
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
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be a charge and Mr. Boyle advised we have money available through the agreement we have with our auditor, the same firm that represents the MUA. Mr. Cuva advised that the last audit for the MUA was for the period ending January 31, 2011. There were two comments and recommendations in that audit related to internal controls. Mr. Cuva explained that to effectively conduct an audit there is a need to understand internal controls. The MUA has two office employees making it a small entity. Most small entities, he said, have poor internal controls. With auditing standards, the auditor is required to report internal control problems to management in writing. This is a new requirement under the law and most small entities have internal control weaknesses. They are bringing it to management's attention and it is up to them to determine if they wish to strengthen them. He did meet with management at the MUA to review procedures and to the best of their ability, establish good internal controls. They are now in the process of documenting internal controls. The second comment was with regard to the inventory of fixed assets. They are currently working on this inventory. Mr. Cuva explained at the MUA the person that does billing also collects money and makes adjustments to billing and also makes deposits and reconciles bank statements. In a perfect environment with a larger staff these functions should be segregated. The same principles apply to purchasing and cash disbursements. These processes have improved but problems remain when one person is out. In response to Mayor Bieri's comments with regard to checking accounts not being reconciled, Mr. Cuva stated that he has no recollection of that in the last audit. Mayor Bieri noted that it was referenced in the audit for the fiscal year ending January 31, 2010. Mr. Cuva stated that he recalls that this was related to subsidiary accounts not being reconciled to the general ledger. Councilman Jurkovic asked about the financial stability of the MUA. Mr. Cuva advised that the MUA has met all debt service payments but one. They have to have sufficient profit to cover debt. They do have surplus funds and set aside reserves as required by law. As of January 31st they had unrestricted surplus of \$473,000, operating reserves of \$455,000 and bond reserve of \$564,000 and a debt service reserve of \$158,000. Their debt service comes from a multitude of projects primarily the upgrade of the Awosting plant. Their total bond indebtedness is approximately \$11 million. The MUA is required to obtain approval from the Local Finance Board before they bond. Based on the fact that they don't have a large customer base, they have quite a bit of outstanding debt. They have a lot of plants to maintain and their situation is quite unusual. He explained why it is unique. Most of West Milford has septic and wells. The MUA has to comply with DEP standards and an operator who operates the facilities. Councilman Jurkovic asked for an overview of the operating expenses and Mr. Cuva reviewed the numbers advising that they have a budget of \$2,240,000 including debt service of \$524,000. Revenues are about \$2,340,000. He stated that he has been their auditor for about thirty years. Councilman Jurkovic asked if there is anything in the most recent audit that would warrant Council's intervention in MUA business as a result of finances. Mr. Cuva replied no, absolutely not.

Mayor Bieri asked Mr. Cuva to review the 2010 numbers and Mr. Cuva did so. Mayor Bieri noted that the MUA used up \$200,000 of unrestricted reserves to put into future and the other \$200,000 for operations and she asked if that has been happening systematically. Mr. Cuva advised that it is not something for which they have been budgeting. The MUA, he said, can overextend their budget unlike municipalities and can raise those overexpended funds in succeeding years by instituting rate increases. Water consumption affects that process. Council President Smolinski asked if Mr. Cuva sees a trend over the last ten years. Mr. Cuva replied that 2010 was a transitional year based on administrative changes. Also, state law demanded stricter reporting and accounting practices. He said that 2010 was the worst fiscal year with fourteen comments in the audit report. However, all have been corrected. Councilman Rosone asked Mr. Cuva to discuss funding capital improvements & repairs. Mr. Cuva advised that \$4,815,000 is appropriated for capital out of which \$4,550,000 was for the Awosting project. Mayor Bieri noted that she was in attendance on June 24th when Mr. Cuva presented his full report to the MUA at their meeting. Since then, she said, the MUA has discussed increased costs and using all capital improvement funds for operating expenses. Mr. Cuva advised that this is because of the operator's contract. Mayor Bieri advised that the MUA Board has indicated at their meetings that this would decimate the capital improvement account.

The Council thanked Mr. Cuva for attending tonight's meeting.

Agenda No. V

Proclamations

None.

Agenda No. VI

Unfinished Business Final Passage of Ordinances

None.

Agenda No. VII

Public Comments

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

Maria Elena Grant, 1 Yearling Trail, Hewitt stated that she is here to express concern about two ordinances relating to residents of lake communities having to provide notice to their respective association if they make application to the building department. These ordinances are unnecessary and unfair. There are qualified professionals in building and health who ensure that applicants comply with laws. Another layer of approval is unnecessary. It applies to only lake communities which is unfair. It gives non-governing bodies whose officials are not elected officials power over property owners. These people are not elected, they not municipal employees, and they have no certifications. There is no accountability, no authority, and no expertise. She asked that these ordinances not be passed. She asked that the municipality consider a few things including recognizing that many times POA board members are rarely in agreement. Will these applications be handled by committees or individuals? Committees will be difficult for applicants and individuals often have a bias. POA members often complain that time is an issue for them and this legislation simply adds to their commitment. She urged the Council not to pass these ordinances. They will pit neighbor against neighbor.

Gary Steele, North Glenwood Road, West Milford stated that yellow cards are a visual aid used in soccer to indicate that someone is in violation of rules. He used it at the last meeting, perhaps improperly. He thanked the town attorney for recognizing the public's right to free speech. There is generally a problem with certain Council members who interrupt the public and the Mayor. Councilmembers Rosone and Signorino never do that and he commended them. Councilman Jurkovic has a tendency to interrupt and berate so perhaps he can be more appropriate. Councilman Weisbecker is a repeat offender. Council President Smolinski tries to contain especially in election season, often without success. Councilman Ramaglia behaves like Jurkovic. He stated that the Mayor has right to her opinions and thankfully is a strong person. He commended Councilman Rosone's daughter for speaking but urged the Council to let the Mayor express her opinions. He asked the Council to wait to be recognized before tearing into the Mayor to allow for order and respect. He recalled that Councilman Jurkovic walked around the room at the last meeting with a letter about Mr. Scangarello. Many Councilmembers are former MUA commissioners and the letter was self-serving. It would have been appropriate for Councilman Jurkovic to have disclosed how much money he has taken from Mr. Scangarello's PAC before advocating for a particular position. When taking that much money you are inherently conflicted.

Julia Somers, Executive Director of the New Jersey Highlands Coalition lives in Green Township, New Jersey. She stated that the recent correspondence between various agencies, elected officials and environmental groups about the West Milford MUA are of great concern. Many residents rely on the MUA for safe drinking water and sewerage disposal. She reviewed the various letters and communications noting that she has never seen such a strongly worked letter from the DEP as that which claimed that conditions at the MUA pose an immediate health concern. She noted that the DEP requested certain responses from the MUA and gave them thirty days to provide the reply. Before coming here, she requested copies of the MUA responses and was advised by the DEP that they had not received a reply. The MUA is being asked to provide evidence that it has the technical, managerial and financial ability to provide these services to its customer base. Unless they provide such proof, there is little hope that any plea for assistance, financial or otherwise will be forthcoming. Se stated that she was disappointed to see that the Council rejected each of the Mayor's suggestions to address the immediate concerns and did not see fit to present any solutions themselves. The Council, she said, cannot continue to ignore the need to address the immediate concerns because without addressing these problems, there is no cure in the long haul. Most recently the Council sent a letter to the EPA seeking assistance. She recommends that they rewrite that letter recognizing that West Milford has a public health problem with the MUA water supply system, not the sewer system as indicated. And before doing that, the Council might want to first address those technical, financial and managerial deficiencies because otherwise the Township will be haunted by them. What the Council cannot do is continue to stick their collective head in the sand. There is a definite public health problem with the MUA water system that must be addressed and it is the Council's responsibility to ensure that the MUA does so.

Dave Richards, Hewitt noted that there is a resolution on tonight's agenda about solar panels. He stated that he spoke with Administrator Boyle yesterday about this matter because it pertains to the Hillcrest facility which is owned by the Board of Education. The concept of installing solar panels on school property has twice failed at BOE committee meetings. The BOE does not want this solar project on their property. The Township has long-term lease but if they get out it this will affect the BOE.

Mike Chivaro, 53 Heritage Drive, West Milford stated that he is here to speak about a proposed water tower in the Village on Ridge development where he lives. He has a problem with 20 psi pressure for higher houses in the development because he got information from the DEP which states that it is 20 lbs minimum with any water conditions or flow. That means that certain houses will lose pressure if there is a

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spike in usage at other locations or fire hydrants. There should be about 30-35 lbs of pressure to allow for pressure to be consistently maintained at all the houses in the development. He did a quick test at his house which he ran at 15 and 25 lbs. Most fixtures have a 30 lb pressure. This must be looked at again. He has asked that it be reviewed before the Village on Ridge approval goes any further. Councilman Jurkovic asked for Council consensus to have applicant's engineer address this question during the discussion scheduled for later.

Scott Witherspoon, 70 Green Terrace Way, West Milford is a nine-year resident. He has experienced repeated flooding this summer. He thanked Mayor Bieri for being very responsive and the DPW who have been to his home three times. Gerry, Henry, Kirk, and Eric from Engineering/DPW obtained flow maps from the original site plan that show deficiencies. His neighbor has removed a number of trees since 2010. Earlier this year he brought in several hundred truck loads of soil. The Zoning Officer, Mr. Lupo, issued a violation in June as did the County. His neighbor did not have permission to bring this soil in. He spoke with his neighbor twice. He is considering legal action to recover costs for flooding three times this year. He would like to work with the town to force this neighbor to return this property to its original condition with retention ponds. He asked that fines be assessed to engage a private contractor to correct the street drainage. The problem property is located at 55 Green Terrace is the neighbors address. The removal of the trees and the depositing of the soil has created problems that he would like to work with Township to have rectified. He believes that the work has caused the flood damage. He gave the reasons why. He did not have water problems for nine years until the tree removal and soil installation.

Renee Alessio, 39 Hillcrest Drive, Hewitt stated that there is a tree ordinance in town and she has often wondered if it is enforced. When you cut down a lot of trees, it creates problems. She is the chair for the sustainability committee from the Environmental Commission. They have submitted all papers for certification as a Sustainable Jersey community and she is hoping this will help with getting grant money. She has information that she will email to Council pertaining to a grant initiative that has a deadline of November 1st. The submission of the application requires a resolution for this pilot program. The West Milford feral cat ordinance is a model for Sustainable Jersey and West Milford has been a forerunner for sustainability. At St. Mary's in Pompton Lakes next Wednesday at 7 p.m. there will be a special screening of a movie and the director will be there for a discussion. The movie relates to the pipelines being installed in northern NJ. Pipelines are transporting gas that is being fractured. All elected officials in the area are invited to attend.

Bob Nicholson, 20 Hyde Road, Stockholm thanked the firefighters and police for doing a great job during the recent hurricane. He has recommendations on how to improve the process. He called the police department on Sunday because he had no power but the dispatcher did not have information. He recommends that they have that information so that they can communicate it to the public. The process should be improved in case we have a larger emergency in the future. When he got power restored 12 hours later he noticed the website did not have information until Monday about temporary shelters. There should be better communications. It would help residents be prepared. He got the Mayor's e-newsletter which included information about the pump track and he lamented that she should have given the EDC credit for that.

Wayne Gottlieb, 20 South Ridgefield Road, West Milford noted that Hillcrest is being considered for solar panels. The Township is a holdover tenant and the BOE has not approved this project. Clinton Road is still closed to traffic and it is not clear if the understructure is intact. As an Upper Greenwood Lake resident with only one egress route he recognizes that this could be a problem. He asked if the Township has any information. He is wondering why the Council is considering the two lake ordinances. He recognizes the sovereignty of the building and health departments and can see no point involving the POA's because they don't have sovereignty. They can get notice by going to the building department and asking what applications have been filed. To the extent that you are saving them effort at the public's expense you are violating the constitution of New Jersey. That is inappropriate. You are creating two classes of homeowners in this town; those in lake communities and those who are not. These ordinances fail at a number of levels. When this came up last time it was defeated. He urged the Council to defeat these ordinances again.

Robert Nolan, 1 Winding Way, West Milford stated that late in the evening at the last Council meeting all six Council members signed a letter to the EPA after a very limited cursory review. On August 18th he received a letter from MUA saying his drinking water was contaminated and there was a two-week delay in notification. This is management neglect and lack of operational oversight. He is a proud member of the Pequannock River Coalition who sent out an email yesterday. He quoted excerpts from that email which noted that the Council asked for the Pequannock River Coalition to support a resolution regarding the West Milford MUA. The Coalition, after review and consultation with their Board, decided not to support the resolution believing that the MUA problems are more about leadership than financial issues. They outlined some of their concerns. The email stated that the reaction of two Council members to the

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Coalition's position was appalling and took issue with Councilman Smolinski accusing the PRC of campaigning and being a political organization. The email goes on to explain the bipartisan membership of this non-profit organization which includes West Milford residents. Their position, the email says, has nothing to do with politics but it is based on common sense. The email says that the PRC "supports the notion that better management is needed and political shenanigans must end." The email asks the Township Council to look inward before falsely accusing others.

Doris Aaronson, 19 Bearfort Road, West Milford stated that Pinecliff Lake experienced difficulties in the recent storms. She thanked the Council for their thoughtful discussion of the Lefkowitz' application stating that the proposal is scary. Water studies all suggest that the area proposed for Village on Ridge has wells that cannot sustain the need. She invited the Mayor, Council and public to attend a bear awareness program at the Pinecliff Lake clubhouse on September 15th at 7:30 pm. She reviewed the program.

James Warden, 199 High Crest Drive, West Milford stated that if the Council sits at the dais and believes that they are fooling all the people they are mistaken. You are either ignorant or arrogant. What is most disturbing about the MUA situation is the way the Council has handled it. Council President Smolinski, Mr. Warden said, refers to himself and his colleagues. However, he has done nothing about the problems at the MUA. The Council had the arrogance tonight not to allow Julia Somers to continue speaking, a person who has devoted her life to safe drinking water. The Council is not removing Kelly Love, Sal Schimmenti's secretary. The Council should remove Scangarello, Schimmenti & Love from the MUA but they won't because Scangarello runs your campaigns. The Council is being political. The Council came up with a letter to the EPA asking for assistance like that given to Lake Hopatcong. Who would give this MUA more money based on how it is run? You did the Mayor a favor by leaving her off the letter. He urged Councilman Jurkovic to do something about the MUA management.

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

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

Agenda No. VIII

Council Comments

Mayor Bieri asked that Village on Ridge comments be held until the discussion items on the agenda as it is listed for discussion tonight. She asked Administrator Boyle to provide an update on Clinton Road and Green Terrace Way.

Administrator Boyle said he will work with residents on Green Terrace Way. However, he has to do research with staff and legal counsel. He will reach out. He advised that Passaic County officials have not been to Clinton Road since September 1st. They have to do a comprehensive evaluation of the structure when the water has subsided. The road cannot open until the County gives approval. He stated that he appreciates comments about the hurricane commending Township staff for doing a wonderful job. There will be a follow up meeting to streamline and improve the process and the constructive comments are appreciated.

Councilman Rosone asked Ms. Somers for the name of her contact at the DEP. From the audience Ms. Somers said Allan Dillon.

Councilman Jurkovic asked Ms. Somers if she saw Mr. Dillon's follow up letter. Ms. Somers said that she did not but advised that she spoke with him about it. Councilman Jurkovic noted that there was a question about the letter sent to the EPA and he asked Councilman Weisbecker about his reaching out to the EPA about providing assistance. Councilman Weisbecker stated that he had a conference call with Administrator Boyle and Mr. Goulding from the EPA whereby Mr. Goulding stated that he would need a letter formally seeking assistance. Councilman Jurkovic said that the August 17th letter contains seven paragraphs that refer to the history and background of efforts taken to maintain water quality. The final paragraph, he read. The Council is not asking for sanitary sewers. They are asking for help and advice. He took exception to comments made by Messrs. Nolan and Warden noting that both these men previously served on Council during which time they were told by legal counsel that they could not legally make the changes at the MUA that they continue to promote. That, he said, is politics. Warden and Nolan, Councilman Jurkovic said, beat this issue from 2004 to 2007. Councilman Jurkovic stated that the MUA is financially stable as stated by the auditor. He stated that there is a new operator and engineer at

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the MUA providing technical expertise. The former professionals are not coming back. The auditor said the management transition took place in 2010 disrupting operations. That means that they are working on managerial issues. People, he said, are not fairly considering all the changes that have taken place and allowing time for the impact to be seen. When you make changes you must allow time to see if it works. Several meetings back he went through the MUA professionals outlining that all are new. This has been a huge problem for many years. Infrastructure has been deteriorating for decades. He said that he finds it troubling that Kelly Love declined to attend the meeting with the DEP but noted that the Council doesn't have the right to fire anyone hired by an autonomous agency.

Councilman Signorino noted that some residents spoke about the lake ordinances. He appreciates those opinions which reflect his. He recalled that there was a discussion in the past about meeting with the Highlands Council. He asked that Eileen and Tom Borden be invited to West Milford. He stated that he appreciates the EDC's work on the pump track and wished them luck. He stated that he is disturbed about MUA letter to residents about contaminated water and the delayed reaction notifying residents. He is disturbed about Love's failure to tour with the DEP and he noted that, while Council cannot fire someone, they can make recommendations.

Council President Smolinski stated that the perception of the Mayor's letter to the EPA is distorted. It was never suggested that we sewer the entire Township. The Council is simply trying to reach out to legislators and environmental groups and work side by side to resolve this and find a solution; a future direction. But when he sees a letter from the Pequannock River Coalition and Ms. Somers attendance tonight he is disturbed. The Council's efforts are undermined when Ms. Somers comes to the podium and corrects the Council. He accused Ms. Somers of reading the Mayor's version of their letter. All they want is to sit with legislators, the DEP and the EPA. All we have now is negativity and viciousness. The issues with the MUA are disturbing. Questions will be asked. Finding a solution is not going to continue with bickering. Find a common goal; make adjustments. That's how we should go. This has gone on for years. Council is not defending anyone at the MUA but he is defending the Commissioners. We must all work together. What other choice do we have? He stated that he fears that our legislators are being contaminated. The Pequannock River Coalition letter was sent far and wide. The legislators will not want to become involved in political hotbeds. That is the picture being painted. It is an embarrassment. It is sad to see that. He was hoping to work with Ms. Somers, with the Mayor and with all groups. That begins with sitting down and talking. The Council is being responsible.

Councilman Weisbecker stated that he sat here until 2:30 a.m. listening to repetitive statements saying Council is responsible for MUA. The oversight is within the purview of the DEP. He said at that time that he was going to call the EPA, senators and congressman. He did it on behalf of the town and the Council to come up with a solution. He did something and the result is that the Council gets attacked. The Mayor said that there are contaminants flowing in our water and streams. He listened to the residents. Greenwood Lake causes ear infections according to one resident. People see flows running through Greenwood Lake at night. Greenwood Lake is the headwaters to the Wanaque water system providing drinking water to millions. Greenwood Lake flows into the Monksville reservoir. Based on that he spoke with the EPA about the clean water drinking act. They are interested in finding out what is going on. The letter he drafted was signed by the Township Council because the Mayor has no part in this. The Mayor is fanning the flames while the Council is trying to do what it can to find solutions to the problems. They are trying to deal with the problem. If the Council is wrong for trying to find solutions, what are they expected to do? They get hammered for not doing something; now they are being hammered for trying to find solutions. The Mayor, Councilman Weisbecker said, is out of control. She has decided to attack the Council and then she blames the Council for problems and now the Council is being attacked for finding solutions. It is an election year, silly season. Meanwhile the Council will move forward and try to find solutions. They are here to do a job and they are doing it. Nobody on this Council asked for a big kahuna. They are asking for direction and help from EPA. Nothing more. Nothing was targeted. Direction and help because we have a problem. Councilman Jurkovic stated that one of the reasons he supported Councilman Weisbecker's efforts to reach out to the EPA is because the DEP is part of the problem. The DEP asked for a list of the facilities which is astounding to him simply because the DEP has direct jurisdiction over the MUA. The Council only makes appointments to the board. Other than that DEP has jurisdiction. Every plant that has problems was approved originally by the DEP. That they must ask for that list is astounding. How do they oversee the authority if they need to ask that question? There have been complaints about the MUA since 1967. The DEP has been around all that time and he questioned what they have been doing. Writing nasty letters is not effective. Where is the help from the DEP? The EPA is considering helping us but the DEP is part of the problem. The EPA is the right agency. Councilman Weisbecker agreed adding that the DEP answers to EPA. The DEP is not the spokesperson of EPA. The EPA is a federal agency while the DEP is a State agency. Federal trumps State. The EPA dictates to the DEP. As far as sewerage the whole township, that is totally untrue. That is nowhere the intent of what was requested. That was not the intent. That is totally wrong.

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Mayor Bieri stated that she agrees with comments made about the lake ordinances. The Planning Board sent a letter to Council requesting that they defer their decision to allow the Planning Board an opportunity to review these ordinances and render an opinion. Mr. Semrau asked Administrator Boyle to have someone from the planning department to be at next meeting to address questions. The ordinances do not require approval from the property owner's associations. Mayor Bieri said that she is hoping that the Planning Board will have an opportunity to provide comments. The proposed process requires notification or release from the POAs. The most egregious part is that it is discriminatory. Lake residents have mandates that other residents don't.

Mayor Bieri stated that several people have raised the solar panel issue at Hillcrest. The PCIA came before Council twice on this. She pointed out that the Township is only a tenant at that building suggesting that it may be backwards to approve this before getting BOE approvals. She would have liked to hear Mr. Richards' comments about concerns about the program and she would like to hear the BOE's reasoning for declining this twice. She stated that in preparation for Hurricane Irene Governor Christie signed executive order #73 which assigned local oversight to the OEM coordinator which is Ed Steines. She commended him for his dedication, coordination, and work. She reviewed a number of the efforts involved and stated that all the departments and volunteers were extraordinarily well coordinated. She agrees with and accepts comments to improve the process. However, it is important to note that given the pressures of the situation making instantaneous decisions is difficult. She commended the school administration and the Department of Community Services & Recreation who were also very responsive. It was an extraordinary team effort. There were statewide issues with power companies' responses. As a result of concerns expressed by many Mayors the NJLM called on the BPU to conduct a thorough review. There will be hearings and a panel formed. There is a toll free call center to get help with residual issues and there are federal and state grant funds being made available to individuals and businesses. She did reach out to Mr. Boyle and will be coordinating a post storm meeting. She welcomes any comments, feedback and concerns. Most complaints were about power and communications.

Mayor Bieri stated that, with regard to the MUA, the DEP's role is one of enforcement. They do not serve as management or operators for this agency. To blame them is no different than blaming a zoning officer for junk cars. It is an unfair detraction. They have been issuing letters and notices of violation including several hundred violations. The May letter was the strongest letter she has ever seen from an enforcement agency. It did express that there is an immediate public health concern that must be addressed. She thanked Councilman Signorino for pointing out that the Council cannot fire anybody. The Council can pass resolutions which can be used to express opinions. The resolution that she proposed was to ask this Council to support the notion that management at the MUA needs to change. The Council can ask the MUA commissioners to consider changing management. The Council sent a letter to the EPA which did not express the intent outlined and stated here tonight. She is tired of being accused of being incorrect, distorting, lying and being out of control. Factually, some council people said that sewers were never brought up. She quoted a comment made by Council President Smolinski tonight where he said that sewerage the Township was never suggested by the Council. However, at the August 3rd Council meeting, Councilman Weisbecker speaking at the audience did in fact directly and unequivocally speak about sewerage the Township. She provided a verbatim quote from those comments. In a Trends article from the August 2nd edition Councilman Weisbecker spoke about a sewer project in certain areas in town. It is annoying to hear the Council say that sewerage the Township was never discussed when there is a clear record to the contrary. Then on August 17th at about 2:30 a.m Councilman Weisbecker pulled out a letter that contained one paragraph written by the Council and she quoted from it. There are comments in newspapers and statements made at meetings and there is a letter signed by each Councilman asking for help similar to that given to Lake Hopatcong. Hopatcong did not have a failing MUA. They had failing septic. At that August 17th meeting when the letter was whipped out without advance notice or time to review it, this Council within 5 minutes was ready to vote on it. She reviewed the recording of that meeting and the discussion lasted 13 minutes. In that meeting she went on record noting that it was the second consecutive meeting where Council members presented multiple page documents without attorney review. She quoted from the comments she made that night. On that evening Councilman Weisbecker responded that he has been waiting for this for years. She quoted from the comments he made. When she went home and read the letter she researched the Lake Hopatcong project. She learned that it was a 13-year project with over 7 years of planning and over 5 years of construction. It was spread across the years from 1995 through 2008. She reviewed the Lake Hopatcong process beginning with a feasibility study, public participation, 2 referendums, a sewer advisory committee, public meetings, and public meetings agenda items on multiple agendas. The financing comprised of \$8.7 from federal grants and \$5 million in State grants. The taxpayers who were ultimately serviced by the sewers paid \$45 million. Having read that and knowing only what this Council publicly stated she wrote to the EPA herself. She closed her EPA letter expressing appreciation for any advice they can give providing that it does not cost residents or result in sewers throughout the Township. Our residents were not asked for input. After she sent her letter to the EPA the Council says they never asked for sewers. Council President Smolinski, in the Trends on August 28th said that the Mayor's unsupported speculation is political. He said that they never suggested that the

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EPA do for West Milford what they did for Lake Hopatcong. If she hears the Council correctly tonight, they intended to ask for a roundtable and funding. She would have no objection to a letter that says exactly that. She asked for consensus to have the Township attorney draft such a letter. She is not opposed to asking for assistance. She distributed a transcript of actual comments made at meetings reiterating that she is disheartened that she is accused of lying when those are actual quotes from statements made.

Mayor Bieri stated that she received a copy of a tort claim notice filed on behalf of Cathy Rogosich who is an MUA employee. She listed the violations being alleged and quoted from the tort notice. This, she said is apparently what is going on at your MUA. If Council continues to say that management is not an issue, she takes exception and will continue to do so. Councilman Ramaglia asked for a copy of the tort claim notice and Councilman Weisbecker stated that his opinion is his opinion. He agreed that he made comments about sewerage. Those are his opinions that have never been discussed by Council. He is entitled to his opinion. There are a heck of a lot of failing septic all around this municipality on the south end of Greenwood Lake. There are a lot of problems. He is not afraid to express his opinion. He said those things because that is his opinion. When he spoke to the EPA agent he never once mentioned anything else. The in-screen discharges and package plants are nothing more than gigantic septic systems. They pump them out at the WVRSA. If they leak, that is the equivalent of a failing septic. That's his opinion. These issues need to be addressed to protect the drinking water. We are the protectors of the clean drinking water to our detriment. We pay for that. It is on our back. Yet how dare we think about protecting the water in Greenwood Lake. If the EPA sees this as a Lake Hopatcong issue so be it. We never got to the point of a dialogue with the EPA and already the Mayor is attacking the Council. There was no place for her to sign because she is not part of the solution. The dialogue has not taken place yet but the Mayor is attacking Joe Smolinski.

Councilman Jurkovic stated that any Council member can have any opinion but it does not become Council policy unless they convince a majority to vote. What matters what was voted on. The content of that letter was voted on. To ascribe comments that are not in the letter is wrong. The Council asked the EPA to come to look at the situation to give advice and help with a solution. They asked for funding from the EPA in whatever way shape or form they chose. He can read a two-page document quickly. He did not see a problem. People can interpret words differently. He didn't vote on Councilman Weisbecker's comments, he voted on the letter. Mayor Bieri asked if she can have consensus to have the attorney draft a letter with better clarification. The message is not clear. We could look like a team asking for assistance and a roundtable. There is no harm in clarifying the letter and getting all parties on board. Councilman Jurkovic said no adding that this is a political game. He stated that the Council's letter is okay. He asked the Township Attorney if the Mayor of the town has the right to write to governmental agency even though the Council voted to take a stand. Mr. Semrau advised that the Mayor has that right. Just as the Council has the right to express an opinion, the Mayor has that right too. Councilman Jurkovic stated that he recalls that studies have shown that West Milford cannot be sewerage. He is not in favor of telling EPA to strike an option off the list. He recommends that the Council leave the options open. If the EPA were to say the only way to solve this problem is to install sewers he would have a lot of questions. Let's let the EPA come in. This town would not be sewerage without a lot of discussion with cost being the biggest factor. Mayor Bieri stated that the Council's EPA letter does not address the immediate public health concern and problems with the MUA management. She asked that the Council schedule a future discussion to address managerial and water issues. Council President Smolinski thanked Mayor Bieri for recognizing his words of roundtable and working together. He suggested providing clarification by way of a resolution but first the Mayor must, in his opinion, rescind her EPA letter saying that she misunderstood Council's letter. Otherwise there will be a deadlock. He fears contamination of the legislators. That will open the door with federal and state legislators and pave the path to a common goal. Whatever the EPA suggests we don't have an option. Councilman Jurkovic asked that the EPA get a copy of the 1986 study about sewerage the town. Mr. Semrau urged the governing to proceed with caution. We are talking about this without benefit of professional oversight. He has grave concerns about sending any documentation without a clear understanding of the repercussions and determinations from our professionals. Councilman Weisbecker stated that the EPA is looking at this from the perspective of the clean drinking water act. They asked for that letter. The EPA will get back to the Township in their own time. There may be delays because of recent events. Smolinski suggested a subcommittee of Mayor, himself and Councilman Jurkovic because a solution is near. He suggested it is time to take the politics out of this and move forward. Mr. Semrau stated that if you are looking to go in that direction it may be of benefit to use existing resources such as the planner and engineer.

Mayor Bieri stated that not mentioning the EDC's involvement with the pump track was an oversight. She said that the Township worked with JORBA and her comments were meant to include all Township involvement including the EDC.

Agenda No. IX

Discussion Items

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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1)	<p>Discussion – West Milford Museum – Administrator Boyle advised that the Heritage Committee has requested that the Council reconsider renaming the museum. Councilman Signorino stated that the Heritage Committee discussed this at length and they appreciate the intention because Mr. Van Hooker was a monument in this town but the consensus was that it would not be in the spirit of volunteerism. They would rather a plaque or tree planting in honor of Mr. Van Hooker. Council President Smolinski stated that there is no policy for naming public facilities after individuals. There should be a format and policy established. The BOE has such a policy.</p>
2)	<p>Ordinance – Consent to Jack Levkovitz to Construct a Private Water System at Village on Ridge – Administrator Boyle gave overview of the questions and responses relative to this matter. The Council agreed to hear from Kevin Boswell of Boswell Engineering who represents the developer, Jack Levkovitz. Mr. Boswell advised that after the last meeting he received email from Dan Trout and responded to that on August 30th. There seemed to be lack of clarity relating to what the planning board approved in November last year. They approved the application based on redoing the water testing as part of the approval process. The developer has agreed to do that. There are two sewer ejector stations no longer necessary when phase II is operational because the pump station will handle the flow from the existing homes. This new pump station must be fully operational before anyone occupies any of the new houses. The pump station is already built and just awaits the installation of a generator. Councilman Jurkovic advised that he went and met with many of these residents this past weekend. There were three questions that residents wanted answered. They are concerned about the MUA’s ability to handle the capacity of 60 additional customers feeding into the Olde Milford plant. Mr. Boswell stated that he contacted the MUA after the last meeting and they anticipate entering into an administrative consent order with the DEP and will need to comply with the ACO. This is the process for controlling future hookups. Although his client already has approvals he has agreed to comply with the ACO. Councilman Jurkovic stated that the second issue was about design standards and 25 psi. Mr. Boswell stated that the DEP sets standards for water by statute. You have to meet all the criteria when you design a water system. He reviewed on a map where the proposed water system is to be installed and how it feeds to each home as well as the psi at each point within the subdivision. The highest psi is in the center of the development with about 45-50 psi with the farther reaching points having a psi of about 35-30 psi. That exceeds DEP standards. The current homes are served by the Highview tank over two miles away which services hundreds of homes. So the water system will improve the water pressure for existing homeowners in the development. The water tank must be designed for 50 or 60 homes because the water must turn over regularly. The concerns expressed relate to the lowest water pressure standards and they exceed them. They have already agreed to second round water testing. 20 psi is the minimum at the farthest highest point. Councilman Jurkovic stated that the third question from residents relates to concerns that promises were made when they purchased their respective homes but those promises were not kept. They asked if they will need pumps for sewers and water. Mr. Boswell advised that they will not need sewer pumps. They won’t need water pumps but those pumps are optional if they want to increase water pressure. Three homes will have pressure at between 20 and 30 psi. A resident from the audience asked if it supposed to be 20 psi at any flow conditions. Mr. Boswell answered in the negative advising that it is 20 psi at the lowest point in the system which is a DEP standard. You cannot mix static pressure with residual pressure. Currently at static conditions residents are getting between 20 and 25 psi and under residual pressure, or high use periods, they can have zero pressure. It is because of elevation as well as distance to the water tank. The new tank will eliminate that problem. A resident from the audience stated that if he sets up his pump for 25 lbs he can experience no pressure in his upstairs bathroom. He stated that all these houses have pressure reducing valves even though they have no pressure. Mr. Boswell stated that he can’t answer that. Mayor Bieri noted that several homes have pumps. Mr. Boswell advised that all existing homes have water pumps and two have sewer pumps. The booster pumps are because the houses are lower than the main and it boosts the waste uphill. There are permits for all the 60 homes of the subdivision and he has been paying the fees. However, he has agreed to get confirmation from the DEP before building one home. He will agree to remove the existing pumps and connect existing homes and will maintain the existing lift stations for two years. Boswell will amend the response time for problems from 72 hours to 24 hours. Mr. Semrau stated that he will put together an ordinance and a developer’s agreement and Mr. Boyle asked for introduction on September 21st. Mr. Boswell stated that at a future date he is anticipating coming forward with a separate developer’s agreement as part of the bonding for this project. This stage is simply seeking to go to DEP to get approval to apply for a private water system. Mr. Semrau noted that the proposed agreement would only document the stipulations that have been agreed to. Mr. Boswell noted that what the Attorney is describing is akin to a bond. They are fully prepared to bond this entire project which will contain all these conditions. The planning board resolution specifies that. Mr. Semrau advised that this is the only opportunity the governing body has to weigh in and they are ready to move forward. He just wants to document all the representations made. Councilman Jurkovic stated that the developer must come back to the Council to memorialize all these terms after they get DEP approval. Not at this stage. Mr. Boswell reviewed the stages of the process going forward which includes bonding for water and sewer and filing the</p>

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	plat through the planning board. Councilman Jurkovic stated that residents will benefit from this project proceeding. Mr. Semrau noted that an agreement just memorializes the representations made and compels the developer and a subsequent developer should the current developer sell prior to completion. Mayor Bieri noted that the residents have been emailing concerns about this project. She asked that the Council receive copies of all these emails through the municipal clerk. Mr. Semrau asked if Council would be okay with the agreement being circulated to the affected residents and Paul Ferriero after it has been agreed to by Boswell and copied to the Council. The Council gave consensus.
3)	Resolution Supporting A-4126, Amending the Statutory deadline for Municipal Revenue of Defeated School Budgets – Council gave consensus to proceed.
4)	Resolution Opposing A-4128, Allowing for Modifications to Land Use Approvals Due to Changed Economics - Council gave consensus to proceed.
5)	Resolution Opposing A-3835, Inspection of Multiple Dwellings - Council gave consensus to proceed.
6)	Resolution Continuing Municipal and State Partnership Towards Achieving the Goals of the 2004 Highlands Water Protection and Planning Act - Administrator Boyle advised that this resolution would restate the municipal commitment to the Highlands process. The Council expressed opposition to this resolution. Mayor Bieri stated that the resolution acknowledges the shortcomings of the Act. She asked if Council would consider the resolution if it contained a paragraph asking for funding for preservation municipalities. Council President Smolinski stated that we are mandated to conform and he is opposed to this resolution.
7)	Resolution – Authorizing the Award of a Non-fair and Open Contract for the Purchase of Video Equipment – Administrator Boyle advised that the police department is seeking a resolution for a nonfair & open contract to purchase equipment. This is for propriety goods and we cannot ask for comparables. They got prices for three types of equipment and they want to go with lowest quote. This is funded with grant funding. This if for surveillance purposes. This is one of the few reasons to not engage in the formal bid process. Mr. Semrau advised that the cost is over the bid threshold which requires bidding. Administrator Boyle stated that he will determine the proper channel to effectuate this purchase.
8)	Resolution – Raising the Fixed Asset Inventory Threshold – Administrator Boyle advised that the last inventory was conducted in 2007 and we had a \$300 threshold. He has met with the auditor and talked about raising the threshold to \$5,000. He stated that he will prepare a resolution for Council consideration.
9)	Resolution – Joining the National Moment of Remembrance of the 10 th Anniversary of September 11 th (for Action as well) – The Council gave consensus to proceed.
10)	Resolution – Professional Services with Envirotactics for Soil Delineation Investigation – Administrator Boyle advised that the Township received notification that there are two areas of concern at Wallisch. These concerns will require additional environmental testing and the sampling needed will cost about \$3,000. He stated that he will be requesting consideration of another contract for this work and he will ask the BOE to contribute to those costs. Mr. Semrau noted that the \$500,000 is in exchange for the land. To take ownership, the environmental issues must be resolved and the BOE should contribute. It is in everyone’s interest for the title transfer.
11)	Resolution – Authorizing the Issuance of not exceeding \$2,562,000 Bond Anticipation Notes – Administrator Boyle advised that outstanding notes have to be funded. He listed the bond ordinances that will be covered by this funding resolution. Eventually this will require a long term bond sale and the Auditor recommends this. The Council gave consensus to proceed.
120	Contract – 2011 Roadway Striping Program (for Action as well) – the Council gave consensus to proceed.

Agenda No. X

Action Items

Mayor Bieri asked to move resolutions 2011-299 through 2011-308 as one. The Council agreed but removed resolution 2011-301 asking for separate vote and discussion on this matter.

Councilman Ramaglia made a motion to place resolutions 2011-299 through 2011-308 but excluding 2011-301 on the floor for discussion, seconded by Councilman Weisbecker.

Councilman Ramaglia made a motion to approve resolution 2011-300 as amended. Seconded by Councilman Weisbecker.

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

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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10th ANNIVERSARY OF SEPTEMBER 11th

WHEREAS, the Governing Body of the Township of West Milford expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

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WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009 and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of West Milford

- 1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and
- 2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- 3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- 4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and
- 5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history, the Governing Body of the Township of West Milford calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets (ii) houses of worship; (iii) military organizations; (iv) veteran organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the Governing Body of the Township of West Milford encourages the observance of the moment of remembrance to last for one (1) minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

This Resolution shall take effect immediately.

Adopted: September 7, 2011

Agenda No. X 2

~ Resolution No. 2011- 300 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ESTABLISH A SUB-COMMITTEE TO MEET WITH VARIOUS FEDERAL, STATE, AND LOCAL OFFICIALS, BOTH ELECTED AND APPOINTED, IN ORDER TO EFFECUTATE ACTION PERTAINING TO THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY AMENDED

WHEREAS, the Township Council by virtue of resolution 2011-272 requested a process to seek assistance from State representatives and the NJDEP regarding the West Milford Municipal Utilities Authority; and

WHEREAS, the Township Council by way of letter dated August 17, 2011, requested assistance from Robert Golding of the United States Environmental Protection Agency regarding concerns of the Township with respect to the West Milford Municipal Utilities Authority; and

WHEREAS, said correspondence called for assistance of the EPA in the form of similar action undertaken by the EPA in the area of Lake Hopatcong; and

WHEREAS, the Council seeks to comprise a sub-committee in order to facilitate meetings with federal, state and local elected and appointed officials regarding furthering the Township's requests for assistance.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that a sub-committee shall be established for the purpose of meeting with Federal, State and Local elected and appointed officials relevant to issues pertaining to the West Milford Township Municipal Utilities Authority.

BE IT FURTHER RESOLVED that said sub-committee shall consist of the following individuals:

- Council President Joseph Smolinski
- Mayor Bettina Bieri
- Councilman Phil Weisbecker
- Councilman Daniel Jurkovic - Alternate

In addition, the following officials shall participate as part of this sub-committee:

- Kevin Boyle, Township Administrator
- William Wallace, Township Health Officer
- Ella Filippone, Bi-State Lake Commission
- Eric Hastings, Bi-State Lake Commission
- Two representatives of the West Milford MUA

This Resolution shall take effect immediately.

Adopted: September 7, 2011

Discussion: Mayor Bieri asked to be made part of the committee being established in resolution 2011-300. Councilman Weisbecker stated that he was looking forward to serving on that committee because he, Joe Smolinski and Dan Jurkovic have worked hard on that. Councilman Jurkovic agreed to step aside and allow the Mayor to participate. Councilman Ramaglia proposed an amendment to the resolution and asked that the committee be comprised of Mayor Bieri and Councilmembers Weisbecker & Smolinski. Mayor Bieri expressed her appreciation for this consideration

Agenda No. X 4

~ Resolution No. 2011- 302 ~

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,562,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

- Section 1 Pursuant to a bond ordinance of The Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance appropriating \$1,675,000, and authorizing the issuance of \$1,142,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 20, 2011 (#2011-004), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,142,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 2 Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for the improvement of Otterhole Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$565,000 therefor and authorizing the issuance of \$547,000 bonds or notes of the Township for financing such appropriation", finally adopted on May 18, 2011 (#2011-007), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$347,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.
- Section 3 Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$1,127,000, and authorizing the issuance of \$1,073,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 17, 2011 (#2011-015), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,073,000 shall be issued for the purpose of temporarily financing the

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improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

- Section 4 Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 3 described, shall be combined into a single and combined issue of bonds in the principal amount of \$2,562,000.
- Section 5 The following matters in connection with said Bond Anticipation Notes are hereby determined:
- (a) All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 3 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;
 - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
 - (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.
- Section 6 The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.
- Section 7 The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
- Section 8 Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
- Section 9 The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.
- Section 10 The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable in connection with the sale, issuance and delivery of said notes, including without limitation, if necessary, (a) the preparation, delivery, distribution and execution of a "deemed final" preliminary official statement and a final official statement of the local unit relating to said notes, (b) the execution and delivery of an arbitrage and use of proceeds certificate in a form approved by bond counsel, (c) the execution and delivery of a continuing disclosure undertaking in a form approved by bond counsel and (d) the preparation, distribution and publication, if desirable, of a notice of sale with respect to said notes.
- Section 11 This resolution shall take effect immediately.

Adopted: September 7, 2011

Agenda No. X 5

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF PASSAIC FOR AN ENCROACHMENT AT GREENWOOD LAKE TURNPIKE AND EAST SHORE ROAD

WHEREAS, the County of Passaic is the owner of a right-of-way on Greenwood Lake Turnpike; and

WHEREAS, the Township of West Milford has requested that the County of Passaic grant an encroachment waiver to permit parking, a kiosk and a bench that encroaches on the Greenwood Lake Turnpike right-of-way; and

WHEREAS, the Board of Chosen Freeholders in the County of Passaic on June 28, 2011 did authorize the encroachment with conditions outlined in an agreement to be executed by both parties.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and the Township Clerk be and are hereby authorized to execute an encroachment agreement with the County of Passaic as follows:

1. The County of Passaic grants an encroachment right to the Township of West Milford as it concerns property located at the intersection of Greenwood Lake Turnpike and East Shore Road, in between Greenwood Lake Turnpike and the adjacent property to the south in the Township of West Milford, New Jersey.
2. The County of Passaic grants said encroachment based upon the terms and conditions outlined in an agreement to be filed in the Office of the Township Clerk and recorded by the County of Passaic in the Office of the Passaic County Registrar of Deeds.

Adopted: September 7, 2011

Agenda No. X 6

~ Resolution No. 2011- 304 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF MUNICIPALITY-OWNED PERSONAL PROPERTY AND SEIZED OR ABANDONED PROPERTY HELD BY THE POLICE DEPARTMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OUTLINED IN THE EXISTING AGREEMENT WITH PROPERTYROOM.COM. INC.

WHEREAS, the Township Council of the Township of West Milford did authorize the execution of a contract with PropertyRoom.com, Inc. for the on-line sale of municipal and seized property by virtue of resolution 2011-103 adopted on March 16, 2011; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:14-157, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of seized or abandoned property held by the Police Department through the use of an online auction service; and

WHEREAS, the Police Department has complied with standard operating procedures with regard to seized or abandoned property pursuant to N.J.S.A. 2C:64-1 et seq. and N.J.S.A. 40A:14-157; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notices 2008-9 and 2008-21; and

WHEREAS, N.J.S.A. 40A:14-157 and the Division of Local Government Services' Local Finance Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

WHEREAS, prior to the commencement of such sale, PropertyRoom.com Inc. shall confirm that the Township Clerk is apprised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned, seized or abandoned property as indicated on Schedule A, on file in the office of the Township Clerk, on an online auction website entitled www.PropertyRoom.com; and

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BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between PropertyRoom.com, Inc. and the Township of West Milford are available at www.PropertyRoom.com and in the Office of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice be published in the official newspaper.

Adopted: September 7, 2011

Agenda No. X 7

~ Resolution No. 2011- 305 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CHARLES MCGROARTY TO PROVIDE PLANNING SERVICES IN ACCORDANCE WITH THE HIGHLANDS PLAN CONFORMANCE GRANT # 09-033-011-1615 IN AN AMOUNT NOT TO EXCEED \$128,700

WHEREAS, the Township of West Milford did receive a grant in the amount of \$100,000 in 2009 from the Highlands Water Protection and Planning Council to be used for plan conformance; and

WHEREAS, the Township of West Milford did approve a professional service contract to allow Charles McGroarty of Banisch Associates, Inc. to fulfill the requirements of the grant; and

WHEREAS, Mr. McGroarty has fulfilled the terms of that agreement which has resulted in the Highlands Water Protection & Planning Council amending the grant and awarding an additional \$128,700 to continue with the West Milford plan conformance; and.

WHEREAS, these funds require the Township to meet certain obligations summarized herein as follows and outlined in detail in the grant agreement:

- | | |
|--|---|
| 1) Complete Module 3 – Fair Share Planning | 6) Municipal Zoning Map Update |
| 2) Complete Module 4 – Highlands ERI | 7) Water Use & Conservation Management Plan |
| 3) Complete Module 5 – Highlands Element | 8) Lake Management Plan |
| 4) Complete Module 6 – Land Use Ordinances | 9) Highlands Area Redevelopment Area Planning |
| 5) Checklist Ordinance | 10) Highlands Council Training Sessions |

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number G-02-41-763-764; and

WHEREAS, Charles McGroarty has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Charles McGroarty of Banisch Associates, Inc. with offices located at 111 Main Street, Flemington, New Jersey, 08822 as professional planner for the Township of West Milford in an amount not to exceed \$128,700.00 to fulfill the requirements and obligations of the Highlands Council Plan Conformance Grant.

Adopted: September 7, 2011

Agenda No. X 8

~ Resolution No. 2011- 306 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TRAFFIC STRIPING ON ROADWAYS THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL, CONTRACT #36 TO DENVILLE LINE PAINTING, INC.

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

WHEREAS, THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL HAS AWARDED CONTRACT #36, TRAFFIC STRIPING ON ROADWAYS TO DENVILLE LINE PAINTING, INC.

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Traffic Striping in 2011; and

WHEREAS, the Director of Public Works has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase traffic striping on roadways through the Morris County Cooperative Purchasing Council, Contract #36 in an amount not to exceed \$150,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 1-01-26-290-623.

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

1. The Township Council hereby authorizes the Director of Public Works to purchase Traffic Striping on Roadways, in an amount not to exceed \$150,000, through the Morris County Cooperative Purchasing Council, contract #36, to Denville Line Painting, Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: September 7, 2011

Agenda No. X 9

~ Resolution No. 2011- 307 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2011- 2012 LICENSE YEAR – GIOIA RESTAURANT LLC

WHEREAS, applications for renewal of Plenary Retail Consumption License No 1615-33-017-008 for the 2011- 2012 License year has been received and reviewed; and

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

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

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

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

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

GIOIA RESTAURANT LLC
Joeys Casa Italiana
9 Lakeside Road
Hewitt, NJ 07421
1615-33-017-008

Adopted: September 7, 2011

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~ Resolution No. 2011- 308 ~

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

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

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

Resolutions:

- a. 2011- 309 – Cancel H1N1 Grant Balance
- b. 2011- 310 – Issue Duplicate Tax Sale Certificate
- c. 2011- 311 – Refund Health Department Overpayment
- d. 2011- 312 – Refund Escrow Funds

Applications:

- a. **Application** for On Premise 50/50 Raffle License No. RL2011-29 by the West Milford Highlander Football Association for various dates.
- b. **Application** for Off Premise Draw Raffle License No. RL2011-30 by the Jersey Off Road Bicycle Association, Inc. for October 15, 2011.
- c. **Application** for a Petition to Extend Licensed Premises by Bearfort Plaza Inc., Valley View Pub for October 8 with a Rain Date of October 15, 2011.
- d. **Application** for Amusement Game License No. 2011-6 by Richard Castranova, Valley View Pub.

Adopted: September 7, 2011

Agenda No. X 10a

~ Resolution No. 2011- 309 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE CANCELLATION OF RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable in the amount of \$9.67 and an appropriation in the amount of \$9.67 from the State of New Jersey for the H1N1 Corrective Action Grant and

WHEREAS, this receivable is no longer collectible as revenue and the remaining appropriation will not be expended

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriation be cancelled to current fund balance.

Adopted: September 7, 2011

Agenda No. X 10b

~ Resolution No. 2011- 310 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, West Milford Township is the owner of Tax Sale Certificate 89-66 relating to Moore Road, Block 6101, Lot 28 in the Township of West Milford; and

WHEREAS, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

WHEREAS, the Tax Sale Certificate is held by the Township of West Milford; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

WHEREAS, the Township of West Milford has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

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 Tax Collector is hereby

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authorized to issue a duplicate Tax Sale Certificate # 89-66 pertaining to Moore Road, Block 6101, Lot 28 in the Township of West of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: September 7, 2011

Agenda No. X 10c

~ Resolution No. 2011- 311 ~

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

WHEREAS, there appears on the Health records overpayment as shown below; and

WHEREAS, the overpayment was created by reasons stated below and the Health Officer recommends the refund of such overpayment.

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

REASONS: Overpayment from Medicare Part B

Account #	Amount	Payable To:	Refund To:
27-330-446	\$22.74	Medicare Part B	Highmark Medicare Services, Inc. ATTN: Cashier PO Box 890034 Camp Hill, PA 17089-0034

Adopted: September 7, 2011

Agenda No. X 10d

~ Resolution No. 2011- 312 ~

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

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

Name & Address	Application No.	Amount of Escrow	Amount Refunded
Patricia A. Decker 16 Meadow Road West Milford, NJ 07480	ZB01-10-02	\$950.00	\$161.36
Brian & Tara Frommelt 41 Edgecumb Road West Milford, NJ 07480	ZB11-10-13	\$950.00	\$617.60
TOTAL REFUND			\$778.96

Adopted: September 7, 2011

Agenda No. X 3

~ Resolution No. 2011- 301 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING ITS PARTICIPATION IN THE PASSAIC COUNTY IMPROVEMENT AUTHORITY'S RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF THE PARTICIPATING LOCAL UNIT IN CONNECTION WITH THE RENEWABLE ENERGY PROGRAM AS AMENDED

WHEREAS, the Passaic County Improvement Authority (the "Authority") has developed a program (the "Program") for the financing, design, permitting, acquisition, construction, installation,

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operation and maintenance of photovoltaic and other renewable energy capital equipment and facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the “*Renewable Energy Projects*”) for and on behalf of the County of Passaic (the “*County*”) and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the “*Local Units*”); and

WHEREAS, the Renewable Energy Projects procured under the Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit-controlled buildings, other structures, lands or other properties of the Local Units (collectively, the “*Local Unit Facilities*”); and

WHEREAS, the primary goal of the Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy-related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the State Board of Public Utilities (“*BPU*”) protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, the Authority shall issue a request for solar developer proposals (the “*RFP*”) and

WHEREAS, upon review of proposals from prospective solar developers, including the proposal of the successful respondent (the “*Company Proposal*”), the Authority anticipates to select a Company (the “*Company*”) to design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects and design, permit, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for the designated Local Unit Facilities of such Local Units, with the terms to be set forth in the contract documents to be entered into between the Company and, at a minimum, the Authority, or acknowledged by the Company, as applicable; and

WHEREAS, in order to implement the Program at no cost to the Local Units, the Authority has determined that if the Company Proposal is selected pursuant to either Option 2 or Option 3 of the RFP, it may finance the respective Renewable Energy Projects and Capital Improvement Projects (if any), on, in or about the respective Local Unit Facilities, all as set forth on the exhibits to the Local Unit License Agreement defined below for the participating Local Units:

- (i) Municipalities:
- (ii) Boards of Education:
- (iii) County of Passaic

(each a “*Local Unit*,” and together with any additional local governmental units within the County that might be added by the Authority to the Program pursuant to the Local Finance Board Application defined below or otherwise, collectively, the “*Local Units*”), through the issuance by the Authority of one or more series of bonds entitled “County of Passaic Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011 (Federally Taxable)” in the aggregate principal amount not to exceed \$35,000,000 (the “*Series 2011 Bonds*”); and

WHEREAS, in the event that the Authority elects to finance the Renewable Energy Projects and Capital Improvement Projects (if any), prior to the issuance of the Series 2011 Bonds and in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority must file an application (the “*Local Finance Board Application*”) with, and seek, obtain, and officially recognize the findings from, the Local Finance Board in the Department of Local Government Services of the State Department of Community Affairs (the “*Local Finance Board*”); and

WHEREAS, the governing body of the Township of West Milford adopting this resolution (the “*Participant*”) desires to authorize the Authority and its consultants to submit the Local Finance Board Application on its behalf, if necessary, to finance the Renewable Energy Project(s) for the Participant (the “*Participant Project*”) set forth in **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Local Units as set forth in **Exhibit A**); and

WHEREAS, the pricing terms for the purchase of renewable energy-generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the

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Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the public RFP process and the Company Proposal, shall be established under the Authority's Program for an initial term no greater than 15 years; and

WHEREAS, the Participant has offered - and the Authority has accepted - public buildings for inclusion in the Program, and the Participant understands and acknowledges that by taking this official action it intends to participate in the Program with regard to the Participant Project, and that the Authority is taking several actions in reliance upon the inclusion of these public buildings, including, without limitation, proceeding with the issuance of the RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, potentially seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds in accordance with the Local Finance Board Application, and the marketing, sale and issuance of the Series 2011 Bonds; and

WHEREAS, the Participant desires to confirm its participation in the Program in order to permit the Authority to proceed with the issuance of the RFP, and if necessary, obtain the approval of the Local Finance Board and issue the Series 2011 Bonds;

NOW THEREFORE BE IT RESOLVED by the governing body of the Participant as follows:

Section 1. The Participant believes that its participation in the Program (a) is in the public interest through the accomplishment of the purposes described in the preamble paragraphs above, including the possible financing of the Participant Project; (b) benefits the health, wealth, convenience or betterment of the Participant's citizens; (c) entails amounts to be expended for the these purposes that are not unreasonable or exorbitant; and (d) is an efficient and feasible means of providing services for the needs of the Participant's citizens without creating any financial burden upon the Participant.

Section 2. The Mayor, Township Administrator, and the Township Attorney of the Participant (including their designees in writing, each an "Authorized Officer") are each hereby severally authorized to assist the Authority, should the Authority determine to finance the Program, with the preparation and submission of the Local Finance Board Application for the purpose of financing the Participant Project through the issuance of the Series 2011 Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Participant at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

Section 3. Upon a date to be selected by the Authority, the Authorized Officers shall deliver to the Authority a fully executed certificate, substantially in the form attached hereto as **Exhibit B**, evidencing the proper officials approval of the substance and scope of the Participant Project.

Section 4. The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Program, which may entail the funding of the Participant Project through a portion of the proceeds of the Authority's Series 2011 Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including, without limitation, proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, potentially seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and the marketing, sale and issuance of the Series 2011 Bonds, all for the benefit of the Participant and the other Local Units. The Participant further acknowledges that its continued participation in the Program is critical to the pricing to be obtained from Proposers during the RFP process and any change in the extent of its participation will have a negative impact on the other Local Units participating in the Renewable Energy Project.

Section 5. The Participant covenants to the Authority that: (i) except for extraordinary unforeseen circumstances not presently contemplated, the Participant intends to participate in the Authority's Program and will not withdraw any of the Local Unit Facilities in the Participant Project from inclusion in the that it has requested and the Authority has approved to be part of the Program, so long as the Company Proposal results in a savings to the Participant, and should it elect to withdraw such a Local Unit Facility for reasons other than an extraordinary unforeseen circumstance, that it will substitute a building with comparable energy usage or reimburse the Authority for the costs incurred to remove the public building from the Program, (ii) this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings and (ii) should the Authority determine to finance the Program, prior to the sale of the Series 2011 Bonds, the Participant shall (a), if it is a board of education, obtain any and all approvals from the State Department of Education with respect to the Participant Project, and (b) adopt a resolution authorizing, among other things, the Participant to enter into that certain "Power Purchase Agreement" and that certain "Site License Agreement," each to be dated as of the first day of the month of issuance of the Series 2011 Bonds in such form as shall be presented to the Participant prior to adoption of the

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supplemental resolution. The Township of West Milford's participation shall be in accordance with the same or more favorable terms as all other Participants.

Section 6. The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 11 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application. The Authorities shall hold the Township harmless for any liability in connection with the bonding of this transaction.

Section 7. The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the RFP and applicable law, and potentially marketing, selling, and issuing the Series 2011 Bonds, procuring the final terms of the Renewable Energy Project documents, or any other action related to the implementation of the Program for the Series 2011 Local Units.

Section 8. The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Participant Project, pursuant to either Option 2 or Option 3 of the RFP, and to record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

Section 9. To the extent the Authority determines to finance the Program and Series 2011 Bonds are issued in any year other than 2011, references herein to "2011" may without any further action be changed to the year of issuance of such Series 2011 Bonds.

Section 10. All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the possible issuance of the Series 2011 Bonds, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 11. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to: Nicole Fox, Executive Director of the Authority, 401 Grand Street, Room 103, Paterson, New Jersey 07505, Telephone: (973) 881-4550, and Fax: (973) 278-5635, e-mail: nicolef@passaiccountynj.org, and Kevin A. Conti, Esq., Program Counsel to the Authority at DeCotiis, FitzPatrick and Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, NJ 07666, Telephone: (201) 907-5202, and Fax: (201) 928-0588, e-mail: kconti@decotiislaw.com.

Section 12. This resolution shall take effect immediately.

Adopted: September 7, 2011

Exhibit A

Local Unit's Local Unit Facility(ies) and Renewable Energy Project(s)
Hillcrest Community Center 103.5 kw Canopy

Exhibit B

Local Unit Facility Acceptance Certificate

On behalf of the Township of West Milford (the "*Local Unit*"), and as a duly authorized officer of the Local Unit, I hereby represent, warrant and covenant as follows:

1. The Local Unit understands that it has been preliminarily selected by the Passaic County Improvement Authority (the "*Authority*") as one of the local government participants in the Authority's 2011 Renewable Energy Program (the "*Program*"). The information being provided to the Authority in this Certificate enables the Authority to draft the "License and Access Agreement (Passaic County Renewable Energy Program, Series 2011)" (a form of which "*License Agreement*" shall be supplied to the Local Unit by the Authority when the Program is closer to implementation), seek the necessary approvals, and otherwise implement the Program.

2. The License Agreement shall refer to the building(s) or ground(s) (each "*Local Unit Facility*"), location, size and scope (and if applicable, style) of the solar project (the "*Renewable Energy Project*") to be implemented on behalf of the Local Unit by the Authority and its various contract parties, including a competitively selected solar developer (the "*Company*"). Various consultants to the Authority, based on site visits and past information supplied by the Local Unit to the Authority, have identified the Local Unit Facility(ies) and Renewable Energy Project(s) (which include solar overlays prepared by Authority consultants) set forth on **Exhibit A** to this certificate for inclusion in the License Agreement, for

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selection of the Company, and potentially for financing and implementation under the Authority's Renewable Energy Program.

a. The Local Unit Facility and Renewable Energy Project set forth on **Exhibit A** to this certificate has been reviewed on behalf of the Local Unit, at a minimum, by the Local Unit official responsible for managing the day to day affairs of the Local Unit (which may include the undersigned), and at least by an in-house facilities director or consulting engineer and/or architect. Based on such review, and the review of such other in-house officers or employees or outside consultants of the Local Unit's choosing (including council, board, legal or technical review), if deemed necessary by the Local Unit, the description of the Local Unit Facility and Renewable Energy Project set forth on **Exhibit A** to this certificate is materially accurate, and can be used by the Authority in drafting the various Program documents, selecting the Company, and seeking the various Program approvals.

b. The Local Unit understands that any changes desired by the Local Unit to the Local Unit Facility and Renewable Energy Project from that set forth on **Exhibit A** to this certificate (i) are the responsibility of the Local Unit to inform the Authority and its consultants, and (ii) may or may not be accepted by the Authority, depending on the timing of any such proposed change. The Local Unit may contact Nicole Fox, Executive Director of the Authority, 401 Grand Street, Room 103, Paterson, New Jersey 07505, Telephone: (973) 881-4550, nicolef@passaiccountynj.org, or the Authority's special counsel for the Program, Kevin A. Conti, Esq., of the law firm of DeCotiis, FitzPatrick and Cole, LLP, at 201-907-5202, kconti@decotiislaw.com, with any subsequent changes. To the extent the Company proposes other changes acceptable to the Authority; the Authority shall seek the consent of the Local Unit.

Councilman Weisbecker made a motion, seconded by Councilman Ramaglia to place this resolution on the floor for discussion.

Discussion: Administrator Boyle said that he did receive a visit from the BOE president asking that Hillcrest be removed from the project schedule which leaves the Johner. Councilman Jurkovic stated that after hearing more about this at last meeting he thinks this is a risky proposition and it is a further risk. At FAC last night they said that the review of the septic system went very well. Now the estimate for usage is about 80 people. That is a very marketable building. He would not want to adversely affect its value. This might compromise our ability to market the building. Mr. Semrau stated that the BOE did not make a formal request with regard to Hillcrest. The reasons they have given thus far in objection are that they don't like the program. It will not incur cost or liability to them. They cannot arbitrarily affect the program. There is interest and cost savings. His question would be if the Township were to proceed with Hillcrest and make a formal request to the BOE, would there be time to turn back. Councilman Jurkovic stated that he has other issues with this too. This project is long-term and he is concerned that we are not insulated against changes in technology. This is a new industry. As this develops, solar panels in five years may be more advanced and we will be stuck with antiquated panels. It is a good idea but probably the wrong time. Ryan Scerbo with DiCotis, special energy counsel to PCIA advised that the Johner building does not appear to be a good match for this program for all the reasons stated. He noted that Mr. Boyle did inform him about BOE issues with Hillcrest. He stated that it might be worth looking at the project because of savings that could be realized. He and the team involved in this project would love to meet with the BOE and they have sent a formal letter to them with no response as yet. Councilman Ramaglia stated that the BOE thinks that the Township is a conduit. Mr. Scerbo advised that the BOE is an independent entity and they have been offered to learn about and participate in this program. The Township does not own the building so there may be some process. If the Township walked away from the lease the BOE would not be responsible for this project. Mr. Semrau asked if the Township walked away from Hillcrest in five years could the BOE could assume the project to which Mr. Scerbo answered in the affirmative. Mr. Scerbo asked Council to pass the resolution this evening advising that in doing so the Township would still have time to withdraw the building preferably, if it is ultimately deemed necessary, before the RFP is issued and with an addendum thereafter. Administrator Boyle stated that he went to two meetings at PCIA and he feels that Hillcrest is a good idea. He stated that he is surprised at Dave Richards' reaction because the potential cost savings in year one is \$23,000. Council President Smolinski stated that the concern is technology. Mr. Scerbo stated that solar panels have limited movement in efficiency since the 1970s. There is potential for advancement. The developer is not prohibited from changing out technologies but it must have a proven better effect. But that type of technology may be a long way off. Mr. Semrau noted that everything for the Hillcrest lease from the municipal side is done. The BOE now tells the municipality that they are seeking DOE approval. The Township has paid all maintenance and is poised to make back payments and current payments. The BOE may say no but they may need to justify their objection. Council President Smolinski said that the panels are not on the building, they would be installed in the parking lot. Councilman Jurkovic stated that when negotiating this Hillcrest lease there were reciprocal outs for both sides. If we were to ever decide to terminate the lease, this changes those timeframes. He congratulated Mayor Bieri for getting approval for the library and said he cannot support this for many reasons. Discussion ensued about the cost to move the panels.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: September 7, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 24 of 26

Motion to adopt the resolution as amended.

Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone.
 Voted Nay: Signorino, Jurkovic.
 Motion carried.

Agenda No. XI

Approval of Expenditures

Agenda No. XI
 ~ Resolution No. 2011- 313 ~

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	\$536,823.86
2	Reserve Account	2,130.41
3	Animal Control Trust	282.00
6	Capital.	324,995.56
7	Grants.	1,377.05
8	Refuse.	149,826.81
9	Refunds.	22.74
12	General Ledger.	0.00
16	Heritage Trust.	752.52
14	Open Space Trust	0.00
17	Trust	955.00
18	Development Escrow.	4,354.21
19	COAH	0.00
20	Special Reserve	0.00
Total		\$1,021,520.16
Less Refund Resolution		-22.74
Actual Bill List		\$1,021,497.42
Other Payments		
Total Expenditures		\$1,021,497.42

Adopted: September 7, 2011

Discussion: Councilman Ramaglia asked about the bill for the Mount Laurel playground on page 7. Administrator Boyle advised that funding was appropriated in the capital budget and all materials were obtained under state contract. Councilman Ramaglia asked for an update on the coffee house at Westbrook Park noting that page 19 has a payment for materials for this renovation. Mr. Boyle advised that all updates are posted on the website. He advised that the completion of this project is expected in mid-September or early October. Council President Smolinski advised that he and Councilman Ramaglia were at Westbrook during the recent storm. Councilman Jurkovic stated that the FAC recording secretary will ask Mr. Boyle by email for certain updates and to express a concern about the accessibility of the basement at the coffee house. Mr. Boyle advised that it is accessible from the side.

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

Agenda No. XII

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: September 7, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 25 of 26

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

Councilman Signorino conveyed his ongoing condolences to those who lost loved ones on 9/11. He stated that as a nation we still keep renewing the Patriot Act and we give up our freedoms for a false sense of security. He wishes federal government was more responsible, would cease foreign welfare and take care of home first. He would like them to think about us.

Councilman Jurkovic asked for update on Cablevision. Mr. Boyle advised that he spoke with Gary Shaw who is waiting for final approval from BPU. Mr. Semrau stated that he will send a letter to the BPU.

Councilman Weisbecker thanked all the volunteers and staff who worked so hard during the recent storms and he commended all their efforts. TGP offered equipment and manpower during Hurricane Irene and he thanked them for that. Elaine Buckman worked tirelessly to keep runoff at bay at Lake Lookover as a result of TGP work on the pipeline and TGP representatives have been very cooperative. Lake Lookover residents are upset about sediment runoff and need help. Mr. Boyle advised that representatives from TGP came from El Paso and met with the Lake Lookover POA to address those concerns.

Council President Smolinski reminded everyone that the world trade center steel was delivered today. It was a fitting ceremony with all fire companies participating. He urged everyone to visit the site noting that it is there so that we don't forget the events of 9/11. On Sunday there will be two ceremonies. One at 9 a.m. at St. Joe's and the second here at 11:30 a.m. He urged residents to ring bells and blow sirens at 1 pm.

Councilman Rosone recalled being in New York on 9/11 where he worked for several days thereafter at ground zero. He has first hand experience of the devastation. He asked everyone to take time on Sunday to remember those lost and their families as well as the many volunteers. May freedom reign and may God Bless America. He is proud that this steel is here today. It was a difficult day.

Mayor Bieri echoed comments made by Messrs. Rosone and Smolinski. She stated that it was an honor to participate in the ceremony this evening where the World Trade Center steel was placed at the memorial site. She reiterated the schedule for memorial services this coming Sunday.

Administrator Boyle thanked Fire Marshal Ron Svrcek for getting the steel for West Milford and the volunteers who are working on this memorial at no cost. He advised that he will have two critical agenda items on the September 21st agenda. One is a road project and the other a DOT grant project. He advised that the Township got a Highlands waiver today for the new library and perhaps a new municipal complex.

Attorney Semrau advised that we are getting ready to close on the library. The BOE is waiting for State approval of the Hillcrest lease. He is preparing to close on the acquisition of Apple Acres and will schedule the Newark tax appeal a future executive session discussion. He stated that there are escrow funds for conclusion of the turf field which has a balance of \$65,000. There are concerns about low spots in the field and he is trying to arrange walk-through inspection to see if we can release those funds. He has been in touch with the manufacturer about the warranty and he asked for a motion to authorize Administrator Boyle to release funds if everything is deemed okay. We may release the funds to the manufacturer. Council President Smolinski asked why he needs Council permission now when approval was granted in the past and all other payments have been made.

Mayor Bieri thanked Messrs. Ferriero and Semrau for work done on obtaining approvals for the library. Council President Smolinski asked for an explanation of those comments. Mr. Semrau noted that it took two years to obtain the DEP approvals. We can now close on the property because approvals are in place. The project is not yet ready for construction. Councilman Jurkovic stated that the FAC would like to start talking about a municipal wing with the Township engineer. Mayor asked that representatives of the Library Board be invited to the FAC meeting where the Township Engineer will speak about the library property.

Councilman Ramaglia advised that October 22nd is the new date for air show.

Agenda No. XIII

Appointments and Resignations

None.

Agenda No. XIV

Executive Session

None.

