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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: October 2, 2013  
Time of Meeting: 6:30 P.M.  
Minute Page No: Page 1 of 13

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The Workshop Meeting of the Governing Body was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:  
Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of December 30, 2012 and January 6, 2013; copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Ada Erik, Mike Hensley, Vivienne Erk, Edward Rosone, Luciano Signorino, CarlLa Horton, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator Nancy Gage, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Rosone moved to adopt the September 4, 2013 Workshop Meeting Minutes as presented:

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Moved: Rosone Seconded: Signorino  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

October 23, 2013 Regular Meeting November 13, 2013 Workshop & Regular Meeting  
December 4, 2013 Workshop Meeting

Agenda No. IV

**Executive Session**

~ Resolution No. 2013- 296 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 2<sup>nd</sup> day of October, 2013 that:

1. Prior to the conclusion of this Workshop Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the

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- public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - Contracts – PAL
    - Contracts - Triple T Construction
    - Contracts – Hillcrest Lease
    - Contracts – Jungle Habitat
    - Potential Litigation – Wetlands Mitigation
    - Attorney Client Privilege – Fire Companies
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: October 2, 2013

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Moved: Signorino Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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The Governing Body went into executive session at 6:35 p.m.  
The Governing Body reconvened in public at 7:44 p.m. with all present as before.

Agenda No. V

**Presentations**

Mayor Bieri noted that there are no presentations on the agenda tonight. However, she recently attended a meeting in Passaic County where she accepted a check from the Freeholders for the Streetscape project along with a framed copy of the clock that has been installed as part of that project. She showed the check and the photograph of the clock thanking the Passaic County Freeholders and the Passaic County Planning Board. She noted that there will be a ribbon-cutting ceremony for the clock at ALF at 10 a.m.

Agenda No. VI

**Proclamations**

None.

Agenda No. VII

**Public Comments**

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

James Foody 2 Kushaquia Trail North, Hewitt said he recently hosted a meet & greet picnic to introduce himself to voters. He thanked Council members Horton, Erik & Hensley as well as Mayor Bieri and Republican Council candidate Dale for attending and supporting him. He said neither the Township nor the BOE is interested in the Wallisch property. He has had a vision as to what could be done with that property. He wrote as a private citizen to Rutgers, Ramapo and William Paterson colleges. He never heard back from them but the school administration has. His idea was that the Township donate the property to one of those colleges in exchange for ongoing scholarships for West Milford students. Debra McNally from Rutgers replied and he read her email which says she is discussing the matter with internal departments within the university. The school got an email days later from another person from Rutgers who indicated she will follow up next week. He provided copies of the emails and requested that they be distributed to the Council. He suggests that if the Township donate Wallisch as suggested but retain an easement along Belcher's Creek to create a walkway into town center. This, he said, would benefit the community. He listed some of the benefits to Rutgers and to West Milford and expressed hope that the Council can agree to this.

Doris Aaronson, 19 Bearfort Road, West Milford said she attended Mr. Foody's meet & greet at Westbrook Park. She was impressed with improvements at that facility and would like to see the boarded outhouse by the pavilion reopened to provide restrooms for those who use the park.

Rabbi Mendhi, 1069 Ringwood Avenue, Wanaque said a little girl thanked him for getting the Menorah on town property last year. That was a positive result of the events of last year. The ceremony was very good. There was a sense of unity. He is getting a lot of questions every day as he works in West Milford

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asking when the Menorah lighting is. Hanukah is early this year, it is about 5 weeks away and he does not have an answer. Let's not focus on the negative elements from last year, he said, adding that there were many positive effects. There are many Jewish families in West Milford. Having the Menorah again would be enlightening and uplifting. We should focus on the majority who want this. He requested that the Council move forward with this as fast as possible and make a decision.

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

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. VIII

Council Comments

Township Attorney Mr. Semrau said that he has had a number of conversations about holiday displays. He asked if the subcommittee would agree to meet with some residents on this matter. He has discussed this with some members of HEAT. It would be a good conversation. Both committee members agreed to participate in such a meeting with him and the administrator and report back to the governing body. The Council gave unanimous consensus.

Council President Signorino said he heard that the event at CYO was wonderful. He noticed today that there is a gate in front of the playground that is hanging and he asked the Administrator to have that fixed and to have someone look at the swing sets which may need repair.

Agenda No. IX

Discussion Items

- 1) Discussion - State of New Jersey Best Practices Checklist - Ms. Gage said this is the annual checklist from the State. They have added new concepts to which we mostly responded with "prospective" which means we will look into it. Overall West Milford is in compliance. This discussion is required as part of the process the Council has received copies of the responses the CFO will submit. Finance will be looking at questions that may need action before next year. One question asks if we require elected officials to attend one class each year and most do attend sessions at the league. Councilwoman Horton said that professional development is good and she is amenable to participating in such a class and her Council colleagues unanimously concurred. Ms. Gage said the Township will get a full allocation of aid this year.
2) Ordinance - Amend Chapter 135 Fees - Administrator Gage said she has received recommendations for fee changes from the clerk's office, CS&R for one recreation fee, and fire marshal fees. The Council gave consensus to proceed. Council President Signorino said he only supports increases as proposed from the clerk's office but not the others. Discussion ensued about the proposed fee from CS&R which would be the amount charged to rent out the coffee house. The Council agreed that a fee should be charged for that use but asked that it not be rented out on Friday & Saturday nights when teens use it. Ms. Gage noted that was the intent. Discussion ensued about the fees with the Council. Mayor Bieri polled the Council as follows: Councilmembers Rosone, Signorino, Hensley, Erik & Erk agreed that the fee should be \$150 with a \$200 deposit. Councilwoman Horton suggested a fee of \$200 and a deposit of \$200. The consensus was to proceed with a fee of \$150 and a deposit of \$200. The Council agreed that groups or organizations must provide a certificate of insurance.

Agenda No. X

Action Items

Agenda No. X 1

~ Ordinance No. 2013- 020 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VIII, "DEPARTMENT OF FINANCE," SECTION 15-42, "DIVISION OF THE TREASURY; DIVISION OF ACCOUNTS AND CONTROL" OF THE TOWNSHIP CODE TO CREATE THE POSITION OF QUALIFIED PURCHASING AGENT

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

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**SECTION 1.** Article VIII, "Department of Finance," Section 15-42, "Division of the Treasury; Division of Accounts and Control", of the Township Code be and is hereby amended to add paragraph 15-42(C), which shall read as follows:

§ 15-42. Division of the Treasury; Division of Accounts and Control.

C. Qualified Purchasing Agent

- (1) Creation of Position. Within the Division of the Treasury there shall be the position of Qualified Purchasing Agent. Qualified Purchasing Agent shall mean a purchasing agent who is the holder of a Qualified Purchasing Agent certificate and serves pursuant to the Qualified Purchasing Agent Law, N.J.S.A. 40A:11-9 to 9.1, and the regulations promulgated pursuant thereto, N.J.A.C. 5:34-5.1 to 5.5.
- (2) Compensation. The Qualified Purchasing Agent will be paid a salary that will be fixed by the Mayor and Council in the salary ordinance that is adopted from time to time.
- (3) Qualifications. The Qualified Purchasing Agent is required to possess and maintain a valid Qualified Purchasing Agent certificate issued by the New Jersey Division of Local Government Services, Department of Community Affairs, and satisfy all of the requirements of the applicable statutes and regulations then in effect for the position.
- (4) Vacancies and Temporary Appointments. If the position becomes vacant, a temporary appointment may be made pursuant to section 15-52(C)(2) and the provisions of N.J.S.A. 40A:11-9(g).
- (5) Duties. The Qualified Purchasing Agent will have, on behalf of the Mayor and Township Council, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services, and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms, and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township.

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

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

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

Introduced: October 2, 2013

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for October 23, 2013. Notice of this public hearing shall be published in the Herald news on or about October 6, 2013.

Discussion: Council President Signorino said he received the information he requested. He got a list of 20 vendors who could be affected by this ordinance, with 4 local. He has not changed his mind. Ms. Gage said this would establish a QPA and then the Council will be asked to adopt a resolution to set the bid threshold. Mayor Bieri said the treasurer's memo focused on the bid threshold. In her opinion, that is only one component. If you have a QPA, you can avoid the formal bid process. There are many local vendors who do not have the resources to submit formal bids. If we have a QPA we can avoid the bidding process but we would still require three proposals. This would open up the door to local contractors and vendors to get business from the local government. We still have all the protections in place with the 3 quote requirements. Ms. Gage said the treasurer's office main concern was that we are approaching the threshold but she agreed with the Mayor's comments about other advantages. She directed Council to the best practices list noting that certain provisions would require a QPA to ensure future compliance. Councilwoman Horton said the most compelling reason is it is a benefit for our local people. Council President Signorino said the first red flag for him was a comment at the last meeting was that local businesses cannot compete with large companies. With three proposals and discretion given to a QPA, he is concerned there would be favoritism. He would not like to see abuses in the town. The municipal clerk provided an example of a recent competitive bidding process that would likely have had more local vendors participate had the septic system for the library been awarded through a proposal rather than a competitive bidding process. She noted that many contractors did not submit bids because of the bonding requirements and the related costs thereto.

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Moved: Horton

Seconded: Rosone

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Voted Aye: Erik, Hensley, Erk, Rosone, Horton.  
Voted Nay: Signorino.  
Motion carried.

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Mayor Bieri asked to move all resolutions as one.

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Agenda No. X 2

~ Resolution No. 2013- 297 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LANDS AND PROPERTIES FROM THE TOWNSHIP AUCTION OF SEPTEMBER 24, 2013**

**WHEREAS**, on September 24, 2013, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution #2013-264; and

**WHEREAS**, the Township Clerk reports that the attached schedule outlines the bidders and their respective proposals to purchase said lands and recommends that the Township Council accept these bids.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford that the proposals set forth in the attached schedule are hereby accepted and incorporated herein.

**BE IT FURTHER RESOLVED**, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution #2013-264.

This Resolution shall be effective immediately.

Adopted: October 2, 2013

Agenda No. X 3

~ Resolution No. 2013- 298 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE MUNICIPAL CLERK TO INSERT A NARRATIVE IN MINUTES BOOKS #1 THROUGH #21**

**WHEREAS**, the Office of the Municipal Clerk has been working on a minute restoration project; and

**WHEREAS**, said restoration project is complete for the minutes of the West Milford Governing Body for the period from September 23, 1986 through December 31, 2005; and

**WHEREAS**, the municipal clerk has requested approval to insert a narrative in the affected minute books (#1 through #21).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the municipal clerk be and is hereby authorized to insert the narrative written on September 24, 2013 into minute books #1 through #21.

Adopted: October 2, 2013

Agenda No. XI 4

~ Resolution No. 2013- 299 ~

**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

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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 2013 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 2013 in the sum of \$112,548.00 which is now available as a revenue from:

Table with 2 columns: Description and Amount. Includes 'Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services' and 'Public and Private Revenues Off-Set with Appropriations'.

BE IT FURTHER RESOLVED that a sum of \$150,064.00 be and the same is herby appropriated under the caption of:

Table with 2 columns: Description and Amount. Includes 'General Appropriations (A)' and 'Operations - Excluded from CAPS'.

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

Adopted: October 2, 2013

Agenda No. XI 5

~ Resolution No. 2013- 300 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40a:4-85 THE Township of West Milford hereby requests the Director of the Division of Local Government Services to make the following correction in the 2013 budget:

Table with 2 columns: From and To. Details the correction in the 2013 budget, showing amounts of \$37,516.00.

BE IT FURTHER RESOLVED that the foregoing correction is in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Township of West Milford for the reasons set forth:

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The change is being requested because the Township was awarded the 2013-2014 Urban Mass Transportation grant after the Township's 2013 budget was adopted therefore, appropriations need to be moved from the grants matching funds to the local share for the Urban Mass Transportation grant.

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

Adopted: October 2, 2013

Agenda No. XI 6

~ Resolution No. 2013- 301 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACTS WITH TOM GILMARTIN AND GENE OSIAS AS REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS BY RAISING THE NOT TO EXCEED AMOUNT OF TOM GILMARTIN AND LOWERING THE NOT TO EXCEED AMOUNT OF GENE OSIAS IN THE AMOUNT OF \$3,000**

**WHEREAS**, on January 2, 2013 by Resolution No. 2013-33 the Township of West Milford appointed Tom Gilmartin as a Registered Environmental Health Specialist (REHS) to provide services as sought by the Township of West Milford and outlined in a contract on file in the Office of the Township Clerk in an amount not to exceed \$20,500.00; and

**WHEREAS**, on January 2, 2013 by Resolution No. 2013-34 the Township of West Milford appointed Gene Osias as a Registered Environmental Health Specialist (REHS) to provide services to review applications submitted to the Health Department in a contract amount not to exceed \$13,000.00; and

**WHEREAS**, Township Health Official Michael Fitzpatrick requests that the Township Council authorize a decrease in the not to exceed amount of Gene Osias from \$13,000.00 to \$10,000.00, and due to anticipated additional workload, \$3,000.00 in the Health Department Account No. 01-201-27-335-480 be added to the not to exceed amount of Tom Gilmartin an increase from \$20,500.00 to \$23,500.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council hereby authorize as follows:

1. The not to exceed amount specified as \$13,000.00 in the contract of Gene Osias be reduced by \$3,000.00 to the total not to exceed amount of \$10,000.00;
2. The not to exceed amount specified as \$20,500.00 in the contract of Tom Gilmartin be increased by \$3,000.00 to the total not to exceed amount of \$23,500.00; and
3. Township CFO Monica Goscicki is hereby authorized to administer Health Department Account No. 01-201-27-335-480 to reflect the change in amounts of contracts as specified above.

Adopted: October 2, 2013

Agenda No. XI 7

~ Resolution No. 2013- 302 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARING CONTRACTS FOR SNOW PLOWING SERVICES**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 20, 2013 for Snow Plowing Services; and

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

**WHEREAS**, the Supervising Engineering Aide has submitted a written recommendation for the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, noting Special Rates for trucks and equipment to be used if and when needed per rates bid; and

**WHEREAS**, the Township Attorney has rendered an opinion; and

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

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

CONTRACTOR		# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2	CONTRACTOR		# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2
1.	A – Zone Landscaping	1	\$95.00	\$98.00	9	P & W Excavating	7	\$103.00	\$106.00
2.	J. Monteleone, Enterprises, LLC	1	\$99.00	\$103.00	10	Perrone Landscaping & Design	2	\$104.00	\$104.00
3.	GRW Enterprises, LLC	1	\$100.00	\$105.00	11	Tom Buske & Son Construction	13	\$104.00	\$106.00
4.	Utter Excavating, LLC	3	\$100.00	\$105.00	12	Albert Christmann, Inc.	5	\$104.50	\$104.50
5.	Joseph A. Padham, Jr.	1	\$100.50	\$100.50	13	Lanzo Trucking Co., LLC	4	\$105.00	\$105.00
6.	J.D. Ragonese, Jr. Excavating	2	\$101.00	\$103.00	14	Longstaff Paving, LLC	9	\$105.00	\$105.00
7.	Kershaw Construction LLC	4	\$101.50	\$103.50	15	Bruce Corbett Excavating, Inc.	3	\$105.07	\$111.47
8.	Decker & Decker Construction Co.	6	\$103.00	\$103.00	TOTAL TRUCKS		62		

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

Adopted: October 2, 2013

Agenda No. XI 8

~ Resolution No. 2013- 303 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE REPAIR OF TWO (2) WEST MILFORD CATERPILLAR IT28G MODEL LOADERS (#61 & #63) (REPAIR TO R.O.P.S.- ROLLOVER PROTECTION SYSTEMS) THROUGH STATE CONTRACT TO FOLEY INCORPORATED (CATERPILLAR).**

**WHEREAS**, the State of New Jersey has awarded a State Contract for parts and repairs of road maintenance equipment for the 2013 year to Foley Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township of West Milford has a need for the repair to the R.O.P.S. (rollover protection system); and

**WHEREAS**, the Supervising Mechanic has submitted a written recommendation that the Township of West Milford purchase the repair of the R.O.P.S. parts and components through State Contract #T-2188 in a total amount not to exceed \$76,044.00 in order to address public safety concerns; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account numbers 04-215-55-812-003, 04-215-55-819-003, 04-215-55-819-005, 04-215-55-819-004.

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

1. The Township Council hereby authorizes the Township Supervising Mechanic, Keith Hansen to purchase the repair and replacement of IT28G machine parts and components through State Contract from Foley Inc. in a total amount not to exceed \$76,044.00
2. The Township’s Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

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Agenda No. XI 9

**~ Resolution No. 2013- 304 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT WITH BRAEN AGGREGATES, LLC FOR THE PURCHASE OF ICE CONTROL AGGREGATES**

**WHEREAS**, the Township of West Milford solicited bids on September 13, 2013 for Ice Control Aggregates; and

**WHEREAS**, in response to the "Notice to Bidders" advertised and sent to three prospective bidders and, the Township received two (2) bids; and

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

**WHEREAS**, the Department of Public Works has submitted a written recommendation for the award of this contract to Braen Aggregates, LLC., 280 Corkhill Road, Franklin, NJ; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 3-01-26-294-348; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Braen Aggregates, LLC.;

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

1. The Township Council hereby awards a contract Braen Aggregates, LLC for Ice Control Aggregates in an amount not to exceed \$127,330.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Braen Aggregates, LLC.. in accordance with its bid for Ice Control Aggregates.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 2, 2013

Agenda No. XI 10

**~ Resolution No. 2013- 305 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A CONTRACT WITH INTERNATIONAL SALT CO., LLC FOR THE PURCHASE OF ROCK SALT**

**WHEREAS**, the Township of West Milford solicited bids on September 13, 2013 for Rock Salt; and

**WHEREAS**, in response to the "Notice to Bidders" the Township received three (3) bids; and

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

**WHEREAS**, the Department of Public Works has submitted a written recommendation for the award of this contract to International Salt Co., LLC – 655 Northern Boulevard, Clarks Summit, PA 18411

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 3-01-26-294-363; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to International Salt. Co., LLC.

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

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

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1. The Township Council hereby awards a contract to International Salt Co., LLC. for Rock Salt in an amount not to exceed \$446,335.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with International Salt Co. LLC. in accordance with its bid for Rock Salt.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 2, 2013

Agenda No. XI 11

**~ Resolution No. 2013- 306 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY CRACK SEALING THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #6: ROAD RESURFACING, CATEGORY D: CRACK SEALANT TO MICRO PAVE SYSTEMS, INC.**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing, Category D: Crack Sealant to Micro Pave Systems, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for Roadway Crack Sealing, utilizing Category D: Crack Sealant to Micro Pave Systems, Inc. through the Morris County Cooperative Pricing Council – Contract #6: Road Resurfacing; and

**WHEREAS**, the Chief Financial officer has certified the availability of funds for these purchases, said funds are to be encumbered from account number 04-215-55-818-002; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category D: Crack Sealant to Micro Pave Systems, Inc., P.O. Box 207, Roseland, NJ 07068, in an amount not to exceed \$35,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 2, 2013

Agenda No. XI

**Approval of Expenditures**

**~ Resolution No. 2013- 307 ~**

**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	\$186,707.54
3	Reserve Account	754.00
2	Grants	24,258.27
6	Refunds	0.00

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

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1	General Ledger	0.00
26	Refuse	97,398.55
4	Capital	98,723.32
19	Animal Control	2,682.64
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	0.00
19	COAH	0.00
16	Development Escrow	0.00
20	Special Reserve	0.00
21	Assessment Trust	17,558.40
Total		\$428,082.72
Less Refund Resolution		0.00
Actual Bill List		\$428,082.72
Other Payments		
<b>Total Expenditures</b>		<b>\$428,082.72</b>

Adopted: October 2, 2013

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Agenda No. XII

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

Councilman Rosone reminded everyone that ALF is scheduled for October 12<sup>th</sup> which is next Saturday and he encouraged all to attend. He congratulated his son and the other West Milford firefighters who ran in the "Tunnel to Fires" run this past weekend to commemorate a firefighter who ran into the buildings on 9/11 and lost his life.

Council President Signorino said he and Councilwoman Erik have been working with the BOE subcommittee on Cablevision. They are working on a MOU which will basically give the BOE authority to expend the funds from the contract. They have negotiated with Cable Vision to have the station up and running by January so Cablevision will give extra funds to help achieve that deadline. The committees will meet with a professional from Cranford to guide them through the practicalities. They are also discussing establishing a commission to oversee the channel. Councilman Rosone asked if the High School science teacher has been approached and Council President Signorino said all appropriate school personnel are aware of the proposed project. He said that the details are being worked out. Councilwoman Erik said that this is a positive alliance between the Township & the BOE.

Councilwoman Horton said that October is breast cancer and domestic violence awareness month. She encouraged women to have mammograms and families to foster positive relationships. The Council received a letter from the MUA asking for a joint public/private partnership. She asked that this be scheduled for a future workshop discussion. She thanked everyone for coming out tonight.

Councilwoman Erik said she has known Mrs. Finn all her life. She turned 94 last week she wants to thank the Township for taking care of the dead tree that was blocking her view from her living room window. Councilwoman Erik attended a building standards board meeting today where many issues were discussed. That board deals with many problematic properties in town. One main issue is the number of complaints about parking on Ridge Road on the Random Woods property. Neighbors in that area are complaining and asking if the Township can post signs not to park on public property. Next Saturday at ALF at 10 a.m. is the clock dedication and she encouraged everyone to come out and support the streetscape project. Citizens of Luanne Boulevard made a complaint and they want to thank the Administrator for addressing it.

Councilman Hensley said there is an application for the EDC. He said he is looking forward to ALF.

Councilwoman Erk said the West Milford museum is joining with Passaic County to host a countywide historic event during ALF. Council President Signorino encouraged everyone to attend and support the museum and those volunteers. Councilwoman Erk said they will be open on Saturday & Sunday from 1-4 during ALF.

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

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Council President Signorino said he heard that the Highlands Council is studying the effects of the Act on certain municipalities. He asked for consensus to have Mr. Semrau look into this and request a study of West Milford.

Mayor Bieri echoed comments about ALF and encouraged residents to support this annual event. On October 20<sup>th</sup> the animal shelter will host their annual walkathon which is their biggest fundraiser. Assemblywoman DeCroce contacted her to advise that the State has granted \$1 million for a bridge project in West Milford. There is also a Passaic County grant program to assist low-income people to make certain home improvements. She gave contact information. She said that Council President Signorino expressed concern about favoritism in the bidding process. To allay those concerns, she proposes that we maintain our current bid process but that we ask for proposals rather than bids. She listed the advantages. She said that the Township could establish a process for the acceptance of proposals that is similar to that of competitive bidding, namely that we seek sealed proposals that will be opened at a specified date & time and that we publish the request for such proposals. Council President Signorino thanked her for that suggestion.

Administrator Gage said that she will consult with the chief of police, DPW & recreation personnel to recommend where to place no parking signs on the Random Woods property. She will bring the matter back at a workshop meeting. She provided updates on various street projects noting that road resurfacing will begin soon. The milling done on Union Valley Road and it will be paved Friday night into Saturday. On Monday into Tuesday it will be striped. The Streetscape project is almost complete and crack-sealing projects will begin soon. Councilman Rosone asked about the debris on the Wells Fargo lot and Ms. Gage said she will ensure it is addressed as part of the punch list.

Mr. Semrau said there were six items in executive session this evening. He advised that Mr. Hardy recently purchased a property which has a well on a Township easement. The easiest way to effectuate this would be adopt an ordinance to vacate the ROW. He asked Council to introduce the ordinance this evening and he read the title asking that the public hearing and final adoption be scheduled for the October 23, 2013 meeting:

~ Ordinance 2013 – 021 ~

**AN ORDINANCE OF THE TOWNSHIP OF West Milford, COUNTY OF Passaic,  
STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A CERTAIN  
TOWNSHIP RIGHT-OF-WAY INTEREST**

**WHEREAS**, Bruce W. Hardy is in the process of purchasing property known as 1 Butler Lane, Block 7619, Lot 6 in the Township of West Milford; and

**WHEREAS**, there is a well located in the Township's right-of-way on the aforementioned property; and

**WHEREAS**, more specifically, the well is located inside the intersection of Overlook Road by 18' and Butler Lane by 10' as further described in the attached Metes and Bounds description; and

**WHEREAS**, by contract, together with the terms and conditions of Resolution 2013-264, dated September 4, 2013, Bruce W. Hardy has agreed to purchase a portion of the aforementioned right-of-way interest for the sum of \$1,000.00; and

**WHEREAS**, the Township Engineer and the Township Assessor have found the vacation of a portion of the Township's right-of-way acceptable; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford have determined that it is in the best interest of the Township to vacate a portion of the Township's said right-of-way interest as described in the attached Metes and Bounds description.

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

**SECTION 1.** The Township of West Milford hereby authorizes the vacation of a portion of its current right-of-way interest inside the intersection of Overlook Road by 18' and Butler Lane by 10' as further described in the attached Metes and Bounds description which is attached hereto and made a part hereof.

**SECTION 2.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

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

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**SECTION 3.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: October 2, 2013  
Adopted:  
Effective Date:

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Moved: Erik Seconded: Signorino  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Councilwoman Erik made a motion, seconded by Council President Signorino and carried by unanimous roll call vote to allow Mr. Hardy to proceed with a building permit application prior to the adoption of ordinance 2013-021.

Agenda No. XIII

**Appointments and Resignations**

Councilman Hensley nominated Joann Blom to the Economic Development Commission. Seconded by Councilman Signorino.

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Councilman Signorino nominated Janice Sangle to the ADA. Seconded by Councilwoman Erik.

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Mayor Bieri nominated Joan Oberer to the Library Board of Trustees. The Council gave consent by unanimous roll call vote.

Agenda No. XIV

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:00 p.m.

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Moved: Erik Seconded: Rosone  
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.

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Approved: October 23, 2013

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MAYOR BETTINA BIERI, PRESIDING OFFICER

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ANTOINETTE BATTAGLIA, TOWNSHIP CLERK