

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE September 4, 2013
REGULARLY SCHEDULED WORKSHOP MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 239 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING A RECAP OF A MEETING WITH PRIMARY SPONSOR SENATOR JOSEPH PENNACCHIO REGARDING AMENDMENTS TO SENATE BILLS 2511 AND 2512

WHEREAS, Senator Joseph Pennacchio of the 26th legislative district in the State of New Jersey did become a primary sponsor of Senate Bills 2511 and 2512 on February 8, 2013; and

WHEREAS, S-2511 would authorize amendments to the Open Public Meetings Act and S-2512 would authorize amendments to the Open Public Records Act; and

WHEREAS, these bills and the provisions contained therein will have a direct impact on all public bodies within the State of New Jersey including municipalities, boards of education, commissions, boards, authorities, and all groups that fall under the definition of a "public body" or "quasi—governmental agency" in the Acts; and

WHEREAS, a multitude of such public bodies have adopted resolutions, written letters, or sent envoys to their legislators expressing specific and grave concerns about the provisions and unfunded State mandates contained in both S-2511 and S-2512; and

WHEREAS, in the 26th legislative district, at a minimum, six of the thirteen municipal governments adopted resolutions in opposition to these bills and three sent envoys to Senator Pennacchio to express opposition on their behalf; and

WHEREAS, Senator Pennacchio did host a meeting on July 30, 2013 to which he had invited all municipal clerks and mayors from the municipalities within his district and at which there was representation from each of the thirteen municipalities in district 26 as well as two aides from the Senator's office, one aide from Senator Weinberg's office (as the other primary sponsor) and two representatives from the Office of Legislative Services with whom the Senators are working to craft these bills; and

WHEREAS, at said meeting, it was apparent that the attendees were well educated on the subject matters at hand and all engaged in extensive dialogue about the proposed amendments to OPRA and OPMA; and

WHEREAS, at said meeting Senator Pennacchio did acknowledge concurrence with certain concerns expressed and he committed to endorse certain changes to the proposed legislation and he did ask Senator Weinberg's aide to seek changes to the May 30, 2013 versions of text for both bills; and

WHEREAS, with regard to S-2511, the Open Public Meetings Act, these changes included but were not limited to the following:

1. Elimination of the opening paragraphs of the bill and begin with the wording "The Legislature declares that it is the understanding and the intention of the Legislature that in order "to eliminate unnecessary depictions of alleged corruption and misconduct within public bodies. References to 'alleged corruption and misconduct' is accusatory in nature, casts a negative light on all elected officials, and shall be eliminated

2. Eliminate any inclusion in the Act that a subcommittee of a public body be subject to the provisions of the adequate notice and record of meetings requirements to ensure that public bodies are not saddled with additional unfunded State mandates.
3. Removal of any and all language that exempts the legislature from complying with the provisions of the act and every component thereof so that all public servants are held accountable to the same standards.
4. Change language in the definition of a public body to include any group or organization that receives government funding with the exception of non-profit organizations so that all lobbying groups are treated equally.
5. Eliminate language for any advertising or notice requirements that excludes weekends and State holidays from being part of the 48-hour notice provisions so that public bodies can operate efficiently and in a timely fashion.
6. Drastically rewrite language pertaining to the public comment period of meetings so that designating the times at which the public can speak at public meetings shall be at the discretion of the public entity so that members of the public can effectively participate in discussion, deliberation and debate with their local officials. The provision that a public entity shall provide a public comment period for agenda items shall be removed from the Act so that the public is not limited and there is greater transparency in government operations.
7. Eliminate language that makes it illegal for members of a public body to communicate during public meetings so that public officials and their constituents can conduct public business without fear of reprisals for innocent attempts to help ensure efficiency in the process.
8. Provide clarification as to the Legislature's intent with regard to the submission of written comments at public meetings to avoid confusion and disruption at public meetings.
9. Remove language with regard to "Rice" notices that references "any adversely affected individual or individuals" to ensure efficiency and guarantee that the rights of individual employees are protected.
10. Repeal any language that provides conflicting standards for the production of minutes whereby the legislature is subject to standards different to that of any other public entity to ensure that all public servants are held to the same standards of transparency.
11. Amend language with regard to the production of minutes within 60 days to read "minutes or recordings of meetings shall be made available to the public as soon as possible but not later than 60 days after the meeting" so that all public bodies are provided equal ability to keep the public apprised of all business conducted at a public meeting.
12. There currently exists language in the bill that reads "Any party other than a public body, that prevails in an action brought pursuant to this section may be awarded the amount of reasonable attorney fees....." That language shall be changed to eliminate the language "other than a public body" and therefore read, "Any party that prevails in an action brought pursuant to this section may be awarded the amount of reasonable attorney fees....." Additionally, the ensuing sentence shall be changed to read, "The cost of any attorney's fee awarded by the court shall be paid by the non-prevailing party whether that party be the plaintiff or defendant, a public body or a private citizen, group or organization" so that all parties to such actions are held equally accountable in the expenditure of public funds and use of public resources.
13. Changes shall be made to the Act so that the attorney general or county prosecutor shall have standing to bring an action in Superior Court. The reference to "any member of the public" shall be removed so that public bodies or individual members thereof shall not be unfairly targeted.
14. The procedure regarding quarterly review of executive session minutes shall be eliminated from the Act to facilitate timely release of executive session minutes to the public.
15. Remove language in the Act that says "an appointed member of a public body may be removed from the public body by the appointing authority because of two or more violations of P.:. 1975, c231" so that public bodies shall not be subjected to violations of employment practices and individual appointees shall not be targeted by disgruntled persons. and;

WHEREAS, with regard to S-2512, the Open Public Records Act, changes included but were not limited to the following:

1. The Act shall be amended to eliminate the following language; 'A government record shall not include the following information; information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit; any memorandum correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that the provision shall not apply to otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members...' thereby subjecting the legislature to the same provisions of the Open Public Records Act as all other public bodies.
2. Any and all additional exemptions included in the past versions or laws, in the current language or in future reprints which exempt the legislature from compliance with the Act shall be removed and deemed void so that all public servants are held accountable to the same standards for transparency and open government.
3. Explicit clarification shall be included and provided in the legislation with regard to the release of names, addresses, telephone numbers and email addresses so that the custodian of records, the GRC and the courts shall not have to interpret the intent of the legislature.
4. Insert language in the definition of a "public body" to include any group or organization that receives government funding and has authority to legislate with the exception of non-profit organizations so that all lobbying groups are treated equally and remove the language that lists certain groups.
5. The Act shall eliminate any language that provides an exemption to the legislature or any entity thereof in its definition of "Quasi-governmental agency" so that all public bodies and branches thereof are held to the same standards of transparency.
6. The language in the Act shall eliminate any requirement that the custodian of records shall provide an affidavit regarding redacted records as the custodian is already legislated to provide detailed explanations of all redactions made to a public record.
7. The Act shall eliminate any requirement that the custodian of records shall provide information regarding the originator or author of the record, the number of redacted words and/or lines in the redacted record for the reasons stated above in item #5 and because the reality of document retrieval is that oftentimes the originator or author of such records are unknown. This may require significant research when OPRA clearly provides that the custodian shall not conduct research for a requester.
8. The Act shall be amended so that if a request requires the custodian to expend time in excess of one (1) hour on an OPRA request, or multiple requests in the aggregate from the same party, the custodian of records may assess a special service charge because the consensus of all in attendance at the Senator's meeting was that a standard request should not take more than one hour of the custodian's time.
9. Should the requester of a public record wish to receive an explanation of the special service charge assessed or an affidavit thereof, it is incumbent upon the requester to ask for same in writing within seven days of receiving notice of the special service charge.
10. Any and all references to the time requests were received whether it be by noon or after 12 p.m. shall be removed from the Act and any an all proposed requirements thereto legislated shall be removed from the Act for the purposes of consistency and practicality.
11. The Act shall be amended to define and impose specific language regarding frivolous causes of action and no causes of action or actions with meaningless outcomes. It shall not be sufficient for the bill to reference the rules of court regarding frivolous causes of action. Such clarification should be spelled out in S-2512 and all future versions to avoid confusion and disruption.
12. Neither the public entity nor the custodian of records shall be held liable or accountable for records that do not exist within the public body's jurisdiction regardless of whether or not such record meets the definition of a "government record" because simply stated, if a record does not exist, it does not exist.
13. The following language shall be removed from the Act so that the legislature shall be held accountable to the Government Records Council and the courts to the same extent all public entities are held accountable thereto: ["The council shall not have jurisdiction over the Judicial or

Legislative Branches of State Government or agency, officer, or employee of those branches.”] Language should be inserted to exempt the Judicial branches of government.

14. The following language shall be stricken from the Open Public Records Act “A requestor who prevails in any proceeding [shall] may be entitled to a reasonable attorney’s fee award.” and said language shall be replaced with the following text: “The prevailing party in any proceeding, whether that party be the plaintiff or defendant, a public body or private citizen, group or organization may be entitled to a reasonable attorney’s fee award” so that all parties to such actions are held equally accountable in the expenditure of public funds and use of public resources.

WHEREAS there may be additional amendments agreed to at the July 30, 2013 meeting with Senator Pennacchio, representatives from the municipalities in his district, his aides, the aide from Senator Weinberg’s office and representatives from the Office of Legislative Services which do not appear herein but which are in absentia included in this resolution; and

WHEREAS, the Township Council of the Township of West Milford does hereby recognize that the Primary Sponsor of Senate and Assembly bills does have the authority to effectuate changes in the bills to achieve the best legislation possible.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford hereby expresses appreciation to Senator Joseph Pennacchio for hosting the July 30, 2013 meeting with representatives from the thirteen municipalities within his legislative district to discuss concerns about the amendments to OPRA and OPMA as contained in S-2511 and S-2512; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford in the County of Passaic and the 26th Legislative District of the State of New Jersey hereby supports the proposed amendments to S-2511 and S-2512 as described herein and discussed at the July 30, 2013 meeting of the municipalities in the 26th District but the governing body still opposes the legislation; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford does hereby urge Senator Joseph Pennacchio, as Primary Sponsor of S-2511 and S-2512 to demand the amendments as outlined herein and agreed to in concept at the July 30, 2013 meeting be incorporated into the Acts and a new version of the text be drafted and distributed for comment, discussion and input to those who attended said meeting; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford recognizes that Senator Pennacchio has agreed that those who participated in his July 30, 2013 meeting shall receive copies of a new draft of S-2511 and S-2512 when the amendments have been made along with a report of the amendments and that those attendees shall be provided additional opportunities to review and discuss the amended versions at a date and time to be determined by the Senator but prior to the legislation being presented to the full Senate for a vote; and;

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford does respectfully request that Senator Pennacchio will withdraw his sponsorship of S-2511 and S-2512 unless said amendments are incorporated therein and his sponsorship shall be summarily withdrawn.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 262 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2012 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7

Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S. 40A:5-7. Summary of Synopsis of 2011 Audit Report of the Township of West Milford, County of Passaic, as required by N.J.S. 40A:5-7.

SUMMARY OF SYNOPSIS OF AUDIT REPORT FOR PUBLICATION		
ASSETS	December 31 Year 2012	December 31 Year 2011
Cash, Investments and Prepaid Debt Service	16,362,336.97	14,729,896.79
Taxes, Assessments, Liens and Utility Charges Receivable	4,494,195.15	4,288,402.42
Prospective Assessments Funded	48,216.80	65,623.75
Property Acquired for Taxes - Assessed Value	2,764,000.00	2,764,000.00
Accounts Receivable (and Inventory)	5,240,199.35	5,387,659.01
General Fixed Assets	31,331,193.00	31,331,193.00
Deferred Charges to Future Taxation - General Capital	29,904,015.42	30,020,248.38
Deferred Charges to Revenue of Succeeding Years	1,072,530.40	1,362,547.95
TOTAL ASSETS	91,216,687.09	89,949,571.30
LIABILITIES, RESERVES AND FUND BALANCES		
Bond and Notes Payable	30,355,995.44	31,660,180.25
Improvement Authorizations	3,998,445.63	4,407,194.97
Other Liabilities and Special Funds	15,064,581.71	13,249,975.47
Net Assets Available for Benefits	1,457,712.62	1,272,750.97
Investment in General Fixed Assets	31,331,193.00	31,331,193.00
Reserve for Certain Assets Receivable	5,823,855.50	5,387,888.36
Fund Balance	3,184,903.19	2,640,388.28
TOTAL LIABILITIES, RESERVES AND SURPLUS	91,216,687.09	89,949,571.30
TOWNSHIP OF WEST MILFORD		
COMPARATIVE STATEMENT OF OPERATIONS & CHANGE IN SURPLUS—CURRENT FUND		
REVENUE AND OTHER INCOME REALIZED	2012	2011
Fund Balance Utilized	1,600,000.00	1,900,000.00
Miscellaneous - From Other Than Local Property Tax Levies	6,979,276.12	7,394,845.03
Collection of Delinquent Taxes and Tax Title Liens	996,748.76	769,115.59
Collection of Current Tax Levy	93,427,272.91	91,365,226.00
Other Credits to Income	951,256.16	1,611,449.33
TOTAL INCOME	103,954,553.95	103,040,635.95

EXPENDITURES		
Budget Expenditures: Municipal Purpose	28,873,340.44	29,904,201.60
Special District Taxes	1,672,450.25	1,701,493.95
Municipal Open Space Tax	161,946.01	149,385.57
County Taxes	19,413,025.97	19,725,071.05
Local and Regional School Taxes	51,304,750.00	50,396,165.00
Other Expenditures	77,492.81	611,950.31
TOTAL EXPENDITURES	101,503,005.48	102,488,267.48
Less Expenditures to be Raised by Future Taxes	150,000.00	1,350,000.00
Total Adjusted Expenditures	101,353,005.48	101,138,267.48
Excess in Revenue	2,601,548.47	1,902,368.47
Fund Balance January 1	1,958,959.11	1,956,590.64
	4,560,507.58	3,858,959.11
Less: Utilized as Anticipated Revenue	1,600,000.00	1,900,000.00
Fund Balance December 31	2,960,507.58	1,958,959.11

RECOMMENDATIONS

1. That all payroll hand checks be entered into the payroll system.
- 2.* That the Township's General Fixed Assets be updated for additions and deletions.
- 3.* That the cash deficits for ordinances over five years old and deferred charges to future taxation-unfunded balances over 5 years old, where the projects have been completed continue to be funded in future budgets.
- 4.* That old escrow and trust reserve balances be returned or canceled.
- 5.* That separate bank accounts be opened for escrow accounts with balances over \$5,000.
- 6.* That old grant receivable and reserve balances be reviewed and be collected, spent or canceled.
- 7.* That receivable balances in the General Capital Fund be reviewed and the proper action be taken.
- 8.* That a functioning formal general ledger be maintained.
9. That the actuarial report for the Township's Other Post Employment Benefits contribution be available for audit.
10. That a policy be put in place to collect Police outside duty escrow before the start of the job.

A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2012. This Report of Audit, submitted by Charles J. Ferraioli, Jr. of Ferraioli, Wielkotz, Cerullo & Cuva, P.A., is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 263 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2012 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body whom, after a date fixed for compliance, fails or refuses to obey and order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, in the County of Passaic, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

**Group Affidavit of the Township Council of the Township of West Milford
Certifying to the Annual Audit for the year ending December 31, 2012**

BE IT RESOLVED that the Township Council of the Township of West Milford hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution which includes the required affidavit to said Board to show evidence of said compliance.

**GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY

} SS.

COUNTY OF PASSAIC

We, the members of the Governing Body of the Township of West Milford, County of Passaic, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Council of the Township of West Milford.
2. In the performance of our duties, and pursuant to the local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Township Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2012.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

_____(L.S.)
Edward Rosone

_____(L.S.)
Ada Erik

_____(L.S.)
Luciano Signorino

_____(L.S.)
Michael Hensley

_____(L.S.)
CarlLa Horton

_____(L.S.)
Vivienne Erk

_____(L.S.)
Bettina Bieri, Mayor

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Sworn to and subscribed before

me this _____ day of

_____, 2013.

Notary Public of New Jersey

IMPORTANT: This certificate must be sent to the Division of Local Government Services, PO Box 803, Trenton, New Jersey 08625. The Township Clerk shall set forth the reason for absence of signature of any member(s) of the Governing Body.

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 264 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

WHEREAS, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A below and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on September 24, 2013, at 4:00 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.

11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owner's bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.
16. The resolution shall take effect immediately.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Schedule A						
#	BLOCK	LOT	APPROX ACREAGE	ZONE	LOCATION	TAX ASSESSOR SUGGESTED MINIMUM BID
1.	509	1	.146	L R	Warwick Turnpike	\$2,400
2.	509	2	.154	L R	Warwick Turnpike	\$2,500
3.	1808	11	.332	L R	Warwick Turnpike	\$1,100
4.	2005	7	.226	L R	Lakewood Road	\$1,500
5.	3608	8	.344	R-1	Quinty Place	\$2,200
6.	3609	4	.344	R-1	Quinty Place	\$2,200
7.	8509	10	.138	R-2	Pinecrest Trail	\$900
8.	8509	11	.021	R-2	Pinecrest Trail	\$150
9.	8509	13	.116	R-2	Dockerty Hollow	\$750
10.	10817	12	.459	L R	Lakeview Drive	\$3,000
11.	Portion of property contiguous to Block 7619 Lot 6	Overlook Rd/ Butler Lane	.172	L R	Overlook Rd/ Butler Lane	\$1,000

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 – 265 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO BERRY ASSOCIATES FOR LAND SURVEYING TO ESTABLISH COMPOST FACILITY PROPERTY LINES

WHEREAS, there exists large volumes of materials throughout the Township's Compost Facility on tax map Block 6002, Lots 18.02 and 28.03; and

WHEREAS, in order to resume operations for Township residents, the materials must be reduced to a level defined by the New Jersey Department of Environmental Protection for exempt organic recycling facilities; and

WHEREAS, to begin to process and/or remove the overburden of materials, the property lines that divide this formerly shared facility must be established; and

WHEREAS, the Engineering Division recommends the award of a professional services contract for surveying to delineate the size and scope of the cleanup; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services, said funds to be encumbered from account number 26-201-55-500-450.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Township of West Milford hereby authorizes the Mayor and Township Clerk to execute a professional services contract with Berry Associates, 45 Cliff Road, West Milford, NJ 07480-1462, to perform land surveying to establish property lines at the West Milford Township Compost Facility, in an amount not to exceed \$6,800.
2. This contract is approved without competitive bidding as "Professional Services" in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$6,800, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 266 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE MAYOR TO SIGN THE APPLICATION FOR THE PROJECT AT BLOCK 9001, LOT 13, 1468 MACOPIN ROAD IN THE TOWNSHIP OF WEST MILFORD WHICH REQUIRES A TREATMENT WORKS APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of West Milford is the owner and operator of recreational facilities located on Lot 13 in Block 9001, otherwise known as Bubbling Springs Park at 1468 Macopin Road in the Township of West Milford; and

WHEREAS, the Bubbling Springs Park facility is permitted through the New Jersey Pollutant Discharge Elimination System Discharge to Groundwater (NJPDES-DGW) General Permit Authorization (NJ0130281) for the existing sanitary wastewater flow generated on the property; and

WHEREAS, the existing Individual Subsurface Disposal System (ISSDS) which currently serves to treat and dispose of sanitary sewer effluent from the facilities on the property has been in operation since 1977, which exceeds the anticipated useful performance period for the septic components it is comprised thereof; and

WHEREAS, Ferriero Engineering, Inc. has prepared a design and application to upgrade the existing ISSDS to the current Standards; and

WHEREAS, for all NJPDES-DGW permitted design flows that exceed 2000 gallons per day, the New Jersey Department of Environmental Protection requires a Treatment Works Permit; and

WHEREAS, the applicant for the Treatment Works Approval is the Township of West Milford; and

WHEREAS, the Mayor needs to sign the application to the NJDEP; and

WHEREAS, a copy of the application is on file in the West Milford Township Health Department; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford, County of Passaic, State of New Jersey hereby authorizes the Mayor to sign the Statement of Consent to file an application for Treatment Works Approval as submitted for the property known as 1468 Macopin Road, in the Township of West Milford which is known as Block 9001, Lot 13 with respect to an ISSDS alteration.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 – 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT TO CIVIL DYNAMICS, INC. FOR A REGULAR INSPECTION AND REPORT FOR THE NOSENZO POND DAM

WHEREAS, in 2011 the Township of West Milford acquired the CYO property for Green Acres open space and recreation. This property includes the Nosenzo Pond, which is impounded by a Class II dam; and

WHEREAS, for Class II dams the New Jersey Department of Environmental Protection, Bureau of Dam Safety and Flood Control requires a Regular Inspection every two years and a Formal Inspection every ten years; and

WHEREAS, proposals were solicited from three licensed New Jersey engineers experienced in the design and inspection of dams; and

WHEREAS, the Engineering Division recommends the award of a professional services contract to the low proposal to perform the Regular Inspection and provide a report in a form acceptable to the Bureau of Dam Safety and Flood Control; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number: 01-201-20-100-450.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Township of West Milford hereby authorizes the Mayor and Township Clerk to execute a professional services contract with Civil Dynamics, Inc., 109A County Route 515, P.O. Box 760, Stockholm, NJ 07460-0760, to perform a Regular Inspection and provide a report for the Nosenzo Pond Dam, in an amount not to exceed \$2,200.
2. This contract is approved without competitive bidding as "Professional Services" in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$2,200, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

TOWNSHIP OF WEST MILFORD
Passaic County, New Jersey

~ Resolution 2013 – 268 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO M&B TRUCKING INC. FOR THE SEPTIC SYSTEM DISPOSAL BED PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 9, 2013 at 10:30 am for the septic system disposal bed project; and

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

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineer and Township Attorney; and

WHEREAS, the bid received from the low bidder M&B Trucking 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 the encumbrance for these services shall come from account number 01-201-29-390-513.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 M&B Trucking Inc., P.O. Box 705, Butler, NJ 07405 for the Septic System Disposal Bed Project in an amount not to exceed \$58,425.00.
2. The Mayor and Township Clerk be are hereby authorized and directed to execute a contract with M&B Trucking Inc. for the septic system disposal bed project 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: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 – 269 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO DYKSTRA ASSOCIATES, PC FOR LAND SURVEYING OF THE BUBBLING SPRINGS COMPENSATION PROPERTY

WHEREAS, there exists a need for an Open Space Survey to NJDEP Green Acres Standards;
and

WHEREAS, in order to meet the requirements of the New Jersey Department of Environmental Protection, Green Acres Program the Township of West Milford must acquire a boundary survey of property known as Block 3001, Lot 11; and

WHEREAS, the Land Conservancy of New Jersey recommends the award of a professional services contract for surveying to delineate the property boundaries of Block 3001 Lot 11 to New Jersey Department of Environmental Protection, Green Acres Program standards; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services, said funds to be encumbered from account number _____.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Township of West Milford hereby authorizes the Mayor and Township Clerk to execute a professional services contract with Dykstra Associates, PC, 11 Lawrence Road, Newton, NJ 07860, to perform land surveying to establish property lines at West Milford Township property Block 3001 Lot 11, in an amount not to exceed \$9,815.
2. This contract is approved without competitive bidding as "Professional Services" in accordance with the provisions of the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$9,815, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 – 270 ~

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

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

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

Resolutions:

- a. **2013-270** - Refund Overpayments

Applications:

1. Application for Off Premise Draw Raffle License by UGL School PTA for November 11, 2013.
2. Application for Extension of Premises by New Vineland Corp. t/a Uncorked Wines & Spirits for October 5, 2013
3. Application for 2013 Pool Table License No. 2013-7 by Big John's Pub, Tracey Bennett.

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 – 271 ~

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

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

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

REASON: State Tax Appeal

Block/Lot	Name	Amount	Year
15505-2.01	Village Holdings, LLC PO Box 590 Newfoundland, NJ 07435	\$5,022.99	2011
15505-2.02	Village Holdings, LLC PO Box 590 Newfoundland, NJ 07435	\$5,172.56	2011
TOTAL		\$10,195.55	

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2013 – 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	\$94,315.29
3	Reserve Account	15,235.00
2	Grants	5,035.00
6	Refunds	10,195.55
1	General Ledger	0.00
26	Refuse	353.10
4	Capital	40,103.89
19	Animal Control	11,973.20
19	Heritage Trust	0.00
19	Open Space Trust	3,165.03
19	Trust	34,639.99
19	COAH	0.00
16	Development Escrow	9,524.50
20	Special Reserve	0.00
21	Assessment Trust	0.00
Total		\$224,540.55
	Less Refund Resolution	-10,195.55
	Actual Bill List	\$214,345.00
	Other Payments	
	Total Expenditures	\$214,345.00

Adopted: September 4, 2013

Adopted this 4th day of September, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk