
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 22

Councilwoman Lichtenberg announced upcoming community events. She said she will not be at town hall this coming Friday due to a conflict in her schedule.

Councilwoman Erik said there was a CASA meeting on Monday where they showed a film from a former NBA basketball player who battled drug addiction. There was good representation including the President of the BOE. She thanked the Chief who sent two REAL officers. She said there are signs at the triangle in the center of town including animal shelter walk-a-thon signs. She said the weeds on Macopin Road are so heavy they are a danger. She asked the Administrator to have the county address this issue. She announced a seminar on 9/18 about youth.

Councilman Hensley asked about the status of the proposed sign ordinance and Administrator Gabbert said he is getting input from departments and will schedule for a future meeting.

Councilwoman Dale said the garage sale is this weekend. She is a member of a West Milford Mom's group on Facebook and they posted a lot of negative comments about the electronic sign at the intersection of Macopin & Union Valley Roads. At first she thought that was the Township's sign. It is not. These people had concerns about how this sign is allowed at this location because it may be hazardous. She said she has confirmed with Administrator Gabbert that the sign is on private property and conforms with zoning requirements. Mayor Bieri said she also asked and followed up on this matter and she questioned if the Governing Body has the right to override the zoning requirements if the sign may be considered hazardous. Councilwoman Dale said to dispel concerns she posted on that Facebook site saying Council was not involved in the placement of that sign. It appears to be a Rotary sign. Councilwoman Lichtenberg said it was paid for by Rotary and she did not favor it when it was discussed, she was overruled. Councilwoman Dale said if the Police Chief has any concerns about that sign he should bring those concerns to Council. Mayor Bieri said elected officials did not know about it before installation nor did the zoning or planning boards. It was simply a zoning application. She said the sign is lovely but it is simply not a good location. Councilwoman Dale said some Moms asked for a traffic light there. Mayor Bieri said she asked about that years ago and was told that Passaic County had done a survey and determined a light would be more dangerous.

Mayor Bieri said the Township has received formal notification that Passaic County approved grant applications for lighting at Nosenzo Park and for a conservation easement purchase. She thanked the freeholders and the open space committee. She said we had a 9/11 ceremony on Thursday evening followed by a service on Friday 9/11 at the time the planes hit. She thanked all who participated and listed the names of those who contributed to the services. She said while many towns no longer hold 9/11 memorial events, West Milford does. She said the deadline for NJLM resolutions is 10/2. She announced upcoming fundraising events for local non-profit organizations. She said she followed up about the ShopRite project and learned construction is scheduled to commence this month. TJ Maxx is expected to come in the Spring. She gave details about the entire renovation which will take about 12 months in total. She said A&P is closing its doors and in anticipation of that she is meeting with the strip mall owners with a list of possible new tenants. She welcomed suggestions. She is also interested in knowing if there are specific stores residents would like to see.

Administrator Gabbert said the State has approved a Township request for a full evaluation of gypsy moth infestation in West Milford. When the ensuing report is issued, he will bring it to Council for discussion. He said he has outlined a preliminary budget schedule and will schedule it for discussion at the next meeting.

Fred Semrau asked for a conference call next Thursday with the subcommittee for the Council on Mandates appeal. He said he spoke with the subcommittee about needed resources and they will discuss that again. Last Wednesday he appeared before the Passaic County Board of Taxation regarding the Newark Watershed tax appeal. He commended the board, saying they were very accommodating even holding a special meeting because this appeal comprises 124 parcels of land. He gave a brief history saying that last year the value was raised resulting in an additional \$1 million in ratables to the Township. Newark appealed to the State tax court and that appeal is still pending. For the most recent appeal before the board, Mr. Krauzer came very prepared using comparable sales from open space, non-profit organizations and government agencies. There were a lot of questions about restrictions. Mr. Krauzer very ably answered those queries and opined that the value should be about \$4,000 per acre rather than the current value of \$2,500. He is awaiting the decision of the board. He said that Newark's attorney focused a lot on the Township's challenge ultimately agreeing with the Township's tax assessor after voicing several criticisms. If West Milford prevails, Mr. Semrau expects that Newark will appeal at the State tax court. However, in such circumstances, the burden of proof shifts to Newark. Mr. Semrau advised that the Triple T property is under contract for a potential sale. He received an inquiry from the prospective buyer, and after discussing the matter with the Mayor and Administrator; Mr. Semrau advised the buyer that there are administrative issues with that property.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 22

Proclamation

None
Agenda No. V

Unfinished Business, Final Passage of Ordinances

None
Agenda No. VIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VIII 1

~ Ordinance 2015 – 014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER A520, "CABLE TELEVISION FRANCHISE," TO ADD SECTIONS A520-27 THROUGH A520-35 TO CREATE THE WEST MILFORD PEG TELEVISION COMMISSION TO RUN A PUBLIC, EDUCATIONAL AND GOVERNMENTAL CHANNEL

WHEREAS, the Township of West Milford received funds from Cablevision for a local Public, Educational and Governmental ("PEG") channel; and

WHEREAS, in order to utilize the funds and operate a local PEG, the Township finds it to be in its best interests to create the West Milford PEG Television Commission ("Commission"); and

WHEREAS, the Commission would be responsible for the daily operation of the local PEG channel; and

WHEREAS, the Township desires to create the West Milford PEG Television Commission which would provide a broad-based representation of the community's interests and needs; and

WHEREAS, the Township desires to amend it's Code to reflect the creation of the West Milford PEG Television Commission and impose upon the Commission certain duties and responsibilities with regard to the local PEG channel.

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

SECTION 1. Chapter A520, "Cable Television Franchise," of the Township Code be and is hereby amended to add sections A520-27 through A520-35, which shall read as follows:

CHAPTER 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL TELEVISION STATION POLICIES AND PROCEDURES

§ A520-27. Mission.

This policy is adopted to afford fair and equal opportunities for the dissemination of municipal information and events through the Township of West Milford's (hereinafter referred to as the "Township") Public, Educational and Governmental access cable channel, West Milford TV 77 (hereinafter referred to as "WM77"). The Township will assist and facilitate programming for WM77. WM77 will broadcast noncommercial programming designed to celebrate the diversity of its residents and to educate them on topics of local interest. The purpose of WM77 is to help the Township's residents identify and bond with the community, its governing institutions, and each other.

§ A520-28. Goals.

In order to fulfill this mission, the following goals are established for WM77:

- A. Develop educational, non-profit, and governmental noncommercial programming to address the needs, concerns, and interests of Township residents;
- B. Broadcast high-quality noncommercial programs which conform to Township and community standards;

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 4 of 22

- C. Promote a cooperative effort between the Township, the Township's public schools, community, area businesses, and institutions; along with resources on projects that serve the needs, concerns, and interests of residents and the general public;
- D. Encourage Township public school students and residents and the general public to be involved in the production and broadcasting of innovative, community-driven, noncommercial programming;
- E. Provide, maintain, and update a bulletin board, which displays notices from government agencies and nonprofit organizations in the Township that are of interest and service to Township residents; and
- F. WMTV will broadcast numerous Township, governmental, public school, area educational, and nonprofit activities and events, in order to ensure that residents with disabilities or those who have difficulty leaving their homes remain an integral part of the community.

§ A520-29. Commission established.

There shall be a West Milford PEG Television Commission (hereinafter referred to as the "Commission") hereby established and appointed by the Township Council. The Commission shall be comprised of nine (9) members as follows:

- A. Two (2) members of the Council of the Township of West Milford, one of whom shall act as a liaison to the Commission and to the Township Council. The Council members shall each serve a term of one (1) year.
- B. Seven (7) at-large members from the Township community who shall serve the following terms:
 - 1. Two (2) members: Three (3) year initial terms following appointment;
 - 2. Two (2) members: Two (2) year initial terms following appointment; and
 - 3. Three (3) members: One (1) year initial terms following appointment.

After the initial terms, each member appointed will serve a three (3) year term.

§ A520-30. Commission officers.

The members of the Commission shall annually choose a Chairperson and such other officers as it may deem necessary from among its members. All members shall have equal voting privileges.

§ A520-31. Meetings.

A majority of the members of the Commission shall constitute a quorum for the conduct of business. The Commission shall annually establish a meeting schedule, and written notice of the time, date and place of all meetings shall be advertised and made publicly available sufficiently in advance thereof. The schedule and notices shall be provided to the Office of the Township Clerk. The Commission shall be considered a "public body" for the purpose of complying with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The meetings shall be held at the Township Municipal Building and shall be open to the public unless closed to the public by the Commission pursuant to an exception under the Open Public Meetings Act. Minutes of each meeting shall be produced and approved by the Commission at a subsequent meeting. At the conclusion of each meeting, the Chairman (or Secretary if one is appointed) shall in a timely manner forward to the Township Clerk a copy of the approved minutes.

§ A520-32. Commission powers and duties.

The Commission shall have the following powers and duties:

- A. The Township Council shall adopt policies and procedures for WM77 (hereinafter referred to as "Policies and Procedures" and the Commission shall promulgate such Policies and Procedures and comply with same for the fair operation and administration of WM77.
- B. Maintain and regularly update an inventory of the television equipment owned by the Township and file a copy with the Township Administrator.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 22

- C. Submit a proposed budget to the Township Administrator on or before November 1 for the following fiscal year.
- D. The Commission shall not expend any funds without the approval of the Township Administrator and all expenditures shall be effectuated through the purchasing policies and procedures of the Township Administration.
- E. Submit to the Township Clerk a written report of the programs and activities of WM77 and the Commission undertaken during the prior year. This said written report shall be submitted on or before January 31 of the following year.
- F. Seek grants to support WM77 and, through the Township Administrator, seek Township Council authorization to submit such grant applications.
- G. Assign tasks to the Commission members for the operation of WM77.

§ A520-33. Editorial control.

- A. Final decisions concerning the editing and broadcasting of a program rest with the Commission for all programs and all sources, subject to program content guidelines.
- B. WM77 is not obligated to broadcast material submitted by any source or to broadcast production or bulletin board submissions in their entirety.
- C. The Commission will not conduct the actual editing of programming but shall provide guidance and direction to submittals.

§ A520-34. Program content guidelines.

- A. The Commission has the right to reject any program or announcement submission deemed in violation of the Policies and Procedures or which is, for any reason, deemed unsuitable or not in conformance with the mission of WM77. The Commission will not knowingly permit the broadcasting of a bulletin board announcement or a portion of a program containing material which violates the law or the Program Content Guidelines set forth in the Policies and Procedures.
- B. The Township Administrator shall have authority to instruct the Commission and/or its members to remove any program, bulletin or anything aired on WMTV at his sole discretion and the Commission shall comply with such instruction.

§ A520-35. Cable productions.

- A. Air time is available solely for the purpose of educational, governmental, and community, noncommercial programming that is in conformance with the procedures set forth in this policy and the mission of the WM77.
- B. Educational programming is programming from any governmental, educational, or nonprofit source designed to inform or instruct viewers about matters that fall within the purview of the WM77 mission and objectives.
- C. Community programming is programming featuring an activity of a unit of the Township government, the Township's public schools, or an event sponsored by a Township or area nonprofit organization that is requested for broadcasting in order to inform, educate, or entertain Township residents on matters that may be of local interest.

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

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

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

Introduced: September 16, 2015

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 6 of 22

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for October 21, 2015. Notice of this public hearing shall be published in the Herald News on or about September 20, 2015.

Motion to introduce Ordinance 2015-014.

Moved: Erik Secoded: Lichtenberg
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Lichtenberg
Voted Nay: None.
Motion carried.

Mayor Bieri asked to move all resolutions as one including the consent agenda.

Moved: Erik Secoded: Signorino
Voted Aye: Erik, Hensley, Erk, Dale, Signorino, Lichtenberg
Voted Nay: None.
Motion carried.

Agenda No VIII 2

~ Resolution 2015 – 287 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO UNIMAK, LLC FOR THE WEST MILFORD TOWNSHIP LIBRARY CONSTRUCTION PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on July 31, 2015 at 10:00 a.m. for West Milford Township Library Project as per the Bid Specifications; and

WHEREAS, the Township of West Milford received thirteen (13) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Attorney and Arcari Iovino Architects; and

WHEREAS, the bid received from the low bidder UniMak, LLC has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law and the specifications; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this project which certification is contingent upon the satisfactory completion of the estoppel period for Bond Ordinance 2015-013; and

WHEREAS, that the contract award is contingent upon and does not become effective until the twenty (20) day estoppel period has expired without a challenge (within that 20 day period) to the Bond Ordinance 2015-013 which is scheduled to become effective on September 26, 2015.

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 awards a contract to UniMak, LLC, 82 Midland Avenue, Saddle Brook, NJ 07663 for West Milford Township Library in an amount not to exceed \$4,845,000 (\$4,747,000 base and \$98,000 alternate) pending successful completion of the estoppel period for Bond Ordinance 2015-013 which was adopted by the Township Council by unanimous roll call vote on September 2, 2015.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with UniMak, LLC in accordance with its bid for said West Milford Township Library Project.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 22

Agenda No VIII 3

~ Resolution 2015 – 288 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO TILCON NEW YORK, INC. FOR THE CLINTON ROAD – SECTION 2 ROAD RESURFACING PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 4, 2015 at 10:00 am for the road resurfacing of Clinton Road, between Route 23 and Schoolhouse Cove Road, as per the bid specifications; and

WHEREAS, the Township of West Milford received four (4) bids for this contract; and

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

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

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 04-215-55-823-013 and 04-215-55-821-004; and

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

1. The Township Council hereby awards a contract to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ 07885 for the Clinton Road – Section 2 Road Resurfacing Project subject to the approval of the New Jersey Department of Transportation in an amount not to exceed \$449,415.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tilcon New York, Inc. in accordance with its bid for said Road Resurfacing of Clinton Road, between Route 23 and Schoolhouse Cove Road, in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

Agenda No VIII 4

~ Resolution 2015 - 289~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO EASTERN CONCRETE MATERIALS INC. FOR THE PURCHASE OF ICE CONTROL AGGREGATES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 28, 2015 for the purchase of Ice Control Aggregates as per the bid specifications; and

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

WHEREAS, said bids have been duly reviewed and analyzed by the Public Works Department, and the Township Attorney; and

WHEREAS, the bid received from the apparent low bidder Stone Industries, Inc. in the amount of \$130,730.00 failed to comply with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law; and

WHEREAS, the Township Attorney has recommended that the bid received from the apparent low bidder, Stone Industries, Inc., be rejected because the Non-Collusion Affidavit was not properly notarized as required by law and the Local Public Contracts law deems this to be a fatal defect in the bid submission; and

WHEREAS, the bid received from the apparent second low bidder, Eastern Concrete Materials, Inc., in the amount of \$152,915.00 does comply with and meet all minimum bid requirements as outlined

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 22

in the bid specifications and thus Eastern Concrete Materials is deemed to be the lowest, responsive, responsible bidder in accordance with N.J.S.A 40A:11-2(27); and

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number 01-201-26-294-348

WHEREAS, it is the recommendation of the Public Works Department to reject the bid from the apparent low bidder Stone Industries Inc. and award a contract to the apparent second low bidder Eastern Concrete Materials in the amount of \$152,915.00

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

1. The Township Council hereby awards a contract to Eastern Concrete Materials, Inc. for Ice Control Aggregates in an amount not to exceed \$152,915.00.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with Eastern Concrete Materials, Inc. 475 Market Street, Suite 302, Elmwood Park, NJ 07407 in accordance with its bid for Ice Control Aggregates.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

Agenda No VIII 5

~ Resolution 2015 - 290 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR THE PURCHASE OF ONE (1) 51" BOOM FLAIL TO US MUNICIPAL SUPPLY INC.

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 7, 2015 for the purchase of one (1) 51" Boom Flail as per the bid specifications; and

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

WHEREAS, said bids have been duly reviewed and analyzed by the Township's Supervising Mechanic, and the Township Attorney; and

WHEREAS, the bid received from the low bidder Harter Equipment, Inc. in the amount of \$30,106.00 failed to comply with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law and the technical specifications as written; and

WHEREAS, the bid submitted by the apparent low bidder Harter Equipment does not meet the minimum specifications for, cutter head, reach, cutter blades, roller, boom arms and overall machine size as specified in the bid specifications

WHEREAS, the bid received from the apparent second low bidder, US Municipal Supply, Inc., in the amount of \$30,320.00 does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus US Municipal Supply, Inc. is deemed to be the lowest, responsive, responsible bidder in accordance with N.J.S.A 40A:11-2(27)

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account numbers 04-215-55-823-009 and 01-201-44-900-016

WHEREAS, it is the recommendation of the Township's Supervising Mechanic to reject the bid from the low bidder Harter Equipment, Inc. and award a contract to the second low bidder US Municipal Supply, Inc. in the amount of \$30,320.00

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

1. The Township Council hereby awards a contract purchase order for one (1) 51" Boom Flail to US Municipal Supply, Inc. in an amount not to exceed \$30,320.00.
2. The appropriate Township Officials be and are hereby authorized to execute the purchase order for the purchase of one (1) 51" Boom Flail with US Municipal Supply, Inc.,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 22

- PO Box 574, 10583 Raystown Road, Huntingdon, PA 16652 in accordance with the quote submitted with its bid for said 51" Bloom Flail.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
 4. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

Agenda No VIII 6

~ Resolution 2015 - 291~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR THE PURCHASE OF ONE (1) MUNICIPAL TRACTOR TO US MUNICIPAL SUPPLY INC.

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 7, 2015 for the purchase of one (1) Municipal Tractor as per the bid specifications; and

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

WHEREAS, said bids have been duly reviewed and analyzed by the Township's Supervising Mechanic, and the Township Attorney; and

WHEREAS, the bid received from the low bidder Harter Equipment, Inc. in the amount of \$93,275.00 failed to comply with the provisions of N.J.S.A.40A:11-23.5, Local Public Contract Law and the technical specifications as written; and

WHEREAS, the bid provided by the apparent low bidder Harter Equipment does not meet the minimum specifications for, Engine access panels, transmission, joy stick, future attachment availability and was also unresponsive on hydraulic mounting and electrical battery and alternator as specified in the bid specifications

WHEREAS, the bid received from the apparent second low bidder, US Municipal Supply, Inc., in the amount of \$130,860.00 does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus US Municipal Supply, Inc. is deemed to be the lowest, responsive, responsible bidder in accordance with N.J.S.A. 40A:11-2(27)

WHEREAS, the Township Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account numbers 04-215-55-823-009 and 01-201-44-900-016

WHEREAS, it is the recommendation of the Township's Supervising Mechanic to reject the bid from the low bidder Harter Equipment, Inc. and award a contract to the second low bidder US Municipal Supply, Inc. in the amount of \$130,860.00

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

1. The Township Council hereby awards a contract purchase order to US Municipal Supply, Inc. for one (1) Municipal Tractor in an amount not to exceed \$130,860.00.
2. The appropriate Township Officials be and are hereby authorized to execute a purchase order for the purchase of one (1) Municipal Tractor with US Municipal Supply, Inc., PO Box 574, 10583 Raystown Road, Huntingdon, PA 16652 in accordance with the quote submitted with its bid for said Municipal Tractor.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

Agenda No VIII 7

~ Resolution 2015 - 292~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 22

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

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

WHEREAS, the Township of West Milford wishes to amend its 2015 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2015 in the sum of \$5,000.00 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written
consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
NJ Water Use and Conservation Management Plan Grant;
State Share \$5,000.00

BE IT FURTHER RESOLVED that a like sum of \$5,000.00
be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
NJ Water Use and Conservation Management Plan Grant:
State Share \$ 5,000.00

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

Adopted: September 16, 2015
Agenda No VIII 8

~ Resolution 2015 - 293 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A HEPATITIS INOCULATION FUND GRANT APPLICATION

WHEREAS, the Township's Health Department wishes to apply for and receive a Hepatitis Inoculation Fund Grant in an amount up to \$5,000.00; and

WHEREAS, these funds are available for the reimbursement costs of hepatitis B inoculations for certain emergency medical technicians, firefighters and police officers, and the cost of fees for professional medical services for administration of the vaccine; and

WHEREAS, a resolution authorizing this municipality to apply for such grant will memorialize the commitment of this municipality to all emergency services personnel within its jurisdiction, indicate the assent of the Township Council to the efforts undertaken by the municipal emergency services workers and certify that the reimbursement applied for represents actual costs incurred and have not been reimbursed through any other source in the past.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Hepatitis Inoculation Fund Grant Application to the New Jersey Department of Health, Division of Epidemiology, Environmental and Occupational Health, and acceptance of such grant if awarded.

Adopted: September 16, 2015
Agenda No VIII 9

~ Resolution 2015 - 294 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2014 ANNUAL AUDIT

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 11 of 22

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

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

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

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

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

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

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

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

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

Adopted: September 16, 2015

Agenda No VIII 10

~ Resolution 2015 – 295 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REJECTING THE BID RECEIVED FOR THE SINGLE ENGINE HYDROSTATIC PURE VACUUM SWEEPER

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 7, 2015 at 10:15 am for Single Engine Hydrostatic Pure Vacuum Sweeper; and

WHEREAS, the Township of West Milford received one (1) sealed bid on August 7, 2015 in accordance with the advertised date for acceptance of bids for this equipment; and

WHEREAS, said one (1) bid has been duly reviewed and analyzed by the West Milford Township Attorney; and

WHEREAS, N.J.S.A. 40A:11-23.2 makes the provision of certain documents a mandatory requirement; and

WHEREAS, one of the mandatory documents is a certificate from a surety company pursuant to N.J.S.A. 40A:11-22; and

WHEREAS, pursuant to N.J.S.A. 40A:11-22, a certificate of consent from the surety company is required to be part of the bid documents; and

WHEREAS, based upon a thorough review of the documents submitted by Northeast Sweeper, no certificate from a surety company was submitted as part of the bid proposal package; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 22

WHEREAS, the low bid received from Northeast Sweeper in the amount of \$223,594.00 is rejected; and

WHEREAS, the Local Public Contracts Law, specifically N.J.S.A. 40A:11-13.2 authorizes a municipality to reject a bid for the above-stated reason; and

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

1. The Township Council hereby rejects the bid received on August 7, 2015 for the Single Engine Hydrostatic Pure Vacuum Sweeper
2. Under the direction of the Township Attorney, the Department of Public Works will re-advertise as soon as practicable.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: September 16, 2015

Agenda No VIII 11

~ Resolution 2015 - 296 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING ALL BIDS RECEIVED FOR THE PURCHASE OF TWO (2) 2016 4x2 CAB/CHASSIS HOOK LOADER, HYDRAULICS, SNOW PLOW, FRONT HITCH & ALTERNATIVES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 21, 2015 for the purchase of two (2) 2016 4x2 Cab/Chassis, Hook Loader, Hydraulics, Snow Plow, Front Hitch and Alternatives as per the Bid Specifications; and

WHEREAS, in response to the "Notice To Bidders" the Township of West Milford received one (1) bid; and

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

WHEREAS, the Township's Supervising Mechanic has recommended that the bid be rejected in accordance with N.J.S.A.40A:11-13. The Senior Mechanic further recommends that the bid specifications be substantially revised and that the Township go out to bid for a machine that is more suitable to the needs of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bid received for Two (2) 2016 4x2 Cab/Chassis, Hook Loader, Hydraulics, Snow Plow, Front Hitch and Alternatives be rejected because the bid specifications require substantial revisions to obtain bids for a machine that meets the needs of the municipality; and

BE IT FURTHER RESOLVED that N.J.S.A 40A:11-13.2 allows a local contracting unit to reject all bids for specific reasons which include when the contracting unit wants to substantially revise the specifications for the goods and services.

Adopted: September 16, 2015

Agenda No VIII 12

~ Resolution 2015 - 297 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING ALL BIDS RECEIVED FOR THE PURCHASE OF ONE (1) 2016 4x4 CAB/CHASSIS COMBO DUMP, HYDRAULICS, SNOW PLOW, FRONT HITCH AND ALTERNATIVES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 21, 2015 for the purchase of One (1) 2016 4x4 Cab/Chassis Combo Dump, Hydraulics, Snow Plow, Front Hitch and Alternatives as per the Bid Specifications; and

WHEREAS, in response to the "Notice To Bidders" the Township of West Milford received one (1) bid; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 16, 2015
 Time of Meeting: 6:30 pm
 Minute Page No: Page 13 of 22

WHEREAS, the Township’s Supervising Mechanic has recommended that the bid be rejected in accordance with N.J.S.A.40A:11-13. The Senior Mechanic further recommends that the bid specifications be substantially revised and that the Township go out to bid for a machine that is more suitable to the needs of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the bid received for One (1) 2016 4x4 Cab/Chassis, Combo Dump, Hydraulics, Snow Plow, Front Hitch and Alternatives be rejected because the bid specifications require substantial revisions to obtain bids for a machine that meets the needs of the municipality; and

BE IT FURTHER RESOLVED that N.J.S.A 40A:11-13.2 allows a local contracting unit to reject all bids for specific reasons which include when the contracting unit wants to substantially revise the specifications for the goods and services.

Adopted: September 16, 2015

Agenda No VIII 13

~ Resolution 2015 – 298 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE, UNSITED) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2015- 2016 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption License for the 2015- 2016 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, this license has received a Tax Clearance Certificate and Special Ruling for the 2015-2016 year; 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 revised; 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 had disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

WHEREAS, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

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

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
<p>JULIANO ANGELO M 7 Parkside Court Wayne, NJ 07470 1615-33-015-009</p>	<ol style="list-style-type: none"> 1. Licensee must file a Place-to-Place Transfer application to site this license, or a Person-to-Person and Place-to-Place Transfer application to transfer ownership and site this license in the Clerk’s office. 2. Fire, Health, Building, Zoning and Police inspections must be made and satisfactory recommendations received in the Clerk’s Office prior to transfer, activation or opening this license. 3. A Health Department Retail Food Establishment license must be acquired prior to opening. 	<p>Pocket</p>

Adopted: September 16, 2015

Agenda No VIII 14

~ Resolution 2015 - 305 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 16, 2015
 Time of Meeting: 6:30 pm
 Minute Page No: Page 14 of 22

WHEREAS, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Gallucci, Gary & Patricia	2701	18	117 Lakeshore Drive
Hansen, Andrew	4102	8	144 Long Pond Road
Masessa, Robert & Marie	8901	38	112 Vreeland Road
JC Realty Diversification	15803	15	70 Oak Ridge Road
Hollands, Margo	7801	30.02	30 B. Concord Road

; and

WHEREAS, the Tax Assessor and Township Attorney are of the opinion that it is in the best interest of the Township to settle these appeals.

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

1. The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	COUNTY BOARD OF TAXATION SETTLEMENT	PROPOSED SETTLEMENT
Gallucci, Gary & Patricia	2012	\$352,700	\$352,700	Withdrawal
Gallucci, Gary & Patricia	2013	\$352,700	\$352,700	\$304,000
Hansen, Andrew	2012	\$505,200	\$505,200	\$450,000
Masessa, Robert & Marie	2012	\$454,100	\$447,700	\$404,000
JC Realty Diversification	2012	\$408,400	\$408,400	\$350,000
JC Realty Diversification	2013	\$408,400	\$408,400	\$350,000
JC Realty Diversification	2014	\$408,400	\$408,400	\$350,000
Hollands, Margo	2014	\$189,100	\$176,800	\$165,000

2. All refund checks are to be made payable to the attorneys for the taxpayer and the taxpayer. Refunds are to be made within 60 days from the date of the entry of Judgment and interest is waived on said refunds on the condition that the refund is paid within 60 days from the date of the entry of Judgment.
3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
4. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.
5. This Resolution shall take effect immediately.

Adopted: September 16, 2015

Agenda No VIII 15

~ Resolution 2015 – 306 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF THE AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT (MSSDA)

WHEREAS, the Township Council of the Township of the Township of West Milford entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 15 of 22

included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Township Council of the Township of West Milford recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Council of the Township of West Milford has determined that it is in the best interests of the citizens of the Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA on file in the Clerks Office are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Council of the Township of West Milford hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Township of West Milford with Econsult Solutions, Inc.

The Township Council of the Township of West Milford hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township with the approval of the Township’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Council of the Township of West Milford further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of West Milford shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
6. A copy of the Municipal Shared Services Agreement and Amendment to same shall remain on file in the Township Clerk’s office and available for public inspection.

This Resolution shall take effect immediately.

Adopted: September 16, 2015

Agenda No IX

Consent Agenda

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 16, 2015
 Time of Meeting: 6:30 pm
 Minute Page No: Page 16 of 22

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

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

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

Resolutions:

- a. **2015-300** – Refund Other Liens
- b. **2015-301** – Refund of Overpayments
- c. **2015-302** – Reinstatement of Taxes
- d. **2015-303** – Refund of Recreation Fees

Applications:

- 1. Application for Petition to Extend Licensed Premises by Pioneer Bar & Grill for October 3, 2015.
- 2. Application for Petition to Extend Licensed Premises by Bearfort Plaza Inc. for October 10, 2015
- 3. Application for Petition to Extend Licensed Premises by The Vreeland Store for October 31, 2015.
- 4. Application for Petition to Extend Licensed Premises by The Vreeland Store for November 25, 2015.

Adopted: September 16, 2015

Agenda No IX a

~ Resolution 2015 – 300 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimburse Amount	Pay to the Lien Holder
13-0096	03/19/2013	12311/023	\$10,659.63	US BANK CUST FOR PRO CAP II; LLC U.S. BANK TLSG 50 S. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
Grand Total			\$10,659.63	

Adopted: September 16, 2015

Agenda No IX b

~ Resolution 2015 – 301 ~

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

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

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

REASONS:

- 1. Incorrect Payment
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 September 16, 2015
 6:30 pm
 Page 17 of 22

5. Tax Appeal

6. 100% Disabled Veteran

Block/Lot	Name	Amount	Year	Reason
103-3	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$3,563.14	2015	2
2315-1	Jonathan B. Fahey, P.C. 17 De Mun Place PO Box 555 Far Hills, NJ 07931	\$2,237.53	2015	2
3002-10	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$1,396.10	2015	2
3503-35	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$2,042.55	2015	2
5311-2.12	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$651.20	2015	2
5601-7	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$2,178.79	2015	2
7618-9	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$1,614.85	2015	2
7801-30.07	Vilma Cabada 605 Snake Den Road West Milford, NJ 07480	\$1,500.51	2015	2
9001-9	Michael J. Pasquale 146 Rea Avenue Hawthorne, NJ 07506	\$2,383.97	2015	2
9501-9	Louis Barrella & V. Maiorello 1413 Macopin Road West Milford, NJ 07480	\$1,666.77	2015	6
10704-7	Amy Weltchek, Esq. 2422 Hamburg Turnpike, Suite D Wayne, NJ 07470	\$269.97	2015	1
12107-6	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$2,818.33	2015	2
12307-3	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$2,033.56	2015	2
13401-7	Full Spectrum Services, Inc. 400 Fellowship Road, Suite 200 Mount Laurel, NJ 08054	\$1,701.13	2015	2
14601-9	Lakeland Bank Mortgage Escrow Dept. 255 Oak Ridge Road Oak Ridge, NJ 07438	\$3,083.57	2015	2
16004-11	Refund Department CoreLogic Real Estate Tax Service PO Box 961250 Fort Worth, Texas 76161-9858	\$2,167.13	2015	2
5301-39	US Bank Cust BV001 Trst & Crdtrs 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102-2513	\$4,595.34	2015	2
TOTAL		\$35,904.44		

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 16, 2015
 Time of Meeting: 6:30 pm
 Minute Page No: Page 18 of 22

Adopted: September 16, 2015

Agenda No IX c

~ Resolution 2015 – 302 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
4801-6	Scott & Eileen Frew	\$3,029.18	2015
7801-37.06	Richard Daly	\$2,430.58	2015
4201-27	Vincent & Keith Pergola	\$3,004.20	2015
13103-13	Barbara Sova	\$3,465.83	2015
10602-68	Aminet Zazi	\$3,290.81	2015
10602-68	Aminet Zazi	\$498.41	2016
10602-68	Aminet Zazi	\$3,784.57	2015
5316-2.24	Carol Ann Sinisi	\$1,192.82	2015
5316-2.24	Carol Ann Sinisi	\$7.18	2016
2602-18	Timothy Marzinke	\$1,901.65	2015
13809-23	Deborah Foster	\$57.00	2015
6602-8	Patricia Foote	\$2,604.48	2015
510-5	Albert Candelmo	\$2,735.40	2015
2406-21	Linda Hittinger	\$1,052.00	2015
2406-21	Linda Hittinger	\$3.00	2016
2801-6	Donna Whitlinger	\$2,707.08	2015
TOTAL		\$31,764.19	

Adopted: September 16, 2015

Agenda No IX d

~ Resolution 2015 – 303 ~

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

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

Rec Soccer		
Nathaniel	\$90.00	Becky Meyer 753 Burnt Meadow Road Hewitt, NJ 07421

Adopted: September 16, 2015

Agenda No. X

Approval of Expenditures

~ Resolution No. 2015 – 304 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 16, 2015
 Time of Meeting: 6:30 pm
 Minute Page No: Page 19 of 22

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	\$559,684.34
3	Reserve Account	8,725.38
2	Grants	9,110.28
6	Refunds	46,564.07
1	General Ledger	0.00
26	Refuse	83,950.00
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	1,650.00
19	COAH	0.00
16	Development Escrow	1,996.83
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$711,680.90
	Less Refund Resolution	-46,564.07
	Actual Bill List	\$665,116.83
	Other Payments.	
	P/R	462,260.21
	Treasurer, State of NJ Dog Report	99.00
	West Milford PAL	19,029.41
	BOE	4,506,715.00
	Total Expenditures	\$5,653,220.45

Adopted: September 16, 2015

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

Agenda No. VI

Public Comments

Mayor Bieri noted it is earlier than 7:30 pm but the agenda is complete and she opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Dr. Joan Oberer, 350 Germantown Rd, West Milford said she serves as president of the library board and she thanked the Governing Body for working to create a much needed new library facility. The passing of the bond ordinance and award of the contract are historic events for West Milford that will accomplish many things; a new and approved facility; the ability to offer many new services to public; and programs can be expanded. Property values will increase and West Milford will be a more desirable community. There will be shared space with the Township to benefit residents which provides an alternative to Hillcrest. The Township will assume ownership of the old library offering more office space to the town. This is a worthwhile investment in our community. She congratulated and thanked the Mayor and Council.

Melissa Brown Blaeuer, 67 Ramapo Road, Hewitt said she wishes to speak about unfunded mandates and those contained in the Highlands Act which violate the State constitution. Nonetheless, she cautioned that we must tread carefully so that the Highlands Act is not overturned as a result of a successful appeal. She listed the benefits of the Highlands Act saying that the appeal should ask the Mandates Council to return

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 20 of 22

this to the legislature for a dedicated funding source. Funding in the Act expired in 2014 so, technically, there was funding for ten years.

Bob Nicholson, 20 Hyde Road, Stockholm said today is a good day. The weeds on his road were cut back and the Cable TV ordinance was introduced.

Alexander Polonez, 123 Lakeshore Drive, Hewitt said he is here to address a dangerous situation at the property adjacent to his. There is a carport that is causing his deck to sink, flooding in his basement as well cracks in the foundation of his home and on the brick pavers on his patio. The repairs will cost him a lot of money and if there are high winds, this carport could be blown into his house. The roof is metal and the structure is 475 square feet. He showed photographs. If an accident does occur, the town's building department will likely be sued for issuing permits. This is a temporary structure that has been there for over four years. The Township planner looked at it and determined it to be a permanent structure and the planning board took a vote. He distributed a letter from the building department. A violation was also issued by the construction official and he provided a copy. The carport is larger than that approved on the permit. This carport should be removed because a judge ruled it is too large. It is too tall and too wide. He said that neither the zoning officer nor the construction official inspected the completed structure and he said that Mr. Ligus told him he does not have time to inspect all structures. People are building whatever they want with no oversight. This neighbor alone has built three things that do not conform with his permits. West Milford does not need these carports in residential areas.

Douglas Ott, 48 Stephens Road, West Milford said he read that the sign at Macopin & Union Valley Road is an Eagle Scout project. Those projects are subject to a rigorous approval process. He said that overgrown weeds on the roadside have a negative effect on pedestrians as well as vehicular traffic. He said that a bear once jumped from behind the weeds onto his moving car and that bear had to be euthanized as a result of the injuries.

Will Cytowicz, 694 Lakeshore Drive, Hewitt said he has discussed the possibility of secession with many people. He said that the County's efforts to attach negative repercussions to secession is a reason to continue the discussion. Government is made to support citizens. He asked for the debate to continue. We need to make an educated decision.

Doris Aaronson, 19 Bearfort Road, West Milford said parents often don't know when their children are becoming drug addicted. Those children often steal prescription medications or alcohol at home. When someone knows of a child who abuses drugs and approaches parents, parents are often in denial. She urged parents to be more vigilant. She recommended police sentence kids to community service or jail time for experimenting with drugs and alcohol. As chair of Health Board she has learned that alcohol is a major problem and parents must be involved in reducing that problem. Alcohol abuse kills people. We can do something about the alcohol problem. Enact and enforce ramifications for poor decisions. This is our town and we must start here. She has learned a lot attending meetings on this issue.

Tim Wagner, 835 Westbrook Road, West Milford said he asked Council to pursue an appeal of unfunded mandates in June and he thanked them for having Mr. Semrau pursue this. For over ten years there has been a negative economic impact on West Milford as a result of the Highlands Act and we must combat that to get relief. No other town has been impacted like us. The Highlands Act is an unfunded mandate period. It must be redone. There is much good in the Act but nonetheless, it has had a negative impact on West Milford. It must be returned to the legislature and done right so that we can get funding. If we prevail, we will get reimbursed for legal costs. He proposed a special events permit. There are many signs around West Milford to highlight events throughout town. It is hard to promote events in an 80-square mile town. It should be expedited.

Wayne Gottlieb, 20 South Richfield Road, Hewitt said he thought of approaching the fruit market from Oakland to ask them if they would be interested in the A&P property. He said major retail organizations have a protocol to determine locations. They run analytical programs shuffling data from all over the country. Many years ago he looked at demographic tracking data and found that West Milford is not attractive to these stores from a numbers standpoint. A&P property leases have been on the market for a long time. If they were desirable the large chain stores would have come in. That leaves us with non-household names. He came here to comment on the ordinance for the cable TV commission. He said he would like to see a designee from the school district as a member. The school may be providing personnel and equipment and he suggested giving one of the council seats to the school district. Secondly, he does not agree with having a nine-member decision committee and giving the administrator authority to override decisions. That process appears to be heading for trouble. Cranford has a smoothly operating commission for many years. Day to day decisions are made by a resident. He asked that those issues be looked at. He said the operating rules for the Highlands commission were extended in 2013 and will expire in December this year which means there are no operating rules for the Highlands Council. All seats on the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 21 of 22

council on mandates expire next February and March. Maybe that indicates there is something happening in Trenton regarding the Highlands Act. That could impact our decision to proceed with something that is already slated to fail. He said there are unfunded mandates regarding school districts and we should look into it because they are costing a half billion dollars across the state.

CarlLa Horton, 132 Bearfort Road, West Milford said she is thrilled about the library. She will help with fundraising in any way she can. Every generation leaves a legacy for the next, and this is ours. She commended the Council for direction given to Mr. Semrau for Newark tax appeals. It is great to have the land properly valued but she does not want to forget the idea of a water surcharge. She was disappointed by the number of people who signed the watershed petition and urged the Governing Body not to give up. She personally knows three mothers or fathers whose children have recently died due to drugs. It is a social and health problem and that should be the basis of our solutions. She asked why the Township rejected some bids.

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

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

Agenda No. VII

Council Comments

Mayor Bieri said we were not aware about Lakeshore problems and urged Mr. Polonez to contact the Administrator. It is unacceptable for staff to say they don't have time. Violation notices were issued and there must be follow up. The Administrator will follow up with staff. She has never heard the Governing Body say they fear repercussions for discussing secession. They just want research and the EDC has been asked to conduct research. The Governing Body wants to do it right. The sign ordinance is scheduled for a future workshop meeting. Bids were rejected for fiscal issues or they did not meet the specifications. Mr. Semrau said the rejections are outlined in the resolutions. Mayor Bieri said she is familiar with the research companies do before large chains commit to opening a storefront. Nonetheless she will make every effort to reach out to any entity that may possibly want to come to town. She will leave no stone unturned. TJ Maxx is coming and they have done their research. She would like to reach out to businesses that residents want to see here even if it appears to be a waste of time. She is open to every and any suggestion and will do what she can to fill these vacant spaces. We have lots of vacancies to be filled.

Councilwoman Erik said Mr. Polonez's issue sounds similar to the Witherspoon issue. She agrees with Mr. Ott about weeds and said she almost hit a bear on Macopin Road recently.

Attorney Fred Semrau said he is doing research and determining issues for the mandates council appeal. There is a subcommittee. The goal is not to overturn the Highlands Act but to ensure that the Township receives appropriate funding under the legislation. The law is illegal as it stands and the action would require that it be amended to provide the appropriate funding that the Township is entitled to. The loss of revenue is the basis for the appeal.

Councilwoman Dale thanked Dr. Oberer for recognizing the Governing Body and commended the library board for their work. The Council challenged the library board on a number of issues and it is unfortunate that there is still a misconception that this will raise taxes. She asked the library board to generate a one-page fact sheet that can be used to relay the facts. It could be posted in various places and elected officials could refer to it when fielding questions. Untrue negative thoughts can be damaging and they infer that due diligence has not been done.

Councilman Signorino said he appreciates all the concerns and positive comments tonight. He has worked with the library board and they have come a long way. He is very excited for the new library and he commended the board for their work. He would also love to help with the fundraising. He asked Administrator Gabbert to follow up on the carport. In the meantime he suggests that Mr. Polonez ask the neighbor to install a gutter on the carport which may alleviate some of the issues if even only temporarily. He said he appreciates the perspective on secession and he agrees with that. He thanked Mr. Wagner for bringing up unfunded mandates. Mayor Bieri said the entire governing body supported researching the issue of secession. There was no fear of repercussions. The county response did not instill fear. However, we do not have to make negative comments about the county while this matter is being researched. We do not know what the research will prove and she believes the research can be ongoing without creating wounds or promoting negativity.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 16, 2015
Time of Meeting: 6:30 pm
Minute Page No: Page 22 of 22

Administrator Gabbert said the Township met the deadline for the grits with some contract labor. He said some bid specifications will be rewritten to get better equipment. We have experienced difficulty with our mowers – electronics and the arm specifically. As of last Thursday there was one down and he will check the current status. He was on Clinton and Macopin Roads and we are hitting our areas.

Agenda No. XIV

Appointments and Resignations

None.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:16 p.m.

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

Approved: October 21, 2015

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK