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

Minutes of: Township Council Regular  
Date of Meeting: August 15, 2012  
Time of Meeting: 6:30 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 Workshop meeting was advertised in the Herald News in its issue of January 21, 2012 with an update for the change of time on July 29, 2012; copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Carlla Horton, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Jane Coviello, Township Attorney Frederick Semrau.

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

None.

Agenda No. II

**Executive Session**

~ Resolution No. 2012- 273 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 15<sup>th</sup> day of August, 2012 that:

- I. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - o Contract – Recycling Property
    - o Contract – Interlocal – Health Officer
    - o Attorney Client Privilege – Tax Appeals
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.

- II. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

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

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The Council went into executive session at 6:35 and returned to the public meeting at 8:00 with all present as before.

Agenda No. III

**Presentations**

Eagle Scout Johannes Willem deWaal IX joined Mayor Bieri at the podium. Mayor Bieri noted that she attended Hans' formal court of honor which was quite an event. The Council likes to invite the eagle scouts to these meetings to let us know about their projects. West Milford is blessed with the number of Eagle Scouts and we are very proud. Mayor Bieri recognized Hans' parents and his sister. Hans said he started with cub scouts in kindergarten. He then went to boy scouts and enjoyed the camping. He and four friends from cubs are still in scouting. His project was to put up directional signs to the library, install benches and mulch flowerbeds. The Mayor thanked him and noted these projects take time, effort and dedication. There is an approval process. She noted that Hans' dad is also a scoutmaster. His family came forward. Hans introduced his family and thanked them especially his Dad.

Wallisch Property - Steve Boschart Chairman of the Historic Preservation Council (HPC) addressed the Council. He stated that the Wallisch property has been jointly owned by the BOE & Township for about ten years. It was designated locally as historic and the condition has been deteriorating. The HPC and construction official assessed these properties a few years ago. There are issues with the roof. The Council got estimates for roofs which is primary to stabilize the buildings. Kerry O'Brien, an HPC member will seek grants for restoration initiatives. The first grant phase will be to fund a site assessment report so that we can later apply for bricks & mortar grants. The HPC would like the buildings stabilized immediately. For a \$20,000 grant the HPC would need a \$5,000 match from the Township. It would fund a consultant to assess the buildings. The worst thing for a building is for it to sit around unused. The Wallisch family would have wanted the buildings to be used and one suggested use would be a visitor center.

Council President Signorino asked if by applying for this grant would the Township then be beholden to the use specified in the grant. Mr. Boschart said that they would propose to review the potential uses with the consultant to minimize any negative effect. Tim Ligus, the Construction Official, stated that a report was prepared in 2011 which was a combination of an HPC and FAC assessment. There were estimates of items that would have to be addressed. That was from roof replacement which is most important to structural corrections in the barn. Mr. Boschart said Wallisch is one of the greatest treasures in West Milford. There are a number of potential uses. He discussed some of the components of the grant and the potential for future grants. Councilman Ramaglia suggested that the initial grant would provide the baseline for future grants and uses and Mr. Boschart agreed adding that the first thing is to stabilize the asset and from there determine a number of future grant applications for bricks & mortar grants. He said that the only historic impact is that we maintain in general the character of the buildings. Mayor Bieri said the HPC would only be looking at funding of \$5,000 from the municipality.

Mr. Ligus said that the Highlands Act will impact uses, parking, septic and wells. The power source will also be an issue. Councilman Ramaglia noted that one must do the baseline first before you can address any of those issues. Mayor Bieri agreed noting that the results of the assessment would give guidance for potential future uses. Mr. Boschart stated that they hope to address the property in its entirety, not just one building thereon.

Council President Signorino asked why there is still water in the basement at the Wallisch property. Mr. Boschart said it needs a sump pump, a backup and power. Council President Signorino expressed concern that this is undermining the structure. Mr. Ligus cautioned against pumping it out because drying it out will require immediate action to address the problems. Eventually it will have to be addressed. Mayor Bieri suggested that the roof issues should be the first order of business and Mr. Ligus agreed adding that there is hydraulic ground pressure too. The Council gave consensus to have a resolution authorizing the grant application at the next meeting.

AmpleHarvest.org - Gary Oppenheimer addressed the Council and played a recording of First Lady Michele Obama commending Ample Harvest for helping with donations to food pantries. He said the First Lady spoke this past Valentine's Day. There are now 5,376 pantries across all 50 states and *Ample*

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*Harvest* is working to increase that number. More than 20 million pounds of fresh produce got into pantries last year. That has been a growth and growing process. This is a program that started based on the premise of no food left behind. He explained the concept and said the model is being replicated globally. He listed a number of countries who have embraced the concept. He said his organization shares the information and each nation or group implements the program. He has been at the White House five times and he presented a gift for the Mayor, a napkin from the White House.

The first lady's initiative, *Let's Move*, is closely aligned with *Ample Harvest*. She has mentioned *Ample Harvest* in her recent book and *Ample Harvest* has been invited to become part of a think tank on food and nutrition issues. This, he said, all started in a community garden in West Milford. Now the organization is working with FEMA & the EPA. They want to use this concept as a tool in calamities and for it to be part of solutions to the crises. The House Hunger Caucus is working with him to do presentation to the House of Representatives to promote the idea for each of their home districts. Last November & December *Ample Harvest* & West Milford were stars of a PBS show *Growing a Greener World*. He will be speaking with the *Gallopig Gourmet* this week and will also be at a conference in Atlanta with one of the Kennedys.

Here in West Milford *Ample Harvest* is in full swing. Last Friday three cartons of food were distributed to local food pantries. Anyone who has excess farm goods can drop those off with him for distribution to food pantries. Local musicians wrote some beautiful music and it is downloadable with funds going to *Ample Harvest*. It is music about what kids feel about hunger and what people can do about it. This is his 3<sup>rd</sup> visit to the Council in three years and he hopes to keep coming back. Mayor Bieri asked him to give brief history of *Ample Harvest* which he did.

Agenda No. IV

**Proclamations**

None.

Agenda No. V

**Unfinished Business Final Passage of Ordinances**

Agenda No. V 1

~ Ordinance No. 2012- 015 ~

**BOND ORDINANCE APPROPRIATING \$1,565,000, AND AUTHORIZING THE ISSUANCE OF \$1,490,000 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 therefore and amounting in the aggregate to \$1,565,000 including the aggregate sum of \$75,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.
- Section 2 For the financing of said improvements or purposes and to meet the part of said \$1,565,000 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 \$1,490,000 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 \$1,490,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.
- 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

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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	APPROP. & ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) ambulance for use by the West Milford First Aid Squad, together with all equipment, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	\$235,000	\$223,500
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Apshawa Cross Road, a portion of Burnt Meadow Road, Robert Street, George Street, Albert Street, a portion of Warwick Turnpike, Greenbrook Drive, Macopin Terrace, Henderson Road and Wesley Drive (such roads to be selected pursuant to the Township's Road Rating List which is developed utilizing the Township's Pavement Management Program), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	1,100,000	1,047,600
c) Improvement of storm water drainage systems along Upper Greenwood Lake in and by the Township so as to control sediment flow, together with all landscaping, structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	50,000	47,600
(d) Improvement of the storm water drainage system in and by the Township, including the installation of new drainage facilities and the upgrade of existing drainage facilities, together with all structures, equipment, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	150,000	142,800
(e) Acquisition by purchase of new and additional equipment for use by the Upper Greenwood Lake First Aid Squad, including stretchers and other equipment, together with all, attachments and accessories necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved	<u>30,000</u>	<u>28,500</u>
Totals	<u>\$1,565,000</u>	<u>\$1,490,000</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 therefore, 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:

    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 12.38 years.

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- 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 \$1,490,000, 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 \$100,000 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: August 1, 2012  
ADOPTED: August 15, 2012  
EFFECTIVE DATE: September 5, 2012

This Ordinance was introduced on August 1, 2012 and the Notice of Public Hearing was published in the Herald News on August 5, 2012. The Council will open the meeting to the public to speak on this ordinance only.

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

Motion to adopt ordinance.

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

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Agenda No. VI

**Public Comments**

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

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John Richards, Post Place, Newfoundland said that he recently read article about the Township hiring a lobbyist to address issues with Newark watershed. He believes Council should vigorously pursue this. There is a lot of frustration across elected officials and residents and over the years there have been efforts to have Newark pay their fair share. Because it did not work in the past, he commends the Mayor & Council for not giving up and trying to find new means to get equitable solutions.

Dave Ofshinsky, 47 Morris Avenue, West Milford echoed those sentiments. As an MUA commissioner he would love to get a state contribution like Newark Watershed did. Nothing good comes out of that. He commends the Council's plans to engage a lobbyist adding that it is time to find solutions for West Milford's future.

Bob Nicholson, 20 Hyde Road, Stockholm agreed with Mr. Boshart about Wallisch. It would be a great cultural center. He hopes that some TGP money can be used for restoration. He has concerns about the boat races. The newspaper said it is a partnership with the West Milford fire department and he questioned which fire departments. It is not a Township event and we do not have authority to sublet. There is a fire convention in Wildwood that week and the news article said fire departments will be manning the gates. He asked who is responsible for that. He said the article talks about busing to Jungle Habitat and he said that no permits have been issued for Jungle Habitat or Brown's Point. He mentioned that there was talk of there being alcohol at the event despite the fact that the State does not allow alcohol on its property. He asked what is the recourse if fees are not paid. Will taxpayers fund the bill? He supports the event but there is a need for checks and balances. He said we must protect our town and have the bills paid.

Paris Dano, 108 Timber Lane, Newfoundland said the he has spoken about Newark Watershed and he supports the lobbyist. He distributed information to the Council. We have a governor taking authorities to task. We have republican councilmen and Republican state legislators. We have to educate our residents. We have to make this a proactive vigil. Newark Watershed Conservation Development Corporation is the company selling the water. They paid \$1.6 million in taxes this year will pay \$840,000 next year. It is a sin. It is fiscal rape. We have been taking this too long. The city of Newark whether they get water or not paid over \$10 million to fund the NWCDC. They have a commercial business that makes over \$105 million. Out of this watershed 80 million gallons of water a day is extracted. They lose 25% through theft and leaking pipes. The Executive Director, Corey Booker's campaign manager makes \$250,000. They are running chlorine there which could prove catastrophic. We can get legal advice. We lost a court case back in 1994. This is 2014 and we should get an attorney and get an opinion about pursuing this again through the legal system. Newark sold development rights to the state. We can contact state legislators. We can seek documents for charters and bylaws. We should scream and yell every time someone says the word watershed. We need press releases and must use whatever means possible to address this. Have the Governor look at them like he did PVSC.

Maryann Minikus, 87 Crest Lake Drive, Oak Ridge said there are fewer people here today to speak about the revaluation because they are disgusted and have given up. They don't know where to turn. Council continues to say there is nothing they can do. They have ideas and they want Council support. She had her commercial property appraised by a bank. ASI should be held accountable. She is pursuing this. Many business owners feel they are not getting help from Council.

Judy Zeigler, Towne Tavern, Macopin Road West Milford feels like Maryann as do other businesses and homeowners. She has heard a lot of complaints about taxes. Some feel like they are being raped. It was a surprise and a shock. She said that people bought in West Milford because they could afford it. Now things are bad. The economy is terrible. So many houses are up for sale. Businesses are trying to get out. She may be one of them. She cannot come up with \$15,000. It is a shock. Where is the money to come from? How can residents do it? You are affecting the whole town. The Mayor, she said, will lose clients. Everyone will lose out. If people move out businesses will fail. Those employees will suffer. Where is all this money going? She cannot see where it is going. What are they paying for? She has nothing left. She keeps hoping business will improve but it is not. Somebody must do something. Council has to go to Trenton and go after Newark. There is no growth here. People cannot afford taxes. She lost a potential sale because of taxes. Nobody will pay \$45,000 in taxes for her location. Other towns are giving incentives and comps for people from West Milford to go to their town. What is Council doing to get people to come here? Nothing is being done. Put your heads together. Come up with some form of relief. Get together with business owners and find solutions. Help your constituents. Help the businesses out. Start with Newark and go from there.

Thomas McCann, 50 Old Lakeside Road, West Milford echoed the sentiments of prior speakers. The town did not build these businesses. He did. This has to be the worst time to do a revaluation. It is driving businesses out of town. Commercial properties are empty. He said he listens to Council talking

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about building new buildings and acquiring more properties. What about the people who built this town? Meet with business owners and come up with ideas. There are things that can be done. We cannot eliminate the library plans. There is no building in town. There is no need for government to grow bigger. There is no need to take over another property. Wallisch is falling apart. Sell it. Lease it out. There are things you can do. People voted the library down twice. We should not be funding the library in excess of \$3 million a year. They are putting the Finn family out on the street. You are taking from the people and buying luxuries. Sell KOA and Bubbling Springs. He asked about the status of the PAL building. They have not paid their note. Stop the library and take the \$2 million and put it in the budget. Relieve the tax burden. The town has survived all this time and is now in the worst economy yet Council says we are going to build. If you put money in Wallisch it is a money pit. It will never be a ratable. Every time you buy a property or take a business out you are losing money.

Scott Witherspoon, 70 Green Terrace Way, West Milford complemented Tim Ligus for calling him last week to advise that his neighbor was summoned to municipal court where the Judge denied a deferral. He thanked Councilwoman CarlLa Horton for offering to visit his property. He will invite her during a rainstorm. He has been in town ten years. Taxes have escalated to \$20,000 per year. The bond ordinance specifies roads to be paved but the stormwater system upgrades do not include his street. Several years ago he put a deck on his property. He was advised not to get a permit. He did the right thing and got a permit. That led to a notice from the construction office about open permits that were opened by the former homeowner with a fine of \$2,000 per week. There was an open fence permit and an open electrical permit. His neighbor has not been fined a dime for all the damage he has done. At \$2,000 per week it should be \$116,000. He fixed both open permits in 48 hours. His neighbor has been in violation for 14 months with no end in sight. He hopes the Judge's ruling will compel action. He thanked everyone who has been helpful in this process.

Bill Pierce, Sparta stated that he is the President of the Lake Hopatcong Boat Association. He advised that the club has teamed with the West Milford fire department (WMFD) to work together on a boat race event to allow the fire department to use the boat race as a fundraiser. When all bills are paid the WMFD will get 80% of profits. They are hoping to do this as an annual event and are scheduling for May in 2013. He can answer any questions and said they are moving forward. They are working on a special use permit with the Township attorney and hoping for an answer within the next week or so. Councilman Smolinski asked about the money for the WMFD. Mr. Pierce reiterated that 80% of profits will go to the WMFD to be disbursed as they see fit. Last year they lost \$1,000 but had more expenses last year. The FD will generate sponsors and revenue. The boat association is only taking 20% to fund future races. They are hoping that the FD will handle more and more of the event every year. They want the money to stay in town. The fire department will not be responsible for any losses. If there is no profit there will be no cost to them. Mayor Bieri said she heard they will be doing some labor to clear the property. Mr. Pierce said that he is working with the Chief of Fire Company #6. Councilman Rosone said no one discussed it with him although he is liaison to the Fire Chief's Association. Mayor Bieri asked about permits. The Municipal Clerk clarified the permitting process noting that the proposed liquor license would not be issued locally because this is State property. Mr. Pierce said that all permits are in place and that the Hopatcong Boating Association is getting a liquor license from the state directly.

