
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 1 of 31

The Workshop and Regular Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop/Regular meeting was advertised in the Herald News in its issue of December 25, 2016, January 1, 2017 and August 13, 2017; copies were provided to the Suburban Trends, the Record and 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.

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley (arrived at 5:50), Tim Wagner, Luciano Signorino
Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: Peter McGuinness
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

July 12, 2017 Workshop/Regular Meeting
July 12, 2017 Executive Session
August 2, 2017 Special Meeting

Moved: Lichtenberg Seconded: Erik
Voted Aye: Erik, Hensley, Wagner, Lichtenberg
Voted Nay: None
Abstained: Erik (August 2, 2017), Signorino (all)

Agenda No. IV

Meetings

Mayor Bieri noted the future meeting schedule:

September 6, 2017 Workshop Meeting
September 20, 2017 Regular Meeting
October 4, 2017 Workshop Meeting

Agenda No. V

Executive Session

~ Resolution No. 2017 – 246 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 16th day of August, 2017 that:

1. Prior to the conclusion of this **Workshop-Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 2 of 31

- () 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.
 - Attorney-Client Privilege – MUA
 - Attorney-Client Privilege – Council on Mandates
 - Attorney-Client Privilege - Licenses
 - Contracts-Village on Ridge Developer’s Agreement
 - Litigation - Newark Tax Appeals
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: August 16, 2017

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

The Governing Body went into executive session at 5:45 p.m.
Councilman Hensley arrived in executive session at 5:50 p.m.
The Governing Body returned to the public meeting at 7:30 p.m. with all present as before.

Agenda No. VI

Proclamations

None

Agenda No. VII

Presentations

None

Agenda No. VIII

Discussion Items

1.	Discussion: Abandoned Property Ordinance, Health Officer: Mr. Hodges referred to the memo that he supplied to the Governing Body. He explained that the Building Standards Board has been working on this for the last four to five years and hopefully it addressed the concerns that the Governing Body expressed in the past about the Ordinance. He referred to page five of the Ordinance and he explained the appeal process that they are proposing. Mayor Bieri asked if nuisances and hazards included unregistered vehicles that sit around. Mr. Hodges explained that an unused vehicle which was untouched for five years wouldn't be enough to make it fall under that category. Councilman Signorino mentioned that the registry could not include any property that doesn't fit into the definition of the Ordinance. Mr. Hodges explained that the property itself would have to be unoccupied. Councilwoman Lichtenberg noted on page 3, item D; the fee should state \$500.00 for the second year as non-compliant. Mayor Bieri suggested changing the wording in section D to match the form. Mr. Semrau noted that the Borough of Bloomingdale has a similar Ordinance that they adopted last year and it has worked very well. The Council gave consensus to proceed with the Ordinance. Mayor Bieri noted that the Clerk's Office will draft an Ordinance for introduction for the meeting on September 6, 2017. Councilman Signorino asked Mr. Semrau if he reviewed the Ordinance. Mr. Semrau explained that he has not reviewed the Ordinance but he is familiar with the concept and the direction of the Ordinance. He said that the Governing Body is on point in the direction they are proceeding with the Ordinance.
2.	Discussion: Gypsy Moth Spraying, Health Officer: Mr. Hodges confirmed that the state offered to do a free survey to look for Gypsy Moth egg masses on trees. They will supply an indication as to whether they recommend spraying and how many acres the state feels needs to be sprayed. The survey is free, there is no obligation, and they have to give the state a response by August 18, 2017.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 3 of 31

	<p>Councilman Signorino said that he is not interested. Councilwoman Erik suggested allowing the state to do the survey to determine the sections that need to be treated so residents can spray on their own. She is not in favor of the spraying. Councilman Signorino said there are residents in West Milford that pay people to have their property sprayed and he doesn't feel that the Governing Body should invest the taxpayers money for the spraying. Nobody is stopping them from spraying and if they want it that bad they can pay for it. Councilwoman Erik asked Mr. Hodges if the Governing Body would get the results of the survey. Mr. Hodges replied in the affirmative. She mentioned that if residents see the survey results and there are egg masses on their property it's up to them to spray. Councilman Signorino talked about the liability if residents decide to spray on their own; they would be privately liable if the chemical contaminated their water. He said nothing is free and the state is trying to sell something. They are trying to find a way to make their argument and why should the Governing Body give the state another opportunity to formulate another piece of propaganda. Mr. Semrau explained that it's not an expenditure of funds that requires a resolution with four affirmative votes. Administrator Battaglia said they are looking for consensus from the Council for the state to do the survey. Mayor Bieri confirmed that there was consensus to proceed with the free survey.</p>
<p>3.</p>	<p>Discussion: Nursing Program, Health Officer: Administrator Battaglia mentioned that Mr. Hodges is celebrating his first year with the Township. She spoke about the changes in the Health Department under his direction. Mr. Hodges has looked at a lot of requests from the Governing Body regarding the Health Department and that's why he is bringing forward the Nursing Program. Mr. Hodges referred to the official list that he supplied to the Governing Body. The list states what is mandated and required by the state in terms of Public Health Nursing Services. In public health the services do not have to be provided directly by the Health Department. The Health Department has to assure the provision of services. He spoke about the various health screenings that the department provided in the past that has been some cost to the Township. St. Joseph's Hospital provides the same services for free to people that are uninsured or underinsured. He requested direction from the Governing Body to continue to provide services in West Milford or allow the Health Department to create a referral system to make sure that people know where they can get the services. Councilman Signorino said he likes the idea of the referral. Mayor Bieri noted that the mandate doesn't require the Township to provide the services, but the Township has to make sure the service is accessible to the residents. The Council gave consensus for the referral. Mr. Hodges mentioned that tuberculosis control is provided to the Township for a contract of \$100.00 per year and childhood lead poisoning is provided at no cost by Paterson. The SMAC Clinic for blood screening is a non-mandated service that the Township has been providing and it is one of the most popular screenings. There were 163 residents screened last year. A lab would charge over \$100.00. The cost to the Township is \$21.00 per person and the Health Department charges \$20.00 per person. Mr. Hodges asked the Governing Body if they want to continue with the program. Administrator Battaglia asked the Governing Body to consider an amendment to the Ordinance to have the fee raised from \$20.00 to \$21.00 so it covers the other fee. Councilman Wagner asked what the neighboring towns charge for the screening. Mr. Hodges said that the town he resides in charges \$35.00. Councilman Wagner asked if the fee is keeping people from getting the screening and Mr. Hodges said that it's possible. Administrator Battaglia said that this fee appears to encourage people to do the SMAC test because some people that don't have the resources will not go for the test if its cost prohibitive. Mayor Bieri asked if the test is covered by insurance or Medicare. Councilwoman Lichtenberg said that the test is covered once a year by Medicare. Mayor Bieri said if it's covered by Medicare people would have a copay once a year. Mr. Hodges said currently they are offering the screening twice a year, and there are some people who like to get the screening every six months. Mayor Bieri asked if they need to increase personnel costs or would it be handled under normal staffing levels. Mr. Hodges explained that they are using the flex arrangements so the personnel hours are staying the same. Administrator Battaglia mentioned that the department used to have one full time nurse and one part time nurse. Now they have one part time nurse that works between 14-20 hours per week. She explained that there are a lot of changes being proposed in the Nursing Program. She feels that the department will be able to sustain the nursing program and provide the services in accordance with the direction from the Governing Body. Councilman Signorino said that he's trying to lean away the department being a doctor's office.</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 4 of 31

	<p>He was elected to cut taxes so they should find a way for the residents to still get the services without increasing the cost to the Township. Mayor Bieri suggested that residents go to the local clinic to draw the blood. Administrator Battaglia explained that part of the SMAC test that the municipality is offering is not just drawing of the blood. When the results come back the public health nurse reviews the results to determine if they need further medical attention based on the results. That component would be removed if they are just sending them to have the blood drawn. Councilman Hensley noted that people are getting the test twice a year and Medicare only pays once a year so that could be a referral system for the repeat customer and encourage them to use the Medicare option. This is a lifesaving service and these types of tests are preventive measures. He is very much in favor of trying to keep the blood screenings. He thinks Mr. Hodges is doing a great job and the Township is on the right track addressing these issues. Mayor Bieri noted if the out-of-pocket is covered for the lab work and the part time nurse can draw the blood done during the hours allotted then they are not increasing hours and costs. Mr. Hodges noted that the part time nurse does not do the testing. The nurse coordinates the testing and the lab comes in to draw the blood. The results are very fast and easy to read through because there are lines that will stand out if something is irregular. Administrator Battaglia asked the Governing Body if they would consider an Ordinance to increase the fee. The Governing Body gave consensus to increase the fee to \$25.00.</p>
4.	<p>Discussion: Highlands Council MPRR Comments: Administrator Battaglia said she drafted a letter and referred to the Governing Body for any comments or questions. The Governing Body approved and signed the letter.</p>
5.	<p>Discussion: Highlands Preserve: Mayor Bieri noted that the letter she wrote regarding the San Cap fields was on the cloud and in the Council's packets. The letter is concerning the MOA they signed with the county. The county plans on taking over the fields effective January 1, 2018. There would be fees involved for using the fields and there was concern for the volunteer athletic groups that use the fields. In exchange the county would do all the maintenance, upgrades and installment of a foot bridge. She suggested bifurcating property by separating the hiking trails and the parking area from the fields. Also, allowing the Township to continue to maintain the fields and book and reserve the usage so they can avoid charging fees to the volunteer groups. She noted that the response from the County Administrator was on the dais. She asked the Governing Body how they would like to proceed. Councilman Wagner noted that he was at the meeting with Mayor Bieri and there was no discussion about upgrades and a footbridge. Councilwoman Erik doesn't believe the Highlands would approve a footbridge and Councilwoman Lichtenberg said the request for a footbridge was denied years ago for various reasons and one of them was an environmental reason. Mayor Bieri asked the Council if they would like a resolution drafted asking the county to consider bifurcating property or requesting to purchase the fields because they have open space money for acquisitions. Councilman Signorino asked who owns the property and Councilwoman Erik said the county purchased it from the San Cap Corporation. Mayor Bieri mentioned that one of the county's counterarguments in the letter was that the Township couldn't have the exclusive use of the fields because they were purchased with Green Acres funding. Mayor Bieri said she made it clear in her letter that they weren't looking for exclusive use of the fields. Councilman Signorino said that he likes the idea of bifurcating and he requested postponing the discussion to the next meeting because Councilman McGuinness was not present and he has extensive knowledge in the fields. Councilman Signorino would like Councilman McGuinness's input. Administrator Battaglia suggested drafting a resolution for discussion so Councilman McGuinness would have all the information. She also recommended writing individual letters to the Freeholders from each Council member and from the volunteer athletic groups that use the field. The Governing Body gave consensus to proceed with the resolution and the letters.</p>
6.	<p>Discussion: Scheduling of a Special Budget Meeting: Administrator Battaglia noted that she had the responses from the Governing Body. She will refer back to the Governing Body to schedule the special budget meetings accordingly.</p>
7.	<p>Discussion: Littering Signs at Entrance to Township: Administrator Battaglia provided a sample of the signs to the Governing Body. Councilwoman Lichtenberg noted that there are fourteen entrances into the Township. Councilman Wagner suggested signs like the ones in Ringwood and Mayor Bieri said that she could take a picture of one of the signs. Administrator Battaglia said that she would look into getting those signs. She explained that the signs reference the section of the code so if there is a summons issued the violation is clear.</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 5 of 31

Mayor Bieri noted that she is familiar with the Ringwood signs. Councilwoman Erik suggested harsher signs that are more noticeable. Mayor Bieri asked the Council how they would like to proceed. Councilwoman Lichtenberg asked the Council if they think this is a good idea. The Governing Body decided to refer back to this discussion at a later time.
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Agenda No. IX

Public Comments

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

Dawn Bukaj, Property Manager, Bald Eagle Village – She mentioned that the four barns across from the clubhouse at the main entrance of Bald Eagle Village is the housing for the sewage treatment plants. She said that they are important to the community. They represent a historic feeling. She asked the Governing Body if they could ensure that the barns remain after the sale of the MUA and if they could put something in the contract to help the barns remain. She asked the Governing Body if it would be beneficial for her to write a letter to the MUA or the Governing Body.

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

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

Agenda No. X

Council Comments

Mayor Bieri – Referred to Mr. Semrau and he suggested that Ms. Bukaj write a letter on Bald Eagle Village letter head, send it to Administrator Battaglia and the letter will be forwarded to the appropriate parties.

Agenda No. XI

Action Items

Agenda No. XI 1

~ Ordinance 2017 - 008 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 63, ALCOHOLIC BEVERAGES, OF THE TOWNSHIP CODE

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

Chapter 63. Alcoholic Beverages
Article II. Licensing; Regulations

§ 63-3. Purpose.

This article is enacted to regulate the sale and transportation of alcoholic beverages in the Township of West Milford in accordance with the provisions of an act of the legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

§ 63-4. Definitions.

For the purpose of this article, words and phrases herein shall have the same meanings as they have in N.J.S.A. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

§ 63-5. Licenses.

- A. Laws applicable. All applications for licenses, all licenses issued, and all proceedings under this article shall be in accordance with the act, rules and regulations referred to in the previous section and all other applicable laws of the State of New Jersey or of the United States.
- B. Issuing authority. All licenses required by this article shall be issued by the Township Council, which shall also administer the provisions of this article.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 6 of 31

- C. License required. No person shall sell, expose for sale or cause to be sold any alcoholic beverages within the Township without having obtained a license in accordance with the act referred to in § **63-3** and the provisions of this article.
- D. License fees; maximum number.
- (1) The annual license fees for the sale or distribution of alcoholic beverages in the Township are set forth in Chapter **135**, Fees and Costs.
 - a. Fees for plenary retail distribution licenses are hereby established and once this legislation is codified those fees shall be set forth in Chapter 135, Fees and Costs:
 - i. Plenary retail distribution license annual fee: \$1,000.
 - ii. Plenary retail distribution license transfer of license:
 1. Person to person transfer: \$100
 2. Place to place transfer: \$100
 - (2) The maximum number of plenary retail consumption licenses that shall be issued is 35, and the maximum number of club licenses is three.
 - (3) The maximum number of plenary retail distribution licenses shall be one per every 7,500 persons in accordance with the formula established by the State legislature in N.J.S.A. 33:1-12.4 et seq.
 - (4) No seasonal retail consumption license shall be issued.

§ 63-6. Hours of sale.

- A. Hours of sale; plenary retail consumption licenses. Alcoholic beverages may be sold, delivered, or served to or consumed in any plenary retail consumption licensed premises on any day as follows:
- (1) On Monday through Saturday between the hours of 7:00 a.m. and 3:00 a.m. the following day.
 - (2) On Sunday between the hours of 12:00 noon and 3:00 a.m. the following day.
 - (3) On New Year's Eve/Day between the hours of 7:00 a.m., or as otherwise provided, and 5:00 a.m. the following day.
- B. Hours of sale; retail distribution licenses:
- (1) There shall be no sale of liquor in original containers (package goods) before 9 a.m. in accordance with the regulations promulgated by the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, Division of Alcoholic Beverage Control.
 - (2) There shall be no sale of liquor in original containers (package goods) after 10 p.m. in accordance with the regulations promulgated by the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, Division of Alcoholic Beverage Control.
 - (3) No premise which operates with a plenary retail distribution license shall sell alcoholic beverages before 9 a.m. and after 10 p.m.
- C. Hours of sale; club licenses. Alcoholic beverages may be sold, delivered, or served to or consumed in any club licensed premises on any day as follows:
- (1) On Monday through Thursday between the hours of 4:00 p.m. and 12:00 midnight.
 - (2) On Friday and Saturday between the hours of 12:00 noon and 1:00 a.m. the following day.
 - (3) On Sunday between the hours of 12:00 noon and 11:00 p.m.
 - (4) On New Year's Eve/Day between the hours of 4:00 p.m., or as otherwise provided, and 5:00 a.m. the following day.

§ 63-7. Transfer of licenses; exception; measurement.

- A. No plenary retail consumption license, except renewals for the same premises and transfers of license from person to person within the same premises, shall be granted or transfer made to other premises within a distance of 2,500 feet from any other premises then covered by a plenary retail consumption license, provided that the Township Council may, in its discretion, grant a transfer, notwithstanding that the premises to which the license is so transferred is within 2,500 feet of an existing plenary retail consumption licensed premises, under the following conditions:
- (1) To an existing license to the same licensee to other premises within 1,500 feet of the premises from which the transfer is made; or
 - (2) Of an existing license to a premises the primary use on which is for recreational purposes (such as bowling alleys, roller skating rinks, ice skating rinks, golf courses, snow skiing areas and other similar recreational purposes) for which the sale and consumption of alcoholic beverages is a secondary accessory and adjunct use, provided that such new location is:
 - (a) Not less than 1,000 feet from any other premises then covered by a plenary retail consumption license and not utilized for any recreational purpose; and
 - (b) Not less than 2,500 feet from any other premises then covered by a plenary retail consumption license on which the primary use is for recreational purposes.
- B. No plenary retail distribution license, except renewals for the same premises and transfers of license from person to person within the same premises, shall be granted or transfer made to other premises within a distance of 200 feet from any church or school, without a waiver, as mandated in N.J.S.A. 33:1-76.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 7 of 31

- C. The distances above referred to shall be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the licensed premises to the nearest entrance of the premises sought to be licensed.
- D. Notwithstanding the above mentioned two-thousand-five-hundred-foot limitation affecting the transfer, the Township Council, at its discretion, may allow the transfer of such licenses free of such two-thousand-five-hundred-foot limitation herein fixed in the event of any licensee's premises being taken for any municipal, county, state or federal project, provided, nevertheless, the new location to which the license is to be transferred under this exception shall not be located within a distance of 1,500 feet of a then existing location licensed to do business under a like license as the one being transferred. Such one-thousand-five-hundred-foot distance shall be measured in the same manner as herein provided for the measuring of the two-thousand-five-hundred-foot distance. In the event any transfer of a license should be allowed under this exception, then and in that event no license shall thereafter be transferred to the premises or any part thereof so vacated by such transfer, nor within, or a radius of 250 feet thereof; providing that all other provisions of the Revised Statutes of New Jersey and of the Township are complied with.
- E. The fee to transfer a liquor license, per the Division of Alcoholic Beverage Control of the State of New Jersey, is set forth in Chapter 135, Fees and Costs.

§ 63-8. Posting of license and copy of this article.

The license and a copy of this article shall be posted in a conspicuous place on the licensed premises.

§ 63-9. Revocation of licenses.

- A. Any license issued under this article may be suspended or revoked for violation of any of the provisions of this article or any provision of any applicable statute or any of the rules or regulations of the State Division of Alcoholic Beverage Control.
- B. Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-1 to 33:1-96 by service of a five-day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing. Any suspension or revocation shall carry the penalties and prohibitions provided in the statutes referred to.
- C. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this article.

§ 63-10. Club licenses; regulations.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CLUB

A nationally recognized or affiliated association consisting of 100 or more persons, operating solely for benevolent, charitable, fraternal, religious, civic or similar purposes, and not for private gain. Such club shall have a membership which is comprised of at least 80% West Milford residents.

CLUB MEMBER

Any individual in good standing who has been admitted to voting membership in the manner regularly prescribed by the bylaws of a club, and who maintains such membership in a bona fide manner, and whose name and address are entered on the list of members. No individual shall be eligible for such club membership unless he has filed written application with the appropriate body, as set forth in the club bylaws, and such application is approved by such body at least three days prior to the filing for a club license. Persons holding limited or auxiliary club membership shall not be deemed to be club members for the purpose of filing for a club license.

GUEST OF MEMBER

An individual who is expressly invited to the club licensed premises by an individual member of the club, and who is sponsored by and personally attended by the member at such premises. An individual club member may have as his guest no more than three individuals on any one occasion, unless such individuals are attending a private affair, such as a wedding, anniversary, confirmation, bar mitzvah or birthday party, honoring a spouse, child, parent, brother or sister of a club member.

Such club shall keep a guest register, as designated by the Township Clerk, which shall be signed by each guest upon entering the club premises. The guest register shall contain the name and address of the guest, and shall be kept available for inspection at all times.

- B. Qualifications for issuance and renewal.

- (1) No license shall be issued to any club unless it shall have been in active operation in the Township for at least three years continuously, immediately prior to the submission of its application for a license.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 9 of 31

WHEREAS, a proposal was received on the date set for receipt of same from Suez Water New Jersey, Inc. (“Suez”); and

WHEREAS, the Township Attorney did review the proposal submitted and found same to be in compliance with the Local Public Contracts Law, N.J.S.A. 40:62-4, the RFP as promulgated and the criteria established in the RFP; and

WHEREAS, the subcommittee convened, evaluated the proposal, and found that the proposal submitted by Suez met or exceeded the minimum requirements of the RFP, which include a minimum bid price of \$7,900,000;

WHEREAS, the subcommittee determined that the proposal submitted by Suez was the highest responsible bid; and

WHEREAS, the subcommittee made a recommendation to the Mayor and Council to award a contract for the sale of the Authority’s assets, subject to the conditions set forth in the contract, approval of the sale by the New Jersey Department of Environmental Protection (“NJDEP”), the New Jersey Department of Community Affairs, and the New Jersey Board of Public Utilities, and the dissolution of the Authority pursuant to N.J.S.A. 40A:5A-20 to -21; and

WHEREAS, under the terms of the RFP, the sale would include all of the Authority’s assets, and the purchaser of the assets would continue to provide wastewater treatment services to the customers in accordance with all applicable state and local standards, make all capital improvements necessary, and meet other requirements set forth in the RFP; and

WHEREAS, the proposed sale to Suez would extinguish all existing Authority debts and satisfy all NJDEP financial obligations of the Authority; and

WHEREAS, in accordance with N.J.S.A. 40:62-4 all remaining funds from the sale price shall be applied to outstanding municipal debt; and

WHEREAS, the Township has agreed to the terms of the sale of the Authority’s assets to SUEZ pursuant to the terms of the draft Agreement of Sale included in the RFP as revised to reflect certain provision of the bid submitted by Suez; and

WHEREAS, the Public Utilities Law requires that in addition to the approval of the Township, the legal voters of the Township must also approve the sale of the System; and

WHEREAS, the Public Utilities Law, specifically N.J.S.A. 40:62-5, authorizes the Township to request that the Clerk of the County of Passaic place the question of the sale of the Authority’s assets on the ballot used at the next general election in the Township, which is scheduled for November 7, 2017; and

WHEREAS, the Township desires to enter into the Agreement of Sale, subject to approval of the voters of the Township as set forth in N.J.S.A. 40:62-5 and all other regulatory approvals as set forth in the Public Utilities Law.

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

SECTION I

The recitals are hereby incorporated as if set forth in full herein.

SECTION II

The Township hereby approves the sale of the System to Suez New Jersey Water, Inc. for a purchase price of \$12,500,000 in accordance with the proposal submitted and subject to the due diligence process contained in the RFP. Under no circumstance shall that purchase price be less than \$10,000,000.00 and, subject to the approval of the voters of the Township as set forth in N.J.S.A. 40:62-5.

SECTION III

The Agreement of Sale between the Township and Suez Water New Jersey, Inc. entitled “Agreement of Sale between Township of West Milford and Suez Water New Jersey, Inc.” substantially in the form on file in the office of the Township Clerk, is hereby approved with such further changes, insertions and amendments as deemed necessary by the Mayor and Township Council, in consultation with the Township staff and professionals. The approval of this Agreement of Sale is subject to compliance with the provisions of N.J.S.A. 40:62-5 of the Public Utilities Law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 10 of 31

SECTION IV

The Mayor and Township Council, and all other appropriate officials of the Township, are hereby authorized and directed to execute the Agreement of Sale and any other documents deemed necessary to effectuate the terms of this Ordinance and to proceed with the regulatory process and approvals required under the provisions of the Agreement of Sale and the Public Utilities Law.

SECTION V

The Mayor and Township Council hereby requests and directs the Clerk of the County of Passaic to place the following question and explanation on the ballot of the next general election, such to be substantially in the form provided in N.J.S.A. 40:62-5 as follows:

MUNICIPAL QUESTION

TOWNSHIP OF WEST MILFORD PUBLIC QUESTIONS

Shall the assets of the Township of West Milford Municipal Utilities Authority ("the MUA") be sold to Suez Water New Jersey, Inc. ("SUEZ") for a sale price of a minimum of \$10,000,000.00.

"Yes." ?

"No."?

INTERPRETIVE STATEMENT

The infrastructure of the MUA has developed severe deterioration resulting in the MUA's inability to continue operations as currently structured. A "yes" vote will result in SUEZ purchasing the assets of the MUA. This sale, if approved and completed, would transfer ownership of the MUA's water and sewer utility to a private company.

The MUA provides water services to approximately 1,700 homes and sewer services to approximately 1,500 homes within the Township of West Milford. A vote of "yes" will authorize the sale of the MUA's assets to SUEZ, a private entity. The purchase price of no less than \$10,000,000.00 will be sufficient to pay all of the MUA's outstanding obligations and as a result, the MUA will be dissolved. Any funds that remain from the sale of the MUA's assets shall be applied to outstanding municipal debt of the Township of West Milford. If the sale is approved by referendum, and thereafter completed, the future costs and operations of the system will be the responsibility of SUEZ.

SECTION VI

This Ordinance shall take effect as provided by law.

Introduced: July 12, 2017
Adopted: August 16, 2017
Effective Date: September 5, 2017

This Ordinance was introduced July 12, 2017 and the Notice of Public Hearing was published in the Herald News on July 16, 2017. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2017-009.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. XI 3

~ Ordinance 2017 - 010 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, PERMITTING CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE ROADWAYS SITUATED IN THE TOWNSHIP

WHEREAS, the Senate and General Assembly of the State of New Jersey have enacted legislation amending N.J.S. 39:4-60 prohibiting solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situate; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 11 of 31

WHEREAS, the Township Council of the Township of West Milford deems it to be in the public interest to permit charitable organizations as defined by *N.J.S. 45:17A-20* to solicit contributions in roadways situate in the Township of West Milford, provided same is done in a safe and reasonable manner.

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

Section 1. The Township of West Milford shall permit charitable organizations as defined in *N.J.S. 45:17A-20* to solicit contributions in roadways situate in the Township of West Milford in accordance with the provisions contained herein.

Section 2. All charitable organizations as defined in *N.J.S. 45:17A-20* who desire to solicit contributions in roadways situate in the Township of West Milford shall file an application for a permit with the West Milford Chief of Police on a form supplied by said Chief of Police specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization.
- C. Telephone number of applicant organization.
- D. Contact person of applicant organization.
- E. Specific location or locations of proposed charitable solicitation.
- F. Dates and times of proposed charitable solicitation
- G. If said request pertains to a location or locations on any County highway, or intersection of a County highway, said application shall include a copy of an authorization from the Passaic County Board of Chosen Freeholders to permit said charitable solicitation.
- H. If said request pertains to a location or locations on any State highway or intersection of a State highway, said application shall include a copy of an authorization from the Commissioner of Transportation of the State of New Jersey to permit said charitable solicitation.
- I. Identify the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situate in the Township of West Milford.

Section 3. Upon review and approval of a complete application in accordance with the provisions of this Ordinance, the West Milford Chief of Police shall present same to the Township Administrator for his review and consideration, after which the Chief of Police shall grant or deny the applicant's request. If the application is approved, the Chief of Police shall issue a permit to the applicant which shall be subject to the representations contained in the applicant's application with conditions as necessary.

Section 4. In no event shall any charitable organization requesting authorization from the Township of West Milford for said charitable solicitation use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

Section 5. Any charitable organization requesting authorization from the Township of West Milford for said charitable solicitation shall comply with all of the terms and conditions of *N.J.S. 39:4-60*, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

Section 6. This Ordinance is adopted pursuant to *N.J.S. 39:4-60*, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

Section 7. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 8. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 9. This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

Introduced: August 16, 2017
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 12 of 31

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for September 6, 2017. Notice of this public hearing shall be published in the Herald News on or about August 20, 2017.

Motion to introduce Ordinance 2017-010.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. XI 4

~ Ordinance 2017 - 011 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY PROVIDING FOR THE DISSOLUTION OF THE WEST
MILFORD MUNICIPAL UTILITY AUTHORITY**

WHEREAS, the Township of West Milford heretofore created West Milford Municipal Utility Authority (the "Authority") pursuant to County and Municipal Utilities Law (P.L. 1957, c.183), of the State of New Jersey; and

WHEREAS, after a thorough analysis, the Mayor and Council (the "Governing Body") have determined that it is in the best interests of the residents of the Township and the users of the system of the Authority to dissolve the Authority, sell the assets and extinguish the financial obligations of the Authority as set forth herein; and

WHEREAS, Section 20 of the Local Authorities Fiscal Control law (P.L. 1983, C.313 N.J.S.A. 40A:5A-20) of the State of New Jersey (the "Fiscal Control Law") empowers the governing body of a municipality to dissolve an authority by ordinance under certain conditions, provided that such ordinance is approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs prior to its final adoption by the governing body; and

WHEREAS, the Governing Body has determined that the dissolution of the Authority will be in the public interest, will benefit the health, safety and welfare of the residents of the Township, and will achieve a more efficient means of providing and financing facilities in the Township for the collection, treatment and disposal of sewage; and

WHEREAS, the Authority, which has worked diligently to maintain the utility, is also of the opinion that the system users would be best served by a sale of the system.

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

- SECTION 1.** The West Milford Township Municipal Utilities Authority (the "Authority") is hereby dissolved, subject to the terms and conditions herein.
- SECTION 2.** The Authority is hereby enjoined from taking any further actions without the consent of the Township. Simultaneously upon the effective date of the dissolution as set forth in Section 5 of this Ordinance, the Authority shall cease all operations and activities, which operations and activities shall be transferred to the Township automatically subject to the conditions set forth herein.
- SECTION 3.** Upon the effective date of the dissolution, all real and personal property, facilities and contracts of the Authority shall be deemed transferred to the Township and the present officers and staff of the Authority are hereby authorized and directed to execute any documents or instruments necessary to transfer legal title to all real property, personal property, facilities and contracts to the Township or an escrow agent if so directed by the Township for the purposes of the sale of the assets to a private entity as of the effective date of the dissolution.
- SECTION 4.** This Ordinance is conditioned upon referendum approval of the sale of the Authority's assets by the legal voters of the Township pursuant to N.J.S.A. 40:62-5, approval of the proposed sale by the New Jersey Board of Public Utilities pursuant to N.J.S.A. 48:3-7; and satisfaction of all conditions of the proposed sale.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 13 of 31

- SECTION 5.** This Ordinance is conditioned upon the effective date of the Authority's dissolution, which would occur when the final payment of all bonded indebtedness and all New Jersey Department of Environmental Protection penalties in the name of the Authority are paid, extinguishing all legal obligations to pay all existing and outstanding creditors and obligations of the Authority. If the Township cannot extinguish such debt and obligations, the dissolution shall not occur.
- SECTION 6.** Upon and after the effective date of dissolution, the Township shall assume and provide the services theretofore provided by the Authority which are necessary for the health, safety and welfare of the recipients of those services.
- SECTION 7.** This Ordinance shall be submitted to the Local Finance Board of the State of New Jersey for its approval, in accordance with the requirements of N.J.S.A. 40A:5A-20. The final adoption of this Ordinance by the Township shall be conclusive proof of the fact that this Ordinance has received the approval of the Local Finance Board. Upon final adoption of this Ordinance, a copy shall be filed with the Local Finance Board and with the Secretary of the State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.
- SECTION 8.** The Township Administrator, Township Clerk, and other Township employees and professionals, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance. The Authority, its officers, employees, engineer and counsel are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Ordinance.
- SECTION 9.** If any section, subsection, sentence, clause or phrase of this Ordinance if for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- SECTION 10.** All ordinances of the Township that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- SECTION 11.** This Ordinance shall take effect upon final adoption and publication according to law, provided, however, that the Local Finance Board has approved this Ordinance in accordance with N.J.S.A. 40A:5A-20.

Introduced: August 16, 2017
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for December 6, 2017.

Motion to introduce Ordinance 2017-011.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Mr. Semrau explained that the title in Ordinance 2017-011 provides for the dissolution of the West Milford Municipal Utility Authority. It's one step in the process. The process will require a referendum and a contract to be executed and approved. At that point in time if everything is in order then the West Milford Municipal Utility Authority will be dissolved. Until such time the MUA is an autonomous and separate agency that continues to operate. There are very specific state statutes that have to be followed, and the final adoption will not be scheduled until after the referendum question.

Mayor Bieri said there have been a lot of steps that are statutorily required. The Township is still under negotiations. Once the negotiating is over there will be public hearings. Councilman Signorino mentioned that to make the sale happen the Township will need support from the entire community.

Mayor Bieri asked to move all Resolutions 2017-273 through 2017-271 as one.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 14 of 31

Agenda No. XI 5

~ Resolution 2017 - 273 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE SALE OF THE ASSETS OF THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY (MUA)

WHEREAS, the Township Council did, by majority affirmative vote, approve Ordinance No. 2017-009 to authorize the sale of the MUA assets and to place a question on the November 7, 2017 general election to seek voter approval of such sale; and

WHEREAS, the Board members of the West Milford MUA did approve a resolution supporting the sale of the MUA assets; and

WHEREAS, the Township did receive a bona fide proposal from Suez Water New Jersey which meets all the criteria outlined in an RFP promulgated by the Township on May 28, 2017; and

WHEREAS, N.J.S.A. 40:12-15.7 provides that the governing body of a municipality may submit to the voters of the municipality in a general election a proposition authorizing the sale of the assets of a local utility.

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

1. Pursuant to N.J.S.A. 40:12-15.7, subsection (d), the Township Council of the Township of West Milford hereby determines to submit the following proposition to the voters at the next general election on November 7, 2017:

**MUNICIPAL QUESTION
TOWNSHIP OF WEST MILFORD PUBLIC QUESTION**

Shall the assets of the Township of West Milford Municipal Utilities Authority ("the MUA") be sold to Suez Water New Jersey, Inc. ("SUEZ") for a sale price of a minimum of \$10,000,000.00.

"Yes." ?

"No."?

INTERPRETIVE STATEMENT

The infrastructure of the MUA has developed severe deterioration resulting in the MUA's inability to continue operations as currently structured. A "yes" vote will result in SUEZ purchasing the assets of the MUA. This sale, if approved and completed, would transfer ownership of the MUA's water and sewer utility to a private company.

The MUA provides water services to approximately 1,700 homes and sewer services to approximately 1,500 homes within the Township of West Milford. A vote of "yes" will authorize the sale of the MUA's assets to SUEZ, a private entity. The purchase price of no less than \$10,000,000.00 will be sufficient to pay all of the MUA's outstanding obligations and as a result, the MUA will be dissolved. Any funds that remain from the sale of the MUA's assets shall be applied to outstanding municipal debt of the Township of West Milford. If the sale is approved by referendum, and thereafter completed, the future costs and operations of the system will be the responsibility of SUEZ.

2. The Passaic County Clerk is hereby requested to print the above proposition and explanatory statement on the official ballots for the general election to be held on November 7, 2017.
3. The Township Administrator, with the advice of the Township Attorney, is hereby authorized to make any minor and insubstantial changes in the form of the proposition or explanatory statement, provided that any such changes shall not modify any of the substantive provisions of the proposition or explanatory statement.
4. This Resolution shall take effect immediately.

Adopted: August 16, 2017

Agenda No. XI 6

~ Resolution 2017 - 247 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 15 of 31

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING AND RATIFYING THE WEST MILFORD FIRE COMPANIES AND FIRST AID SQUADS PURCHASING THEIR OWN INSURANCE THROUGH THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, firefighter and first aid squad safety is a continuing concern within the American Fire Service and Emergency Squads; and

WHEREAS, the Vozza Agency, Risk Manager has been working with the six fire departments and first aid squads to obtain insurance through the Township's Morris County Municipal Joint Insurance Fund; and

WHEREAS, the following organizations have joined previously through Professional Insurance Associates Inc. in 2016:

Apshawa Volunteer Fire Company #1
Community Volunteer Fire Company #2
West Milford Volunteer Fire Company #6

WHEREAS, the following organizations have joined through The Vozza Agency in 2017:

Upper Greenwood Lake Ambulance Squad
West Milford First Aid Squad
Greenwood Forest Volunteer Fire Company #3
Macopin Volunteer Fire Company #4

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey do hereby accept and ratify the fire departments and first aid squads purchasing insurance for their individual departments within the Township.

Adopted: August 16, 2017

Agenda No. XI 7

~ Resolution 2017 – 248 ~

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 MIKE FITZPATRICK & SON, INC FOR THE NOSENZO POND PARK PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 4, 2017 at 10:00 am for the redevelopment of Nosenzo Pond Park, as per the bid specifications; and

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

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Community Services and Recreation Director and the Township Attorney; and

WHEREAS, the bid received from the low bidder, Mike Fitzpatrick & Son, 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 04-215-55-800-002, 04-215-55-800-003, 04-215-55-807-003, 04-215-55-822-011, 19-295-56-100-700, 19-295-56-100-701 and 19-295-56-100-702; 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 Mike Fitzpatrick & Son, Inc., 18 Cozy Lake Road, Oak Ridge, NJ 07438 for the redevelopment of Nosenzo Pond Park project in an amount not to exceed \$525,090.00 (\$490,090.00 base and \$35,000.00 Alternate #1).
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Mike Fitzpatrick & Son, Inc., in accordance with its bid for the redevelopment of Nosenzo Pond Park, 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 16, 2017

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 16 of 31

Agenda No. XI 8

~ Resolution 2017 – 249~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE 2017 E-ONE CYCLONE II PUMPER TRUCK THROUGH HOUSTON-GALVESTON COOP CONTRACT FS12-15 TO ABSOLUTE FIRE PROTECTION CO., INC.

WHEREAS, the Township of West Milford became a member of the Houston-Galveston Coop by virtue of Resolution 2014-391 adopted on December 3, 2014; and

WHEREAS, the Houston-Galveston Coop awarded contract FS12-15 to Absolute Fire Protection Co., Inc., for Fire Service Apparatus (All Types); and

WHEREAS, the Township of West Milford seeks to purchase one (1) 2017 E-One Cyclone II Pumper Base Model CYC2 from Absolute Fire Protection Co., Inc., located at 2800 Hamilton Boulevard, South Plainfield, NJ 07080, for the Department of Fire in an amount not to exceed \$501,126.00 and in accordance with the bid specifications generated by and the subsequent contract approved by the Houston-Galveston Coop contract FS12-15; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 04-215-55-827-014

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

1. The Township Council hereby authorizes the Director of the Fire Department to purchase one (1) 2017 E-One Cyclone II Pumper Truck Base Model CyC2, in an amount not to exceed \$501,126.00, through the Houston-Galveston Coop, Contract FS12-15.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: August 16, 2017

Agenda No. XI 9

~ Resolution 2017 - 250 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO STORMWATER COMPLIANCE SOLUTIONS, LLC TO PROVIDE STORMWATER MANAGEMENT SERVICES

WHEREAS, the Township of West Milford has a need to appoint a stormwater management professional as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44A-20.4 et seq. or 20.5 as appropriate to comply with the Municipal Stormwater Permit under N.J.A.C. 7:14, Tier A Municipal Stormwater General Permit; and

WHEREAS, it is beneficial to retain assistance of appropriately registered experts in the field of stormwater management with knowledge and experience in these matters, to assist in assuring compliance with the NJPDES Permit for stormwater discharge; and

WHEREAS, Stormwater Management Solutions LLC of Chester, NJ will provide stormwater management services as sought by the Township of West Milford and outlined in a contract in an amount not to exceed \$2,500.00; and

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

WHEREAS, Stormwater Management Solutions LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that the business has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Stormwater Management Solutions, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from the 01-201-26-290-451 account; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 17 of 31

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract for stormwater management services with Stormwater Compliance Solutions LLC, 180 Main Street, PO Box 572, Chester, NJ 07930 to assist the Township with compliance to the NJPDES Permit in an amount not to exceed \$2,500.00.
2. This contract is awarded without competitive bidding as a Professional Services pursuant to N.J.S.A. 19:44A-20 et seq and the Local Public Contracts Law.
3. The term of this contract shall be until the permit is submitted in April 2018.
4. The total fee authorized for this contract shall not exceed \$2,500.00 without the prior written approval of the Township Council.
5. Notice of this action shall be published once in the Township’s official newspaper as required by law and said resolution, contract and all other pertinent documents are available for public inspection in the office of the Township Clerk.

Adopted: August 16, 2017
Agenda No. XI 10

Discussion:

Councilman Signorino asked what type of vehicle is listed in Resolution 2017-251. He said there was a request for a vehicle from one of the fire departments. Administrative Battaglia noted that the vehicle has a lot of mileage on it, it doesn’t have a long life and this was at the direction of the Governing Body. Councilman Wagner said the request was for a two year old vehicle not a seven year old vehicle and he requested to get the value of a two year old vehicle first. Administrator Battaglia said that she would look into the fleet and refer back to the Governing Body. Councilman Wagner asked how many miles were on the vehicle listed in Resolution 2017-251 and Administrator Battaglia said she would get the information for Councilman Wagner.

Mayor Bieri recommended revising the fifth whereas in Resolution 2017-257 to the aggregate amount of the purchase for the vendor in the amount of \$17,772.50 which exceed the \$17,500.00 threshold.

Councilman Wagner made a motion to table Resolution 2017-251 to the September 6, 2017 Workshop meeting, and it was seconded by Councilman Signorino. Councilman Wagner said that he would like to get a better understanding of the repair bills, overall condition and track history of the vehicles. Councilman Hensley asked if they table Resolution 2017-251 will it make the sale of the vehicle more difficult. Administrator Battaglia said that the online vehicle sales occur regularly.

~ Resolution 2017 - 251 ~

TABLED TO SEPTEMBER 6, 2017 WORKSHOP MEETING

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF MUNICIPALITY-OWNED PROPERTY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OUTLINED IN THE NJ STATE CONTRACT WITH GOVDEALS.COM

Moved: Wagner Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. XI 11

~ Resolution 2017 – 252 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REVISIONS TO THE 1989 LEASE AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND THE COUNTY OF PASSAIC, AS AMENDED IN 1994, FOR CONTINUED SHARED USE OF THE ROADWAY MAINTENANCE COMPLEX LOCATED ON A PORTION OF TAX MAP BLOCK 6002, LOT 28.01 (LYCOSKY DRIVE) WEST MILFORD

WHEREAS, in 1989 the Township of West Milford entered into a 99-year lease agreement with the County of Passaic for shared use of the Lycosky Drive roadway maintenance complex; and

WHEREAS, the current lease agreement includes the shared salt building, Passaic County vehicle storage building and certain conditions thereto; and

WHEREAS, the Township of West Milford and the County of Passaic desire to reconstruct the buildings which require revisions to the agreement; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 18 of 31

WHEREAS, the Township Attorney has reviewed and revised the agreement to be in concurrence with the division of responsibilities and obligations set forth in the 1989 agreement; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the Township's cost share based on the revised agreement; 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 Mayor and Township Clerk are hereby authorized and directed to execute the agreement subject to a confirming resolution by the Passaic County Freeholders.
2. This resolution and agreement shall be available for public inspection in the office of the Township Clerk.

Adopted: August 16, 2017

Agenda No. XI 12

~ Resolution 2017 - 253 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) TORO INFIELD PRO 5040 TRACTION UNIT, ONE (1) MID MOUNT ASSEMBLY WITH WEEDER TINE TOOL BAR, ONE (1) TORO MID LEVELING BAR, ONE (1) TORO QAS NAIL DRAG ATTACHMENT, ONE (1) TORO SPRING RAKE ATTACHMENT FROM STORR TRACTOR COMPANY

WHEREAS, the Township wishes to purchase one (1) Toro Infield Pro 5040 Traction Unit, one (1) mid mount assembly with weeder tine tool bar, one (1) Toro mid leveling bar, one (1) Toro QAS nail drag attachment, and one (1) Toro spring rake; and

WHEREAS, the Director of Community Services and Recreation, has provided a recommendation to award this contract to Storr Tractor Company through the NJ State Approved Co-Op #65MCESCCPS, Bid #MRESC 15/16-08 Grounds Equipment; and

WHEREAS, the total amount of the contract shall not exceed \$20,003.20

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

1. The Township Council hereby authorizes the Director of Community Services and Recreation to purchase one (1) Toro Infield Pro 5040 Traction Unit with the above stated attachments in an amount not to exceed \$20,003.20 through Storr Tractor Company, 3191 Route 22, Somerville, NJ 08876, NJ State Approved Co-op #65MCESCCPS, Bid #MRESC 15/16-08
2. The Township Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: August 16, 2017

Agenda No. XI 13

~ Resolution 2017 - 254 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AMENDMENT TO THE CURRENT 2017 CONTRACT FOR THE PURCHASE OF CRUSHED STONE, GRAVEL AND SAND THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL CONTRACT NO. 9, FROM EASTERN CONCRETE MATERIALS IN AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$20,000.00

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council (State ID # 6-MCCOOP); and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #9 Crushed Stone, Gravel and Sand, for the 2017 year to Eastern Concrete Materials and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford has awarded a contract to Eastern Concrete Materials in the amount of \$40,000.00 through Resolution 2017-078 and anticipates a need for additional stone to complete various drainage and road repairs/maintenance; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 19 of 31

WHEREAS, the Department of Public Works has submitted a written recommendation that the Township of West Milford increase the current contract to Eastern Concrete Materials for the purchase of additional stone in an amount not to exceed \$20,000.00 bringing the 2017 contract up to \$60,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-360.

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 Department of Public Works to amend the current contract to Eastern Concrete Materials for the purchase of additional stone, in an amount not to exceed an increase of \$20,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: August 16, 2017

Agenda No. XI 14

~ Resolution 2017 - 255 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH THE CITY OF PATERSON FOR COMMUNICABLE DISEASE SERVICES

WHEREAS, the Township of West Milford provides health services for its residents through a locally funded and operated Health Department; and

WHEREAS, state regulations require that local Health Department provide certain communicable disease treatment and prevention services; and

WHEREAS, the Township Council wishes to approve the 2017 interlocal services contract with the City of Paterson to provide tuberculosis communicable disease prevention and treatment services since the provision of these required services through the joint service arrangement is a cost effective means of providing the required services; and

WHEREAS, the cost of these services is \$100 per year and is provided for in the Township 2017 budget for health services.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Interlocal Service Agreement with the City of Paterson for health care services is hereby approved and the Mayor and Municipal Clerk are authorized to execute the contract on behalf of the Township.

Adopted: August 16, 2017

Agenda No. XI 15

~ Resolution 2017 - 256 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A STATE AND LOCAL FAIR MARKET VALUE LEASE TO PITNEY BOWES INC. 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 \$440.67 per month for 60 months (\$5,288.04 annually); and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease agreement from September 1, 2017 through August 31, 2021, 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 \$26,440.20 (\$440.67 per month at 60 months) in an amount not to exceed \$5,288.04 annually, with Pitney Bowes Inc.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 20 of 31

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 16, 2017

Agenda No. XI 16

~ Resolution 2017 - 257 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT TO TRITECH SOFTWARE SYSTEMS FOR IMC SOFTWARE SUPPORT FOR THE USE OF PROPRIETARY SOFTWARE

WHEREAS, the Township of West Milford Police Department purchased IMC Software from Trittech Software Systems formerly known as Information Management Corporation; and

WHEREAS, the IMC software requires annual maintenance & support that can only be obtained from the company that developed the software; and

WHEREAS, N.J.S.A. 5:34-9.1-2 allows for the purchase of proprietary goods or services under certain conditions that are necessary for the conduct of its affairs; and

WHEREAS, this resolution authorizes the purchase of an annual maintenance contract from Trittech Software Systems that is specific to the IMC Software; and

WHEREAS, the aggregate amount of the purchase for the vendor in the amount of \$17,772.50 will exceed the \$17,500.00 threshold; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 5:34-9.1-2 and N.J.S.A. 40A:11-2(39) this purchase is authorized as a purchase "necessary for the conduct of its affairs" ;and

BE IT FURTHER RESOLVED that the West Milford Police Department be and are hereby authorized to purchase an annual maintenance contract from Trittech Software Systems in an amount not to exceed \$17,772.50.

Adopted: August 16, 2017

Agenda No. XI 17

~ Resolution 2017 - 258 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF PURCHASE OF EQUIPMENT AND CHANGEOVER FOR ONE (1) 2017 CHEVROLET TAHOE POLICE PURSUIT VEHICLE BY STATE CONTRACT #81334 TO ATLANTIC COMMUNICATIONS

WHEREAS, the Township wishes to equip and changeover equipment for (1) 2017 Chevrolet Tahoe police pursuit vehicle; and

WHEREAS, the Township Chief of Police has provided a recommendation to award this contract through the State Contract #81334 to Atlantic Communications; and

WHEREAS, the total amount of the contract shall not exceed \$6,620.59; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-25-240-900.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the Chief of Police to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ to equip and changeover equipment IN one (1) 2017 Chevrolet Tahoe, in an amount not to exceed \$6,620.59, through State Contract #81334 and to execute a purchase order for same.

Adopted: August 16, 2017

Agenda No. XI 18

~ Resolution 2017 - 259 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 21 of 31

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$12,172,550 BOND
ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC,
NEW JERSEY**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,
IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:**

- Section 1 Pursuant to a bond ordinance of The Township of West Milford, in the County of Passaic (the "Township") entitled: "Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefor and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), bond anticipation notes of the Township in a principal amount not exceeding \$184,100 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 2. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 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", finally adopted on September 3, 2008 (#2008-40), bond anticipation notes of the Township in a principal amount not exceeding \$117,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 3. Pursuant to a bond ordinance of the Township, entitled: "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", finally adopted on August 15, 2012 (#2012-15), bond anticipation notes of the Township in a principal amount not exceeding \$436,850 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 4. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$1,940,600, and authorizing the issuance of \$1,605,000 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", finally adopted on April 17, 2013 (#2013-10), bond anticipation notes of the Township in a principal amount not exceeding \$1,437,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 5. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,214,000, and authorizing the issuance of \$1,839,000 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", finally adopted on June 25, 2014 (#2014-005), bond anticipation notes of the Township in a principal amount not exceeding \$1,839,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 6. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,557,200, and authorizing the issuance of \$3,201,200 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", finally adopted on June 30, 2015 (#2015-008), bond anticipation notes of the Township in a principal amount not exceeding \$3,201,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 7. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,250,000, and authorizing the issuance of \$2,850,000 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", finally adopted on May 4, 2016 (#2016-008), bond anticipation notes of the Township in a principal amount not exceeding \$2,850,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 22 of 31

- Section 8. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,837,121, and authorizing the issuance of \$2,375,000 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", finally adopted on April 5, 2017 (#2017-006), bond anticipation notes of the Township in a principal amount not exceeding \$2,106,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.
- Section 9. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (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 and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par 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. 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 hereunder 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 10. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
- Section 11. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.
- Section 12. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.
- Section 13. This resolution shall take effect immediately.

Upon motion of Councilwoman Erik, seconded by Councilwoman Lichtenberg, the foregoing resolution was adopted by the following vote:

AYES: Erik, Hensley, Wagner, Signorino, Lichtenberg
NOES: None
ABSENT: McGuinness

Adopted: August 16, 2017

Agenda No. XI 19

~ Resolution No. 2017 – 260 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF THE DUE DATE FOR THIRD QUARTER TAXES

WHEREAS, the 2017 tax rate was certified to the Collector of Taxes late; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 23 of 31

WHEREAS, the Collector of Taxes recommends the extension of the due date for the 2017 third quarter to be August 15, 2017 with the provision that the rate is certified to this office and the tax bills are mailed by July 21, 2017; and

WHEREAS, after the 10-day grace period of August 25, 2017, third quarter due date interest will be charged at the rate of 8% on the first \$1,500.00 and 18% on any remaining balance above \$1,500.00; and

NOW, THEREFORE, BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to extend the 2017 third quarter tax due date to August 15, 2017 with the provision stated above.

BE IT FURTHER RESOLVED, that if the rate is not certified to meet the anticipated mailing deadline stated above, a further extension will be necessary to meet State Statutes.

Adopted: August 16, 2017

Agenda No. XI 20

~Resolution 2017-261~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CANCELLATION OF UNFUNDED CAPITAL

WHEREAS, Ordinance 2017-006 was passed subsequent to the introduction, adoption and the 20 day estoppel period and;

WHEREAS, a receivable was included that is a duplicate of the receivable listed in the 2016 capital ordinance; and

WHEREAS, the CFO wishes to cancel said receivable against the appropriation in effect, lowering the ordinance total;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the following balance in the 2017 capital ordinance be hereby cancelled:

Ordinance Number	Project Description	Unfunded Capital to Cancel
2017-006	Due from State, Ridge Road, Receivable	\$250,000.00
2017-006	Ridge Road, Section 3&4, Appropriation	\$250,000.00

Adopted: August 16, 2017

Agenda No. XI 21

~ Resolution 2017 – 262 ~

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

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. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen | 4. Veteran |
| 5. Homestead Rebate | 6. Tax Court CB |
| 7. State Court Tax Appeal | 8. 100% Disabled Veteran |

Block & Lot	Name and Address	Amount	Year	Reason
12304-020	James Devor 4 Stony Lane West Milford, NJ 07480	\$5,692.10	2016	8
		\$6,893.09	2017	8
		\$3,446.00	2018	8
07201-007	Patrick Loughman 76 Bearfort Road West Milford, NJ 07480	\$7,267.09	2017	8
		\$3,634.00	2018	8
TOTAL		\$26,932.28		

Adopted: August 16, 2017

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 24 of 31

Agenda No. XI 22

~ Resolution 2017 – 263~

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

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

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

WHEREAS, the Township of West Milford wishes to amend its 2017 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2017 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
County of Passaic Municipal Alliance; \$22,440.00

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

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
County of Passaic Municipal Alliance. \$22,440.00
Local Match 5,610.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: August 16, 2017

Agenda No. XI 23

~ Resolution 2017 – 264~

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

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

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

WHEREAS, the Township of West Milford wishes to amend its 2017 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2017 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Drive Sober or Get Pulled Over Campaign; \$5,500.00

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

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
Drive Sober or Get Pulled Over Campaign; \$5,500.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 25 of 31

BE IT FURTHER RESOLVED that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: August 16, 2017
 Agenda No. XI 24

~ Resolution 2017 – 265 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AUTHORIZE THE CORRECTION OF AN ERRONEOUS DEDUCTION

WHEREAS, there appears on the tax records an erroneous deduction as shown below and the Collector of Taxes recommends the correction of error on account.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to correct the record to reflect the correct amount due as shown below:

REASON: 4. Veteran

Block & Lot	Name and Address	Amount	Year	Reason
05312-003.10	Mary Renna 4 Richmond Road Suite 105 Bldg 4 West Milford, NJ 07480	\$250.00	2017	4
TOTAL		\$ 250.00		

Adopted: August 16, 2017
 Agenda No. XI 25

~ Resolution 2017 – 266 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
15-0093	10/13/2015	14402-002	\$149,773.99	US BANK CUST BV001 TRST & CRDTRS 50 SOUTH 16 TH STREET, SUITE 2050 PHILADELPHIA, PA 19102
16-0088	10/11/2016	13602-001	\$ 98,289.01	
Grand Total:			\$248,063.00	

Adopted: August 16, 2017
 Agenda No. XI 26

~ Resolution 2017 – 267 ~

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 overpayment as shown 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:

REASON: 6. 100% Disabled Veteran 7. Overbilled Accounts

Block/Lot	Name	Amount	Year	Reason
903-6	Debra Rohlfs 27 South Richfield Road Hewitt, NJ 07421	\$152.88	2018	7
7201-7	Patrick & Nancy Loughman 76 Bearfort Road West Milford, NJ 07480	\$3,640.00	2017 1 st half	6

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 26 of 31

9501-9	Richard Villman 1413 Macopin Road West Milford, NJ 07480	\$1,708.25	2017	6
10002-6	Virginia Lane Realty Associates LLC PO Box 662 Newfoundland, NJ 07435	\$685.84	2018	7
12001-20	Hazelman Farm Properties LLC 778 Macopin Road West Milford, NJ 07480	\$1,745.08	2018	7
12001-21		\$2,850.61	2018	7
12501-24		\$1,300.38	2018	7
14602-10.02	Amy Biancamano 271 Conklin Road Newfoundland, NJ 07435	\$906.89	2018	7
12304-20	James Devor 4 Stony Lane West Milford, NJ 07480	\$5,692.10	2016	6
		\$5,173.09	2017	6
TOTAL		\$23,855.12		

Adopted: August 16, 2017

Agenda No. XI 27

~ Resolution 2017 – 268 ~

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 overpayment as shown 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:

- REASON:**
- | | |
|---------------------------|--------------------------|
| 1. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen | 4. Veteran |
| 5. Homestead Rebate | 6. Tax Court CB |
| 7. State Court Tax Appeal | 8. 100% Disabled Veteran |

Block & Lot	Name and Address	Amount	Year	Reason
02601-043	Robert Moshman Esq. & Steven & Bonnie Martinique 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$815.06	2012	7
		\$837.96	2013	7
		\$465.02	2014	7
2402-021	Robert Moshman Esq. & Anthony & Janet Coletta 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$1,647.03	2012	7
		\$1,693.30	2013	7
04201-016	Robert Moshman Esq. & Arve & Denise Dyvik 179 Cahill Cross Road Suite 206 West Milford, NJ 070480	\$1,295.31	2012	7
		\$1,331.69	2013	7
		\$1,225.13	2014	7
02601-038	Robert Moshman Esq. & Robert Moskin 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$1,339.27	2012	7
		\$1,376.89	2013	7
		\$1,040.91	2014	7
02601-039	Robert Moshman, Esq. & Robert Moskin 179 Cahill Cross Road Sutie 206 West Milford, NJ 07480	\$1,488.08	2012	7
		\$1,529.89	2013	7
		\$461.44	2014	7
02601-040	Robert Moshman Esq. & Barbara Delli-Bovi 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$1,609.84	2012	7
		\$654.06	2013	7
		\$590.21	2014	7
00605-003	Robert Moshman Esq. & Donald Leishhman 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$1,451.18	2012	7
		\$1,376.90	2013	7

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Governing Body Workshop and Regular Meeting
 August 16, 2017
 5:30 pm
 Page 27 of 31

00505-029	Robert Moshman Esq. & Thomas & Victoria Nealis 179 Cahill Cross Road Suite 206 West Milford, NJ 07480	\$507.57	2012	7
		\$528.85	2013	7
		\$551.25	2014	7
06902-025	Saiber L.L.C. Phil Preston Inc 18 Columbus Turnpike Suite 200 Florham Park, NJ 07932	\$10,156.15	2012	7
		\$10,441.43	2013	7
13203-002	Archer & Greiner Timothy T Heck 101 Caregie Center 3 rd Fl Suite 300 Princeton, NJ 08540	\$12,279.84	2012	7
02402-002	Jacobus & Associates LLC Josef Lang Holdings LLC 201 Littleton Road, 1 st Floor Morris Plains, NJ 07950	\$2,052.96	2015	7
		\$2,077.04	2016	7
TOTAL		\$60,824.26		

Adopted: August 16, 2017

Agenda No. XI 28

~ Resolution 2017 – 269 ~

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:

Camp Brix 7/31 - 8/4		
Matthew	\$120.00	Noelle Riesenman 8 Glenda Drive West Milford, NJ 07480
Swim Lessons		
Rozain	\$60.00	Sandy Sidhu 785 Warwick Turnpike Apt. 3 Hewitt, NJ 07421
Kick Ball		
Kyle and Jake	\$80.00	Kim Schwarzlow 1 Post Brook Road South West Milford, NJ 07480
Chair Aerobics		
Arlene	\$60.00	Arlene Pluta 11 Timber Lane Newfoundland, NJ 07435
Swim Lessons		
Michael	\$50.00	Diane Jakobczuk 34 Circle Blvd Newfoundland, NJ 07435

Adopted: August 16, 2017

Agenda No. XI 29

~ Resolution 2017 – 270 ~

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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 16, 2017
 Time of Meeting: 5:30 pm
 Minute Page No: Page 28 of 31

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16005-7	Thomas Joseph Davenport	\$450.00	2017
12801-6	Claire Geveke	\$700.00	2017
5311-3.11	Maria Amor	\$922.89	2017
5405-7	Daniel Joseph Holly	\$2,236.56	2017
7207-1	Margaret Davis	\$2,562.57	2017
15401-45	Alexandre & Svetlana Smirnova	\$2,372.90	2017
11002-16	Victor Falconieri	\$2,047.15	2017
TOTAL		\$11,292.07	

Adopted: August 16, 2017

Agenda No. XI 30

~ Resolution 2017 – 271 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2017

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2017 license year; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2017 Licenses as listed below and;

License No.	2017 PEDDLER LICENSE
2017-02	THE FAJITA HUT LLC John J. Koch II

Adopted: August 16, 2017

Agenda No. XII

Consent Agenda

None

Agenda No. XIII

Approval of Expenditures

~ Resolution No. 2017 – 272 ~

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	\$993,816.20
3	Reserve Account	8,973.84
2	Grants	1,699.32
6	Refunds	331,390.85
1	General Ledger	5,381,609.37
26	Refuse	144,277.74
4	Capital	28,297.83
19	Animal Control	2,572.21
19	Heritage Trust	115.00
19	Open Space Trust	0.00
19	Trust	8,068.02
19	COAH	0.00
16	Development Escrow	3,384.45
19	Tax Sale Trust	0.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 29 of 31

21	Assessment Trust	0.00
	Special Reserve	12,202.82
Total		\$6,916,407.65
\$Less Refund Resolution		-331,390.85
Actual Bills List		\$6,585,016.80
Other Payments		
P/R # 14		591,834.88
P/R # 15		565,716.65
P/R # 16		547,022.99
Jack's Petting Zoo		650.00
Dorney Park		1,425.00
Colleen Twohig		150.00
Total Expenditures		\$12,796,585.32

Adopted: August 16, 2017

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Wagner, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Agenda No. XIV

Reports of Administrator, Mayor and Council Members

Councilman Wagner – He noted that everyone received the fireworks budget and everyone did a great job. He was at the Snow Committee meeting with Councilwoman Erik. The main focus was the brine application and they are very pleased with the progress. He looks forward to the DPW reports. He wanted to discuss more at the Snow Committee meeting but it was limited to one hour. Administrator Battaglia noted that there will be another meeting. He requested covering other areas in the Snow Committee meeting with the DPW department.

Discussion:

Administrator Battaglia explained that in the Township Form of Government, the Councilmembers can't have committees to departments. Councilman Wagner explained that he was focusing on the condition and status of the equipment. A lot of the equipment is used throughout the year and not just during the snow season. Administrator Battaglia said that she would have to refer to Mr. Semrau. Councilman Wagner said this came before the Governing Body on the dais at a previous meeting and there was consensus to expand the snow subcommittee into the DPW. Councilman Signorino suggested that they might need another subcommittee.

Mr. Semrau explained that if there are questions regarding budget issues the Council has to go through administration. If the questions fall into personnel type of issues then the Council shouldn't get into the day to day operations because it's not in their purview. The Governing Body's purview is the budget and the legislative end. Councilman Wagner asked if the Snow Committee could expand into the overall conditions of the equipment and how the equipment is being used without overstepping the purview. Councilman Signorino suggested asking the Administrator for a meeting with the DPW department head. Administrator Battaglia said that she feels the conversations regarding the equipment and the subcommittees are very beneficial. Mayor Bieri suggested that Administrator Battaglia speak with Mr. Semrau about the issues she was concerned about and then the Council could move forward from there. Councilman Wagner explained that he would like to be prepared and have all the facts for the special meetings with the department heads. Councilman Signorino said during the budget process over the past seven years the subcommittees have varied and he has found that it is one of the benefits of having subcommittees. It might be easier in a subcommittee to get the data that they need.

Administrator Battaglia said the meetings have been extraordinary beneficial. She explained that there were certain issues that Councilman Wagner asked to discuss at the meetings that could potentially disclose employee information and that was her cause for concern. Councilman Wagner explained that the DPW is short employees and he was trying to find a way to hire part time seasonal workers.

Mr. Semrau said when they inquire about those types of matter it's an example of what crosses into the day to day operations of the department and the legislative authority of the Council. The management of those matters has certain types of confidentiality attached to them as well as personnel exceptions. If the Council approaches those types of personnel specifics, it would be inappropriate for the Administrator to answer those questions.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 30 of 31

Administrator Battaglia said that Councilman Wagner was not making any effort to overstep his boundaries. She felt that they were moving into a conversation that might cross over the limits. Councilman Wagner said when employees are out on worker's compensation there is a savings to the Township so there is potential funding available for seasonal workers. Administrator Battaglia said she had the conversation with Councilman Wagner and those types of conversations would not be available in a subcommittee setting. Mayor Bieri mentioned that if there are savings available during the budget process the Administrator has the authority to hire seasonal employees to fill the voids.

Councilman Wagner expressed his concern about hiring seasonal workers so the DPW doesn't fall behind on cutting the weeds and cleaning the roads. Mayor Bieri noted that the DPW is ahead of schedule. Administrator Battaglia spoke about how some of the staff is out on worker's compensation and with Councilman Wagner's assistance they did identify the funds in the budget to hire seasonal employees and they already started the hiring process. Councilman Hensley thanked Councilman Wagner for bringing this to the attention of the Governing Body and he also thanked Administrator Battaglia for being cautious and handling the business in the Township.

Councilman Signorino – Gave an update on behalf of Councilman McGuinness in his absence. He provided an update on the Beautification and Recycling Committee. September 23, 2017 is the next roadside clean-up in West Milford. He noted the date and time of the Autumn Lights Festival; there will be two booths for the Beautification and Recycling Committee and all volunteers are welcome including children. The budget has been approved and the money has been allocated for the community center floor. He requested to make that part of the agenda for the meeting in September. He asked the Council for consensus. Administrator Battaglia confirmed that the CFO is researching the capital Ordinance and the Director will be at the meeting on September 6, 2017.

Councilman Signorino – He congratulated everyone involved with the fireworks and said it was a great event. He wished everyone a safe rest of the summer and Labor Day. He requested a list of what the county is doing with the West Milford taxpayers money. They need to be able to quantify what the county is giving the Township. He suggested keeping a log of the data and daily work that the county provides to the Township.

Discussion:

Mayor Bieri explained that the Mayors would meet monthly at various locations to discuss their concerns about their communities. The topic did arise and there was no solution because the county doesn't track the funds allocated to each town. They don't separately explain how they fund individual towns. Councilman Signorino believes that there is a way to get that data especially with all the roadwork that's being done. He suggested putting in an effort to collect this data and bringing the figures of what the Township received to the county. He asked the Governing Body how they would like to proceed to get all the services that the county provided to West Milford in 2017.

Councilwoman Lichtenberg – Reminded everyone about the Township Garage Sale and she noted the dates and times.

Mayor Bieri – Mentioned that in July the Apshawa Fire Company applied for a grant. They were awarded a grant for \$160,000 in federal funds for air pack replacements for the firemen. The Township was awarded a grant from Passaic County Open Space for Apple Acres and Bubbling Springs. She spoke about the budget process and the subcommittees based on the direction of the Governing Body.

Administrator Battaglia – Mentioned the request she received from an affiliate of the Susan G. Koleman foundation. She received an email from the Board of Education requesting a joint meeting with the Governing Body on October 11, 2017 at 7:00 p.m. Councilwoman Erik mentioned that someone broke into Hillcrest and stole the door knobs. Councilman Signorino said that it should be reported to the police. The Council gave consensus for the meeting with the Board of Education on October 11, 2017 at 7:00 p.m. Mayor Bieri mentioned that the meeting location will be determined.

Councilwoman Erik – Noted that the pockets on southbound Macopin Road by Gould Road are getting deeper, and on Route 23 southbound before the filter plant there is a huge sinkhole by the guardrail.

Councilman Signorino – Said that he hasn't heard back from anyone regarding the wrong-way-drivers, flashing signs and S-turns on Route 23. Mayor Bieri noted that at the last meeting she mentioned that she received a response from the DOT and they are investigating the Route 23 requests.

Agenda No. XV

Appointments and Resignations

None

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 16, 2017
Time of Meeting: 5:30 pm
Minute Page No: Page 31 of 31

Agenda No. XVI

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:20 p.m.

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

Approved: September 6, 2017

Respectfully submitted:

Sherry Zbrzeski, Clerk Typist

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK