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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: September 21, 2011  
Time of Meeting: 7:30 P.M.  
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The Regular Meeting of the West Milford Township Council 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 19, 2010 and January 9, 2011; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News 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, front and rear of this room - for use in case of an emergency. Thank you.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers, Philip Weisbecker, Joseph Smolinski, Michael Ramaglia,  
Edward Rosone, Luciano Signorino, Daniel Jurkovic, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau

Mayor Bieri made the following comments:

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

June 1, 2011 Workshop Meeting

Councilman Weisbecker made a motion to adopt these minutes as presented.

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

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Agenda No. II

**Presentations**

Cancelled

Agenda No. III

**Proclamations**

None.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Mayor Bieri asked that these two ordinances be moved as one.

Agenda No. IV 1

~ Ordinance No. 2011 – 016 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 110, CONSTRUCTION CODES, UNIFORM, SECTION 110-7, ADDITIONAL REQUIREMENTS FOR RESIDENTS OF LAKE COMMUNITIES OF THE REVISED GENERAL ORDINANCES**

**TABLED TO NOVEMBER 2, 2011 WORKSHOP MEETING**

Agenda No. IV 2

~ Ordinance No. 2011 – 017 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300, SEWERS, ARTICLE I, INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS OF THE REVISED GENERAL ORDINANCES TO ADD ADDITIONAL REQUIREMENTS FOR PROPERTIES LOCATED IN LAKE COMMUNITIES**



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2010 he applied again. He estimated 3,000 to 4,500. He listed the number of staff requested by police department. Attendance on Sunday was about 1,200 and the cost was \$5,305. The total for three days \$17,788. With lower estimated attendance he was billed over \$2,000 more. He stated that it costs about \$5 per ticket to pay police alone. He refused to pay and the Council granted extra time. Administrator Boyle waived the administrative charge but Acting Chief Chiosie was argumentative and uncooperative. His opinion was that the officers were there and the bill has to be paid regardless of attendance. Mr. Wagner stated that he asked to be approved for outside security and was told that West Milford police must be there but after hours he can get outside coverage. In 2011 he was subjected to the same process. The estimated bill was \$15,000. With the administrative bill it would have come to over \$18,000. The police bill for one day was over \$2,000 and the administrative fee was waived. The rescheduled show is less than a month away. The acting chief has no flexibility when asked to grant permission to use outside policing. He wants to see the administrative fee waived, rates comparable to neighboring towns, a review of industry standards to better understand adequate security, scheduled fees that are comparable with neighboring towns, and approval for outside policing. The ordinance needs to be changed. We need to promote tourism in West Milford.

John Ringer, 370 Lakeside, Hewitt serves on the EDC and is involved with power boat associations. They have the same issues with police expenses related to the boat races. That event is closed course racing and participants pay the price to participate. There are a lot of expenses. He came on board with the EDC to bring more events to West Milford. He listed some possible events which may not become a reality because the police expense may be prohibitive. Has attended boating events all over the country and he would like to see these expenses curbed somehow to facilitate regular events in West Milford. He agrees with Mr. Wagner. Reduced police costs would allow for more events in West Milford.

Bob Nicholson, 20 Hyde Road, Stockholm stated that he does not want to cast aspersions on the police department. However, we need to look at the law. The ordinance was adopted in 2002 and since that time salaries and costs have increased. With inflation, the cost escalated and no one was watching the bar. There were few if any events when this ordinance was adopted. Now the EDC is working to increase the number of events. When the cost exceeds revenue these events will not happen. It is trickle down economics. He does not want to berate the police but they make high salaries. We should revisit this. If we don't have events we won't need an EDC and he doesn't want to see that happen. He is a commissioner on the Passaic County film committee. The Township lost out on filming opportunities because it costs \$500 per day to film in West Milford. Nobody does that. That should be repealed. This equates to lost ratables. These are old ordinances that have not been addressed for years. How can we bring people to West Milford when we do not cut the weeds on our roads. The municipality is the biggest offender. The growth is higher than guardrails. The bicycle path is overgrown. It is dangerous. We should work on issues to make West Milford a better place. The EDC has been trying to work on signs but there have been no changes. Day camp and swimming lesson signs are still up. If we are going to have events and if we have people coming here, we cannot continue to ignore these problems. We need to clean up this town and make it look good. For now, these two ordinances concern him.

Dave Lynch, 520 Lakeshore Drive, West Milford is the head of the lakes committee. The two lake ordinances were tabled because they need clarification. This is an amendment to an existing ordinance which never worked in the first place. A reference was made that issues should be separated by department and they are. There is no problem with additions that do not affect the footprint. There are potential issues when there are additions that may affect setbacks and encroachments. Basically the lakes committee is asking that lakes develop their own setbacks. They provide a list of properties that would be affected by these ordinances. He explained which properties in Upper Greenwood Lake would be affected advising that the only properties that would be so impacted are those that abut the lake and parklands. He gave an example of why this is needed relaying an incident where a septic was encroaching on the parkland, an old septic was not vacated, the addition was larger than approved and it encroached into the parkland. The purpose of these ordinances is to try to avoid things like that. The committee will provide clarification before it comes back before Council.

Chris Garcia 200 Lakeshore Drive, Hewitt asked Administrator Boyle about the status of Clinton Road. There are few places where families in West Milford can safely ride bikes. Clinton Road is one. He would like to see this happen. In Westchester County NY the parkway is closed on Sundays when commuters are home and the state allows access to bikers, hikers, and pedestrians on that roadway. He would like to see something similar on Clinton Road as a recreational outlet from spring to fall. He asked if we can encourage recreation and have the police department research the feasibility of allowing recreational use on part of Clinton Road. He volunteered to assist in any way. He stated that at Lake Lookover, residents have had a lot of issues with sediment from the pipeline project. There is technology available to address such situations and he has spoken with officials and has presented this solution to the pipeline company. Filtrex International is a company that has developed a technology that composts sediment and erosion material. He stated that he will share the information with Administrator Boyle. Seeking to speak beyond the allotted five minutes the Council would not give consensus to extend time for Mr. Garcia.

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Doris Aaronson, 19 Bearfort Road, West Milford noted that the Council appoints the MUA commissioners. She disagrees with Mr. Pirro's comments. She feels it is important that Council keeps up to date with what is happening at the MUA. MUA malfunctions affect all township residents and she gave examples. Plant failures impact Township residents who elect the Council. Residents cannot directly influence the actions of the MUA or its employees. She has approached MUA in past on issues and was told clearly that the MUA would not act on the issues because of cost. These failures result in increased costs to lake communities who fund the care of the lakes. The Council requested EPA help similar to that at Hopatcong. Councilman Weisbecker said Pinecliff needs sewerage. The coliform bacteria that comes from MUA are anaerobic and die in heavily oxygenated water. But phosphorous chemicals do not die. They fertilize the weeds and algae. She provided bacteria reports for this and last year for Pinecliff beach water testing and explained the results. Pinecliff, she said, is not polluted with bacteria but with phosphates.

Robert Nolan, 1 Winding Way, West Milford stated that he will continue with Mr. Garcia's comments in light of the Council's failure to grant him time to finish. Mr. Garcia wanted to say that according to MUA Commissioner Pirro, Kelly Love is just an administrator at the MUA. The complete lack of leadership is best reflected in the mere fact that according to the vice-Chairman of the MUA, Mr. Pirro, there is no leadership. Mr. Nolan stated that he recently sent a letter to the MUA after receiving his last bill. There was a small monetary issue. According to his bank, his MUA payment was received by the payee on the due date. However, he was assessed a late fee. The MUA says his bank is wrong. Out of all the bills he pays through his bank, he has only had problems with the MUA. At the last Council meeting it was brought to light that the MUA did not even reply to the DEP letter. That is stunning. He noted that resolution 2011-321 which is on the agenda for action tonight authorizes paying an additional \$8,000 to bond counsel. This has been going on for years and despite constant talk, it continues. Council is responsible for paying bills and entering into contracts. We set a maximum appropriation. The CFO certifies the funds. It is common courtesy that the professional must advise that they are approaching the maximum amount approved. This is taxpayer money. These increases should not be approved.

Joseph Elcavage, West Milford placed a stack of documents on the dais in front of the Township Attorney. He stated that Mayor Bieri is under investigation for official misconduct involving a West Milford liquor license. A complaint was made by the ABC into GAOIA liquor license owner and ownership interest by Mayor Bieri and Mr. Warden. The complaint says they owned an undisclosed interest in this license. The investigation is ongoing. Money was paid and Bieri and Warden took control of the license. This was outlined in a Passaic county lawsuit. This, he said is a violation of public trust. He accused Mayor Bieri of lying by denying involvement. She retracted the lie and said she volunteers services in the bar. She was not listed on the bar's employee list. He stated that the Clerk has these documents and he asked the Council to censure Bieri. West Milford, he said, does not need a corrupt mayor. He suggested that someone ask Mr. Garcia and Ms. Horton where the Democratic club held meetings. Ever since this matter went to the attorney general, Mayor Bieri has been attacking others. She is being investigated and she has put up a smoke screen by attacking the MUA. He commended the MUA saying that prior mayors have assisted the MUA while Bieri has thrown MUA and their associates under the bus. When the Council wrote to the EPA, Mayor Bieri followed up asking that they not consider the Council's request. He urged voters to elect a new mayor in November.

James Warden, 199 Highcrest Drive, West Milford stated that Mr. Elcavage was the person who resigned from the Council because he was caught in a political stunt. He is doing the same thing again. Village on Ridge is a charade tonight. This ordinance would allow a private water company to allow the building of this project. In the end this will become part of the MUA. It is a backdoor deal to get 60 more houses built where the demand on the wells cannot be sustained.

Gary Steele, North Glenwood Road, West Milford gave Councilman Weisbecker a yellow card for behavior at the last meeting. He stated that when someone addresses the chair from public it is not his role to take over the meeting. He stated that he favors resolution 345 and would like to see it passed. Before we start seeking outside funding and contacting outside agencies, we should get our own house in order. We should write to the MUA about getting their house in order otherwise we will be a laughing stock. The head of the EPA is Lisa Jackson from NJ DEP. She is familiar with West Milford and the MUA. Councilman Jurkovic says we need to give people time to properly implement changes. That is not okay in this particular instance. There needs to be immediate action because there are health issues. He stated that he is looking forward to public tours of MUA facilities.

Harry Clark, Risley Road, Upper Greenwood Lake reminded residents and the Council that the Mayor runs the meetings. He said that he disagrees with Chris Garcia about Clinton Road. He wants it paved. There is a big oak tree on Warwick Turnpike that may fall down. If it does fall it will take down many utility poles. The MUA has been around for many years. It has an illustrious history. The contractors who operate the plants have nothing to do with the billing office run by Kelly Love. The plant operators are certified outside contractors. To hire an executive director with proper licenses would cost over \$100,000

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per year. Assigning the role to Mr. Boyle would tie up the Township Administrator. This constant beating up of everyone on Council and making this political is wrong. One particular resident expressed concern about politics but he is a friend of the Mayor. Some residents complained about Friends of West Milford and campaign donations by PAC's. He has a document that shows that Warden, Aaronson, Nolan, Bieri, Horton and Garcia families have donated over \$40,000 to political campaigns in past years. Carmen Scangarello is a great volunteer but he does not make financial donations. One particular family has invested almost \$17,000 and comes here calling the kettle black, it is disingenuous. He distributed the list of political donors.

Michael Gerst, Hillview Court, West Milford noted that comments were made about old ordinances. He suggested forming a citizens group to make recommendations to Council about amending ordinances.

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

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

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Agenda No. VI

**Council Comments**

Council President Smolinski stated that the Council tabled discussion on the lakes ordinance and several people left. They should have stayed because they missed a lot. He asked Council to save comments on that to the November 2<sup>nd</sup> meeting. He stated that a lot of good comments were made tonight. This Council has no intention nor did they ever propose ever sewerage the entire Township. It was never the intention of the Council and suggested that it is possibly a misinterpretation by some. He stated that he hopes everyone hears him on that. He apologized to Mrs. Oppenheimer for the oversight related to the Jewish holiday. Going forward everyone will try to avoid that. Clinton Road was mentioned tonight. During Hurricane Irene Clinton Road was an island. It was shut down causing emergency services to detour. Warwick Turnpike was shut down twice. Before considering shutting down Clinton Road for recreational purposes, he asked that a poll be done of Upper Greenwood Lake residents because it is a main thoroughfare for them. It is still shut down. It is inconvenient for residents to detour around town. He spoke with the County Administrator today asking that Clinton Road become a priority and that the work be expedited. He was told that they have an emergency bidding procedure to expedite the process. Construction is expected to begin soon. It is a large job that will take a few weeks. He agrees with Mr. Nolan about not to exceed contracts. With the prior labor counsel the Council refused to pay bills in excess of appropriated amounts. Council does not stand for that. He has no comment on police costs now except to say it is a concern for local events. To bring people into town, these costs must be reviewed. At Jungle Habitat the state also gets paid. He would like to work on addressing this issue.

Administrator Boyle stated that the police ordinance and fees is scheduled for the October workshop discussion.

Councilman Jurkovic apologized to Mrs. Oppenheimer for the Jewish holiday oversight. Problems and faux pas occur and he commended her for the manner in which she presented this. She was respectful and did not attack the Council. It is refreshing. He thanked her for her gentle approach and her demeanor. He liked Mr. Gerst's suggestion about an ordinance review committee which leads into the comments made about the film ordinance. He does not understand why we charge \$500 per day for filming. He goes to Joey's all the time but did not know he was contributing to anyone other than Joey. He stated that he had informally asked the Township attorney a while back about the Mayor's business in town which she has had for many years. He asked the attorney how it works when a public official has a private business in their locale. How is it determined that recusals are proper. The Council voted on Joey's liquor license at last meeting. How would the Council know of one's involvement. Are questioned if there are measures in place to protect the public.

Councilman Signorino thanked Mr. Gerst and supported his suggestion about an ordinance review committee. He campaigned on ordinance reduction and, in his opinion, the sooner we can streamline the process the better. He supports the paving of Clinton Road but does not necessarily support closing it because it would create a hardship. It is a great idea but not the right thing for our residents. This is a major artery to certain areas of West Milford. He stated that he does not support the lakes ordinances. Council President Smolinski interrupted, asking Councilman Signorino to hold those comments to the November meeting. Councilman Signorino stated that he appreciates comments made about the police issues. He has expressed his opinion to the police chief in the past. We should eliminate the thought that we are all getting a piece of the pie, we should focus on effectuating savings.

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Councilman Ramaglia stated that the EDC wants to facilitate making events affordable.

Councilman Rosone stated that he is ALF liaison and he will bring Mrs. Oppenheimer's concerns to the committee. Asked Mr. Boyle to look at cutting the grass and weeds over the roadways and contact the county to have the same done on county roads for ALF.

Councilman Weisbecker asked if we can review ordinances 2001-29 and 2002-12. Mr. Gottlieb had forewarned about the potential for road damage and a few days later it happened on Clinton Road and Warwick Turnpike. Warwick Turnpike is an interstate road. While the county is prioritizing Clinton Road, similar attention should be given to Warwick Turnpike. We should have an open dialogue with Warwick New York to assist in proper placing of detour signs. He asked Mr. Semrau if we need an ordinance or a resolution. Mr. Semrau noted that much of that would be within the purview of OEM and administration. Councilman Weisbecker stated that with regard to TGP, they have been addressing sediment and runoff issues with Lake Lookover. The county has commended them on their proactive measures. They are very communicative with the affected communities. He stated that Mr. Elcavage brought a lot of documents to the dais. He stated that if this was filed against any Council members there would be an uproar. He asked for the attorney to give direction. Mr. Semrau stated that he has not read any of the documents. Councilman Weisbecker asked what the Council does in this case. Mr. Semrau stated that he will look at it and advise accordingly. Councilman Weisbecker took issue noting that the Township attorney works for the mayor asking if this is a conflict. Should this go to an outside attorney? Mr. Semrau stated that any time a member of the public submits documents, the first thing is to identify what it is and he will do so. That would not require a judgment.

Mayor Bieri directed Administrator Boyle to ensure that any Township events are coordinated with any other religious or significant holidays. It is no secret that campaigns cost money, her personal opinion is that the cost is absurd. She stated that all campaign contributions mentioned by Mr. Clark are all filed on ELEC reports. There is no deciphering the source as is the case with PACs. The significant campaign contributors mentioned are candidates. She has found that the most distasteful aspect of being an elected official is asking for money. Many candidates would rather fund their own campaigns. She has only received contributions from local sources and has not accepted contributions from organizations or from people who may or may not benefit from her election. She has not received donations from firms or consultants. She stated that she is proud that local residents support her campaigns. She advised that earlier today she received from the DOP a certified list for the chief of police position. This was the final step needed for her to make a permanent appointment to this position. Earlier today she and the Administrator signed forms to appoint Acting Chief Chiosie to the permanent position of Chief. She highlighted the accomplishments he has made during his tenure as acting chief and commended him for a job well done. He works very closely with Captain Storbeck, the other candidate who is also to be commended.

Mayor Bieri stated that she asked six individuals unrelated with this Township and without providing them with any commentary to read the Council' letter to the EPA. Five of the six persons interpreted it to mean they are looking to sewer this town. She coupled that with comments made on the dais about sewerage the town and she sent a rebuttal letter to the EPA not to approve funding for sewers. She did not go against the concept for money or advice but she absolutely opposed the Council's request for sewers. Since then she asked the Council to simply have the Township attorney draft a new letter acceptable to all to clarify their position. The Council refused to do so.

Mayor Bieri stated that she has proudly owned her business in West Milford for 23 years. She discussed this with the Township attorney when she first became mayor and she can say with complete confidence that she has never had to recuse. She would recuse if the need were to arise. Neither she nor the Township attorney got a copy of the documents from Mr. Elcavage. She expected politically motivated false allegations this year. The individual that filed the complaint that was here tonight has clearly evidenced a fixation on her. He has made over 1,500 posts that she is aware of on Internet forums about her. Comments were made about dishonesty and corruption. She would welcome an investigation. She believes in truth, justice and honesty. Allegations can be made, papers can be filed, but that does not make it correct or the allegations true. She has never owned or invested in a restaurant, bar or liquor license in West Milford or anywhere else. She has neither the interest nor financial ability. She has never executed any such documents. She is aware of the lawsuit filed. She is not a party to that lawsuit because she has no interest in the business. Her involvement was to provide limited professional services which she did for four weeks at which she time she resigned.

Mayor Bieri stated that there was a fruitful meeting at Senator Pennachio's office and she listed the attendees. Her recollection of Mr. Dillon's exact words was that he stood by his letter which stated that there was mismanagement at the MUA. Statements made about an office manager were met with commentary that there is a need for oversight. There is nobody overseeing the contractors at the MUA. Her title is Administrator/DSO (director of service operations). She agrees with the DEP that the qualifications are lacking. Funding entities will not be relying on public commentary but will engage in

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research. She stated that she had a meeting yesterday with Mr. Semrau and Councilman Signorino. They went to the Prosecutor's office, based on the direction from the Township Council to provide information about the MUA for an investigation. They met for about 1½ hours with investigators. She has been working diligently since the Council directive to accumulate factual information and has accumulated about 150 pages of documents that excluded other information that she personally wanted to include. However, Mr. Semrau advised against it. That was discussed at the Prosecutor's office and they have asked that she send the additional information. She stated the documents contain information about corruption and official misconduct. Mr. Semrau interrupted advising that it is not appropriate to say corruption or misconduct. Mayor Bieri stated that she is not drawing any conclusions. At this time she is not at liberty to share many of the documents with the public. Much is already public information, and all the information provided was contained in the public record. She is not making opinions or drawing conclusions. She stated that Carmen Scangarello was terminated in February 2011 from the PVSC. Within two months he was hired by the Passaic County Clerk in a full time position. According to a Record article, Mr. Alaimo was fired on the same day. Five days later the Alaimo group appointed to serve as the MUA engineer. While on the Council, Sal Schimmenti who is now a commissioner and MUA treasurer nominated Kelly Love to be an alternate commissioner at the MUA. At that time, he did not recuse nor did he disclose she was his employee. She went from alternate commissioner to being the highest paid full time employee at the MUA. N.J.S.A. 40A:9-22 5(b)3 disallows such appointment for compensation in this manner unless there is a one year lapse between appointments. Councilman Rosone campaigned on a platform to promote Staples. After the 2010 election Joseph Treadaway applied to be MUA commissioner and the Township began using Staples. Mr. Treadaway is an account manager at Staples and his wife is a sales representative who is the Township's sales representative. Mr. Perricone was appointed on 12/15/10. Gerald Perricone is a vice president at Birdsall engineering. Birdsall was hired in 2010 by the MUA. Mayor Bieri stated that at this time she will withhold comments about Kelly Love.

The municipal prosecutor is a mayoral appointment needing advice and consent from the Council. In a prior year a committee was formed to interview prospective candidates. The committee made a unanimous recommendation and the Mayor nominated that person for appointment. The Council would not give advice and consent. Consequently, the current prosecutor is a holdover because each member of the Council would not give consent to anyone other than the current prosecutor. In June this year she was told that calls are made to the prosecutor when matters come before the court. She obtained documents that Kelly Love's son had a municipal court matter. On August 17<sup>th</sup> he received a 2<sup>nd</sup> significant downgrade after the matter was previously closed. It went from speeding, was downgraded on Feb 10<sup>th</sup> to unsafe driving with a \$450 and no points. Council President Smolinski interrupted saying we do not attack children. Mayor Bieri continued saying that motor vehicle incidents are a matter of public record. She is not criticizing Mr. Love for getting a speeding ticket. The court matter was reopened and was again reduced to a non moving violation. There is an email from the prosecutor titled State v. Love saying that he wants to drop the speeding ticket.

Councilman Ramaglia asked for copies of executive session minutes from January 1, 2010 and for phone records for two weeks immediately preceding his swearing in. Councilman Jurkovic asked for copies of municipal tort claims from January 1, 2009 through today. Councilman Ramaglia wanted to know how long we retain computer records and how often we backup records.

Attorney Semrau noted that the filming ordinance allows an applicant to seek a waiver of fees from the governing body. The best way to amend ordinances is to seek commentary from various departments. He stated that each member of the governing body comes forward if they believe there is a need for recusal on any matter. In West Milford everyone has been vigilant in recusing when necessary. Councilman Jurkovic stated that his concerns relate to the Mayor's votes on the planning board. He asked what the rule is on former clients. Mr. Semrau advised that these matters are determined on a case by case basis. He would defer to the Planning Board with regard to matters before them. Councilman Jurkovic stated that he is disturbed that after an ordinance was passed for the streetscape, the local bike shop came in on an application and the planning board decided not to hold him responsible for complying with streetscape plan. He questions what was going on. Mayor Bieri stated that for every property along the streetscape, if approvals have not already been made, the Township will be assuming the cost. Additionally, she has no relationship with the bike shop. Mayor Bieri explained why the planning board had a majority vote about the bike shop that differed from the applications for Walgreen's and Shop Rite. Councilman Weisbecker stated that he voted against the bike shop waiver. Previously the Planning Board had voted that all applicants would contribute to the streetscape plan. He opposed the planters. He reminded the Planning Board that the entire board had previously voted to have everyone participate in the streetscape. Councilman Jurkovic asked how the planning board came to hire Messrs. Ferriero and Geminario. He said that he has a problem because neither Ferriero nor Geminario were hired before Mayor Bieri taking office. It is odd that the resolutions to hire those two people were prepared two days before the public meeting. How did the secretary have the foresight to prepare those resolutions? He said that it seems like there may have been back room deals. Mayor Bieri suggested that the tape be listened to for what actually occurred.

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Council President Smolinski commented that the Mayor painted a gloomy picture of the meeting with Senator Pennachio. He said that during the Mayor's election "Friends of Speziale" donated to Mayor's 2007 campaign. That is a PAC. West Milford has a very strong pay to play ordinance. It does not allow for indirect contributions. He would like to remind everyone that HOPAC, an Essex County PAC made donations to Mr. Nolan during that campaign. One of the contributors was the auditor that Mr. Nolan recommended to be hired. He said that Mayor Bieri should not throw rocks. He said that she does not stop. He said that he finds Mayor Bieri to be very offensive. He said that she is showing desperation. The meeting with Senator Pennachio was productive. Mr. Dillon did not say to fire Kelly Love. He said to keep her because you need an administrator to oversee the MUA. That was one of the discussions. That meeting lasted close to two hours. He said that it was great that Council restructured the committee to include the Mayor. He left the meeting with a good feeling having talked positively. For the benefit of this Township, he said he put politics aside for that day. He laid the foundation for a positive move forward. Then he opened his Council packet and found a redundant resolution proposing what was already voted down by Council. He asked the Mayor to stop these attacks. The issues with the MUA are taking too much Council time. Township business takes about ten minutes. Senator Pennachio, he said, is in West Milford's corner. He took issue with the DEP about the \$800,000 fine against the MUA. He could not believe they would not reduce the fine. One suggestion was for a centralized sewer for current MUA users. It would shut down the defunct facilities except Awosting which has just been updated. These are DEP suggestions. They also recommend trying to sell the MUA.

Mayor Bieri agreed that it was a bipartisan effort. It was fruitful in terms that the conclusion was that we should explore selling the MUA. Mr. Pirro will bring that to the MUA and the Council has a resolution tonight supporting that concept. She stated that she is glad to see that the Council recognizes there are problems with the MUA infrastructure. Dealing with those issues is a long term solution, one which she suggested to the Governor in May but her suggestions fell on deaf ears. If this Council expects her to back down on the immediate public health concerns they are wrong. Every day that people are drinking under-chlorinated water or dealing poor billing processes, etc. is one day too many. Mr. Dillon said there is no one at the MUA qualified to oversee day to day operations. Council President Smolinski stated that he will support a resolution asking the MUA to hire a professional person that is qualified. But he will not support a resolution to fire somebody. For many years in MUA history there has been no director having those qualifications. He is okay with asking them to hire somebody. Mayor Bieri stated that she has no objection to amendments to her resolution. Councilman Jurkovic took exception to the Mayor's comments about health concerns. He has a document from ABC that says that the Mayor and Mr. Warden purchased part of a liquor license that goes on to say that bottles at that establishment were opened and contaminated. That is a health concern. Mayor Bieri stated that, as stated earlier, she has no interest in that establishment. As an accountant she is not responsible for the liquor bottles. Councilman Jurkovic stated that they are claiming she has an ownership interest. Mayor Bieri stated that those comments are allegations and that she has no ownership interest in that license. Councilman Jurkovic asked the Mayor if she delivered the construction permit to Joey's. Mayor Bieri replied in the negative. Councilman Jurkovic stated that if she is to be believed, someone is spreading rumors.

Agenda No. VII

**New Business, Introduction of Ordinances, Resolutions**

Agenda No. VII 1

~ Ordinance No. 2011-018 ~

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING CONSENT TO JACK LEVKOVITZ AND THE PROJECT KNOWN AS THE VILLAGE ON RIDGE TO CONSTRUCT A PRIVATE PUBLIC WATER SYSTEM IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, Jack Levkovitz, the Applicant, obtained from the Township of West Milford Planning Board an amended Final Major Subdivision Approval for Section II of "The Village on Ridge", a single family residential development pursuant to Planning Board Resolution #2005-42 which was memorialized on December 14, 2005; and

**WHEREAS**, the Applicant initially intended to construct a public water system which was to be owned and operated by the West Milford Township Municipal Utilities Authority ("MUA"); and

**WHEREAS**, an application was made by the MUA to the NJDEP for permits but said application was denied by the NJDEP for administrative reasons in 2009 and 2010; and

**WHEREAS**, as an alternate means of providing water to the Village on Ridge subdivision, it is proposed that such utility be a privately owned public community water system; and

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**WHEREAS**, the MUA, by Resolution dated October 12, 2010, has that it does not object to a privately owned public community water system for this project; and

**WHEREAS**, the West Milford Township Planning Board, on December 2, 2010 indicated a privately owned public community water system was an acceptable means to provide a water system to the Village on Ridge subdivision subject to a number of conditions, including approval by the Township Council for "the operation of the approved water supply and treatment system by a private water purveyor", approval by the Township Council of the contract with a licensed water purveyor and a written agreement with the Township Council for the applicant to provide an affordable housing set-aside in the form of a credit for eight (8) low and moderate income units or monetary equivalent thereof; and

**WHEREAS**, the Applicant has agreed to provide a water system in full compliance with the NJDEP and all other Federal, State and local criteria for the remaining buildable lots in Section II (50 residential lots) while also offering water service to the ten (10) existing single family homes in Section I of this subdivision; and

**WHEREAS**, the ten (10) existing homes must collectively agree to all connect to the private water system and become part of the system; and

**WHEREAS**, the Applicant seeks consent from the Mayor and Township Council to construct a privately owned and financed water utility in connection with this project.

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

1. The governing body consents to the applicant's request to provide water supply to the Village on Ridge subdivision a privately owned public community water system which is subject to the following conditions:
  - A. The Applicant must comply with all conditions and terms of the Resolution adopted by the West Milford Township Planning Board on December 2, 2010 and any other subsequent Resolution adopted thereafter which includes a requirement to retest all wells being contemplated to be placed into service as part of the NJDEP permitting process.
  - B. The Applicant shall offer to provide water service to the ten (10) existing single family homes in Section I of the subdivision and shall provide water service to all of the homes constructed in Section II of the subdivision. The water quality, quantity and pressure shall be in full conformance with all NJDEP, Federal, state and local guidelines for a public community water system.
  - C. All ten (10) property owners in Section I of the subdivision must agree to be connected at no cost to the property owner in order for the applicant to be bound by this condition or requirement. Every reasonable effort shall be made to accommodate the opportunity to respond to the request.
  - D. The Applicant further guarantees that all users of this system, whether it be Section I and/or Section II, shall not pay any water charges in excess of the current rates in effect at any time by the West Milford MUA and/or its successors or assigns.
  - E. If the Applicant is successful in obtaining the required permits from all State and Federal agencies to operate the private water system, the applicant shall be obligated as follows:
    - (i) The Township of West Milford shall obtain an estimate of the complete cost of the construction for the water utility system (based upon the system designed and approved by the DEP) and the cost shall be paid for by the applicant for a qualified expert selected and contracted for by the Township of West Milford. The cost of such estimate shall be reimbursed to the Township by the Applicant. The cost of said system shall then be guaranteed by the Applicant in the form of a twenty-five (25) year performance bond guaranty and/or a cash equivalent with a minimum ten percent (10%) cash guaranty which shall be deposited in an interest bearing account with the Township of West Milford which will guard against default or failure of the system; (ii) The Township shall have the right to audit such needs and in the event a determination is made by an independent audit the Township shall have the right to demand from the Applicant that the reserves for such capital improvements be funded within thirty (30) days of the date of said request; and (iii) The Applicant shall create a separate cash reserve fund to establish a Capital Fund for the system in the amount of \$250,000. This amount shall be subject to review by the Township to determine if additional capital reserves are necessary to insure the long term preservation of the system. Any monies provided for maintenance and capital needs of the system may be utilized only for this particular water system and may not be utilized by any entity to maintain any other type of water system located in the municipality. This amount shall be separate from the Performance Bond amount.
  - F. The Applicant shall provide reimbursement to the Township for any fees, costs and charges incurred by the municipality by professionals and/or staff in reviewing and maintaining the requisite record to insure the property implementation of the requirements set forth in this Ordinance.

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- G. Prior to commencing any construction, if requested by the Township, a separate agreement referenced in paragraph E shall be executed and the Applicant shall post the necessary bonds as set forth herein, otherwise the terms of this agreement shall be in full force and effect.
- H. The Township shall provide the NJDEP with a copy of this Ordinance.
- I. The Township Engineer will be consulted during the design of the water system. A complete set of plans, with accompanying calculations/reports, will be provided for review and comment prior to submission. The Township Engineer may withhold approval if it does not comply with the terms of this Ordinance.
- J. The Applicant will agree to repair and/or maintain, as necessary, 2 homes within Phase I of the subdivision for a 2 year period commencing on the date of adoption of this Ordinance. These lift stations will be removed and the sewer laterals for these 2 homes will be rerouted to the Phase II sewer system at the cost of the Applicant prior to the issuance of a Certificate of Occupancy of any single home within Phase II, at which time the sewer system shall be operational.
- K. The Applicant will agree to dispatch a service crew to investigate and repair any breakdown of the 2 sewer lift stations as soon as possible, however no later than within 18 hours of receipt of notice by either the affected homeowner or the Township.
- L. Notwithstanding the fact the Applicant has secured the required Sanitary Sewer Extension Permit from the NJDEP and paid the connection fees to the West Milford MUA for the 50 remaining homes within Phase II, the Developer will obtain written concurrence from the NJDEP to allow the connection of the Phase II homes prior to the issuance of the first building permit within this phase.
- M. The \$250,000 cash deposit noted in the E.(iii) above shall be generated as follows:
  - (1) \$3500.00 per dwelling unit for the first 50 closings of title for Phase II to be deposited prior to issuance of each respective Certificate of Occupancy or sale of individual lot.
  - (2) None of the initial Capital Surplus Contribution of \$250,000 shall be requested from Phase I property owners.
  - (3) Once the \$250,000 surplus is established, then the system users shall be responsible for amounts about that fund balance.

2. If an article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

3. This Ordinance shall be binding on the applicant and all successors and assigns. The applicant shall record this ordinance against the Phase II properties.

4. All Ordinances or parts of Ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

5. This Ordinance shall take effect after publication and passage according to law.

Introduced: September 21, 2011

This Ordinance was being introduced tonight. A second reading and public hearing for the Ordinance is set for the Regular Meeting of the Township Council scheduled for October 19, 2011. Notice of this public hearing shall be published in the Herald News on or about September 25, 2011. Councilman Weisbecker made a motion, seconded by Councilman Ramaglia to place this ordinance on the table for discussion.

Kevin Boswell, engineer for the developer asked to be heard and the Council gave consent.

Kevin Boswell stated that following the September 7<sup>th</sup> meeting he forwarded a revised ordinance based on discussions in these chambers as well as communications with residents and committee meetings during the past five months. He prepared a cover letter too and forwarded to it to Mr. Semrau with copies to Administrator Boyle. On Monday he got a revised copy that which incorporated a number of things he never saw before some of which are not doable. He did not get a straight answer as to their origin. The water pressure inserts are a requirement of a water system with a minimum of 30 psi which differs from state standards. He has asked for ordinance revisions to reflect state standards. The second issue is in the last paragraph 1b where it says 30 psi water pressure will be the minimum at the highest elevation in this development. Residents are experiencing problems now because of elevation and distance from the water source. This requirement puts the water tank 100' in air, changes design standards and elevates the water pressure in certain areas where it is too high. The ordinance also requires contributions by the developer which will require \$10,000 for new homes. That makes the project non viable. The second part of that was that none of the initial surplus contributions would come from the initial homeowners. That would mean that this project operates in a deficit until all the users are online. The developer will be funding the deficit until there are a sufficient number of occupied users. There are a lot of changes but these two changes must be restored to the original parameters. He asked that the Council return design

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standards to DEP requirements and return the contribution to \$3,000. The system must be designed in a manner that allows it to be run effectively and efficiently. These requirements prohibit that. Councilman Ramaglia asked where these changes came from and Mr. Semrau stated that they came from him. Mr. Boyle stated that the Township Engineer, Paul Ferriero, has opined that 20 psi is sufficient. Mr. Semrau explained where he got the change and added that with Mr. Ferriero and the resident's approval he would recommend removing that change. Mr. Boswell stated that he is okay with the change proposed in item "E" and asked that it be changed back to a 20 year bond. He explained that if the maintenance bond is not posted, another 20 year bond would be posted. Discussion ensued about various bond options and the need for same. Mr. Boswell asked for a change to "m" to say that he will pay \$5,000 for each home upon issuance of CO's. Mr. Semrau stated that having the \$250,000 is not as important as a bond to address the potential failure of the system. Mr. Boswell asked that the ordinance be introduced with the proposed revisions discussed this evening. He will speak with Mr. Ferriero and will get clarification before adoption. Mr. Semrau agreed. Mr. Boswell stated that he can take the \$250,000 and use the interest to pay the cost of the bond.

Mr. Weisbecker made a motion to introduce the ordinance as amended and Councilman Ramaglia seconded that motion.

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.  
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Mayor Bieri asked to move all Resolutions but 2011-345 as one. Councilman Jurkovic asked to have Resolution 2011-344 moved separately.

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.  
Voted Nay: Jurkovic on 2011-325 only.  
Motion carried.  
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Agenda No. VII 2  
~ Resolution No. 2011-314 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, SUPPORTING A-4126, AMENDING THE STATUTORY DEADLINE FOR MUNICIPAL REVIEW OF A DEFEATED SCHOOL BUDGET IN CERTAIN CIRCUMSTANCES**

**WHEREAS**, on January 12, 2009, then Governor Corzine signed into law P.L. 2008, c. 129, which permitted the Department of Education Commissioner to change school board election dates that coincide with a period of religious observance which would impose a substantial burden on an individual's ability to vote; and

**WHEREAS**, that legislation was a result of a situation in which special school elections were scheduled for the same day as Rosh Hashanah, one of the holiest days on the Jewish calendar; and

**WHEREAS**, prior to the enactment of P.L. 2008, c. 129 the annual school board election was held the third Tuesday in April; and

**WHEREAS**, this year was the first time the annual school board election date was changed from Tuesday, April 19<sup>th</sup> to Wednesday, April 27<sup>th</sup> due to the observance of Passover; and

**WHEREAS**, as municipalities, in which a school budget was rejected, began the process to review and make recommendations on the rejected budget, an apparent oversight came to light. While P.L. 2008, c. 129 permits the change of Election Day it did not change the statutory deadline for municipalities to make a final determination on the rejected school board budget; and

**WHEREAS**, N.J.S.A. 18A:13-19, for regional school districts, and N.J.S.A. 18A:22-37, for single school districts, outline the procedure following school board budget rejection including the requirement that the governing bodies, after consultation with the board, and no later than May 19, certify the amount for the ensuing school year; and

**WHEREAS**, the process to review a rejected school budget, especially those of a regional school district, are challenging under normal circumstances in which Municipalities must not only review the budget material but coordinate schedules with the school board, county business administrator and other governing body members. In addition, the municipalities and school board must comply with the requirements of the Open Public Meetings Act. And at some point, the governing body must hold a public meeting to take official action; and

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**WHEREAS**, most municipalities take the full four weeks to thoroughly review the budget, consult with the school board and receive public input on the defeated school budget before taking final action; and

**WHEREAS**, this year, however, this process was reduced to a two to three week process due to the statutory deadline. Making a complex process much more challenging; and

**WHEREAS**, Assemblyman Schaer has sponsored A-4126, which would permit the Commissioner of the Department of Education to amend the statutory deadline for action on a rejected school budgets in the circumstance when the School Board Election Day is changed due to a period of religious observance; and

**WHEREAS**, municipalities need the full four weeks to review a defeated budget to be thoughtful and deliberative in their decision and any less time to review will just lead to a rush job that will negatively impact the community;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Township of West Milford hereby urges the swift passage of A-4126 as it will provide municipalities with the necessary time to review defeated school budgets; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senate President Sweeney, Assembly Speaker Oliver, Assemblyman Patrick Diegnan and the members of the Assembly Education Committee, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Webber and the New Jersey State League of Municipalities.

Adopted: September 21, 2011

Agenda No. VII 3

~ Resolution No. 2011-315~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING S-2950 AND A-4128, WHICH WOULD ALLOW FOR MODIFICATION TO LAND USE APPROVALS BECAUSE OF CHANGED ECONOMICS**

**WHEREAS**, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

**WHEREAS**, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

**WHEREAS**, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

**WHEREAS**, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed "adaptive application" while other pending applications are accorded lower priority; and

**WHEREAS**, S-2950 and A-4128 put no standards in place for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

**WHEREAS**, the lack of standards would expose any approval or denial by the municipality to possible legal challenge;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of West Milford that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

**BE IT FURTHER RESOLVED**, the Governing Body of the Township of West Milford strongly opposes S-2950 and A-4128; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Webber and the New Jersey State League of Municipalities.

Adopted: September 21, 2011

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. VII 4

~ Resolution No. 2011- 316~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING S-2795 AND A-3835, CONCERNING ENFORCEMENT RESPONSIBILITY OF STATE HOUSING CODE UNDER THE "HOTEL AND MULTIPLE DWELLING LAW"**

**WHEREAS**, on June 29th S-2795 passed the State Senate by a vote of 23-13-4, and now rests with its Assembly companion, A-3835, with the Assembly Housing and Local Government Committee; and

**WHEREAS**, S-2795 and A-3835 would prohibit municipalities from adopting ordinances requiring periodic inspections of multiple dwellings other than those conducted by the State under the "Hotel and Multiple Dwelling Law"; and

**WHEREAS**, S-2795 and A-3835 would prohibit municipalities from charging separate fees for the registration of multiple dwellings; and

**WHEREAS**, according to a fiscal estimate prepared by the non-partisan Office of Legislative Services S-2795 and A-3835 will decrease municipal revenues and potentially decrease municipal expenditures; and

**WHEREAS**, S-2795 and A-3835 would eliminate local control over the inspection of multiple dwellings which is not in the public's best interests; and

**WHEREAS**, landlord registration of any rental unit, regardless of whether a portion is owner-occupied could continue but a municipality would be prohibited from charging a registration fee thereby raising cost without any revenue off-set; and

**WHEREAS**, municipalities could continue to issue "Continuing Certificates of Occupancy" upon an inspection following termination of occupancy in a rental unit, but would be preempted by the bill from having or adopting ordinances under which periodic inspections of multiple dwellings would be made; and

**WHEREAS**, such landlord registrations and "Continuing Certificates of Occupancy" are conducted for the public safety and welfare of the citizens of our municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of West Milford that enactment of S-2795 and A-3835 will decrease municipal revenues and place yet another financial burden on already strained New Jersey Municipalities, and will take away local control over the inspection of multiple dwellings, which is not in the best interest of our residents.

**BE IT FURTHER RESOLVED**, the Governing Body of the Township of West Milford strongly opposes S-2795 and A-3835;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Webber, Assemblyman Kevin Ryan, Assemblywoman Mila Jasey, Assemblyman Joseph Cryan, Assemblyman Jerry Green and the members of the Assembly Housing and Local Government Committee, Assembly Speaker Sheila Oliver, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Webber and the New Jersey State League of Municipalities.

Adopted: September 21, 2011

Agenda No. VII 5

~ Resolution No. 2011- 317 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE RECONSTRUCTION OF RIDGE ROAD BETWEEN ALPINE RIDGE ROAD AND VREELAND ROAD, INCLUDING MILLING, STORMWATER UPGRADES, WIDENING, GRANITE BLOCK CURB AND ROADWAY STRIPING**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year **2012 Local Bikeway Program**; and

**WHEREAS**, the Township's Engineering Division has recommended that the following application be submitted for the reconstruction of Ridge Road between Alpine Ridge Road and Vreeland Road, including milling, storm water upgrades, widening, granite block curb and roadway striping; and

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**WHEREAS**, the Township's Engineering Division submits the following application for consideration to the Township Council:

<b>Project: West Milford Bikeway – Section 3, Contract 4</b>	
Reconstruction of Ridge Road between Alpine Ridge Road and Vreeland Road (0.5 miles), Including Milling, Storm Water Upgrades, Widening, Granite Block Curb and Roadway Striping	
Grant Application:	\$400,000
Township Contribution:	\$175,000
Estimated Cost for Entire Project:	\$575,000
<b>Grant Application No.</b>	<b>BIKE-2012-West Milford Township-00050</b>

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford, formally approve the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Township Engineering Divisions' Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: September 21, 2011

Agenda No. VII 6  
~ Resolution No. 2011- 318 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE RESURFACING OF CLINTON ROAD BETWEEN ROUTE 23 ROAD AND SCHOOLHOUSE COVE ROAD, INCLUDING MILLING, STORMWATER UPGRADES AND ROADWAY STRIPING**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year **2012 Municipal Aid Program**; and

**WHEREAS**, the Township's Engineering Division has recommended that the following application be submitted for the resurfacing of Clinton Road between Route 23 and Schoolhouse Cove Road, including milling, storm water upgrades and roadway striping; and

**WHEREAS**, the Township's Engineering Division submits the following application for consideration to the Township Council:

<b>Project: Clinton Road – Section 2</b>	
Resurfacing Clinton Road between Route 23 and Schoolhouse Cove Road (1.2 miles), Including Milling, Storm Water Upgrades and Roadway Striping	
Grant Application:	\$200,000
Township Contribution:	\$70,000
Estimated Cost for Entire Project:	\$270,000
<b>Grant Application No.</b>	<b>MA-2012-West Milford Township-00376</b>

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford, formally approve the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Township Engineering Divisions' Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: September 21, 2011

Agenda No. VII 7  
~ Resolution No. 2011- 319 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE RESURFACING OF OTTERHOLE ROAD BETWEEN LARSEN ROAD AND CRESCENT ROAD, INCLUDING MILLING, STORMWATER UPGRADES AND ROADWAY STRIPING**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year **2012 Municipal Aid Program**; and

**WHEREAS**, the Township's Engineering Division has recommended that the following application be submitted for the resurfacing of Otterhole Road between Larsen Road and Crescent Road, including milling, storm water upgrades and roadway striping; and

**WHEREAS**, the Township's Engineering Division submits the following application for consideration to the Township Council:

<b>Project: Otterhole Road – Section 3</b>	
Resurfacing Otterhole Road between Larsen Road and Crescent Road (1.0 miles), Including Milling, Storm Water Upgrades and Roadway Striping	
Grant Application:	\$350,000
Township Contribution:	\$135,000
Estimated Cost for Entire Project:	\$485,000
<b>Grant Application No.</b>	<b>MA-2012-West Milford Township-00368</b>

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford, formally approve the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Township Engineering Divisions' Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: September 21, 2011

Agenda No. VII 8  
~ Resolution No. 2011- 320 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES (NJDHSS) GRANT FOR HEPATITIS INOCULATION FUND**

**WHEREAS**, the New Jersey Department of Health and Senior Services (NJDHSS) has made \$5,000.00 available to West Milford Township to assist for the reimbursement of costs of hepatitis B inoculations for certain emergency medical technicians, firefighters and police officers. The funds are a continuation of monies already distributed for this purpose between 1996 and 2010 in accordance with N.J.A.C. 8:57B; and

**WHEREAS**, the Township Council of the Township of West Milford has determined that there is a need for these grant funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Hepatitis Inoculation Fund for the amount of \$5,000.00.

**BE IT FURTHER RESOLVED** that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant should it be awarded.

Adopted: September 21, 2011

Agenda No. VII 9  
~ Resolution No. 2011- 321 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2011 CONTRACT WITH HAWKINS, DELAFIELD & WOOD FOR**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: September 21, 2011  
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**BOND COUNSEL SERVICES TO ALLOW FOR A PAYMENT OF \$8,000.00 IN EXCESS OF THE PRE-APPROVED NOT TO EXCEED AMOUNT**

**WHEREAS**, by virtue of Resolution 2011-040 adopted on January 1, 2011 the Township Council did authorize the engagement of bond counsel services to be provided by Hawkins, Delafield & Woods: and

**WHEREAS**, resolution 2011-040 and the related contract did authorize services in an amount not to exceed \$7,500; and

**WHEREAS**, resolution 2011-249 did authorize an addition of \$3,300.00 for bond counsel services needed for the April 2011 note sale and preparation of ordinances:

**WHEREAS**, the Township Administrator has advised that the Township's needs related to this contract caused the provider to exceed the authorized contractual amount by \$8,000.00 for an additional September 2011 note sale and preparation of ordinances and;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from various capital ordinances section 20 costs and the revaluation, account 1-01-46-886-594.

**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 hereby authorize the Township Administrator to approve payment of \$8,000.00 to Hawkins, Delafield & Wood provided in the 2011 calendar year which amount is in excess of the initially approved contract amount; and

**BE IT FURTHER RESOLVED** that notice of this action shall be published once in the Township's official newspaper as required by law.

This Resolution shall take effect immediately.

Adopted: September 21, 2011

Agenda No. VII 10  
~ Resolution No. 2011- 322 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THERIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of West Milford desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 20, 2016.

**BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey as follows:

1. Township Council of the Township of the West Milford hereby authorizes the Mayor and Township Clerk to execute an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Municipal Clerk of the Township of West Milford is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate officials in the Township of West Milford are authorized and directed to perform all required acts to affect the purpose of the Resolution.

Adopted: September 21, 2011

Agenda No. VII 11  
~ Resolution No. 2011- 323 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: September 21, 2011  
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN INCREASE IN THE THRESHOLD FOR FIXED ASSETS TO \$5,000**

**WHEREAS** the Township of West Milford is required to maintain a fixed asset accounting for public property; and

**WHEREAS** the last inventory was taken in 2007 with a property value threshold of \$300; and

**WHEREAS** the 2011 audit has noted that an update of that inventory is necessary under state statute; and

**WHEREAS** it has been recommended to make any future inventories cost effective and reflective of true physical property, the property value threshold be amended to \$5,000; and

**WHEREAS** that recommendation has been supported by the Township's Auditor and Chief Financial Officer; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford hereby approves the request to raise the fixed asset property value threshold to \$5,000.

**BE IT FURTHER RESOLVED** that an inventory of fixed assets be undertake as outlined in the corrective action plan on file.

Adopted: September 21, 2011

Agenda No. VII 12  
~ Resolution No. 2011- 324 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2009 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS**, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

**WHEREAS**, the Township of West Milford has by Resolution accepted the 2009 audit as prepared and presented by the Township Auditors, and

**WHEREAS**, Monica Goscicki, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2009 audit and presented copies of same to the Mayor, Council, and Administrator,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: September 21, 2011

Agenda No. VII 13  
~ Resolution No. 2011- 325 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR THE PERFORMANCE OF A SOIL DELINEATION INVESTIGATION ON THE WALLISCH PROPERTY BLOCK 6401 LOT 6.01 IN AN AMOUNT NOT TO EXCEED \$2,315.00**

**WHEREAS**, there exists a need for professional services to be rendered in the performance of a Soil Delineation Investigation to the Township of West Milford associated with the Wallisch Property Block 6401 Lot 6.01; and

**WHEREAS**, the Township wishes to retain Envirotactics, Inc. to provide such professional services regarding a Soil Delineation Investigation at the Wallisch Property Block 6401 Lot 6.01 and in accordance with its proposal for such services dated August 24, 2011, which has been placed on file with the Office of the Township Clerk; and

**WHEREAS**, the total amount of the contract shall not exceed \$2,315.00; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number 1-01-20-100-450; and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc. with offices located at 1625 Highway 71, Wall, New Jersey, 07719 to provide professional services regarding the performance of a Soil Delineation Investigation at the Wallisch Property Block 6401 Lot 6.01 associated with the purchase of such properties from the West Milford Board of Education in an amount not to exceed \$2,315.00 and in accordance with its proposal dated August 24, 2011.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$2,315.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.

Adopted: September 21, 2011

Agenda No. VII 14

~ Resolution No. 2011- 326 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2011 UPPER GREENWOOD LAKE ROAD RESURFACING PROJECT TO TILCON NEW YORK INC., TO BE PARTIALLY FUNDED BY A PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, the Township of West Milford applied for a 2011 Passaic County Community Development Block Grant (CDBG) for the subject project; and

**WHEREAS**, the Township was not successful in that grant application and funds were not awarded through the grant program; and

**WHEREAS**, the County of Passaic instituted a policy whereby entities that do not expend grant funds in a timely fashion shall forfeit said funds and those funds shall be allocated to previously denied yet worthy applications;

**WHEREAS**, in accordance with said policy the County of Passaic redirected \$100,000, FY2010 grant funds not utilized by another municipality to West Milford; and

**WHEREAS**, the Township of West Milford advertised for and received bids on September 15, 2011 for the 2011 Upper Greenwood Lake Road Resurfacing project as per the bid specifications; and

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

**WHEREAS**, the low bid received from 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**, said bids have been duly reviewed and analyzed by the Supervising Engineering Aide and a written recommendation has been submitted to the Township Administrator that the Township of West Milford award a contract to Tilcon New York Inc. in an amount not to exceed \$241,950.00; and

**WHEREAS**, the Chief Financial Officer has certified that the encumbrances for these services shall come from accounts numbered C-04-09-943-315 - \$180,000.00 and C-04-08-943-315 - \$61,950.00, after approval of the Chapter 159 budget amendment from the DLGS in the amount of \$100,000.00 for the CDBG, the charges will be transferred to that grant.

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

1. The Township Council hereby authorizes the award of a contract to Tilcon New York Inc., 625 Mt. Hope Road, Wharton, NJ 07885 in an amount not to exceed \$241,950.00 for the 2011 Upper Greenwood Lake Road Resurfacing project as per the bid specifications.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tilcon New York Inc., in accordance with the bid for the 2011 Upper Greenwood Lake Road Resurfacing 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 Township Clerk's office.

Adopted: September 21, 2011

Agenda No. VII 15  
~ Resolution No. 2011- 327 ~

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

**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 2011 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 2011 in the sum of \$100,000.00 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:  
Passaic County Community Development Block Grant \$100,000.00

**BE IT FURTHER RESOLVED** that a like sum of 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  
Passaic County Community Development Block Grant \$100,000.00  
Road Resurfacing

**BE IT FURTHER RESOLVED**, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted: September 21, 2011

Agenda No. VII 16  
~ Resolution No. 2011- 328 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MIFLORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE – BLOCK 2009 LOT 002**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of William & Deborah Ryan to acquire by assignment the following tax lien certificate held by the Township of West Milford;

<b>LIEN CERTIFICATE NO.</b>	<b>SALE DATE</b>	<b>BLOCK/LOT</b>	<b>AMOUNT DUE ON CERTIFICATE</b>
11-019	4-19-11	2009-002	\$651.82

**WHEREAS**, the said William & Deborah Ryan has paid to the Collector of Taxes the sum of \$651.82 representing the amount due on said Certificate, together with subsequent liens thereon;

**BE IT RESOLVED** that October 19, 2011, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offer of William & Deborah Ryan;

**BE IT FURTHER RESOLVED**, that the Collector of Taxes be and hereby is directed, pursuant to

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted: September 21, 2011

Agenda No. VII 17  
~ Resolution No. 2011- 329 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MIFLORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENTS OF TAX SALE CERTIFICATES AT PRIVATE SALE – BLOCK 3506, LOT 15 AND BLOCK 3609 LOT 13.02**

**WHEREAS**, the Collector of Taxes has reported to the Township Council the offer of Lien Man Retirement Plan c/o Alex Garcia, TTEE to acquire by assignments the following tax lien certificates held by the Township of West Milford;

<b>LIEN CERTIFICATE NO.</b>	<b>SALE DATE</b>	<b>BLOCK/LOT</b>	<b>AMOUNT DUE ON CERTIFICATE</b>
11-037	4-19-11	3506-15	\$3,244.39
11-040	4-19-11	3609-13.02	\$6,140.40

**WHEREAS**, the said Lien Man Retirement Plan c/o Alex Garcia, TTEE has paid to the Collector of Taxes the sum of \$9,384.79 representing the amount due on said Certificates, together with subsequent liens thereon;

**BE IT RESOLVED** that October 19, 2011, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offers of Lien Man Retirement Plan c/o Alex Garcia, TTEE; and

**BE IT FURTHER RESOLVED**, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted: September 21, 2011

Agenda No. VII 18  
~ Resolution No. 2011- 330 ~

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,000,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1.** Pursuant to an ordinance of The Township of West Milford, in the County of Passaic (the "Township") entitled: "Ordinance of the Township of West Milford, in the County of Passaic, State of New Jersey, authorizing a special emergency appropriation for municipal revaluation in accordance with N.J.S.A. 40A:4-34", finally adopted on March 16, 2011 (#2011-001), special emergency notes (the "Notes") of the Township are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S.A. 40A:4-1 et seq. and, in particular, N.J.S.A. 40A:4-55) in a principal amount not exceeding \$1,000,000, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

**Section 2.** The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, interim chief financial officer or treasurer (the "Chief Financial Officer") of the Township, provided that no Note shall mature later than one year from the date of the first Note issued hereunder unless the Township shall have paid and retired amounts of such Notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such Notes;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer; and

(c) The Notes shall be in the form prescribed by resolution heretofore adopted by the governing body of the Township determining the form of special emergency notes issued pursuant to the Local Budget Law, and the Notes shall be signed or sealed by the Chief Financial Officer, the Mayor and the Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

**Section 3.** The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determinations.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**Section 4.** The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

**Section 5.** Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

**Section 6.** The Chief Financial Officer is hereby authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

**Section 7.** The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

**Section 8.** The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the Notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the Notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the Notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the Notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

**Section 9.** All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the Notes is hereby ratified, confirmed, adopted and approved.

**Section 10.** This resolution shall take effect immediately.

Adopted: September 21, 2011

Agenda No. VII 19

~ Resolution No. 2011- 344 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, SUPPORTING THE POSSIBLE SALE OF THE WEST MILFORD MUA**

**TABLED TO 10-5-11 WORKSHOP MEETING**

Discussion: Councilman Jurkovic stated that he has a concern. He asked what is involved in the process for the sale of such an entity. He said that he would rather table this resolution until he knows those answers. Mr. Semrau stated that this resolution is just to send the MUA a message of support for the concept of a sale. In the meantime, he will give the Council an outline of the process. Weisbecker explained that at the meeting with Senator Pennachio this was discussed knowing that if the concept is accepted by the MUA the Township may have more involvement and need additional information. Councilman Jurkovic stated that he is concerned about the debt and he would rather hold off until he understands that. The statutes governing the MUA are all triggered by the debt. Mayor Bieri stated that it was also discussed that even if the MUA entertained an idea of a sale, and even if we were to get proposals, the Council can say no if there are made aware of negative repercussions. Council President Smolinski agreed. Councilman Weisbecker made to motion to table this resolution to the October 5<sup>th</sup> workshop. Councilman Jurkovic seconded the motion.

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

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Agenda No. VII 20

~ Resolution No. 2011- 345 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SEEKING TO ADDRESS IMMEDIATE CONCERNS WITH THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY**

**DEFEATED**

Discussion: Councilman Weisbecker stated that we came out of a meeting with Senator Pennachio and the DEP that was forward moving. Comments made here kill the possibility of a sale of the MUA. If we want to let the MUA try to sell, if we want to support them, would we really want to put forth a resolution like this? He asked if the Mayor just wants to keep this thing going forever. He said that she is fanning the flames and he cannot support this. The Council is trying to do something positive. Mayor Bieri stated that she agrees that the Council tried to do something positive to find on long term solutions. But the Council has done nothing to address the immediate concerns. If you want to sell your home, you want curb appeal to increase potential offers and the value. Shortcomings must be recognized and addressed to attract more buyers. This is not a short-term issue versus a long-term issue. There are two distinctly separate things. Councilman Jurkovic stated that this comes down to firing Kelly Love. He said that whoever buys the MUA will put in whomever they want. This is not productive. Mayor Bieri stated that the resolution is simply conveying a message from the governing body to the MUA suggesting action they can take to address immediate concerns. Mr. Pirro, she said, made it clear when distinguishing the difference between an administrator and a qualified person to handle operations. She suggests it best to hire someone who has those qualifications. We need to address short-term issues. Councilman Signorino asked why we would look at the 2009 resumes. Mayor Bieri stated that it would be a matter of convenience but the MUA could seek updated resumes too. The intent was to expedite the process.

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

Agenda No. VIII  
~ Resolution No. 2011- 331 ~

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

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

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

**Resolutions:**

- a) **2011- 332** – Cancel Grant Funds
- b) **2011- 333** – Cancel Taxes
- c) **2011- 334** – Refund Duplicate ALF Fees
- d) **2011- 335** – Refund Escrow Funds
- e) **2011- 336** – Refund Health Department Fees
- f) **2011- 337** – Refund Other Liens
- g) **2011- 338** – Refund Overpayments
- h) **2011- 339** – Refund Recreation Fees
- i) **2011- 340** – Reinstate Taxes
- j) **2011- 341** – Release Cash Bond

**Applications:**

- a. **Application** for Off Premise 50/50 Raffle License No. RL2011-31 by the St. Joseph Church for December 11, 2011.
- b. **Application** for On Premise 50/50 Raffle License No. RL2011-32 by the UGL PTA for October 22, 2011.
- c. **Application** for a Petition to Extend Licensed Premises by Tracey Bennett, Big John's Pub for October 16, 2011.

Adopted: September 21, 2011  
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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Voted Nay: None.  
Motion carried.

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The following resolutions were included in the consent agenda:

Agenda No. VIII a  
~ Resolution No. 2011- 332 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE CANCELLATION OF RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable in the amount of \$100.16 and an appropriation in the amount of \$100.16 from the NJ Health Officers Association for the Emergency Notification System Mini Grant and

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

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

Adopted: September 21, 2011

Agenda No. VIII b  
~ Resolution No. 2011- 333 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX**

**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

**REASON:** 1) 100% TAX EXEMPT

BLOCK/LOT	NAME	AMOUNT	YEAR
3804-3	David & Lucille Hardin	\$2,418.08	2010 4 <sup>th</sup> Qtr.
3804-3	David & Lucille Hardin	\$15,361.16	2011 Full Year
3804-3	David & Lucille Hardin	7,680.00	2012 First Half
TOTAL		<b>\$25,459.24</b>	

Adopted: September 21, 2011

Agenda No. VIII c  
~ Resolution No. 2011- 334 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF DUPLICATE APPLICATION FEES - ALF**

**WHEREAS**, there were three applications taken for Scentsy Wickless vendors at the ALF celebration; and

**WHEREAS**, this type of vendor require exclusivity;

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

Name	Amount
Stacey Guthier 77 Hillside Road Sparta, NJ 07871	\$50.00
Jeanene Casella 83 Hewitt Road Hewitt, NJ 07421	\$50.00

Adopted: September 21, 2011

Agenda No. VIII d  
~ Resolution No. 2011- 335 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

Name & Address	Application No.	Amount of Escrow Deposit	Amount Refunded
3023 Route 23 Corp. c/o Wukkuansm /Caliri, Miller & Otley, P.C. 1428 Route 23, Wayne, NJ 07470	9740-9028	\$9216.15	\$4173.93
<b>TOTAL REFUND</b>			<b>\$4173.93</b>

Adopted: September 21, 2011

Agenda No. VIII e  
 ~ Resolution No. 2011- 336 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF HEALTH DEPARTMENT APPLICATION FEE – MOUNT GLEN LAKES**

**WHEREAS**, Mt. Glen Lakes submitted an application and fee in the amount of \$105.00 in April for a 2011 Public Recreational Bathing License; and

**WHEREAS**, due to ongoing construction of the Mount Glen Lake Dam the bathing beach was not in operation all season;

**WHEREAS**, the Health Officer has recommended that the above referenced fee be refunded;

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

Name	Amount
Mount Glen Lakes Association, Inc. 136 Broadway West Milford, New Jersey 07480	\$105.00

Adopted: September 21, 2011

Agenda No. VIII f  
 ~ Resolution No. 2011- 337 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING 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 Amt	Pay to the Lien Holder
09-047	03/25/2009	04107-004	\$38,354.24	RUTHERFORD DEVELOPMENT, LLC 121 RIDGE AVENUE PASSAIC, NJ 07055
10-026	03/23/2010	02601-034	\$15,353.25	US BANK CUST FOR CCTS CAPITAL LLC 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 1950 PHILDELPHIA, PA 19102
11-036	04/19/2011	03403-006	\$8,911.14	C & E PARTNERS P.O. BOX 23-1308 NEW YORK, NY 10023
11-049	04/19/2011	04302-006	\$34,169.24	US BANK CUST FOR TOWER DBW/ 50 SOUTH 16TH ST STE 1950-TOW PHILADELPHIA, PA 19102
11-053	04/19/2011	05703-004	\$7,936.18	C & E PARTNERS P.O. BOX 23-1308

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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				NEW YORK, NY 10023
11-122	04/19/2011	16901-004	\$1,603.00	NJD MANAGEMENT CORP 71 CATSKILL COURT BELLE MEAD, NJ 08507
11-123	04/19/2011	16906-006	\$41,303.57	US BANK - CUST/SASS MUNI VI DTR 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
<b>TOTAL</b>			<b>\$147,630.62</b>	

Adopted: September 21, 2011

Agenda No. VIII g  
 ~ Resolution No. 2011- 338 ~

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

**WHEREAS**, there appears on the tax records overpayments as shown below; and

**WHEREAS**, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

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

**REASONS:**

- |                          |                                     |
|--------------------------|-------------------------------------|
| 1. Incorrect Payment     | 4. Homestead Rebate                 |
| 2. Tax Appeal            | 5. Duplicate Payment                |
| 3. 100% Disabled Veteran | 6. Senior Citizen/Veteran Deduction |

Block/Lot	Name	Amount	Year	Reason
5902-5	John & Kimberly Edelstein 48 Mountain Circle Drive N. West Milford, NJ 07480	\$2,140.97	2011	2
6502-12	IL Grande & IL Grande, Attorneys at Law 2 Meadow Court Montville, NJ 07045	\$2,609.43	2011	2
7205-10	Dennis & Cynthia Kylm 50 Bearfort Road West Milford, NJ 07480	\$2,072.66	2011	2
7701-2.02	Edward & Elizabeth Satkowski 1087 Union Valley Road West Milford, NJ 07480	\$1,956.06	2011	2
7801-35.06	Jason Finelli 35 F Salem Alley West Milford, NJ 07480	\$1,985.23	2011	2
8601-22	Fahey & Fahey, Attorneys at Law 17 DeMun Place, P.O. Box 555 Far Hills, NJ 07931	\$3,899.02	2011	2
8802-49	William & Consiglia Barry 65 Vreeland Road West Milford, NJ 07480	\$250.00	2011	3
9101-2	Robert & Marianne Maltempi 44 Vreeland Road West Milford, NJ 07480	\$2,751.29	2011	2
9406-40	Masessa & Cluff, Attorneys at Law 1524 Route 23 North Butler, NJ 07405	\$2,591.86	2011	2
9710-14	Dennis & Eileen Espinosa 94 Morris Avenue West Milford, NJ 07480	\$2,049.51	2011	2
10101-7	Walter Hazelman & Theresa Walsh 16 Sherwood Court Newfoundland, NJ 07435	\$2,561.50	2011	2
12106-1	John & Teresa Ulrich 796 Macopin Road West Milford, NJ 07480	\$1,422.87	2011	2
12401-15.01	David & Karen Sinke	\$4,328.90	2011	2

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Block/Lot	Name	Amount	Year	Reason
	257 Weaver Road West Milford, NJ 07480			
12501-33	Shane & Michele Murphy 632 Macopin Road West Milford, NJ 07480	\$1,939.50	2011	2
12902-7	East Gate Title LLC 305 Harper Drive, Suite 2 Morrestown, NJ 08057	\$2,569.61	2011	2
3804-3	Lucille & David Hardin P.O. Box 241 West Milford, NJ 07480	\$13,867.24	2011	6
<b>TOTAL</b>		<b>\$48,995.65</b>		

Adopted: September 21, 2011

Agenda No. VIII h  
 ~ Resolution No. 2011- 339 ~

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

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

Day Camp		
Connor DeBlock	\$325.00	Don DeBlock 7 Moore Road West Milford, NJ 07480
Nash Appell	\$432.50	Kim Appell 24 Adelaide Terrace West Milford, NJ 07480
Erin Harvey	\$200.00	Christine Harvey 46 Morris Ave. West Milford, NJ 07480

Adopted: September 21, 2011

Agenda No. VIII I  
 ~ Resolution No. 2011- 340 ~

**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 cancellation of receipt of, and 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
5505-4.16	William & Janice Cole	\$731.00	2011
2603-15	Catherine Fanning	\$839.73	2011
16201-26	Hans Weilandt	\$2,266.30	2011
3406-34	George Wallhauser, Jr.	\$384.14	2011
3301-1	George Wallhauser, Jr.	\$1,696.01	2011
5311-1.15	John & Susan McEvoy	\$1,234.50	2011

Adopted: September 21, 2011

Agenda No. VIII j  
 ~ Resolution No. 2011- 341 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RELEASE OF A CASH BOND POSTED AS A PERFORMANCE BOND FOR BLOCK 9301, LOT 6 (MACOPIN FIREHOUSE) TO VERIZON WIRELESS**

**WHEREAS**, in 2006 Verizon Wireless posted a portion of a performance bond in the form of a cash bond for landscape improvements at Macopin Firehouse in the amount of \$5,560.00; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Township Clerk's Office has received a request from Verizon Wireless for the release of said cash bond; and

**WHEREAS**, the Planning Board Engineer and Land Use Administrator have provided recommendations for the release of said Cash Bond.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of West Milford hereby authorizes the release of the Cash Bond in the amount of \$5,560.00 posted by Verizon Wireless for landscape improvements at Macopin Firehouse, Block 9301 Lot 6;

**BE IT FURTHER RESOLVED**, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution and forward a check to Verizon Wireless, Attn: Donna Mele-Paraolari, 141 Industrial Parkway, Branchburg, NJ 08876 in the total amount of \$5,560.00.

Adopted: September 21, 2011

Agenda No. IX

**Approval of Expenditures**

~ Resolution No. 2011- 342~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

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

Acct #	Account Name	Amount
1	Current Account. . . . .	\$169,233.85
2	Reserve Account . . . . .	0.00
3	Animal Control Trust	79.10
6	Capital. . . . .	10,294.35
7	Grants. . . . .	8,079.18
8	Refuse. . . . .	4,500.00
9	Refunds. . . . .	197,688.77
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	1,050.00
17	Trust . . . . .	7,096.00
18	Development Escrow. . . . .	4,173.93
19	COAH	0.00
20	Special Reserve	<u>0.00</u>
Total		\$402,195.18
Less Refund Resolution		<u>-197,688.77</u>
<b>Actual Bill List</b>		<b>\$204,506.41</b>
Other Pyts Ck #46924 Pierce Manufacturing		\$137,379.00
<b>Total Expenditures</b>		<b>\$341,885.41</b>

Approved: September 21, 2011  
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Moved: Weisbecker Seconded: Ramaglia  
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.  
 Voted Nay: None.  
 Motion carried.  
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Agenda No. X

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

Councilman Weisbecker complimented police officers for their response on the day Warwick Turnpike was closed. Officers Yarnell and Rose responded to an emergency call from his wife and the UGL ambulance did a magnificent job. Everybody stayed calm. He said that he cannot describe what it was like in UGL when the tree came down and he would like the Township to have a plan to prevent this

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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happening again. There are some large dead oak trees along this route. He asked Administrator Boyle to reach out to the power companies to take those trees down. Emergency responders cannot react. DPW workers cleared the tree expeditiously. He commended the police officers who kept everyone calm. There were many angry travelers affected. We should reach out to Warwick New York to address alternate access & egress routes.

Council President Smolinski congratulated Chief Chiosie and asked Mr. Semrau if Council is required to give consent to his appointment. He said that he asked for a civil service ruling on this because this is also department head and the director of public safety. Mr. Semrau stated that he would defer to labor counsel and he will reach out to him and ask. This position is not for director of public safety. He noted that the Mayor has made an appointment to chief of police and not director of public safety. Council President Smolinski took issue stating that there is wording in the code that says that the director of public safety is also the chief of police. Mr. Semrau stated that the director of public safety is actually the mayor. Mayor Bieri stated that she did significant amount of research on this matter. The position of director of public safety was abolished and the duties assigned to the mayor. There is a department of public safety which is technically run by the director which would generally require Council consent. Later it was abolished leaving each of the divisions with a division head. There is another section which requires advice and consent of council for department heads. There is a state statute which limits departments to six in this form of government. Mr. Semrau stated that he will forward the information to labor counsel. Mayor Bieri noted that according to our code the chief is the division head. The police department is a division of the department of public safety.

Councilman Ramaglia asked Administrator Boyle to follow up with Eric Miller about the road in front of Coyote Cove as well as the request for a reduced speed limit on Union Valley Road.

Councilman Signorino thanked Michael Gerst for offering to install surveillance cameras at the museum. Some local museums have had break-ins and thefts. He noted that Saturday was constitution day.

Mayor Bieri noted that she, Administrator Boyle and the Director of CS&R went to Totowa on Thursday to present a request for grant monies to the Passaic County Open Space Committee. Applications were submitted for a roller hockey rink and engineering and design at CYO, Nosenzo Park, to develop that property for additional recreation. The committee, she said, was receptive. There was a memo from the Passaic County Planning Department advising that they are compiling an energy and sustainability master plan and seeking appointments to a task force. She asked if we can forward that to the Environmental Commission and Sustainable West Milford.

Administrator Boyle advised that the Passaic County Agriculture Board is seeking to preserve the equestrian center, Indian hills, Hidden Acres, and Eden Farms. This would be preservation to disallow development and keep the properties in their current state. Joan Keeler in construction will be retiring on November 1<sup>st</sup> and he wished her well. Passaic County will be hosting a hurricane assistance meeting October 3<sup>rd</sup>. He stated that the State DOT has advised that work will be done on Route 23 south in the spring. He stated that Bill Wallace will serve as administrator next week while he's away.

Township Attorney Semrau noted that several years ago the Township explored Warwick Turnpike and Lakeshore Drive for the installation of a traffic light. The corner property is critical to that project and the Township has determined that there is a need to acquire it either by purchase or condemnation. Mr. Brody has appraised it at \$53,000. The owner's appraisal report says it is worth \$100,000. He has been negotiating and the last proposal is \$75,000. Brody's report, in his opinion, is superior but one must calculate the costs associated with condemnation thereby making the offer persuasive. If we condemn we will be at \$53,000. He stated that he will make one more attempt to negotiate a final price and will report back to Council. If we cannot resolve this matter the Township will seek to condemn. Once condemnatin is filed with the court the Township has rights. Funding is available if need be.

Agenda No. XI

**Appointments and Resignations**

~ Resolution No. 2011- 343~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Dr. Salvatore Schimmenti	Citizen Member	September 7, 2011