Ron Stillman, Pheasant Lane, West Milford has been a resident for 20 years. He read about some things about shared services with other towns. He is shocked to hear about the library funding. He uses the library and did not realize it cost \$300,000 to keep it open saying that it is not worth it. ASI is doing a redistribution of taxes, he said. That means there is an equal amount of taxes being collected now as there was before. He would like a strict accounting of that. If it is a redistribution the Township should be collecting the same amount as before. The taxpayers do have a right to know an answer to that. There seems to be a conflict of interest in the Township hiring an appraisal company because the Township is responsible for the fiscal shape of the municipality. There is now a clash with business owners & the Township. He suggests getting another appraisal company agreed upon by both the Township and business owners. It seems that the town approved to pay Tilcon to resurface La Rue Road. If we pay a company to resurface one road that does not seem like a good government decision to make. He believes that we should have outside auditors to audit the school budget. Perhaps we should close some schools. He has never read that a larger class size negatively impacts a child's education. He was going to make a movie in town but now won't because rules require that he hire two police officers at time & a half. In NYC you get two policemen for free. That attracts him to NYC. This town is not run like a business. The *Newark Star Ledger*, he said, is bound to Corey Booker because of advertising. That is why he does not get negative press.

Cheryl Bullock, 76 Old Route 23, Newfoundland said that she is a member of the HPC and supports Mr. Boschart's presentation about Wallisch. They recently had an immigrant who expressed delight at having opportunity to achieve the American dream. She would like to see the property used to benefit West Milford Residents.

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Doris Aaronson, 19 Bearfort Road, West Milford noted that Council adopted a bond ordinance. Council should consider the extent to which each item is needed. The First Aid Squad, she said, is getting funding for a top of the line ambulance when they could have one that costs less. The Upper Greenwood Lake ambulance squad makes do with less. The ambulance being replaced is fine. She suggests that the chassis be replaced and keep the box. Even though \$1.5 million was approved tonight it does not mean we have to spend that amount. She said that Councilman Smolinski called her ignorant at the last meeting and said she never donated to the West Milford first aid. She has donated for years. She questioned why he voted because he is on the squad and that is a conflict.

There being no more comments from the public Councilman Rosone moved to close the public portion of the meeting.

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

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Agenda No. VI

**Council Comments**

Council President Signorino said he appreciates the public input about the lobbyist. He is eager to find ways to get money back to West Milford. He is willing to try old and new tactics. The Clerk has reached out to the Governor trying to schedule a meeting but there has been no response as yet. He asked about the status of the EDC and the proposed change from committee to commission. Mr. Semrau stated that the EDC sent an email to him and the administrator. This will be a future workshop discussion because changing from committee to commission needs research and there are a number of options and considerations. He is working on it.

Councilwoman Erik stated that she has fought Newark watershed for a long time. Tonight they are getting tax refund of overpayments in excess of \$75,000.

Councilman Smolinski commended the speakers tonight. The Council has butted heads with Newark for many years. Resolutions have been sent and trips made to Trenton. Now the Township will send a lobbyist to continue the fight. It is to change legislation on how Newark is taxed. He will support that and he recognized Mike Ramaglia for advocating for years for a lobbyist. It will cost some money out of our pockets and hopefully it will pay off in end. We have been told by our professionals that the revaluation is on target. He wishes that the commercial community would come and tell them legally what they can do. He hears the horror stories and wants to do something. What is logical may not always be legal. He is ready to have attorney pursue the Witherspoon issue. Mr. McCann is very passionate and he made serious points. There have been issues in the past. The people in the Township should be involved in some decisions including the construction of a new library. There is \$2 million in the construction fund. He is not against the library, but he is for the people. There is \$2 million in taxpayer money sitting in this construction account. He would like to have something from the State library board saying we cannot touch that. He would support a non-binding referendum for the new library and said he is asking Council if they agree. Council President Signorino said he has been advocating for a referendum because it is the duty of the Council to do so. Councilman Smolinski said he would like consensus. Mr. Semrau said that Council would have to adopt a resolution with a statement explaining the question. There is a time limitation. He does not have the date with him but it is in the very near future. Council President Signorino said he supports that idea. Mr. Semrau advised that the Council would have to discuss the contracts and prior commitments to understand the impact. There were contracts signed. There is a contract between the library & the town for purchase of property and for the funding for the project as well as contracts for professionals engaged by the library. Next Council meeting is September 5<sup>th</sup>. Councilman Smolinski asked for special meeting. Mayor Bieri said there will also be a need for executive session discussion.

Councilwoman Horton agreed that the library is not worth the \$300,000 and stated that is why there is \$2 million in the construction account. She supports a new library. She believes that money cannot be refunded to the municipality until the library meets state standards. She would like the matter resolved and the question answered. She believes the price for the ambulance is inflated. When it comes time to take bids she will be looking carefully at those specifications and may seek a contribution from the first aid squad.

Councilman Rosone said that half the money for the La Rue Road project was obtained through a state grant and there is much more than repaving with that project. It includes infrastructure and drainage. He said he hopes Mr. Witherspoon's concerns are laid to rest soon.

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Councilman Ramaglia said there were detailed presentations in the budget process for the grants and budget matters. Some projects are rejected and some approved. Lincoln Hill sidewalk was rejected.

Mayor Bieri said that she appreciates all the comments made here tonight. The municipality currently has two shared service agreements. One for CFO & one for registrar and will likely have another soon. It is not always easy in West Milford because of our geography and location. Half of the La Rue Road project is being paid for with grant money. The lowest bid is the one being recommended. It is reconstruction of the roads. If you pave about 10 miles every year we can repave instead of reconstruct which costs a lot less. Roads, police, fire ambulance and garbage are the big ticket items funded with taxes. She suggests that comments about the school be brought to the BOE because they are separate entity. Newark Watershed is not a partisan issue. It is a passion for every elected official. It is ongoing with a long history in West Milford. The fact that they are paying less now than 1989 must be addressed. She sat with the governor and other mayors to argue this matter and it fell on deaf ears. Our own legislators were the ones who rejected any effort to change the law. They asked her if she wants to tax the air next. She supports a lobbyist. She listed the steps and measures taken so far but all were to no avail. She supports trying something new.

Mayor Bieri noted that the revaluation is a redistribution of taxes. The BOE is responsible for 60% of the taxes collected, approximately 20% goes to the county and 20% to the municipality. The public votes on the school budget. Of the entire tax amount, 20% of the taxes are controlled by this Council and every effort has been made to hold costs. There was a \$62 increase on the average home this year. There is no extra revenue generated from the revaluation. PAL, she said, has met their obligations and has been paying their bond. They have fulfilled their agreement. We cannot sell or lease the Wallisch property. We are not the sole owners. Earlier this week she suggested to the Administrator to use KOA for a campground. She does not think the town should operate it. It may be possible to sell it for that purpose some time in the future when FAC looks at all properties. She stated that her first priority is her duties as Mayor. However, she is also library board member. The library receives its funding by virtue of a state mandated formula. The average homeowner pays \$100 per year. Whether you have the old library building or the new library building that number will stay the same. It is based on a state mandated formula. For the same funding you can build a library for the Township. She is hearing that the \$2 million be returned. The funding is based on population. The \$2 million was accumulated and appropriated for capital improvements. The towns who refunded the monies got state approval to do so. The State will not approve the return until you meet state standards. If we meet those standards that approval may be given. There are legal opinions to support her statements. She took offense to being accused as a library board member of kicking the Finn family to the streets. The Finns were approached and made an offer. They were delighted to enter into an agreement for the sale of their property. Mrs. Finn has life rights to her home and she and her entire family want that library built on that property.

Township Attorney Semrau stated that the values change by revaluation but the total amount of taxes collected are to fund the budget. A revaluation is not to generate greater revenue. The Township is audited every year. He advised about the changes to the Open Space rate because the revaluation could have increased that amount. He has the notes from Mr. Witherspoon's comments. The governing body directed him to research legal options. He met with various Township officials. He updated governing body at the last meeting and in the interim. We have an applicant who must complete his application to go before the Planning Board. There were meetings and follow up to the completion of the application. There were no definitive answers. He is concerned that we will head into another winter without resolution. He did research. He will have the property owner post escrow and have engineer oversee the work. If they do not comply he will go to Superior Court to seek reimbursement of costs. Although there are private property owners involved this has created a public problem. Council gave consensus to have Mr. Semrau proceed if he does not get cooperation immediately.

Mayor Bieri said that she voted against the last referendum for library because the library board at that time was not working within existing funding. If that was still the case she would vote no now too. This library board is working within existing funding. She supports the construction of a community center for every generation of West Milford residents at no additional cost. Council President Signorino disagreed with statements made by the Mayor. He said there would be a need for additional funding. There would be bonding required if there is a third floor. This is a bad time to be going into something so big without public input. To tell people that we are spending \$7-10 million on a new building in this economy is irresponsible without hearing from them. A referendum question would be non-binding. This is a bad time. A \$10 million expenditure without public input is a slap in the face. Mayor Bieri said \$10 million is not a number that came from professionals. The bond for the library will be paid with the annual funds so there is no additional costs. Bond rates are at their lowest rate ever and all professionals including the municipal auditor have advised that now is the time to bond. They have also opined that it is the best time to construct because of cost. Councilman Smolinski said that last year there was proposed

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legislation to cut library funding in half. It did not pass. If that were to happen in the future the taxpayers would have to pay the difference.

Agenda No. VIII

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

Agenda No. VIII 1

**~ Ordinance No. 2012- 016 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES**

**BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter IV entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

*MAYOR AND COUNCIL*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Township Mayor	\$5,348.00	\$5,348.00
Township Council	\$4,754.00	\$4,754.00

*DEPARTMENT AND OFFICE HEADS*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Township Administrator	\$70,000.00	\$144,000.00
Director of Finance	\$55,000.00	\$105,000.00
Director of Public Works	\$55,000.00	\$101,000.00
Health Officer	\$55,000.00	\$100,000.00
Township Clerk	\$55,000.00	\$95,000.00
Director of Community Services and Recreation	\$55,000.00	\$95,000.00
Court Administrator	\$45,000.00	\$85,000.00

*DIVISION HEADS*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Police Chief	\$137,500.00	\$141,500.00
Tax Assessor	\$50,000.00	\$101,000.00
Tax Collector	\$50,000.00	\$93,500.00
Construction Official	\$45,000.00	\$91,000.00
Fire Marshall	\$50,000.00	\$70,000.00

*CONFIDENTIAL AND UNAFFILIATED EMPLOYEES*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Data Processing Coordinator/Network Administrator	\$35,000.00	\$75,000.00
Chief Custodian	\$25,000.00	\$65,000.00
Judge	\$15,000.00	\$35,000.00
Prosecutor	\$10,000.00	\$27,000.00
Entry-Level Computer Technician	\$15 per hr.	\$20 per hr.

*STIPENDS*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Fire Commissioner	\$3,000.00	\$6,500.00
Deputy Fire Commissioner	\$1,500.00	\$5,000.00
Emergency Management Coordinator	\$2,000.00	\$2,000.00
Deputy Emergency Management Coordinator	\$3,000.00	\$3,000.00
Telecommunications Systems Analyst	\$2,500.00	\$5,500.00

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Veteran Officer	\$500.00	\$1,500.00
Secretary Bd./Comm P/T (A) – General	\$130 per mtg.	\$200 per mtg.
Secretary Bd./Comm P/T (B) – Zoning Bd.	\$250 per mtg.	\$500 per mtg.
Deputy Registrar	\$3,000.00	\$6,000.00
Alternate Deputy Registrar	\$1,000.00	\$3,000.00

1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. BENEFITS: Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. OVERTIME: If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee’s department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the governing body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

INTRODUCED: August 16, 2012

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for September 19, 2012. Notice of this Public Hearing shall be published in the Herald News on or about August 19, 2012.

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

Mayor asked to move Resolutions 2012-274, 2012-275, 2012-276, 2012-277, 2012-278, 2012-279, 2012-280, 2012-281 and 2012-282 as one.

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

Agenda No. VIII 2

~ Resolution No. 2012- 274 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE MEMBERS OF THE STATE SENATE REJECT S-1451 IN ITS CURRENT FORM AND ALLOW FOR CONSTRUCTIVE COMMENT AND DIALOGUE FROM MUNICIPAL ELECTED AND APPOINTED OFFICIALS BEFORE CONSIDERING AMENDMENTS TO THE OPEN PUBLIC MEETINGS ACT**

**WHEREAS**, local government in the State of New Jersey is directly affected by the provisions of the Open Public Meetings Act; and

**WHEREAS**, local elected and appointed officials must conduct business within the confines of such existing legislation and compelled to any amendments thereto; and

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**WHEREAS**, on April 18, 2012 the Township Council of the Township of West Milford did adopt a comprehensive, much-deliberated resolution expressing concerns for the proposed amendments to the Open Public Meetings Act; and

**WHEREAS**, on June 21, 2012 S-1451 was redistributed for circulation with committee amendments; and

**WHEREAS**, the revised legislation containing committee amendments fails to address significant concerns expressed by the West Milford governing body; and

**WHEREAS**, we, the elected officials of the Township Council of the Township of West Milford do hereby provide the following comments with regard to S-1451 as distributed on June 21, 2012 with committee amendments with the expectation that the members of the State Senate will give these deliberated comments greater consideration than that shown for the resolution adopted on April 18, 2012:

1. This governing body vehemently opposes any provision that precludes any level of government from engaging in transparent government. The proposed amendments to the Open Public Meetings Act exclude the State Legislature, those persons who are being asked to legislate transparency for others, from accountable practices. In addition to the inherent concerns related to the cloak of secrecy being afforded those persons elected to the State Legislature, there is in inherent and undemocratic arrogance in this preclusion by legislation to protect one's self.
2. The Township Council objects to the proposed amendments that would define a quorum of a public body as a majority of a subcommittee thereof. This definition impedes local authorities from due diligence practices and levies costs that will make local government cumbersome and inefficient. Subcommittees of a municipal governing body are advisory in nature and cannot take action on behalf of the whole body.
3. The Township Council objects to legislative interference in agendas of meetings of local public entities. Such interference inhibits local elected officials from effectively and in good conscience acting expeditiously on behalf of their constituents.
4. This governing body objects to proposed language requiring that minutes contain statements as worded in the act. With the proposed fee shifting provisions in the act, this will subject local governments to frivolous, subjective and potentially expensive challenges. It places undue burden on administrative staff and has the potential to remove all objectivity from the permanent record of such meetings.
5. The objections stated in item #4 also apply to provisions that would require statements on agendas.
6. This governing body objects to amendments that would make public discussions about terms and conditions of employment as such matters are contractual in nature. This would inhibit local government's ability to effectively negotiate contracts and impedes elected officials' ability to represent the best interests of their constituents.
7. The Township Council objects to the Legislature's attempt to legislate naming a time for the start of a public portion of its meetings. With fee shifting provisions contained in the Act this language has the potential to result in frivolous and expensive litigation.
8. The Legislature's attempt to legislate private communications of local elected officials is abhorrent specifically when one reads the public statements made by the bill's sponsor, Senator Loretta Weinberg, wherein she sought to legislate local officials because of "rumors" she heard without consultation, research or deference to local elected officials or without disclosing the source of such rumors! If the Legislature seeks to legislate based on baseless rumors, such legislative acts should begin with the complete disclosure of those "rumors" surrounding their respective bodies.
9. This governing body objects to provisions that would prohibit executive session discussion of actual or potential contracts because public discussion of these matters would prejudice local governing bodies from representing the best interests of their constituents.
10. Provisions that require recordings of public meetings to be part of the minutes is an unreasonable legislative act that shows no deference to technological advances being made now or to be made in the future. It does not recognize the need for records management and storage provisions nor does it provide for future generations of transferring obsolete media from one medium to another. This is an unfunded mandate. With the fee shifting provisions and lack of funding this language has the potential to subject local government to frivolous and expensive litigation in addition to the cost that would be incurred trying to comply with these provisions.
11. Language in the proposed legislation that "provides that certain e-mails among members of a public body will be considered minutes that are publicly accessible" is subjective and notwithstanding that the emails may be public records, now the minutes will no longer reflect what occurred at a public meeting
12. This governing body vehemently opposes all the language in the proposed legislation known as S-1451 that provides for legal fees, legal action and legal recourse for a host of reasons not the least of which is the irresponsibility of the State Legislature to enact legislation with full knowledge (based on the commentary received from the innumerable entities that would be subject to such

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- laws expressing clearly, emphatically and in detail their concerns) that affected public bodies cannot practically and feasibly comply with the law in question.
13. This Council objects to provisions that require posting of certain records on the Township's website for a period of five years. Records retention schedules promulgated by the Division of Archives & Records Management are adhered to by all public bodies.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that we do hereby request that the members of the State Senate reject the amendments to the Open Public Meetings Act as proposed in S-1451; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford respectfully requests that the members of the State Senate insist, demand and commit that there be a means of constructive dialogue and comment provided to local elected and appointed officials from every public body within the State before amendments to this crucial legislation be considered at any future date.

Adopted: August 15, 2012

Agenda No. VIII 3

~ Resolution No. 2012- 275 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE MEMBERS OF THE STATE SENATE REJECT S-1452 IN ITS CURRENT FORM AND ALLOW FOR CONSTRUCTIVE COMMENT AND DIALOGUE FROM MUNICIPAL ELECTED AND APPOINTED OFFICIALS BEFORE CONSIDERING AMENDMENTS TO THE OPEN PUBLIC RECORDS ACT**

**WHEREAS**, local government in the State of New Jersey is directly affected by the provisions of the Open Public Records Act; and

**WHEREAS**, all elected and appointed officials in the Township of West Milford support transparency in all levels of government; and

**WHEREAS**, on April 18, 2012 the Township Council of the Township of West Milford did adopt a comprehensive, much-deliberated resolution expressing concerns for the proposed amendments to the Open Public Records Act; and

**WHEREAS**, on June 21, 2012 S-1451 was redistributed for circulation with committee amendments; and

**WHEREAS**, the revised legislation containing committee amendments fails to address those concerns expressed by the West Milford governing body; and

**WHEREAS**, we, the elected officials of the Township of West Milford do hereby provide the following comments requesting their consideration along with those comments submitted on April 18, 2012 with regard to S-1452 as distributed on June 21, 2012 with committee amendments:

1. The elected officials of West Milford yet again vehemently object to the provisions in this legislation that specifically or in the abstract preclude the members of the State Senate from complying with the provisions of the Act.
2. The Township Council, recognizing that Martin O'Shea is a former resident of this municipality, objects to the renaming legislation without a review of Mr. O'Shea's history of OPRA and the Township of West Milford.
3. The proposed amendments to OPRA as presented constitute State mandates without any funding to comply with these mandates. This is a violation of the public trust and we challenge our State representatives to take the honorable approach by voting "no" to any legislation, most particularly this Act, that would impose mandates on local entities without providing the necessary funding to comply.
4. This governing body implores the members of the Senate and Assembly to refuse further consideration of this legislation without comprehensive input from the government entities who are to be affected. Municipalities across the State have submitted objections and the general consensus is that those concerns have not been adequately addressed or considered based on the June 21, 2012 Senate & Appropriations Committee statement.
5. The proposed amendments to the Open Public Records Act contain innumerable provisions that serve no purpose except to entice frivolous lawsuits and challenges even though local agencies are screaming to the members of the Senate that they cannot afford these legal challenges.
6. It is well noted that the Senate & Appropriations Committee did not provide a fiscal analysis or certification with regard to the substitute bill and this governing body contends that it is

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irresponsible for any member of the Senate to vote in the affirmative without a comprehensive analysis of the fiscal impact on local government. The Senate must recognize that those to be affected by this Act have considerable and grave concerns about the multitude of fiscal inevitabilities attached to this proposed legislation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that we do hereby request that the members of the State Senate reject the amendments to the Open Public Records Act as proposed in S-1452; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford continues to express support for certain proposed revisions to the Act but cannot, in good conscience, support the legislation as currently proposed; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford requests that the members of the Senate weigh the comments herein along with those submitted by virtue of resolution 2012-140 adopted on April 18, 2012 and being provided as an attachment hereto for the edification of the Senate; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of West Milford respectfully requests that the members of the State Senate insist, demand and commit that there be a means of constructive dialogue and comment provided to local elected and appointed officials from every public body within the State before amendments to this crucial legislation be considered at any future date.

Adopted: August 15, 2012

Agenda No. VIII 4

~ Resolution No. 2012- 276 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY URGING MEMBERS OF THE STATE SENATE AND ASSEMBLY TO ELICIT AND WEIGH INPUT FROM LOCAL GOVERNMENT AUTHORITIES WHEN CONSIDERING LEGISLATION THAT MAY AFFECT THOSE PUBLIC ENTITIES**

**WHEREAS**, local government entities continue to struggle with fiscal restraints and escalating property taxes; and

**WHEREAS**, municipalities throughout the State have streamlined fiscal policies and made significant budget cuts in an effort to provide much-needed services with minimal impact to local property taxes; and

**WHEREAS**, it sometimes appears that State legislators repeatedly vote for legislation that precludes their bodies while imposing mandates on local government with no provision to fund these mandates; and

**WHEREAS**, local governments have spent countless hours and resources seeking to convey their concerns to State legislators only to be left feeling that their efforts are to no avail and their pleas have fallen on deaf ears; and

**WHEREAS**, like citizens across this state and this nation, West Milford residents are savvy voters who, by virtue of the actions of our State and Federal representatives, have developed skepticism for how their voices are heard; and

**WHEREAS**, we respectfully request that the State Senate and Assembly, beginning with our own representatives, Senator Joseph Pennachio, Assemblyman Jay Weber, and Assemblywoman Betty Lou DeCroce cease the practice of enacting State laws that equate to State mandates if such legislation does not contain the funding required to effectuate same; and

**WHEREAS**, we implore our representatives in the Senate and Assembly to abide by the precept and concept of State mandate, State pay; and

**WHEREAS**, we beseech our representatives in the Senate and Assembly to vote "no" to any legislation that specifically excludes their respective bodies from compliance as is evidenced in S-1451 (Senator Byron M. Baer Open Public Meetings Act) and S-1452 (Martin O'Shea Open Public Records Act) which pieces of legislation are being referenced herein purely as examples of such exclusions; and

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**WHEREAS**, we propose a new course to hold representatives accountable for those who fail to even hear our concerns about their fiscal irresponsibility and disregard for the effects these laws have on local budgets and property taxes; and

**WHEREAS**, we are hopeful that other municipalities and constituencies across this State will begin the practice of demanding acknowledgement from their respective State representatives.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Township Council of the Township of West Milford that we do hereby demand that Senator Joseph Pennachio, Assemblyman Jay Webber and Assemblywoman Betty Lou DeCrose begin, by virtue of their own votes in the Senate and Assembly, a practice of voting only for legislation that funds mandates and that holds each of them and their colleagues accountable to the standards they wish to legislate upon others.

Adopted: August 15, 2012

Agenda No. VIII 5

~ Resolution No. 2012- 277 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A STATE & LOCAL FAIR MARKET VALUE LEASE TO PITNEY BOWES FOR DIGITAL POSTAGE METER**

**WHEREAS**, the Township of West Milford wishes to enter into a fair market value Lease agreement with Pitney Bowes for a digital postage meter; and

**WHEREAS**, the Township has determined that the Pitney Bowes equipment will be leased at \$444.00 per month for 60 months (\$5,328.00 annually); and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this Lease agreement from September 1, 2012 through August 31, 2017, said funds to be encumbered from account number 2-01-20-161-406.

**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 Township Council hereby authorizes the Township's Chief Financial Officer to execute a Lease agreement not to exceed \$26,640.00 (\$444.00 per month at 60 months) in an amount not to exceed \$5,328.00 annually, with Pitney Bowes.
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 Township Clerk.

Adopted: August 15, 2012

Agenda No. VIII 6

~ Resolution No. 2012- 278 ~

**RESOLUTION CORRECTING THE ENDORSEMENT PREVIOUSLY GRANTED BY RESOLUTION 2012-267 OF SUBMITTAL OF A LOAN APPLICATION TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION TO REFLECT THE CORRECT NAME OF FARM CREST ACRES ASSOCIATION, INC.**

**WHEREAS**, Farm Crest Acres Association Inc. is a private lake association in West Milford; and

**WHEREAS**, the dams on this property are in need of repair to comply with state standards governing same; and

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

**WHEREAS**, Farm Crest Acres Association Inc. wishes to make application to participate in the DEP loan program.

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

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**BE IT FURTHER RESOLVED** that Farm Crest Acres Association Inc. shall provide the Township with a complete copy of their loan application.

Adopted: August 15, 2012

Agenda No. VIII 7

~ Resolution No. 2012- 279 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE - BLOCK 3401, LOT 23, BLOCK 3401, LOT 24, AND BLOCK 13001, LOT 28**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of Lean Man Retirement Plan c/o Alex Garcia TTEE to acquire by assignment the following tax lien certificates held by the Township of West Milford.

Lien Certificate	Date of Sale	Block / Lot	Amount Due
12-0046	3-27-12	3401-23	\$835.26
12-0047	3-27-12	3401-24	\$818.84
11-109	4-19-11	13301-028	\$3,507.77

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the assignment from the Township, to the said Lean Man Retirement Plan c/o Alex Garcia TTEE, be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: August 15, 2012

Agenda No. VIII 8

~ Resolution No. 2012- 280 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE - BLOCK 2605, LOT 8**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of Anthony W. Lupino to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block / Lot	Amount Due
11-033	4-19-11	2605-8	\$3,953.58

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

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

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

Adopted: August 15, 2012

Agenda No. VIII 9

~ Resolution No. 2012- 281 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE - BLOCK 4403, LOT 3**

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

Minutes of: Township Council Regular  
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**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of John Mosca to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block / Lot	Amount Due
10-055	3-23-10	4403-3	\$15,125.51

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

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

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

Adopted: August 15, 2012

Agenda No. VIII 10

~ Resolution No. 2012- 282 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO TILCON NEW YORK, INC. FOR THE LA RUE ROAD RESURFACING PROJECT**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 10, 2012 at 10:00 am for the resurfacing of La Rue Road as per the bid specifications; and

**WHEREAS**, the Township of West Milford received six (6) bids for this contract; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division; and

**WHEREAS**, the bid received from the low bidder Tilcon New York, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered C-04-12-950-315, C-04-08-943-315, C-04-08-943-539, C-04-09-943-315, C-04-09-943-539, C-04-09-943-624; and

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

1. The Township Council hereby awards a contract to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ 07885 for the La Rue Road Resurfacing project subject to the review and approval of the Township Attorney and the New Jersey Department of Transportation in an amount not to exceed \$540,813.00
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tilcon New York, Inc. in accordance with its bid for said resurfacing of La Rue Road in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: August 15, 2012

Agenda No. IX

**Consent Agenda**

~ Resolution No. 2012- 283 ~

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

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

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

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

**Resolutions:**

- a. **2012-284** – Cancel Taxes
- b. **2012-285** – Refund Overpayments
- c. **2012-286** – Refund Escrow Funds
- d. **2012-287** – Refund Recreation Fees
- e. **2012-288** – Reinstate Taxes
- f. **2012-289** – Release Maintenance Bond
- g. **2012-290** - Refund Other Liens

**Applications:**

- 1. Application for Off Premise 50/50 Raffle License No. 2012-31 by Music at the Mission, Inc. for November 17, 2012.
- 2. Application for Off Premise 50/50 Raffle License No. 2012-32 by Rotary Club of West Milford, Inc. for November 17, 2012.
- 3. Application for Off Premise 50/50 Raffle License No. 2012-33 by the West Milford High School PTSO, Inc. for June 6, 2013.
- 4. Application for Off Premise 50/50 Raffle License No. 2012-34 by the West Milford High School PTSO, Inc. for December 19, 2012.
- 5. Application for On Premise 50/50 Raffle License No. 2012-35 by the West Milford Midget Football Association for August 31, 2012.

Adopted: August 15, 2012

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

The following resolutions were included in the consent agenda:

Agenda No. IX a

~ Resolution No. 2012- 284 ~

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

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

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

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

- REASON:**
- 1. **100 % Disabled Veteran**
  - 2. **Township Owned Property**
  - 3. **State Purchase**

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
1813-7	David Stalter	\$4,359.67	2012 Full Year	1
1813-7	David Stalter	\$2,179.84	2013 1 <sup>ST</sup> Half	1
1002-1	Michael Paul Burke	\$7,964.05	2012 2 <sup>ND</sup> Half	1
1002-1	Michael Paul Burke	\$3,847.03	2013 1 <sup>ST</sup> Half	1
2801-1	Township of West Milford	\$2,560.17	2012 Full Year	2
2801-1	Township of West Milford	\$1,280.09	2013 1 <sup>ST</sup> Half	2
11601-25.01	Marie Fox	\$45.66	2013 1 <sup>ST</sup> half	3
11601-25.02	Robert Keller	\$43.97	2013 1 <sup>ST</sup> Half	3
11601-25.03	Robert Keller	\$42.28	2013 1 <sup>ST</sup> Half	3
11601-26.01	Robert Keller	\$32.13	2013 1 <sup>ST</sup> Half	3
11601-26.02	Buck Mountain Assoc. C/O Marie Fox	\$142.05	2013 1 <sup>ST</sup> Half	3
11601-26.03	Marie Fox	\$10.15	2013 1 <sup>ST</sup> Half	3

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

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11601-27.01	Marie Fox	\$54.11	2013 1 <sup>st</sup> Half	3
11601-27.02	Robert Keller	\$35.51	2013 1 <sup>st</sup> Half	3
11601-27.03	Marie Fox	\$82.86	2013 1 <sup>st</sup> Half	3
11602-2	Robert Keller	\$16.91	2013 1 <sup>st</sup> Half	3
<b>TOTAL</b>		<b>\$22,696.48</b>		

Adopted: August 15, 2012

Agenda No. IX b

~ Resolution No. 2012- 285 ~

**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 an overpayment as shown below; and

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

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

**REASONS:**

- |                          |                       |
|--------------------------|-----------------------|
| 1. Incorrect Payment     | 2. Duplicate Payment  |
| 3. 100% Disabled Veteran | 4. Overbilled Account |
| 5. Tax Appeal            |                       |

Block/Lot	Name	Amount	Year	Reason
202-43	Lake Lookover POA P.O. Box 503 Hewitt, NJ 07421	\$32.15	2012	4
505-15	Donald & Linda Purgess 431 E 20 <sup>th</sup> St. Apt 7G, New York, NY 10010	\$173.05	2012	4
606-1	Warren Colnaghi 113 Witte Road Hewitt, NJ 07421	\$64.64	2012	1
611-1	Salatore Stracci 333 East 79 <sup>th</sup> St New York, NY 10021	\$98.94	2012	4
901-3	Edward Galbierczyk 329 Cross St. Lakewood, NJ 08701	\$93.15	2012	4
1001-13	Edward Galbierczyk 329 Cross St. Lakewood, NJ 08701	\$136.53	2012	4
1001-14	Edward Galbierczyk 329 Cross St. Lakewood, NJ 08701	\$132.53	2012	4
1001-19	Edward Galbierczyk 329 Cross St. Lakewood, NJ 08701	\$404.68	2012	4
1612-30	G. D. Adams 47 Burton Drive Howell, NJ 07731	\$106.16	2012	4
1809-7	G. & A. Scacalossi & Marcello 2330 Vance St, Bronx, NY 10460	\$108.02	2012	4
1813-7	David L. & M. Stalter P.O. Box 273 West Milford, NJ 07480	\$2,244.00	2012	3
2106-2	Upper Greenwood Lake POA P.O. Box 457, Hewitt, NJ 07421	\$43.91	2012	4
2107-1	Upper Greenwood Lake POA P.O. Box 457, Hewitt, NJ 07421	\$378.39	2012	4
2301-1	Upper Greenwood Lake POA P.O. Box 457, Hewitt, NJ 07421	\$71.18	2012	4
2701-29	Andrew Marshall, Stephen Marshall 35 Beaverbrook Road, Box 524 Lincoln Park, NJ 07035	\$50.30	2012	4
3105-1	Lakeside Community Club, Inc. P.O. Box 394, Hewitt, NJ 07421	\$225.22	2012	4
3201-12	S. Dembia, & J. Napolitano 500A Lake S, Ramsey, NJ 07446	\$305.39	2012	1
3401-17	M. Chiarello, C/O Robert Chiarello 31 Parker Road, Elizabeth NJ 07208	\$173.83	2012	4
3401-19	Mary Royle P.O. Box 329 Hewitt, NJ 07421	\$446.40	2012	4
3701-1.03	Alfonso & Katherine Chacon	\$599.09	2012	4

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Block/Lot	Name	Amount	Year	Reason
	29 Laurel Avenue, Hewitt, NJ 07421			
4202-5.01	J. & T. Murphy 40 Lake Park Terrace Hewitt, NJ 07421	\$133.02	2012	4
4301-17	Anthony & Paul Cagino 6118 Veeder Rd, Slingerlands, NY 12159	\$98.95	2012	4
4701-8	J. Wares & H. Fioravanti 120 Morsetown Rd, West Milford, NJ 07480	\$91.09	2012	4
5804-5	C. Sammaraco & L. Kolterjahn 12 Bluebird Court, Newton, NJ 07860	\$136.02	2012	4
6605-24	C & E Partners P.O. Box 23-1308 New York, NY 10023	\$659.11	2012	4
6902-32 Q	Granatell Associates 125 Main Avenue Elmwood Park, NJ 07407	\$451.41	2012	4
7702-4	Chertacojo, C/O Windsor Mgt. Assoc. P.O. Box 285, Old Bridge, NJ 08857	\$253.65	2012	4
9901-5	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$151.63	2012	4
9901-7.01	Henry & Myrtice Jecker 23044 Mt. Cloud Rd Bowling Green, VA 22427	\$3,787.22	2012	4
10001-15	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$2,011.06	2012	4
10102-9	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$77.27	2012	4
10204-6	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$781.13	2012	4
10505-2	Post Brook Farms (Mulcahy) Box 488 West Milford, NJ 07480	\$156.07	2012	4
11103-10	North Jersey Water Supply Co. 1 F.A. Orechio Drive, Wanaque, NJ 07465	\$290.21	2012	4
11702-7	Kuang Ming Benevolent Temple 42-49 78 <sup>th</sup> Street, Elmhurst, NY 11373	\$276.16	2012	4
12901-72	High Crest Lake Lodge P.O. Box 210 Butler, NJ 07405	\$228.37	2012	4
13501-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$2,843.05	2012	4
13501-6	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$6,675.31	2012	4
13903-1	Mt. Springs Community Inc. Nancy Coggins 23 Quince Tree Ln, West Milford, NJ 07480	\$30.02	2012	4
13906-14	Ross Imbruglia 77 Union Boulevard Wallington, NJ 07057	\$32.06	2012	4
13907-7	Mt. Springs Community Inc. Nancy Coggins 23 Quince Tree Ln, West Milford, NJ 07480	\$29.37	2012	4
13908-2	Dr. Bennett M. Stein 411 Claremont Road Bernardsville, NJ 07924	\$119.09	2012	4
14101-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$2,935.25	2012	4
14102-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$2,149.53	2012	4
14104-3	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$9,609.53	2012	4
14105-1	City of Newark C/O NWCDC 40 Clinton Street 4 <sup>th</sup> Floor Newark, NJ 7102	\$1,341.47	2012	4
14106-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,416.01	2012	4
14107-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$994.44	2012	4
14111-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$699.31	2012	4
14601-11	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$4,666.74	2012	4
14603-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$570.41	2012	4
14605-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$907.41	2012	4
14605-6	City of Newark, C/O NWCDC	\$1,437.17	2012	4

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<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
	40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102			
14607-4	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,594.86	2012	4
14608-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,685.54	2012	4
14608-4	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$855.37	2012	4
14609-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$823.09	2012	4
14701-51	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$464.77	2012	4
14703-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,579.44	2012	4
14703-6	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$3,395.31	2012	4
14802-2	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$349.33	2012	4
14901-37	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,623.19	2012	4
15001-2	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$836.59	2012	4
15101-4	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,246.20	2012	4
15101-18	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,757.16	2012	4
15201-16	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$851.03	2012	4
15401-59	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$850.30	2012	4
15502-3	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,418.94	2012	4
15507-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$849.37	2012	4
15508-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,666.27	2012	4
15508-4	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,301.90	2012	4
15508-8	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$89.86	2012	4
15701-36	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,286.04	2012	4
15803-3	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$633.70	2012	4
15803-17	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,154.49	2012	4
15803-23	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$808.18	2012	4
15804-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$502.74	2012	4
15804-13	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,313.76	2012	4
15804-20	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$697.28	2012	4
15901-17	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$12,038.24	2012	4
15903-5	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$653.38	2012	4
16005-10	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,365.17	2012	4
16005-11	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$849.31	2012	4
16102-15	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,436.49	2012	4
16102-21	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,626.53	2012	4
16201-35	City of Newark, C/O NWCDC	\$1,090.04	2012	4

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	40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102			
16501-5	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,436.49	2012	4
16501-9	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$920.54	2012	4
16501-13	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$840.55	2012	4
16503-1	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$819.77	2012	4
16901-4	GFM Development Inc. 82 Montross Ave Rutherford, NJ 07070	\$84.49	2012	4
16907-2	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$839.76	2012	4
17001-12	City of Newark, C/O NWCDC 40 Clinton St 4 <sup>th</sup> Floor, Newark, NJ 07102	\$1,447.54	2012	4
<b>TOTAL</b>		<b>\$107,009.11</b>		

Adopted: August 15, 2012

Agenda No. VIII c

**~ Resolution No. 2012- 286 ~**

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

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
K. Hovnanian @ West Milford LLC c/o John Caniglia, Esq. 110 Fieldcrest Ave. Edison, NJ 08837	0020-0091	\$167,190.00	\$12,585.83
<b>TOTAL REFUND</b>			<b>\$12,585.83</b>

Adopted: August 15, 2012

Agenda No. VIII d

**~ Resolution No. 2012- 287 ~**

**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:

Quick Start Tennis 7/26/12		
Annika Baumgardt	\$10.00	Kelly Pew, 11 Windsor Road West Milford, NJ 07480
Paint		
Colby	\$50.00	Catherine Scott, 32 Elm Street Hewitt, NJ 07421
Pirate camp 7/30/12		
Thomas	\$85.00	Jenn D'Arco, 6 Plumridge Rd. West Milford, NJ 07480
Pirate camp 7/30/12		
Isabella	\$85.00	Kelly Maldonado, 38 Newland Drive Oak Ridge, NJ 07438
Pirate camp 7/30/12		
Anthony	\$85.00	Frank Bellino, 610 Otterhole Road West Milford, NJ 07480
Let's Party Camp 7/23/12		
Zander	\$90.00	Denise Masanko, 615 Snake Den Road

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

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		West Milford, NJ 07480
Swim lessons/session 2		
John	\$40.00	Lisa Del Vecchio, 11 Orleans Lane West Milford, NJ 07480
Travel Field Hockey Fall 2012		
Hannah	\$120.00	Stacy Carver, 24 Alpine Lane West Milford, NJ 07480
Pre-school Eager Beaver 2012/2013		
Tyler	\$15.00	Anica Thompsaon, 6 Bergen Drive West Milford, NJ 07480

Adopted: August 15, 2012

Agenda No. VIII e

~ Resolution No. 2012- 288 ~

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

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

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

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

**REASON:** INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
05311-3.20	Doris Osterhoudt	\$874.00	2012
<b>TOTAL</b>		<b>\$874.00</b>	

Adopted: August 15, 2012

Agenda No. VIII f

~ Resolution No. 2012- 289 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RELEASE OF A CASH BOND POSTED AS A MAINTENANCE BOND FOR LAUREL HOLLOW – SECTION II, BY THOMAS L. SCALA, JR IN 2008**

**WHEREAS**, in 2008 Thomas L. Scala, Jr. posted a maintenance bond in the form of a cash bond for public improvements on Laurel Hollow Road in the amount of \$2,200.00 and subsequently an additionally required check in December 2008 in the amount of \$50.00 for two years, bringing the total required bond amount to \$2,250.00; and

**WHEREAS**, the Township Clerk's Office has received a request from Thomas L. Scala, Jr. for the release of said cash bond; and

**WHEREAS**, the Township Engineer has provided a recommendation for the release of said Cash Bond.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of West Milford hereby authorizes the release of the Cash Bond in the amount of \$2,250.00 posted by Thomas L. Scala, Jr. for public improvements to Laurel Hollow Road;

**BE IT FURTHER RESOLVED**, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution and forward a check to Thomas L. Scala, Jr., 203 Stephens Road, West Milford, NJ 07480 in the total amount of \$2,250.00.

Adopted: August 15, 2012

Agenda No. VIII g

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

Minutes of: Township Council Regular  
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 Time of Meeting: 6:30 P.M.  
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~ Resolution No. 2012- 290 ~

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

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

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

Certificate No	Certificate Date	Block/Lot /Qual	Reimbursement Amount	Pay to the Lien Holder
11-046	04/19/2011	04107-006	\$11,813.48	ROSEHILL FUND I LLC PO BOX 503 RYE, NY 10580
11-121	04/19/2011	16605-024	\$54,144.30	EMPIRE TAX FUND III LLC 8 HARROWS LAND PURCHASE, NY 10577
12-0023	03/27/2012	02008-006.01	\$9,995.69	KENAT, INC. 15 CRESTWOOD DRIVE NORTHPORT, NY 11768
<b>Grand Total</b>			<b>\$75,953.47</b>	

Adopted: August 15, 2012

**Approval of Expenditures**

Mayor Bieri asked to move both resolutions as one.

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

Agenda No. X

~ Resolution No. 2012- 291 ~

**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	\$1,137,810.94
2	Reserve Account	11,888.11
3	Animal Control Trust	2,490.34
6	Capital	8,196.30
7	Grants	3,550.00
8	Refuse	0.00
9	Refunds.	107,589.11
12	General Ledger	35.39
16	Heritage Trust	0.00
14	Open Space Trust	75.00
17	Trust	3,050.00
18	Development Escrow	21,556.03
19	COAH	0.00

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

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20	Special Reserve	0.00
11	Assessment Trust	0.00
Total		\$1,296,241.22
\$Less Refund Resolution		-107,589.11
Actual Bill List		\$1,188,652.11
Other Payments Ck# 49825 NJDOT		300.00
Triple T Construction		4,500.00
<b>Total Expenditures</b>		<b>\$1,193,452.11</b>

Adopted: August 15, 2012

**~ Resolution No. 2012- 293 ~**

**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	0.00
2	Reserve Account	0.00
3	Animal Control Trust	0.00
6	Capital	0.00
7	Grants	0.00
8	Refuse	0.00
9	Refunds	75,953.47
12	General Ledger	0.00
16	Heritage Trust	0.00
14	Open Space Trust	0.00
17	Trust	0.00
18	Development Escrow	0.00
19	COAH	0.00
20	Special Reserve	0.00
11	Assessment Trust	0.00
	Total	\$75,953.47
	\$Less Refund Resolution	-\$75,953.47
	Actual Bill List	\$0.00
	Other Payments	
	Total Expenditures	\$0.00

Adopted: August 15, 2012

Agenda No. XI

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

Mr. Semrau advised the Council that a non-binding ballot question is due to the County Clerk by August 17<sup>th</sup>. Therefore the Council would have to take action this evening. Discussion ensued about the language for a proposed question for the November ballot with regard to the construction of a new library.

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

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Mr. Semrau recommended that the Council entertain an executive session discussion to review legal issues and ramifications because various contracts have been signed with regard to the prospective new library.

Councilman Ramaglia made a motion seconded by Council President Signorino to go into executive session under attorney-client privilege to discuss contracts pertaining to the municipal library. The motion was carried by unanimous roll call vote. The Council went into executive session at 11:20 p.m. and returned to the public meeting at 11:55 p.m. with all present as before.

Council President Signorino asked Fred to draft a repeal of the lakes ordinances for Council consideration and the Council asked that the lakes committee be notified when it is on a workshop agenda for discussion.

Councilwoman Horton congratulated the latest Eagle Scout and noted that the Ample Harvest presentation was very exciting.

Councilman Ramaglia asked Administrator Gage to follow up on the Cablevision payments that are due to the Township.

Mayor Bieri said that from August 17<sup>th</sup> through September 3<sup>rd</sup> there will be a State wide crackdown on DUI patrols. She noted that in New Jersey if one sees a drunk driver, one can dial 77 to report that. She advised that she will be performing her 100<sup>th</sup> wedding ceremony this coming weekend.

Administrator Gage stated that there was discussion at the last meeting about signage on route 23 subsequent to which the police department did contact DOT and have been advised that they may consider additional signs. She advised that there will be a need for an executive session on 9/5 and asked for consensus to begin the meeting at 6:30 p.m. for that purpose. Council agreed.

Mr. Semrau stated that in executive session the governing body discussed the legal ramifications, the process of seeking return of monies, and reviewed the timeline for the new library and a non-binding referendum question. They concluded that it would not be in the interest of the Township to place a question on the November ballot about the library. He advised that Princeton Affairs Group has submitted a proposal to serve as a lobbyist on behalf of the Township. He and Councilman Ramaglia spoke with Mr. Pascrell who is a principal at that firm. The proposal is for \$4,000 per month and it would appear that they had a grasp very quickly as to what the issues are. They indicated that they would seek to form a coalition to get bi-partisan support. Newark Watershed encompasses Jefferson, Hardyston, Ringwood & West Milford. Mr. Pascrell said he would like to establish a coalition among those communities to approach legislators. Lobbyists are politically active and as such Mr. Semrau recommends an amendment to the pay to play ordinance to allow for lobbying firms. He recommends amending the ordinance, scheduling a presentation from Mr. Pascrell, prepare to assist him in reaching out to other communities and if hired, have the lobbyist seek to expand the coalition to other towns throughout the State who deal with similar issues. It will probably be about \$48,000 per year to do this but if successful it equates to an annuity for the Township. West Milford is a steward for this property and there are millions of dollars at stake. He deferred to Councilman Ramaglia. Councilman Ramaglia said that grass root efforts have limited success. Those who have succeeded in effectuating lasting effects have hired lobbyists. Mr. Pascrell is a Passaic County native and, his partner, Mr. Florio is well known throughout the State. This is a proactive measure to garner this annuity for the Township. This is our opportunity to make our voices heard about the cost protecting the water supply has on a host community. This would be a month-to-month contract with a seven-day cancellation clause. We have a job to do here at home and they have the expertise in Trenton. Jersey City Water is trying to sue their host communities to reduce their costs. This is the time to show that we mean business. He recommends moving on this and getting this going. We need to do something. Mr. Semrau advised that these services would be provided as a professional services contract. The Council gave the Attorney instructions to prepare the amendments to the pay to play ordinance and introduce at the next meeting. They instructed the Administrator to schedule Mr. Pascrell for a presentation to Council.

Agenda No. XII

**Appointments and Resignations**

~ Resolution No. 2012- 292 ~

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

