.

Councilman Jurkovic stated that there was a copy of Fred's letter to Brian Giblin n Council packets. He asked that Mr. Semrau copy Mr. Giblin on the information he accumulated with regard to police contracts.

Councilman Weisbecker noted that there were statements made about an employee at the June 15<sup>th</sup> meeting during the public portion. It was said that medical waste was found in trash on Macopin Road. The health department received a call about this matter at 12:35 p.m. and completed their inspection by 2:34 p.m. All they found was latex gloves in trash. He took issue with the resident who misrepresented the facts and noted that Messrs. Wallace & Stires did perform satisfactorily.

Mayor Bieri stated that many allegations were made about the recycling coordinator tagging garbage. She advised that eighty bags of trash found to have recycling material. The garbage was picked up and the recycling was recycled. Questions can be directed to the recycling coordinator and staff in DPW. Since we contracted out for recycling she has received positive feedback from residents. The only complaints are about traffic getting to the recycling facility. She recalled that there would be a separate entrance for commercial vehicles. Mr. Boyle advised that will be part of the site plan approval process when the property owner gets to the planning board. Mayor Bieri advised that there is a separate area in recycling for aluminum and noted that we get a lot more money for aluminum. There are currently heat warnings in effect. She asked people to check on neighbors, and be aware of steps to take to prevent heat related incidents. Thanked the police department for their continued focus on drug issues. During the last week in June, 61 more bags of heroin were removed from the streets. Thanked the health officer for pursuing an interlocal with Boonton. She stated that she did not attend the labor counsel interviews but instead of the first meeting she did go to the MUA meeting. As relayed at the last meeting, there were scheduling conflicts impeding here ability to participate in labor counsel interviews. She provided details of those conflicts.

Administrator Boyle stated that he is working on the placement of the 9/11 steel in time for the tenth anniversary. Tax maps have been approved by the state after a lot of work. We are nearing scheduling the closing for the acquisition of Apple Valley. He and the health officer worked on a proposal for health services with Boonton. Next Thursday the FAC will meet with the library board and Township engineer, Paul Ferriero, to discuss development of the site and Highlands Council approvals. PSE&G will be in town trimming trees from September to early 2012. This is a DEP requirement. He stated that he met with County officials and Council members Ramaglia and Signornio about speeding issues on Union Valley road. He will provide an update to Council. He stated that his staff is working on the best practice inventory and it will be filed on time. He stated there will be revaluation meeting at town hall on August 15<sup>th</sup>. He gave updates on capital projects.

Mr. Semrau recalled that in March the Council approved a resolution for Judge Escala to serve as mediator in the Costello matter. Mediation did not result in an agreement and Judge Escala called and sent a follow up letter that despite time the spent he will not charge the Township. He advised that he will speak with Paul Ferriero about the Upper Greenwood Lake litigation to determine what experts are needed. Paul has agreed to assist in this defense and he will make a recommendation for an engineering expert to address allegations about the impact on the water.

Agenda No. XI

**Appointments and Resignations**

None.

Agenda No. XII

**Executive Session**

None.

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

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Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:09:09 pm.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Approved: November 9, 2011

\_\_\_\_\_  
MAYOR BETTINA BIERI  
PRESIDING OFFICER

\_\_\_\_\_  
ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK