
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 5, 2018
Time of Meeting: 6:30 pm
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The Workshop Meeting of the Governing Body was called to order by Council President Wagner.

Adequate Notice Statement

Council President Wagner read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of February 11, 2018; 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

Council President Wagner led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Andrena Pegel, Mike Hensley (arrived at 6:40), Tim Wagner
Pete McGuinness, Luciano Signorino, Patricia Gerst
Absent: None
Also Present: Township Administrator/Clerk Antoinette Battaglia, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

August 15, 2018 Workshop and Regular Meeting
August 15, 2018 Executive Session

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

Agenda No. IV

Meetings

Council President Wagner noted the future meeting schedule:

September 19, 2018 Regular Meeting
October 3, 2018 Workshop Meeting
October 17, 2018 Regular Meeting

Agenda No. V

Executive Session

~ Resolution 2018 – 227 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 5th day of September, 2018 that:

1. Prior to the conclusion of this **Workshop 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.

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- () 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.
() 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: September 5, 2018

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

The Governing Body went into executive session at 6:35 p.m.
Councilman Hensley arrived in executive session at 6:40 p.m.
The Governing Body returned to the public meeting at 7:37 p.m. with all present as before.

Agenda No. VI

Proclamations

None

Agenda No. VII

Presentations

None

Agenda No. VIII

Discussion Items

Table with 1 row and 2 columns. Column 1: 1. Column 2: Discussion: Selection of Acting/Interim Mayor: Mr. Semrau explained the options to the Governing Body. He said Mayor Bieri was elected as a Democrat, so her vacancy could be filled by a democratic candidate presented by the Democratic County Committee until the election in November. He said by operation of the law, the Council President will serve as acting mayor until the election in November. Councilwoman Pegel made a motion for Council President Wagner to serve as Acting Mayor. A Point of Order was called by Kathleen M. Caren, Co-Chairman, of the Democratic County Committee. Ms. Caren asked Mr. Semrau to cite the law that states the Council President can serve as acting mayor. Councilwoman Gerst said she was going to second Councilwoman Pegel's motion right before Ms. Caren called out a Point of Order. Council President Wagner directed Mr. Semrau to cite the case that states Council President Wagner can serve as acting mayor. Mr. Semrau cited NJSA 40A:9-131. The Governing Body invited Ms. Caren to the podium. Ms. Caren asked if there was going to be action taken tonight. Council President Wagner replied in the affirmative. Ms. Caren, 16 Quince Tree Lane, West Milford, stated that the former mayor was elected by a member of a political party. Mr. Semrau said he submitted a memorandum citing the statute which is also a benefit for the public. Ms. Caren noted that they have thirty days after the resignation so they don't have to decide tonight. Councilman McGuinness said to continue the discussion and get it done. Ms. Caren expressed that in terms of fairness the discussion should include the three names that the Democratic County Committee considered for mayor. Mr. Semrau said he cited how the process works from a legal perspective. Ms. Caren asked for a copy of the memo. Council President Wagner said that the Governing Body was provided the names of the Democrat Candidates. Mr. Semrau said that Ms. Caren's Point of Order was relevant to the legal discussion. He noted that the next discussion is the policy that Governing Body wishes to entertain. Ms. Caren said that the three names were part of her Point of Order so they could be recognized.

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	<p>Councilman Hensley asked Mr. Semrau if he can make a motion. Mr. Semrau said he could ask for an amendment to the motion. Councilman Hensley asked to make a change and nominate Councilman Signorino for acting mayor. Mr. Semrau said that Councilman Hensley needs to ask the maker of the motion to amend their motion. Councilwoman Pegel said she will not amend her motion. Council President Wagner asked for a roll call on the first motion that Councilwoman Pegel made to nominate Council President Wagner for acting mayor.</p> <p>-----</p> <p>Moved: Pegel Seconded: Gerst Voted Aye: Pegel, Wagner, McGuinness, Gerst Voted Nay: Hensley, Signorino Motion Carried:</p> <p>-----</p> <p>Councilman Hensley expressed that he did not have the opportunity to speak about why Councilman Signorino should be the acting mayor. Councilman Signorino thanked Councilman Hensley for the kind words of acknowledgment.</p>
2.	<p>Discussion: Facilities: Administrator Battaglia expressed that the subcommittee; Councilman Signorino, Councilman Wagner and former Mayor Bieri invested a lot of time to devise the plans, and the Governing Body engaged the services of a local architect. Administrator Battaglia said the goal was to take all the departments that work on applications and house them in one location; the Health, Building, Planning, Zoning and Fire Departments. Councilman Signorino presented and spoke about the plans for the old library. He explained that it will be one-stop shopping and more convenient for the residents. He spoke about the plan for Town Hall, and said the goal is to get the employees out of the basement. Administrator Battaglia said the direction from the Governing Body was to effectuate this move with the least cost possible by accommodating the needs of the residents, and address the issues of having staff in the basement. She said the architect proposed the project be handled as one, and he came up with a range of \$350,000 - \$450,000. She noted that the old library needs a lot of electrical work. Councilman Signorino and Councilman Wagner toured the buildings many times to check the structure and validity of the work that needs to be done. She noted that previous successful Governing Bodies asked that the funds from the sale of the golf course be protected for the purposes of investing in the infrastructure. She said about three years ago, 50% of those funds were applied to the general account to offset a tax increase. Councilman McGuinness asked for a list of all the funds like this specific one that were put away for future endeavors. Councilman Hensley expressed not waiting too long to approve this because it has to get done, and in one year from now the cost for the improvements will only increase. Councilman Signorino noted they have a Passaic County ADA Advocate, and they had meetings with her to review the plans. Administrator Battaglia said another effort to minimize the cost is a CDBG grant application to the county to make the restroom ADA accessible, and they would want to try and get CDBG grants to improve the lift for those with disabilities. She noted if they could get the grant money for those projects, it would minimize the costs. Councilman Signorino said he would like to see the Johner Building vacated and sold. He expressed that there may be an opportunity in the future to sell some of the assets that the Township does not need. Administrator Battaglia asked the Governing Body if they would like to authorize the architect to draft the bid specifications. She said to keep in mind that there will also be a capital request for furniture needs that will accommodate the new structure in the 2019 budget. Councilman McGuinness suggested that they ask for furniture donations. Administrator Battaglia mentioned that the Library Board has been wonderful working with the Township through this. She said there is a resolution on the agenda for the Township to accept the old library. The Governing Body gave consensus for the architect to draft the bid specifications.</p>
3.	<p>Discussion: Cannabis Recommendation: Councilman Wagner noted that the EDC is going to make a recommendation to the Governing Body. Mr. Michael Chazukow thanked the Governing Body for being there and serving the public. He said there is a model resolution in favor of cannabis, and it could benefit the sick and disabled. He thanked the Governing Body for adding this to the agenda. He said the reason that the recommendation arose is because the Governing Body passed a resolution supporting Evergreen Farms. Ms. Melissa Brown-Blauer said this is an opportunity for West Milford, and Evergreen Farms could really be a big success story and turn around West Milford. She reminded everyone that she has been very conscious of this since the 70's, and she noted that a lot of people are misinformed. She said alcohol has a lot more cultural acceptance but it is far more toxic to the human body than marijuana.</p>

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	<p>She expressed that several studies have been done to show that marijuana is not as toxic as many other substances that are legal. Councilman Signorino asked the difference between legalization and decriminalization. Mr. Chazukow said when a market is decriminalized, there is no regulatory structure put into place. He noted that essentially a decriminalized market is like the black market; once there is legalization, the distributors are licensed and there is quality control and labeling. Licensed distributors would have to card and identify minors. Councilman McGuinness noted that the petition that was presented to the Governing Body by Evergreen Farms was for medical marijuana, and a new petition would have to be presented for recreational marijuana. Mr. Chazukow confirmed that the EDC's recommendation is for recreational marijuana, and he provided a copy to Evergreen Farms. He said that the EDC feels that West Milford should take advantage of this opportunity for the betterment of the Township. Councilman Wagner said they don't have any information from the state level yet, and he does not have enough information in front of him to make a decision. Mr. Chazukow said the resolution is not binding, and the municipality could change their mind. If there was a regulatory structure that the Governing Body does not agree with, or a specific licensee, then certainly that would be their authority. Councilman Signorino asked Mr. Chazukow if he would be willing to do the leg work, monitor the state, and help educate the Governing Body on the topic. Mr. Chazukow said he would be happy to do the research. Councilman McGuinness noted that he voted on a company to proceed to the county and state level for permission, and it might not even happen. Mr. Chazukow mentioned that there are 800 applicants for 6 licenses, and if it comes through, it will make a huge difference for the economy. Councilman Hensley thanked the EDC for being brave enough to tackle this issue head on and talk about the pros and cons. He said they don't have enough information from the state level, but what they do know is that West Milford has very little opportunity to bring in ratables. He said if the Governing Body adopts the resolution, they will be sending a message that they are open to a brand new industry, open to the idea of having tax ratables come into town, and marijuana may not be the evil drug that the government proposes it to be. He noted that HEMP has a long history and it goes hand-in-hand with cannabis. He expressed that they may not have the information from the state, but they have a resolution before them that states that they are open-minded on supporting a new industry in West Milford. The Governing Body thanked Mr. Chazukow and Ms. Brown-Blaeuer.</p>
4.	<p>Discussion: Bear Hunt: Administrator Battaglia said she received a request from a resident to add talking points about a bear hunt resolution on the agenda to see if the Governing Body would be willing to consider a resolution at a future meeting. Councilman Signorino said this issue has come up several times especially after someone was attacked by a bear. He understands people are passionate on both sides, but responsible population management is necessary. He said bear sightings have become normal, and he would support a resolution. He expressed that the Governing Body needs to send a strong message to the Governor stating that they need to be responsible about this before they put anyone in jeopardy. Councilman McGuinness said he has no problem passing a resolution for a catch and release program. He said that he does not have enough information to act on this tonight. Councilwoman Pegel said it is about educating the people on the bear situation because it is their home too. Councilman Hensley said when they decided to expand the bear hunt several years ago, it made a remarkable difference. He said it's ridiculous to hunt a bear while they are in their winter dens, and he is not going to wait for the state to address this in an intelligent way. He expressed that banning the hunt will directly lead to a population increase. They need a responsible bear hunting program in place by hunting professionals. Councilman Hensley said that Governor Murphy banned the bear hunt on state property. Councilman Hensley made a motion, seconded by Councilman Signorino, to oppose Governor Murphy's ban on the bear hunt on public property, and support a responsible wildlife management program. Councilwoman Pegel said this has to be written properly. Councilman Hensley amended his motion, and Councilman Signorino amended his second. Administrator Battaglia asked if the Governing Body was giving consensus to research this and draft a resolution based on the motion that Councilman Hensley made regarding a bear hunt. She will formulate a resolution for their consideration at the next meeting without including anything that Councilman McGuinness spoke about in his comments. It will be simply to oppose the ban. Councilman Signorino said to add to support a responsible wildlife management program. Councilman McGuinness said to add they are not allowed to catch and release in West Milford. Councilwoman Pegel asked the meaning of responsible wildlife program. Councilman Hensley said it means having historical common practices.</p>

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He expressed that it means having sensible hunting laws that allow hunters their traditional rights of hunting. Councilwoman Pegel asked if there is going to be limitations. She wants to understand how they are going to word it so everyone is somewhat happy. Councilman Signorino said he would like to see a separate resolution for the trap and release because he does not want to dilute either one of them.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

~ Ordinance 2018 – 008 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 263 "PEDDLING AND SOLICITING" TO ADD A NEW ARTICLE IV ENTITLED "RESTRICTIONS"

WHEREAS, the Township Council has reviewed and assessed the Township Code section regarding peddlers, solicitors, hawkers, vendors and other individuals seeking to conduct business door-to-door within the Township; and

WHEREAS, the Township Council has determined that restrictions on such activity were not included in the Ordinance as originally enacted; and

WHEREAS, the Township Council has determined that these restrictions must be set forth in the Township Code.

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. Chapter 263 "Peddling and Soliciting" is amended to add Article IV "Restrictions" to read as follows:

Article IV. Restrictions

§263-25 Entering on posted property prohibited.

No individual obtaining a license pursuant to this Chapter shall enter onto any property on which is located a sign or signs stating "no solicitors" or carrying a similar message forbidding the entry of any persons onto the property.

§263-26 Collection, preparation and maintenance of a nonsolicitation list.

- A. Collection, preparation and maintenance of a non-solicitation list. The Office of the Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Township Clerk that soliciting and canvassing is not permitted on the premises. With the adoption of this section, any resident who wishes to be placed on the non-solicitation list shall complete a form by obtaining same in the Municipal Building's General Office during normal business hours, Mondays through Fridays from 8:30 a.m. to 4:30 p.m., except on weekends and legal holidays, or obtaining the form online on the Township's web page. The form shall be filed in the Office of the Township Clerk either in person, by U.S. mail or electronically by email, as instructed on the form.
B. The Township Clerk shall make the non-solicitation list available to all departments within the Township. This list shall be distributed to applicants seeking a license to solicit or canvass pursuant to the provisions of this Chapter. The licensee shall not solicit or canvass at any address on the non-solicitation list. The West Milford Police Department shall be responsible for enforcement of these provisions.
C. Updating of non-solicitation list. The list shall be updated regularly and made available to all municipal departments.
D. Any individual who receives a summons from the West Milford Police alleging violations of the provisions of §263-25 described above may be subject to judicial prosecution and/or fines as prescribed in §263-27.

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§263-27 Violations and Penalties.

Any person who violates any provision of this Article may, upon conviction thereof, be punishable by a fine not exceeding \$2,000 or such other penalties consistent with N.J.S.A. §40:49-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

The remainder of this Chapter remains unchanged.

SECTION 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 5. This Ordinance may be renumbered for codification purposes.

Introduced: August 15, 2018
Adopted: September 5, 2018
Effective Date: September 25, 2018

This Ordinance was introduced August 15, 2018 and the Notice of Public Hearing was published in the Herald News on August 19, 2018. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford – Said she hopes the Governing Body will pass the Ordinance. It is very important and it does help the safety of the community. She noted that a lot of the restrictions should have been in the Ordinance originally.

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

Discussion:

Councilman Hensley said he does not understand what changes are being made in terms of what is in place now. He asked Administrator Battaglia to explain. Administrator Battaglia said this Ordinance was drafted by the Township Attorney at the direction of the Governing Body. The Clerk's Office will create a list of residents that wish to register if they do not want solicitors knocking on their door. The list will be provided to entities applying for a solicitor's permit. The entity would have to respect the residents that are registered and do not want to be solicited. Mr. Semrau spoke about the long standing court ruling allowing free enterprise and door-to-door soliciting until 9:00 p.m. He noted that there are a number of municipalities engaged in litigation with door-to-door sales representatives because they were challenging the law. Mr. Semrau mentioned that the Ordinance is an effective legal way giving the residents a choice if they want the soliciting or not. Councilman Hensley expressed that this Ordinance is going to affect local small businesses because they don't have the knowledge of who is on the list and who is not. He said the residents will lose in the value of being able to be approached. He said he knows people that have benefited from people knocking on their door, when the small local businesses come around to offer the savings. He expressed that there are always pros and cons, and he does not like the idea of discouraging free enterprise in West Milford, and he is not in favor of it. Councilman Hensley said this creates more paperwork in the Clerk's Office and now they will have to hire an additional person. Councilwoman Pegel said there are a lot of young kids that play in the streets, and she feels that the Ordinance is about strange vehicles driving around the neighborhood. Councilman Signorino suggested moving on to the public portion of the meeting. He asked if they could suspend this Ordinance temporarily.

Councilman Wagner invited members of the public back to the podium who asked to speak to this Ordinance only.

David Sisco, 4 Delmont Road – Said residents should just put up a sign that says no soliciting.

Mike Chazukow, 67 Pinecrest Trail – Noted that this is a question of property rights, and he does not feel that the Ordinance applies to what Councilman Hensley discussed.

Marilyn Lichtenberg, 37 Hudson Drive – Spoke about a group of 12-15 people that obtained a permit and were dropped off in neighborhoods to solicit. She said that there were a lot of complaints to the Police Department regarding that particular group. She expressed that now, these groups will have to provide the names of their employees, and they are provided a list of the houses that are on the do-not-solicit list.

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Councilwoman Pegel noted that is supported in Section B. She expressed that it has become a public safety issue, and they are not preventing any type of economic development. They have to provide public safety to the residents. Mr. Semrau mentioned that this Ordinance gives the property owner the choice, and it is not restricting free enterprise. It is the only legal tool that is available to address door-to-door.

Mr. Christmann, 11 Deborah Lane – Said he thinks more thought should go into how this Ordinance is going to be enforced. He noted that there a lot of ordinances that are not enforced now. He mentioned that Girl Scouts will not be allowed to knock on doors, and kids will not be allowed to shovel driveways.

Mr. Semrau said that he has seen this Ordinance enforced, and there are a number of entities that entered litigation with townships under the suspicion that it was done on purpose to spark the litigation.

Administrator Battaglia apologized to Council President Wagner. She noted she interrupted the general rule for conducting the meetings. She explained that when the public portion was first closed, and Councilman Hensley asked a question without a motion on the floor, she answered it which initiated a discussion. The protocol is that the motion should have been on the table with a second before the discussion opened up to the Council.

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

Councilman Wagner invited members of the public back to the podium who asked to speak to this Ordinance only.

Gary Steele, North Glenwood Road – Mentioned that this is a no-brainer and the Ordinance is for residents to opt out. He expressed that a knock on the door four hours after dark is scary. He said this Ordinance is the only way to accomplish the non-soliciting.

Chris Garcia, 200 Lakeshore Drive, Hewitt – Said one thing to consider is the people who put their names on the list and move in 10-15 years.

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

Discussion:

Councilman Signorino mentioned a situation in a township where two boys were arrested and given tickets for shoveling someone's driveway because that town had a no-solicitation law. Councilman McGuinness expressed that residents are allowed to invite anyone to their property to shovel, and this Ordinance is for people looking to obtain a permit. Councilman Signorino asked Mr. Semrau to play out that scenario; what would happen if the Zoning Officer felt it was questionable. Could he feel compelled to give a summons? He said he has a problem with the consequences. Mr. Semrau said he believes it is an extreme scenario. Mr. Semrau said they are not going to prosecute kids asking to shovel someone's driveway. He does not see that as an issue or a solicitation. Councilman Signorino said they want to avoid unintended consequences, and they have to ask these types of questions. Council President Wagner asked for a roll call on the Ordinance and said they could continue this discussion later. Mr. Semrau said he thinks the Council should ask Administrator Battaglia the amount of calls her office receives regarding door-to-door soliciting. He thinks that is relevant to what Councilman Signorino is asking. Councilman McGuinness said this came into effect because there was a company threatening a law suit on the Township, and they have to add that factor into this. Councilman McGuinness made a motion to move the Ordinance as it stands, seconded by Councilwoman Pegel. Council President Wagner asked for a roll call vote.

Motion to adopt Ordinance 2018-008.

Moved: McGuinness Seconded: Pegel
Voted Aye: Pegel, Wagner, McGuinness, Gerst
Voted Nay: Hensley
Abstain: Signorino
Motion Carried:

Agenda No. X

Public Comments

Council President Wagner opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Eric Bunk, 31 Vista Road – Thanked the Governing Body for being open-minded about the bear hunt. He said he has lived in West Milford for 48 years, and he is a hunter, fisherman and trapper.

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He said the state will issue permits based on the biologists' recommendations, and unfortunately, the Governor does not listen to the biologists. He expressed that the biologists are the professionals; they do extensive research, they know where the bear dens are, and they issue permits for the entire state. He said they only take apart the surplus of the population; look at the birth rate and the amount of cubs that are born every year. He said it's like a bush in your backyard; it becomes unhealthy if you let it grow out of control. He said he wants to see a safe, viable, healthy bear population. He believes the Governor should visit West Milford and address the residents of bear country, instead of sitting in his office deciding what looks good on paper. He said if you need a heart surgeon, you don't go to an administrator. He mentioned that there are a lot of responsible hunters, fishermen and trappers that want to see a responsible, basic reduction in the bear population.

Richard Ashley, 14 Orange Road, West Milford – Said the biggest thing West Milford had was hunting and fishing. He spoke about his family history in West Milford. He said the state closed the bear hunt to bring the population up. He said the bear population became so great; it was above the land capacity. He said the bears are very smart and they teach their cubs how to unscrew the garbage cans. He mentioned that Zone 3 in West Milford had a low bear success rate. He feels that the hunts are successful. He asked that this make it to Trenton and asked to keep the bear hunt season open. He thanked the Governing Body for promoting it.

Bob Nicholson, 20 Hyde Road, Stockholm – Noted that where he lives, there is about 300 acres that is land-conservancy owned with no hunting. He feels that the state could find a better way to control the bear population. It is a money maker for them because people want to hunt and they are willing to pay the fee to go hunt the bear. He said the two individuals provoked the bear attack in Apschawa. If they support no hunting, the private land owners' rights will be challenged. He said the state is probably going to make marijuana legal at some point in time, and before they jump the gun, if they allow medical marijuana, they will have dispensaries on every corner. The black market guy will be standing on the corners too. He thinks they should hold off and wait for the law, and then they can act accordingly. They want business, but they want smart business.

Pat Sherry, 31 Forest Lake Drive – Mentioned that she is not speaking about bears, soliciting, or marijuana. She noted that she has been a resident of West Milford for many years, and she has never complained about anything. She expressed her issue with the short-term rentals and Airbnb's arising all over the Township, especially on Greenwood Lake. She said the Village of New York applied strict rules and regulations because there are so many short-term rentals. She expressed that the traffic coming and going has disturbed her quiet, family-oriented neighborhood. She noted that some houses rent up to eight people. She stated that she is not against the owners; she is just against the short-term renting. She said they banned short-term rentals and Airbnb's in several New Jersey towns. She asked the Governing Body to ban the short-term completely. She is not against renting, but the short-term renting is very concerning to her. She expressed that the septic systems do not have the capacity to handle all the people coming and going. The septic next door to her was made for two people and it is being overloaded.

Chris Garcia, 200 Lakeshore Drive, Hewitt – Noted that he is on the Planning Board, and the short-term rental and Airbnb topic is on their agenda for the scheduled meeting on September 27th. He encouraged people that are concerned to attend the meeting. He said he believes that Mr. Semrau's opinion on the appointment of acting mayor may have been flawed. He said "Section 40A:16-11, appointment to fill a vacancy where incumbent was nominee of a political party", is very specific because it states that the Governing Body shall, within 30 days after the vacancy, appoint one of the three nominees as a successor to fill the vacancy. He said there is time to correct that statement.

Edith Sauter, 27 Forest Lake Drive – Said she thought purchasing a home in a residential area meant not dealing with a business next door. She said they look for peace and quiet, and these short-term rentals are causing a hardship on them. She expressed that the renters invite more people to join them. She said she loves West Milford and she would like to stay. She asked the Governing Body to see what they can do to help.

Melissa Brown-Blaeuer, 67 Ramapo Road, Hewitt – Said the EDC proposed the Airbnb's because it might be a way to encourage the ecotourism in West Milford without a lot of infrastructure and hotels. She said maybe there is a compromise and restrictions could be applied. She expressed that there has to be another way to consider this issue. She said she is not a customer of the MUA, she is a commissioner on the MUA; the sale is approaching soon and she hopes it goes through successfully and smoothly.

Maureen Finkelstein, 63 Lake Park Terrace – Said there has been garbage piled up halfway down her street for six months. She has been to the Health Department numerous times to address this issue. She expressed that it has become a health issue. She noted that there is no homeowner there. She pays very high taxes, and the area is beginning to look like a slum. She asked if someone could please rectify this because the homeowners need to be fined. Council President Wagner asked Maureen to provide her address to administration and they will take care of it.

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Piper Pope, 29 Forest Lake Drive – Thanked the Governing Body for allowing her the opportunity to speak. She thanked the Forest Lake Community for coming to the meeting to discuss the important issue. She said Mr. and Mrs. Sherry circulated a letter full of false information with the intention of citing fear in the neighbors regarding the short-term rentals in the neighborhood. She pointed out and addressed a lot of the falsehoods that were included in the letter. She said she never rented her home through Airbnb, and it is not listed on Airbnb. She spoke to the Greenwood Lake, NY Planning Board, and they authorize and support short-term rentals with requirements to protect the owners and surrounding neighbors. She fully agrees with it and supports it. She stated that her home on Greenwood Lake voluntarily meets all the 12 requirements. She wants it noted that the \$80,000 she spent fixing the home on Forest Lake Drive was done through local businesses in West Milford. She explained how her renters support the local economy.

Mike Chazukow, 67 Pinecrest Trail – Said he was hoping for action on the cannabis resolution. He said not knowing the regulatory structure is not a reason to not support the resolution. He noted that the point of legalization is to compete with the black market and have licensed people. He said a lot of medical organizations say the best way to get the medicine to people is through legalization, and that is why he has been advocating cannabis. He expressed that cannabis is here and it is helping people.

David Sisco, 4 Delmont Road – Asked if New Jersey accepts marijuana as a medicine, does the Federal Government override that.

Gary Steele, North Glenwood Road – Believes that wildlife management population control is logical. He said there has to be a way to regulate the Airbnb's so they don't create problems. He said let's not lose sight of the medical marijuana because it is highly regulated, and there will not be dispensaries all over town. He mentioned that there was no discussion on the plans for the basement in the old library. He would like the Governing Body to consider checking in with the WM77 TV Commission before they plan on occupying that space.

Pat Sherry, 31 Forest Lake Drive – Said she didn't like being attacked and being called a liar. She got her information from the Zoning Officer, Mr. Lupo. She is not trying to hurt anyone, but she sees what goes on in these rental homes. The owners are not aware of what goes on because they are not there.

Edith Sauter, 27 Forest Lake Drive – Noted that she purchased her bungalow and she is only nine feet away from a short-term rental house. They don't have a lot of property, the houses are very close, and they are right on top of each other.

Jeff Pope, 29 Forest Lake Drive – Said that he respects the neighborhood, and he does not want a party house. There are other short-term rentals and Airbnb's close to his house, and there have not been any problems. He said he does not live far from 29 Forest Lake Drive, and he visits the house regularly to make sure that the people they chose to rent his home are doing the appropriate thing. He has not heard any complaints from any of his neighbors. It is not an obtrusion invasion of the neighborhood, and there have been no noise violations that he is aware of.

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

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

Agenda No. XI

Council Comments

Mr. Semrau – Explained that the Governing Body has already mentioned the short term rental and Airbnb issue to the Planning Board, and that is where the discussion begins. He noted that at the Planning Board meeting, there will be a discussion about where it may or may not fit within the Township code, and then a recommendation will come back to the Governing Body. There will be another public discussion to see if the Governing Body wants to proceed with the recommendation from the Planning Board. He directed the Governing Body to wait until they receive the recommendation from the Planning Board.

Councilman McGuinness – Said he has no problem with the way the bear hunt resolution is going to be prepared, but the bear hunt needs to be policed in a certain way.

Councilman Signorino – Mentioned that he has been in a lot of discussions regarding the facilities, and part of those discussions included a home for the WM77 TV Commission. At this time, there are no plans to retrofit the downstairs rooms in the old library, and he consistently kept in mind and brought up at the meetings that they should allow one of the rooms for the TV Commission.

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He knows that historically in the United States there have been several situations where the County Sheriffs have had direct conflict with federal laws. He noted that the sheriff is the highest authority in the county.

Councilman Hensley – Thanked the public for their patience and for expressing their points of view.

Mr. Semrau – Said he would like to respond to Mr. Garcia’s question on the vacancy. The statute that he read did distinguish that if a vacancy occurs before September 1st, the court said filling that vacancy is a matter of discretion of the Governing Body. He noted that if the vacancy occurred after September 1st, to Mr. Garcia’s point, then it would be an appointment based on a Democratic Party candidate.

Agenda No. XII

Action Items

Agenda No. XII 1

~ Ordinance 2018 - 006 ~

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

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

MAYOR AND COUNCIL

JOB TITLE	MINIMUM	MAXIMUM
Township Mayor	\$5,348.00	\$5,704.61
Township Council	\$4,754.00	\$5,070.99

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Township Administrator	\$26,000.00	\$37,800.59
Director of Community Services and Recreation	\$55,000.00	\$99,990.00
Director of Finance	\$55,000.00	\$92,187.75
Director of Public Safety/Chief of Police	\$137,500.00	\$157,712.20
Director of Public Works	\$55,000.00	\$114,458.00
Court Administrator	\$45,000.00	\$95,826.95
Township Clerk	\$55,000.00	\$99,305.14
Director of Health/Health Officer	\$80,000.00	\$100,000.00
Land Use Administrator	\$50,000.00	\$80,000.00

DIVISION HEADS

JOB TITLE	MINIMUM	MAXIMUM
Construction Official	\$45,000.00	\$105,071.03
Fire Marshall	\$50,000.00	\$58,668.31
Network Administrator	\$35,000.00	\$90,255.07
Tax Assessor	\$50,000.00	\$116,078.07
Tax Collector	\$50,000.00	\$85,645.58

CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

JOB TITLE	MINIMUM	MAXIMUM
Custodian	\$25,000.00	\$44,401.90
Judge	\$25,000.00	\$49,945.31
Prosecutor	\$20,000.00	\$39,540.04

STIPENDS

JOB TITLE	MINIMUM	MAXIMUM
Deputy Registrar	\$3,000.00	\$6,000.00
Alternate Deputy Registrar	\$1,000.00	\$3,000.00

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Emergency Management Coordinator	\$2,000.00	\$2,000.00
Deputy Emergency Management Coordinator	\$3,000.00	\$3,000.00
Fire Commissioner	\$3,000.00	\$6,500.00
Deputy Fire Commissioner	\$1,500.00	\$5,000.00
Qualified Purchasing Agent (QPA)	\$5,000.00	\$5,000.00
Telecommunications Systems Analyst	\$2,500.00	\$5,500.00
Veteran Officer	\$500.00	\$1,500.00

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

Introduced: September 5, 2018
 Adopted:
 Effective Date:

 Moved: McGuinness Seconded: Gerst
 Voted Aye: Pegel, Hensley, Wagner, McGuinness, Gerst
 Voted Nay: Signorino
 Motion Carried:

Agenda No. XII 2

Council President Wagner asked to move resolutions 2018-228 through 2018-241 including resolution 2018-243.

Mr. Semrau read resolution 2018-243, and explained that they are in the process of the pending transaction as they are moving towards a closing date. The contract had a one year period with the right for an extension of time as long as there is a basis for that time. He said the DEP has a Watershed Board. The Watershed Board has to approve the transfer of title because of the Highlands Act; it is required and that is a prerequisite before the BPU and the closing can occur. He said the Watershed Review Board hearing took five to six months to schedule, and it is now scheduled for September 10th, so with that as a basis, it becomes critical to extend the time to the end of the year for the closing on the transaction.

~ Resolution 2018 – 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING THE FORMER LIBRARY BUILDING LOCATED AT 1490 UNION VALLEY ROAD, WEST MILFORD

WHEREAS, in accordance with the agreement dated July 8, 2014, the Board of Trustees of the West Milford Township Library and the Township of West Milford participated in a joint venture for the construction of a new Municipal Public Library and Community Center at 1470 Union Valley Road; and

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WHEREAS, the grand opening of the West Milford Library and Community Center was celebrated on Saturday, June 17, 2017; and

WHEREAS, the former library building has been vacated and all the contents have been removed; and

WHEREAS, the Township took ownership of the former library via deed from the West Milford Township Public Library Association on April 26, 1984; and

WHEREAS, the Township of West Milford has a need to utilize the former library building to meet the needs of the municipality; and

WHEREAS, no debt is to be authorized by the enactment and passage of this resolution.

WHEREAS, that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey desire to make use of the former library building known as Block 7903 Lot 15 located at 1490 Union Valley Road.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby expresses sincere appreciation and gratitude to the Library Board of Trustees and accept the former library building to utilize it for municipal purposes.

Adopted: September 5, 2018

Agenda No. XII 3

~ Resolution 2018 – 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO EXECUTE A “DEDICATION BY RIDER” TO ESTABLISH A DEDICATED TRUST ACCOUNT TO SECURE FEES COLLECTED FOR THE REGISTRATION OF VACANT, ABANDONED AND FORECLOSED RESIDENTIAL PROPERTIES

WHEREAS, permission, is required of the Director of Local Government Services for approval as a “Dedication by Rider” of revenues received by a municipality when revenue is not subject to reasonable accurate estimates in advance and;

WHEREAS, N.J.S.A. 40A: 48-2.12S provides for the receipt of funds for vacant and abandoned properties by the municipality to provide for the care, maintenance, security and upkeep of these properties;

WHEREAS, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the Vacant and Abandoned Properties Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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 Council hereby request permission of the Director of Local Government Services, to pay expenditures of the Vacant and Abandoned Properties Fund as per N.J.S.A 40A: 48-2.12S.
2. The Municipal Clerk of the Township of West Milford is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

Adopted: September 5, 2018

Agenda No. XII 4

~ Resolution 2018 – 230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF THE HIGHLAND REGION ENTERPRISE ZONE

WHEREAS, Highlands Act has placed an undue burden on municipalities that are in the region due to severe building restrictions imposed by the Act; and

WHEREAS, the loss of the ability to build within the municipality has cost the affected communities millions in ratables; and

WHEREAS, due to this loss local businesses and farms are struggling; and

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WHEREAS, a Highlands Enterprise Zone would bring much needed revenue into municipalities where more than 20,000 acres that have been impacted by the Highlands Act and Preservation Area; and

WHEREAS, the Council of the Township of West Milford is in support of a Highlands Enterprise Zone similar to the Urban Enterprise Zones.

WHEREAS, the Highlands supplies drinking water to about 6.2 million people or more than 70% of the state's population; and

WHEREAS, one of the Highlands Preservation Area Goals is to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with preservation of this unique area. The goal is commendable to protect drinking water but has prevented development leading to economic and property tax stability.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford, County of Passaic and State of New Jersey, that it supports the creation of a Highlands Enterprise Zone specifically for municipalities with more than 20,000 acres that have been designated to be restricted under the Highlands Act and Preservation Area; and

BE IT FURTHER RESOLVED that the Township of West Milford urges other communities to adopt this resolution to urge legislators to recognize the disparate impact the Highlands Act has had on the local municipalities.

BE IT FURTHER RESOLVED, the Clerk forward a certified true copy of this resolution to the Governor of the State of New Jersey, the Passaic County Clerk's Association, the New Jersey League of Municipalities, New Jersey's United States Senators and the Passaic County Legislative Delegation.

Adopted: September 5, 2018

Agenda No. XII 5

~ Resolution 2018 – 231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF PASSAIC COUNTY COURT APPOINTED SPECIAL ADVOCATES FOR CHILDREN

WHEREAS, children are vital to our Township's future success, prosperity and quality of life; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, all members of our community have a role to play in strengthening families to ensure children grow up in a safe, nurturing environment free from fear, abuse, and neglect; and

WHEREAS, all children deserve to have safe, stable, nurturing and healthy home and communities that foster their well-being; and

WHEREAS, there are almost 600 children in Passaic County who are living in foster care because of abuse and/or neglect; and

WHEREAS, some of those children reside in the Township; and

WHEREAS, for the last 10 years, Passaic County CASA for Children has provided court-appointed volunteer advocates for children throughout Passaic County, including in the Township, who have been removed from home due to abuse and/or neglect; and

WHEREAS, Passaic County CASA for Children cannot currently advocate for all the children who are eligible for an advocate due to a limited number of volunteers;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of West Milford calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in their efforts to support children who have been abused and/or neglected and placed into foster care; and

BE IT FURTHER RESOLVED, that the Township Council supports Passaic County CASA's mission to provide every child in foster care with a compassionate, trained volunteer advocate to look out for a child's best interest.

Adopted: September 5, 2018

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Agenda No. XII 6

~ Resolution 2018 – 232 ~

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 2018 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 2018 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: September 5, 2018

Agenda No. XII 7

~ Resolution 2018 – 233 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDED A CONTRACT FOR THE PURCHASE OF ONE (1) PRE-OWNED 2005 INTERNATIONAL 4300 WITH BRINE EQUIPMENT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 10, 2018 for the purchase of one (1) Pre-Owned 2005 International 4300 with Brine Equipment as per the Bid Specifications; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township's Director of Public Works, Supervising Mechanic, and the Township Attorney; and

WHEREAS, the bid received from Winter Services, Inc. in the amount of \$69,000.00 does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus Winter Services is deemed to be the lowest, responsive, responsible bidder in accordance with N.J.S.A. 40A:11-2(27)

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number 01-201-44-900-012.

WHEREAS, it is the recommendation of the Township's Director of Public Works and the Supervising Mechanic to award a contract to Winter Services in the amount of \$69,000.00.

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

1. The Township Council hereby awards a contract to Winter Services Inc. for one (1) Pre-Owned 2005 International 4300 with Brine Equipment in an amount not to exceed \$69,000.00.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with Winter Services Inc. 33 Daret Drive, Ringwood, NJ 07456 in accordance with its bid for said Pre-Owned 2005 International 4300 with Brine Equipment.
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 5, 2018

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~ Resolution 2018 – 234 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) 2018 TYPHOON eMAX PUMPER BASE MODEL HC07 THROUGH HOUSTON-GALVESTON COOP CONTRACT FS12-17 TO ABSOLUTE FIRE PROTECTION CO., INC. LOCATED AT 2800 HAMILTON BOULEVARD, SOUTH PLAINFIELD, NJ 07080

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 FS12-17 to Absolute Fire Protection Co., Inc., for the purchase of a new Typhoon eMAX pumper; and

WHEREAS, the Township of West Milford seeks to purchase from Absolute Fire Protection Co., Inc., located in South Plainfield, NJ, one (1) 2018 Typhoon eMAX Pumper Base Model HC07 for the Department of Fire in the amount of \$499,913.00 and in accordance with the bid specifications generated by and the subsequent contract approved by the Houston-Galveston Coop contract FS12-17; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 04-215-55-829-012

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 Fire Commissioner to purchase one (1) 2018 Typhoon eMAX Pumper Truck Base Model HC07, in an amount not to exceed \$499,913.00, through the Houston-Galveston Coop, Contract FS12-17.
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: September 5, 2018

Agenda No. XII 9

~ Resolution 2018 – 235 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER #1 AND FINAL TO ABSOLUTE FIRE PROTECTION CO., INC. LOCATED AT 2800 HAMILTON BOULEVARD, SOUTH PLAINFIELD, NJ 07080 FOR ADDITIONAL/UPGRADED ITEMS FOR THE 2017 E-ONE CYCLONE II PUMPER TRUCK PURCHASED THROUGH HOUSTON-GALVESTON COOP CONTRACT FS12-15 IN AN AMOUNT NOT TO EXCEED \$7,835.00

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 the purchase of a new E-One Cyclone II Pumper Truck; and

WHEREAS, the Township of West Milford seeks to purchase additional/upgraded items from Absolute Fire Protection Co., Inc., located in South Plainfield, NJ, for the 2017 E-One Cyclone II Pumper Base Model CYC2 in an amount not to exceed \$7,835.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from accounts 01-201-44-900-261 (\$5,016.00) and 01-201-25-266-338 (\$2,819.00)

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 Fire Commissioner to purchase additional/upgraded items for the 2017 E-One Cyclone II Pumper Truck Base Model CyC2, in an amount not to exceed \$7,835.00.
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: September 5, 2018

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2018 – 236 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY AWARDING CONTRACTS FOR 2018-2019 SNOW PLOWING SERVICES**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 17, 2018 for 2018-2019 Snow Plowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works, Engineering Division and the Township Attorney; and

WHEREAS, the bids have 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, noting Special Rates for additional equipment to be used if and when needed per rates bid; and

WHEREAS, the Township Attorney has rendered an opinion; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 01-201-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for 2018-2019 Snow Plowing Services in accordance with the following outline:

	CONTRACTOR	# TRKS	\$ Per Hr		CONTRACTOR	# TRKS	\$ Per Hr
1	Greene Ridge Landscaping	2	\$115.00	5	Lanzo Trucking Company	3	\$115.00
2	Cowboys Landscaping	6	\$115.00	6	J.D. Ragonese Jr. Excavating	2	\$115.00
3	Longstaff Paving	9	\$115.00	7	Utter Excavating, LLC	3	\$115.00
4	Tom Buske & Son Construction, LLC	10	\$115.00				
					TOTAL TRUCKS	35	

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Township Clerk.

Adopted: September 5, 2018

Agenda No. XII 11

~ Resolution 2018 – 237 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING MANDATORY DIRECT DEPOSIT FOR ALL EMPLOYEES AND ELECTED OFFICIALS

WHEREAS, P.L. 1981 c. 385 (C.52:14-15a) was amended by the State and General Assembly of the State of New Jersey to provide that municipalities (along with other State entities) may provide for mandatory direct deposit of net pay for all employees on or after July 1, 2014; and

WHEREAS, the Chief Financial Officer of the Township of West Milford recommends that the municipality adopt this requirement for mandatory direct deposit of net pay because it will increase the productivity of the Finance Department and it will decrease or eliminate costs associated with producing and replacing lost checks; and

WHEREAS, the policy will require that employees and elected officials of the municipality indicate, in writing to the Chief Financial Officer, the specific banking institution(s) and designated checking account(s), savings account(s) or share account(s) to which the deposit shall be made on behalf of the employee or elected official; and

WHEREAS, the Chief Financial Officer of the Township of West Milford may provide for any special exceptions that may be permitted by law;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford that, effective October 1, 2018 pursuant to N.J.S.A. 52:14-15, mandatory direct deposit of net pay for all employees and elected officials of the Township of West Milford shall be made to the specific banking institution(s) provided by each employee or elected official

Adopted: September 5, 2018

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~ Resolution 2018 – 238 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE THE CANCELLATION OF CERTAIN TAX SALE CERTIFICATES LISTED ON THE IN-REM TAX FORECLOSURE LIST

WHEREAS, the Tax Collector of the Township of West Milford prepared in rem tax foreclosure list 33 and certified the same to the Governing Body; and

WHEREAS, by Resolution 2017-047 adopted January 4, 2017 and 2017-388 adopted December 20, 2017 , the Township Council adopted in-rem foreclosure list 33; and

WHEREAS, title searches for the properties on the in-rem tax foreclosure list were performed in anticipation of filing of the in-rem foreclosure complaint; and

WHEREAS, the title searches revealed that three of the properties listed on the in-rem tax foreclosure list are owned by the Township; and

WHEREAS, due to the fact that the properties are owned by the Township of West Milford, they must be removed from the in-rem tax foreclosure list which had been prepared by the Tax Collector.

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

1. That the Governing Body does hereby authorize the removal of the following properties from the in-rem tax foreclosure list:
Schedule No. 10: Block 3605, Lot 11.01 (Tax Sale Certificate 8-51)
Schedule No. 12: Block 6603, Lot 24 (Tax Sale Certificate 90-71)
Schedule No. 15: Block 6704, Lot 6 (Tax Sale Certificate 87-13)
2. That a certified copy of this resolution be forwarded to the Tax Collector, Foreclosure Attorney and Township Attorney.
3. This Resolution shall take effect immediately.

Adopted: September 5, 2018

Agenda No. XII 13

~ Resolution 2018 – 239 ~

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

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

Day Camp		
Benjamin Gray	\$140.00	West Milford Presbyterian Church Deacons 1452 Union Valley Road West Milford, NJ 07480
Day Camp Trip		
Kenny	\$20.00	Lisa Johnson 8 Forge Road Hewitt, NJ 07421
Kids Art-August 18		
Heather, Madison	\$25.00	Heather Stitzel 335 High Crest Drive West Milford, NJ 07480
Alicia, Jack	\$25.00	Alicia Schenk 532 Warwick Tpk Hewitt, NJ 07421
Mihaela, Cassandra	\$25.00	Mihaela Jitianu 15 Avalon Road Hewitt, NJ 07421
Samantha	\$25.00	Nina Reams 21 Kushaqua Trail North Hewitt, NJ 07421

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Fall Soccer		
Nicholas	\$70.00	Keith Bognar 21 Hirth Drive Newfoundland, NJ 07435
Roberto Sanchez	\$80.00	Natalia Moya 22 Walker Avenue West Milford, NJ 07480
William	\$70.00	William Weiss 52 Mountain Circle North West Milford, NJ 07480
Chair Yoga 1		
Elizabeth	\$33.00	Elizabeth Kochakji 26 Sweetman Lane West Milford, NJ 07480

Adopted: September 5, 2018 Agenda No. XII 14

~ Resolution 2018 – 240 ~

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
17-0027	10/10/2017	04002-003	\$53,012.57	FNA DZ; LLC 120 N LASALLE ST. SUITE 1 CHICAGO, IL 60602
Grand Total:			\$53,012.57	

Adopted: September 5, 2018 Agenda No. XII 15

~ Resolution 2018 – 241 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ENGINEERING DEPARTMENT PERFORMANCE GUARANTEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be partially refunded as follows:

Name & Address	Block & Lot	Amount Remaining	Amount Refunded
Environmental Construction Company PO Box 746 Ringwood, NJ 07456	4301 & 17	\$300.00	\$1,480.00

Adopted: September 5, 2018 Agenda No. XII 16

~ Resolution 2018 – 243 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EXTENSION OF THE CLOSING DATE IN CONNECTION WITH THE SALE OF THE WEST MILFORD MUNICIPAL UTILITY WATER AND SEWER SYSTEM ASSETS BY THE TOWNSHIP OF WEST MILFORD TO SUEZ WATER NEW JERSEY

WHEREAS, the agreement between the Township of West Milford and Suez Water New Jersey ("SUEZ") for the sale of the West Milford Township Municipal Utility Water and Sewer System assets was executed on or about September 6, 2017; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, Section 7.3 of the Agreement of Sale provides that if various regulatory approvals are not obtained within 12 months of said date, SUEZ may request consent for an extension of time; and

WHEREAS, a number of regulatory agencies, including the New Jersey Department of Environmental Protection, the Watershed Review Board and the Bureau of Public Utilities are all actively engaged in the process of reviewing this transaction; and

WHEREAS, approval from such regulatory agencies is a prerequisite to the closing of this agreement; and

WHEREAS, the Watershed Review Board will be meeting on September 10, 2018 and it is anticipated that other agency approvals will follow shortly thereafter; and

WHEREAS, the parties are pursuing the closing date diligently and an extension of time is warranted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the closing date contained in the agreement for the sale of the West Milford Municipal Utility Authority's Water and Sewer assets by the Township of West Milford to Suez Water New Jersey is hereby extended from September 6, 2018 to December 31, 2018.

This Resolution shall take effect immediately.

Adopted: September 5, 2018

Moved: McGuinness Seconded: Gerst
Voted Aye: Pegel, Hensley, Wagner, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Agenda No. XIII

Consent Agenda

None

Agenda No. XIV

Approval of Expenditures

~ Resolution 2018 – 242 ~

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 this office in payment of amounts due by the Township.

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

Acct #	Account Name	Amount
1	Current Account	\$490,376.07
3	Reserve Account	191.20
2	Grants	6,898.50
6	Refunds	55,005.57
1	General Ledger	2,901.09
26	Refuse	143,648.24
4	Capital	511,694.60
19	Animal Control	8,358.42
19	Heritage Trust	857.82
19	Open Space Trust	0.00
19	Trust	7,093.56
19	COAH	0.00
16	Development Escrow	1,040.25
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman McGuinness – Said he tries to educate himself on every topic in the Township. He explained that the state is moving towards dry waste recycling. He encouraged everyone to educate themselves on the Green Meadow topic and let the Planning Board have their discussion on it. The petition that he read states the company is seeking permission from the Township because there are only four facilities in the county that are allowing this. He provided the following website www.ag-choice.com. He expressed that it is great that everyone comes forward to protect the community. He said the company has not even presented their case yet and asked everyone to stop the fake media. He asked the EDC to look into this because there are ways that the Township could profit from this. He asked Mr. Semrau to look into a host fee for all Class B Recycling Facilities in West Milford because it will be another way for the Township to gain money. He noted that West Milford is not going to get Walmart or strip malls, but if they can get natural organic material and make money off of it without harming West Milford, it is something they should pursue. He provided an update on Road Side Clean-Up Day. He wished everyone good luck in school.

Agenda No. XVI

Appointments and Resignations

None

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 10:47 p.m.

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

Approved: September 19, 2018

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk I

ACTING MAYOR, TIM WAGNER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK