
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of Governing Body Regular Meeting
Date of Meeting: September 20, 2017
Time of Meeting: 6:30 pm
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The Regular Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 25, 2016 and January 1, 2017; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits - located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley, Tim Wagner, Peter McGuinness,
Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: Luciano Signorino
Also Present: Township Administrator/Clerk Antoinette Battaglia

Administrator Battaglia noted that Councilman Signorino was in Oxford to speak to the Highlands Council on behalf of the Governing Body.

Agenda No. III

Reading of or Approval of Unapproved Minutes

None

Agenda No. IV

Meetings

Mayor Bieri noted the future meeting schedule:

September 27, 2017 Special Meeting/Budget
October 4, 2017 Workshop Meeting
October 11, 2017 Board of Education/Governing Body
October 18, 2017 Regular Meeting
November 8, 2017 Workshop and Regular Meeting

Agenda No. V

Executive Session

None

Administrator Battaglia noted that Freeholder Terry Duffy was going to be late to the meeting to discuss the next agenda item. Mayor Bieri suggested moving to the presentations next and referring back to that agenda item later in the meeting.

Agenda No. VI

Presentations

Stormwater Management, Mr. Paul Ferriero – Mr. Ferriero said that the DEP adopted stormwater management regulations a number of years ago. He explained that West Milford is a Tier A, and there are a certain number of requirements that have to be completed on an annual basis. One of the elements that the municipality must complete each year is to gain a certain number of points under the scale for public information. The Township will earn points because he is speaking to the Governing Body about stormwater. He spoke about how he has been working with Administrator Battaglia and the DPW regarding the fines in the municipality. The Governing Body needs to recognize that the fines cost money. The DPW has to inspect 1,000 inlets annually, practice good housekeeping rules at the yard, and keep records of the street sweepings. The Township has to provide information as to how they are managing their own stormwater facilities, and also have a program on how the Township manages privately operated stormwater facilities.

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The Township has to earn ten points every year and they need to be recorded. He has to work with Administrator Battaglia on educating the public and coordinating presentations in schools. He explained how the Township could earn points. He feels it's very important that the Township identifies the mapping requirements because they are becoming more stringent and there will be costs for that. He will work on getting those costs for the Governing Body as the new permits originate. The DEP requires the Township to maintain all the stormwater facilities. He explained that he will be sending correspondence to the Township for budget purposes.

Mr. Ferriero spoke about a flood plan presentation he attended. The subject of the conversation was how stormwater management could reduce flooding. Mr. Ferriero said that stormwater management will never reduce flooding because of stormwater management standards. He believes that the stormwater management plan over the past years has made the flooding worse by not maintaining the basins.

Councilman McGuinness asked if this was a proactive approach because the Ordinance has not been approved. Mr. Ferriero explained that there is a permit in place, part of it hasn't been completed by the Township and they are working on getting that done. The proactive notice that he gave the Governing Body was about the operations and maintenance oversight. The mapping requirements are expanding from publicly owned facilities to privately owned facilities. The Governing Body has to make sure owners clean the basins. Councilman Wagner asked how many inlets there are and if they are being cleaned out when they are inspected. Mr. Ferriero explained that the best way to clean the inlets is to inspect them first and then determine what needs to be done that's required by the DEP.

Councilman Hensley asked if this process was a DEP regulation backed up by the fine. Mr. Ferriero explained that the state created the regulations. Councilman Hensley noted that they created the body to come up with their own regulations to comply with the federal rule, and they can oppose fines on municipalities but they can't fund municipalities for what they see necessary. Mr. Ferriero said when the permit was originally issued grants were given to every municipality to help develop a stormwater solution development plan, and the stormwater element is a piece of the master plan. Councilman McGuinness asked if Tier B has fewer restrictions than Tier A and if West Milford could fit into a Tier B. Mr. Ferriero explained that the population in West Milford is too large to fit into Tier B.

Administrator Battaglia mentioned that cost funding is one of the challenges. She said that Mr. Ferriero is anticipating a new set of regulations. One of the major items is that they will have to reach out to those private communities and become involved in what they have to do to comply. There will be a cost associated with that. Councilman Wagner mentioned that they are also addressing this concern so the lakes don't get contaminated. The Governing Body thanked Mr. Ferriero.

Mr. Ed Steines, DPW Director – Mr. Steines provided a department progress update. He spoke about a vehicle maintenance program that he arranged through a local vendor to have all the vehicles washed once a month. As funding permits he would like to send older vehicles and equipment out to have the undercarriages inspected. If needed the older vehicles will get sandblasted and undercoated to extend the life. The department has completed some major drainage programs. He spoke about the growth and development of the department since he started and he commended all of his employees and said they have been doing an excellent job. Mr. Steines noted that he supplies a monthly department report and he recommended that everyone reads it so they can see the progress that the department is making. He said there has been a complaint about asbestos in the Town Hall building. He is working with Mr. Hodges to hire a company to do an investigation.

Mr. Steines noted that one of the biggest issues they have to address is the large grit pile that has been overlooked for numerous years. Administrator Battaglia thanked the Snow Subcommittee for their assistance in reviewing the trust account for snow removal and the best use of the funds. She noted that removing the grit pile will be a large one-time expenditure. It has been ignored for 15 years and it will be a significant strategy to the stormwater plan. She said the DPW has had significant challenges but the staff has been incredible under Mr. Steines direction. She explained that the seasonal employees are not experienced with stormwater so they are spending money on overtime primarily because they need the level of expertise to address the stormwater issues. Mr. Steines noted that they are on their third round of mowing the Township. Mayor Bieri mentioned that she believes the residents are noticing all the hard work and the number of department complaints have decreased significantly. Mr. Steines recognized his supervisors and he thanked Administrator Battaglia for her assistance. He thanked Councilman Wagner and Councilwoman Erik for being on the Snow Subcommittee.

Agenda No. VII

Proclamations

None

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SECTION 1. Chapter 285, "Property Maintenance", be and is hereby amended to read as follows:
§285-12 Vacant, Abandoned and Foreclosed Properties

§285-12-1. Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of this article:

ENFORCEMENT OFFICER - The Township Enforcement Officer shall be defined as the Zoning Officer, Construction Official, Township Engineer or any other Township officials so designated by the Township Council to enforce the provisions of this chapter. Nothing herein shall preclude any Township employee engaged in the enforcement of laws and ordinances from enforcing the provisions hereof. The Construction Official shall be responsible for enforcement of violations of the New Jersey Uniform Construction Code.

EXTERIOR OF THE PREMISES - Those portions of a residential structure or accessory structure on residential property which are exposed to public view and the surrounding open space.

NUISANCES AND HAZARDS - The following shall be considered nuisances and hazards for the purposes of this Article: (1) any residential structure or accessory structure that is in disrepair by reason of deteriorating conditions or storm damage; (2) out of service swimming pools in disrepair by reason of deteriorating conditions or storm damage; (3) dead, rotting or diseased trees; (4) loose and overhanging tree limbs; (5) accumulated junk, litter or debris; (6) accumulated hazardous, noxious, or unhealthy substances or materials; and (7) overgrown or neglected lawns, bushes, trees, shrubbery and landscaping

RESPONSIBLE PARTY - The title owner of a vacant and abandoned property or a creditor responsible for the maintenance of a property pursuant to N.J.S.A 46:10B-51.

STREET ADDRESS - This means an address at which a natural person who is the responsible party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

§285-12-2. Vacant, abandoned and Foreclosed Residential Property

Any improved residential property which is not physically occupied by a title owner, title owner's family member, title owner's relative or a tenant of the title owner, or has been foreclosed upon, and at which at least three of the following conditions exist at the property:

- 1) Overgrown or neglected vegetation;
- 2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- 3) Disconnected gas, electric or water utility services to the property;
- 4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- 5) The accumulation of junk (including junk vehicles), litter, trash, or debris on the property
- 6) The absence of window treatments such as blinds, curtains, or shutters;
- 7) The absence of furnishings and personal items;
- 8) Statements of neighbors, delivery persons, or governmental employees indicating that the property is vacant and abandoned;
- 9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- 10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- 11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property;
- 12) An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied
- 13) The mortgagee or authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- 14) A written statement issued by mortgagee expressing the clear intent of all mortgagors to abandon the property; or
- 15) Any other reasonable indicia of abandonment

A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 *et seq.*) so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Enforcement Officer and the property meets the criteria set forth in this Article.

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§285-12-3. Yard

An open space extending between the closest point of any building and a lot line or street line, excluding those portions of the yard that are critical areas.

§285-12-4. Registration of Vacant, Abandoned, and Foreclosed Properties

- A. Registration. The responsible party for a vacant, abandoned, or foreclosed, residential property shall immediately file a certificate of registration with the Township Clerk after receipt of notice, that the property has been determined to be vacant, abandoned or foreclosed upon, or immediately after the responsible party assumes ownership of or responsibility for a property already determined to be vacant, abandoned, or foreclosed upon. A certificate of registration shall remain valid for one year from the date of issuance and shall be renewed on an annual basis if the property remains vacant and abandoned.
- B. Form of Certificate of Registration. The certificate of registration shall be filed on forms prescribed by the Township Clerk and shall contain:
- 1) The name, street address, and telephone number of a person who resides or maintains an office within the municipality and who is either the responsible party or an authorized agent designated by the responsible party to receive notices and complaints of property maintenance and code violations on behalf of the responsible party;
 - 2) The name, street address, and telephone number of the person responsible for maintaining the property, if different; and
 - 3) A certificate from a licensed insurance provider evidencing the liability insurance coverage on the vacant and abandoned property.
- C. Certificate of Registration Amendments. A responsible party for a vacant abandoned, or foreclosed residential property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.
- D. Certificate of Registration Fees. The following fees for a certificate of registration shall be paid by the responsible party:
- 1) \$250.00 for the initial registration fee
 - 2) \$500.00 for the 2nd year
 - 3) \$750.00 for the 3rd year
 - 4) \$1,000.00 for the 4th year, adding an additional \$250.00 each subsequent year

§285-12-5. Security; Notification; Liability Insurance

- A. Within 45 days after the property has been determined to be vacant and abandoned and until the property is reoccupied, the responsible party for a vacant, abandoned, or foreclosed residential property shall:
- 1) Enclose and secure the property against unauthorized entry;
 - 2) Post a sign affixed to the inside and outside of the property, visible to the public, indicating the name, address, and telephone number of the responsible party, and authorized agent designated by the responsible party for the purpose of maintaining the property if different from the responsible party or authorized agent; and
 - 3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

§285-12-6. Maintenance Standards for Vacant, Abandoned, and Foreclosed Properties

- A. Vacant, abandoned, and foreclosed properties shall be maintained in accordance with the following standards:
- 1) The property shall be kept free of all nuisances and hazards, litter, and debris.
 - 2) The property shall be kept free of accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation.
 - 3) Grass in the yard area shall be cut and maintained so as to prevent the grass from growing to seed or exceeding fourteen inches (14") in height.
 - 4) The exterior of every structure or accessory structure or other improvement on the premises shall be kept in good repair and all exposed surfaces subject to deterioration shall be covered by a protective coating appropriate for the particular material as needed.
 - 5) The exterior of the buildings shall be free of loose material that may create a hazard by falling on persons utilizing the premises
 - 6) All exterior walls, roofs, windows, window frames, doors, door frames, sky lights, foundations, and other parts of the structure shall be maintained to keep water from entering the structure and to prevent excessive drafts or heat loss during cold or inclement weather and to provide a barrier against infestation. Damaged or badly worn materials shall be repaired or replaced and places showing signs of rot, leakage or deterioration or corrosion shall be treated or restored to prevent weathering or seepage.
 - 7) Leaders and drain pipes shall be securely fastened to the building and maintained in good condition

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§285-12-7. Notice of Vacancy, Abandonment, and Foreclosure

Upon determination of the enforcement officer that a residential property is vacant, abandoned, or foreclosed, the enforcement officer shall notify the responsible party by personal service or registered mail, and posting of notice in a noticeable place on the property of the determination and the requirements of this Article,

§285-12-8. Notice of Violation

The enforcement officer upon determination of any violation of the provisions of this Article, or any other applicable ordinances, statutes or regulations, shall attempt to notify the responsible party by personal service or registered mail and posting of notice in a noticeable place on the property of the determination and the requirements of this Article. The notice shall advise the responsible party of the violation and the obligation to remedy the same within 10 days from the date of the notice. If the violation is not remedied to the satisfaction of the enforcement officer within said 10 days, the enforcement officer may issue a summons to the responsible party and request the governing body to adopt a resolution authorizing the municipality to abate the violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes or regulations at the responsible party's sole cost and expense and impose a lien on the property for all costs and fees associated herewith.

§285-12-9. Appeals of Abandoned Property List Inclusion

- A. An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Building Standards Board within the thirty (30) days of the owner's receipt of notice or forty days from the date upon which the notice was sent. An owner whose identity was not known to the Construction Official shall have forty (40) days from the date upon which the notice was published or posted, whichever is later, to challenge the inclusion on the abandoned property list. For good cause shown, the Building Standards Board shall accept a late filing of an appeal. Within 30 (thirty) days of receipt of a request for an appeal of the findings contained in the notice, the Building Standards Board shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The Building Standards Board shall decide any timely filed appeal within (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the proper owner of the decision and reasons thereof.
- B. The property owner may challenge on adverse determination of an appeal with the Building Standards Board by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in Passaic County, which action shall be tried de novo. Such action shall be instituted within (20) days of the date of decision mailed by the Building Standards Board. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- C. The Construction Official shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- D. The abandoned property list shall become effective and the Township of West Milford shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to the property or upon the denial of an appeal brought by the property owner.

§285-12-10. Abatement by Municipality: Costs and Lien

Upon adoption of a resolution by the governing body, the municipality may abate any nuisance, hazard or violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes, or regulations. The enforcement officer shall certify the costs thereof to the governing body. The governing body shall review the certificate of costs and if found acceptable, authorize a lien be placed against the property. The amount of the lien shall be added to the taxes to be assessed and levied upon the property. The amount of the lien shall also bear interest at the same rates as taxes and be collected in the same manner as any other taxes assessed and levied upon the property.

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§285-12-11. Violations and Penalties

Any person or entity that violates any provision of this article shall, upon conviction thereof, be punished by a fine not less than \$500 or more than \$1,000. Each day that a violation continues shall constitute an additional, separate and distinct offense. Any penalty imposed pursuant to this section shall be recoverable by a summary proceeding under the "Penalty Enforcement Law of 1999, "P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court, Law Division, or the municipal court shall have jurisdiction to enforce such penalty.

§285-12-12. Severability

If any provisions of this Ordinance shall be determined to be invalid or unenforceable, such adjudication shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 2. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 3. This Ordinance may be renumbered for purposes of codification.

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

Introduced: September 20, 2017

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Lichtenberg
Voted Nay: None
Abstained:

Mayor Bieri asked to move all Resolutions 2017-299 through 2017-306 and Resolution 2017-297.

Councilman McGuinness asked if a credit could be issued instead of a refund for Resolution 2017-301. Administrator Battaglia explained that the tax department has to refund the overpayment. Mayor Bieri noted the revisions on Resolution 2017-299 and said it was on the dais. Councilman McGuinness asked if the Search and Rescue was part of the Fire Department, and Administrator Battaglia said Search and Rescue is a separate entity with their own bylaws. Administrator Battaglia asked for consensus from the Governing Body to send Resolution 207-297 with the attached letter to the sports organizations in the Township. The Governing Body gave consensus.

Agenda No. IX 2

~ Resolution 2017 – 297 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY IN SUPPORT OF MAYOR BETTINA BIERI'S REQUEST TO THE PASSAIC COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE ACQUISITION OF THE ACTIVE RECREATION PORTION OF THE PROPERTY KNOWN AS THE HIGHLANDS PRESERVE ALSO KNOWN AS BLOCK 2902, LOT 3 IN THE TOWNSHIP

WHEREAS, the Highlands Preserve is a passive and active recreation site in West Milford owned and operated by Passaic County; and

WHEREAS, the Highlands Preserve constitutes 218.5 acres of land of which the Township estimates approximately 10 acres is used for active recreation and approximately 208.5 acres is used for passive recreation; and

WHEREAS, on August 2, 2017 Mayor Bettina Bieri sent a letter to Mr. Anthony DeNova, III, the Passaic County Administrator, attached hereto and made a part hereof, requesting that the County consider bifurcating the property known as the Highlands Preserve, Block 2902, Lot 3 in the Township and transferring ownership of the active recreation area to the Township while the County retains the passive recreation areas for that continued use; and

WHEREAS, the West Milford Township Council supports the Mayor's request; and

WHEREAS, on August 14, 2017 Administrator DeNova responded by letter, attached hereto and made a part hereof, outlining a number of reasons why Passaic County denies the request; and

WHEREAS, while West Milford has a significant number of open space properties in the Township, there is a shortage of active recreation sites and a compelling need for such resources; and

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WHEREAS, in addition to the health benefits derived by individuals who engage in active recreation, there are social considerations that weigh heavily on the minds of all elected officials and community leaders, including the benefits derived from active recreation in combatting crime, addiction, social disintegration, segregation, bullying and any form of stigma; and

WHEREAS, the Mayor and Township Council recognize and respect the arguments outlined in Mr. DeNova's letter, we have some comments thereto delineated below; and

1. The Mayor and Township Council request that the Board of Chosen Freeholders consider bifurcation of this property, retaining approximately 208.5 acres for passive recreation and transferring title to approximately 10 acres to the Township of West Milford for active recreation.
2. The Mayor and Township Council of the Township of West Milford understand that there are procedural steps and due diligence requirements associated with the transfer of any property including those properties acquired with Green Acres funds. The Township would like to explore with County Officials the potential of engaging in those processes and negotiating the due diligence process with an ultimate goal of transfer of ownership of a portion of this property to the Township of West Milford.
3. The Township understands that any and all Green Acres properties are open to the general public regardless of residency. Mayor Bieri did mention in her letter that the recreation fields have been used exclusively by West Milford Township residents but that was not intended to imply that it is not available to users outside of the Township. Furthermore, the Township reiterates that all Township Officials understand that, if the Township were to assume title to the active recreation fields, access would continue to be provided in accordance with all Green Acres Rules and Regulations. In fact, West Milford operates other active recreational facilities in the Township in accordance with Green Acres Rules and Regulations.
4. The Mayor & Township Council strive to provide access to active recreational facilities to all residents and at no direct cost to the users. As such, the Township desires to obtain this active recreation facility to complement existing recreation facilities understanding that the cost of maintenance and improvements would be borne by the West Milford government unit and that access would be available to all users. Many of our local sports organizations are guided by volunteers who do not have the resources to pay permit fees. These organizations provide safe, healthy and interactive opportunities to all sectors of the community including children, teens, adults and seniors from every socio-economic group.
5. The Township understands the Passaic County Administrator's concerns about setting a precedent for the County if a transfer of ownership were to occur. The proposal submitted by the Mayor would simply transfer ownership of a small portion of the property to the Township. The passive recreation portion of the property would remain in the County's roster of recreation sites. Additionally, the Mayor and Council is confident that Passaic County officials would view this request, and all requests of any nature, independently, based on the merits of such requests.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do support the request submitted by Mayor Bettina Bieri to Passaic County Administrator Anthony J. DeNova III on August 2, 2017; and

BE IT FURTHER RESOLVED that the Mayor and Township Council hereby requests that the Passaic County Board of Chosen Freeholders reconsider this request and engage in a process of inclusion and discussion with the Township prior to making a final decision; and

BE IT FURTHER RESOLVED that the Mayor and Township Council does hereby convey appreciation to the Board of Chosen Freeholders and the Passaic County Administrator for considering this request and researching the possibilities further.

Adopted: September 20, 2017

Agenda No. IX 3

~ Resolution 2017 – 299 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ANNUAL CLOTHING ALLOWANCE FOR VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRST AID SQUADS AND FIRE DEPARTMENTS

WHEREAS, the Township of West Milford wishes to recompense its qualified, volunteer members of the Township of two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for damage to their clothing due to their active participation in selfless service to the Township; and

WHEREAS, the chiefs and/or senior official of the First Aid Squads, Search and Rescue and Fire Departments shall certify to the chief Financial Officer or her designee a list of the members of their respective companies and their allotted clothing allowance; and

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WHEREAS, the payment of the annual clothing allowance for qualified, volunteer members of the First Aid Squads, Search and Rescue and Fire Departments shall be based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2017 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, approve the annual clothing allowance for qualified, volunteer members of the two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for the year 2017 based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2017 budget.

Adopted: September 20, 2017

Agenda No. IX 4

~ Resolution 2017 – 300 ~

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:

Beyond the Bell		
Joseph Adams	\$87.50	Katherine Adams 1480 Macopin Road West Milford, NJ 07480
2017 Fall Soccer		
Stephen	\$70.00	Toni Harant 144 Vreeland Road West Milford, NJ 07480

Adopted: September 20, 2017

Agenda No. IX 5

~ Resolution 2017 – 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:

- REASON:**
- | | |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment | 2. Duplicate Payment |
| 3. Senior Citizen/Veteran Deduction | 4. Other Lien |
| 5. Tax Appeal | 6. 100% Disabled Veteran |
| 7. Reduced Assessment | |

Block/Lot	Name	Amount	Year	Reason
806-22	Kensington Vanguard National Land Services, LLC 600 Parsippany Road Suite 202 Parsippany, NJ 07054	\$2,463.69	2017	2
1611-17	Ardent Title Group, LLC 24 Sheridan Avenue Suite 2 Ho-Ho-Kus, NJ 07423	\$2,610.00	2017	2
2507-3	Lereta Att: Central Refunds 1123 Park View Drive Covina, CA 91724	\$2,635.25	2017	2
3403-2	True Value Title, LLC 100 Morris Avenue Suite 203A Springfield, NJ 07081	\$1,475.99	2017	2
3605-2	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,916.32	2017	2

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Block/Lot	Name	Amount	Year	Reason
4105-1	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,000.55	2017	2
5311-3.10	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$538.43	2017	2
6001-6	Daniel & Debra Schwinge 410 Morsetown Road West Milford, NJ 07480	\$5,177.76	2016	6
6001-6	Daniel & Debra Schwinge 410 Morsetown Road West Milford, NJ 07480	\$3,879.39	2017	6
7002-17	Masessa & Cluff Attorneys at Law 1524 Route 23 North Butler, NJ 07405	\$1,806.76	2017	2
7616-11	Chancellor Title Agency, Inc. 59 Lincoln Avenue Fair Lawn, NJ 07410	\$1,409.37	2017	2
10601-9	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$2,125.20	2017	2
12501-32	Empire Title Agency, LLC 464 Boulevard Hasbrouck Heights, NJ 07604	\$93.44	2018	1
13103-16.01	Joseph Moroz 54 Upper High Crest Drive West Milford, NJ 07480	\$685.06	2017	5
14113-11	Key Settlements, Inc. 355 Eisenhower Parkway Ste 104 Livingston, NJ 07039	\$1,795.93	2017	2
16005-017	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$2,322.93	2017	2
17004-2.05	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$7,647.19	2017	7
16602-2	Vivian Vreeland 133 Paradise Road Oak Ridge, NJ 07438	\$12,240.23	2017	4
9703-6	US Bank BV002 Trust, Series 4 C/O Blue Virgo Capital Management 380 Lexington Avenue 17 th Floor New York, NY 10168	\$1,850.88 (Int. \$24.65)	2017	2
3603-7	Christiana Trust as Custodian GSRAN-Z, LLC Deposit Account PO Box 71276 Philadelphia, PA 19176	\$3,514.18	2015/16	1
TOTAL		\$57,188.55		

Adopted: September 20, 2017

Agenda No. IX 6

~ Resolution 2017 – 302 ~

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

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

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

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

Block & Lot	Name and Address	Amount	Year	Reason
03603-007	ANTHONY FIORELO ESQ. ADELO CORP. 16 FURLER STREET TOTOWA, NJ 07512	\$3,477.00	2013	7
		\$12,519.50	2014	7
03603-007	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z, LLC DEPOSIT ACCOUNT P.O. BOX 71276 PHILADELPHIA, PA 19176	\$12,831.00	2015	7
		\$12,891.50	2016	7
TOTAL		\$41,719.00		

Adopted: September 20, 2017

Agenda No. IX 7

~ Resolution 2017 – 303 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
14-0034	10/14/2014	04701-017	\$104,350.83	US BANK CUST BV001 TRST & CRDTRS 50 SOUTH 16 TH STREET SUITE 2050 PHILADELPHIA, PA 19102
15-0039	10/13/2015	04107-004	\$11,747.34	FIG CAPITAL INVESTMENTS NJ13, LLC MTAG CST FIG CAP INV NJ13 8323 RAMONA BLVD W. STE 2 JACKSONVILLE, FL 32221
15-0098	10/13/2015	16602-002	\$48,810.60	US BANK CUST BV001 TRST & CRDTRS 50 SOUTH 16 TH STREET SUITE 2050 PHILADELPHIA, PA 19102
16-0069	10/11/2016	09703-006	\$18,175.37	US BANK CUST BV002 TRST & CRDTRS 50 SOUTH 16 TH STREET SUITE 2050 PHILADELPHIA, PA 19102
Grand Total:			\$183,084.14	

Adopted: September 20, 2017

Agenda No. IX 8

~ Resolution 2017 - 304 ~

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 Planning Department the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount of Refund
Leann & Ed DeRobertis 24 Cross Oak Lane West Milford, NJ 07480	0930-0825 16-288-56-701-201	\$1,550.00	\$182.20

Adopted: September 20, 2017

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Agenda No. IX 9

~ Resolution 2017 – 305 ~

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
05504-3.01	Carolyn Peterson	\$1,048.81	2017
3103-4	Miroslaw Skawinski	\$1,848.00	2017
10808-54	John & Marisa Crozier (for Duggan)	\$1,000.00	2017
14901-21	Steven Tamara Witte	\$3,560.90	2017
12501-19	110 Weaver Road LLC	\$1,242.83	2017
5405-7	Daniel Holly	\$2,277.91	2017
TOTAL		\$10,978.45	

Adopted: September 20, 2017

Agenda No. IX 10

~ Resolution 2017- 306~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE BLOCK 6603, LOT 14

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Gregg and Judy Kehr to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block / Lot	Amount Due
14-0049	10-14-14	6603-14	\$1,748.73

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-112 and 5-113, including due publications in the Herald News: and

WHEREAS, a public hearing has been held with no one appearing to contest the above application.

NOW, THEREFORE, BE IT RESOLVED, that the assignment from the Township, to the said Gregg and Judy Kehr, be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: September 20, 2017

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Hensley, Wagner, McGuinness, Lichtenberg
Voted Nay: None
Abstained:

Agenda No. X

Consent Agenda

None

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2017 – 308 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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	\$159,798.92
3	Reserve Account	0.00
2	Grants	24,289.75
6	Refunds	282,149.19
1	General Ledger	0.00
26	Refuse	276.00
4	Capital	32,748.24
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	1,707.53
19	COAH	0.00
16	Development Escrow	4,281.95
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$505,251.58
Less Refund Resolution		-282,149.19
Actual Bills List		\$223,102.39
Other Payments		
BOE		4,504,769.00
Payroll		530,811.97
Total Expenditures		\$5,258,683.36

Adopted: September 20, 2017

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

Agenda No. XII

Reports of Administrator, Mayor and Council Members

Councilman Wagner – Provided an update on the Recreation Committee and various Township activities.

Councilman McGuinness – Said that he met with Councilman Signorino and the Board of Education Subcommittee and an issue that came up was the Friends of Wallisch Property. He said that Councilman Signorino suggested forming a committee with liaisons from the Board of Education and the Governing Body to guide them in the proper steps. He requested a future discussion on the matter.

Councilwoman Lichtenberg – Noted the free eye screening date and time. She mentioned that the Health Department and Health Advisory Board is sponsoring the first annual road to resources. The event is free and it's about special needs. She noted to contact the Health Department for the flu vaccine and spoke about the Lakes Committee meeting; 26 people attended and the DEP spoke to the representatives about dam emergency plans and regulations. She is available for the public at Town Hall every Thursday from 10 am – 12 noon.

Councilwoman Erik – Mentioned that she attended the ALF Committee meeting and everything is on target for the Autumn Lights Festival.

Councilman Hensley – Said it was his pleasure representing the Governing Body and the Township when he went to speak at the Highlands Council and he believes they sent a great message. He thanked Councilman Signorino for taking the time to go to Oxford. He noted that there are vacancies on the Economic Development Commission.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Wagner – Noted that if they extend and prolong the sale of the MUA it would be an extreme risk for the entire Township because all the residents would have a huge tax burden.

Mayor Bieri invited Mr. Nolan back to the podium. Mr. Nolan asked the Governing Body if they could request that Suez possibly lower the sale price enough to pay off the bonds, give the MUA customers a rate freeze of 6 years and give the money back to the MUA users that have been paying the rates all these years. Administrator Battaglia explained how the referendum question and sale price is structured. She noted that if the sale goes through, the amount of excess money would not be determined until Suez completes their due diligence period. It is a state statute that governs the sale of the MUA assets and it's required that any remaining funds go back to the Township to pay off municipal debt. Mayor Bieri said that the RFP states what the Township requires for the sale. She said the Governing Body welcomes the opportunity to address questions and concerns.

Councilwoman Lichtenberg mentioned that Suez has met with Bald Eagle Village.

Agenda No. XVI

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:08 p.m.

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

Approved: October 18, 2017

Respectfully submitted:

Sherry Zbrzeski, Clerk Typist

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK