
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 17, 2018
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 12

Agenda No. VII 2

~ Resolution 2018 – 282 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR BANKING SERVICES WITH COLUMBIA BANK

WHEREAS, The Township of West Milford has a need to make arrangements with a financial institution to provide banking services, including but not limited to checking accounts and interest bearing accounts; and

WHEREAS, the Township has received and reviewed a proposal from Columbia Bank for the provision of banking services; and

WHEREAS, the Township wishes to execute a contract with Columbia Bank in accordance with the RFP for same.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, New Jersey that they do hereby authorize the Acting Mayor and Township Clerk to execute an agreement with Columbia Bank for the provision of banking services in accordance with the proposal for same dated September 28, 2018; and

BE IT FURTHER RESOLVED, that this agreement does not preclude the Township from investing funds in other financial institutions.

Adopted: October 17, 2018

Agenda No. VII 3

~ Resolution 2018 – 283 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING FUTURE EXPENDITURE OF FUNDS FOR THE PURCHASE OF GEO-MELT (BRINE) THROUGH WINTER TECHNOLOGIES IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES

WHEREAS, the Township Council of the Township of West Milford did adopt Ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and they did subsequently adopt Resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold to \$40,000; and

WHEREAS, as a condition to the increase in the bid threshold, the Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500 and that the purchase shall warrant a minimum of three quotations; and

WHEREAS, the Township Council has received a recommendation from the Department of Public Works to purchase Geo-Melt (brine) which expense shall exceed the aggregate quote threshold of \$17,500.00; and

WHEREAS, the Department of Public Works has the need for Geo-Melt (brine) for treatment of roadways for the remainder of 2018 and recommends Winter Technologies as the provider of this specialized product, there is no State Contract or Cooperative Pricing Contract for this material; and

WHEREAS, the Township's Qualified Purchasing Agent is aware of the recommendation, has confirmed that Winter Technologies is the vendor for this material and the purchase is in compliance with the New Jersey Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 01-201-26-294-200.

NOW, THEREFORE, BE IT RESOLVED by the Acting Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute future purchases to Winter Technologies in an amount not to exceed \$36,000.00 for the remainder of the 2018 calendar year.

Adopted: October 17, 2018

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Agenda No. VII 4

~ Resolution 2018 – 284 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ROCK SALT FROM ATLANTIC SALT, INC.

WHEREAS, the Township of West Milford solicited bids on August 31, 2018 for Rock Salt; and

WHEREAS, in response to the "Notice to Bidders" the Township received three bids; and

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

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of this contract to Atlantic Salt, Inc. 134 Middle St., Suite 210, Lowell, MA., 01852; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account numbers: 19-295-56-120-506 (\$500,000.00) and 01-270-55-000-001 (\$212,500.00); and

WHEREAS, the total amount of the contract shall not exceed \$712,500.00

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

1. The Township Council hereby awards a contract to Atlantic Salt, Inc. for Rock Salt in an amount not to exceed \$712,500.00.
2. The Acting Mayor and Township Clerk are hereby authorized and directed to execute a contract with Atlantic Salt, Inc. 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 shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 17, 2018
Agenda No. VII 5

~ Resolution 2018 – 285 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AMENDING RESOLUTION 2018-146 TO INCREASE THE NUMBER OF HOURS IN THE CONTRACT WITH DEIDRE ELLIS FOR VITAL STATISTICS SERVICES

WHEREAS, by virtue of Resolution 2018-146 adopted May 23, 2018 the Township Council did authorize the engagement of services to be provided by Deidre Ellis; and

WHEREAS, Resolution 2018-146 did authorize services for 7 hours per week in an amount not to exceed \$5,500; and

WHEREAS, to effectively provide Registrar Services to the municipality, the Administrator recommends an additional 5.5 hours per week not to exceed \$1,500 on a contract total of \$7,000 for the 2018 year; and

WHEREAS, Deidre Ellis will 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 12.5 hours and \$250.00 per week; and

WHEREAS, Deidre Ellis has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit her from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account number 01-201-20-161-450.

NOW THEREFORE, BE IT RESOLVED that the Acting Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Acting Mayor and the Municipal Clerk to enter into a contract with Deidre Ellis as described herein to the satisfaction of the Township Administrator; and,

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BE IT FURTHER RESOLVED that this resolution serving as the Addendum to the originally awarded professional services contract and all other pertinent documents shall remain on file in the office of the Township Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: October 17, 2018

Agenda No. VII 6

~ Resolution 2018 – 287 ~

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

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: 100% DISABLED VETERAN

BLOCK/LOT	NAME	AMOUNT	YEAR
13102-019	Richard Brown	7,503.79	2017
	392 High Crest Drive West Milford, NJ 07480	5,946.34	2018
01401-011	Michael & Virginia Donnelly	4,916.02	2018
	28 Sycamore Lane Hewitt, NJ 07421	5,078.00	2019
TOTAL		\$23,444.15	

Adopted: October 17, 2018

Agenda No. VII 7

~ Resolution 2018 – 288 ~

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

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

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

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

REASON: 1. INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR	INTEREST
12901-70	Taleah Jennings	\$10,130.16	2018	
7003-11	Joseph & Catherine Bollwark	\$2,008.98	2018	
10102-32	James & Danielle LaMothe	\$3,058.94	2018	
7006-8	Paul & Frances Turek	\$2,173.07	2018	
7516-6	Barbara Clare	\$1,474.60	2018	
4701-39	Neil & Kathleen De Angelis	\$3,314.98	2018	
3702-6.02	Kathleen Vollmann	\$2,102.42	2018	
3006-13	John Fornino	\$3,096.81	2018	\$214.54
TOTAL		\$27,359.96		

Adopted: October 17, 2018

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Agenda No. VII 8

~ Resolution 2018 – 289 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE - BLOCK 2305, LOT 12

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Gail Marcella to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block/ lot	Amount Due
11-025	4-19-11	2305-12	\$4,168.73

WHEREAS, Gail Marcella has paid to the Collector of Taxes the sum of \$4,168.73 representing the amount due on said Certificates, together with subsequent liens thereon; and

BE IT RESOLVED that December 19, 2018, at 6:30 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 Gail Marcella and

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-112 and 5-113, 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.

Introduced: October 17, 2018

Agenda No. VII 9

~ Resolution 2018 – 290 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE - BLOCK 3013, LOT 19

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Elena Dykstra to acquire by assignment the following tax lien certificate held by the Township of West Milford.

Lien Certificate	Date of Sale	Block/ lot	Amount Due
15-029	10-13-15	3013-19	\$1,080.24

WHEREAS, Elena Dykstra has paid to the Collector of Taxes the sum of \$1,080.24 representing the amount due on said Certificates, together with subsequent liens thereon; and

BE IT RESOLVED that December 19, 2018, at 6:30 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 Elena Dykstra and

BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-112 and 5-113, 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.

Introduced October 17, 2018

Agenda No. VII 10

~ Resolution 2018 – 291 ~

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:

Fall Soccer		
George	\$80.00	Jillian Gergely 104 Rolling Ridge Road West Milford, NJ 07480

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Sr Chair Aerobics Zumba Gold		
Joann	\$45.00	Joann Blom 15 Timber Lane Newfoundland, NJ 07435

Adopted: October 17, 2018

Agenda No. VII 11

~ Resolution 2018 – 292 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
16-0071	10/11/2016	09710-018	\$3,776.89	FWDSL & ASSOCIATES LP 17 WEST CLIFF STREET SOMERVILLE, NJ 08876
17-00153	10/10/2017	02411-005	\$16,872.79	SHLISH BKARKA TR 115 WALLABOUT ST, APT. 4R BROOKLYN, NY 11206
Total			\$20,649.68	

Adopted: October 17, 2018

Agenda No. VII 12

~ Resolution 2018 – 293 ~

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

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

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

- REASON:**
- | | |
|----------------------|-------------------------------|
| 1. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Replacement Check |
| 5. Homestead Rebate | 10. Reduced Assessment |
| | 11. Erroneous Deduction |

Block/Lot	Name	Amount	Year	Reason
5005-2	Katherine Smith 15-01 Broadway Suite #4 Fairlawn, NJ 07410	\$1,851.49	2018	11
5005-13	Robert & Kay Maloney 20260 Doewood Drive Monument, Colorado 80131	599.40	2018	2
16201-21	Ho Ho Properties, LLC 8 Dominick Ct. Cedar Grove, NJ 07009	\$720.17	2018	6
13102-019	Richard Brown 6010 Flatwoods Manor Circle Lithia, Florida 33547	7,503.79 5,656.00	2017 2018	8 8
01401-011	Michael & Virginia Donnelly 28 Sycamore Lane Hewitt, NJ 07421	2,344.02	2018	8
TOTAL		\$18,674.87		

Adopted: October 17, 2018

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Moved: Signorino Seconded: Gerst
Voted Aye: Pegel, Wagner, Signorino, Gerst
Voted Nay: None
Absent: Hensley
Motion Carried:

Agenda No. VIII

Executive Session

~ Resolution 2018 – 281 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 17th day of October, 2018 that:

1. Prior to the conclusion of this **Regular 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.
 - (X) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - Public Safety, Chief of Police
 - (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.
 - Attorney-Client Privilege – ABC Violation
 - Attorney-Client Privilege – B&B Organic Waste
 - Attorney-Client Privilege – Bankruptcy Matter
 - () 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 17, 2018

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

The Governing Body went into executive session at 6:45 p.m.
Councilman McGuinness arrived in executive session at 7:30 p.m.
The Governing Body returned to the public meeting at 8:14 p.m. with all present as before.

Agenda No. IX

Public Comments

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

Karin Jordan, 26 Binnacle Ave – Requested to have an update on the cost efficiency audit. She noted that she went through all the findings. She said the employees who did not participate in the survey tell a big story. She was disturbed about how some employees felt that they did not feel respected and that the Council does not understand their job.

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She did not want Councilwoman Pegel and Councilwoman Gerst to be offended by her thoughts because they have not had a chance to really get to know the employees. She said the other council members' could have made a better impact working with staff. She believes the mismanagement is coming from the top. There is a system breakdown and it begins from the top. She does not blame the Administrator or anyone else; she blames the Council. She said she respects small businesses because she grew up in one. She feels that the two councilwomen have fresh eyes and they can make a difference. She said this is not a small business; this is a \$36 million budget and 136 employees. As a citizen she would like to see what they got for the \$65,000. The Council needs to give the employees the tools they need to be successful. She said if anyone is offended about her language; she remarked that she was offended that a councilman stepped off the dais and did not give her the common courtesy to be heard.

Michele Dale, Delmont Road, Hewitt – Spoke about equity in tax assessments in West Milford. She noted that the Supreme Court Case; Township of Holmdel v. New Jersey Highway Authority will be scanned by Administration and provided to the Governing Body. In summary, it is a case that provides the Tax Exempt State Facilities be subject to local property taxes when there is commercial activity at the exempt property. She requested that the Governing Body pass a resolution for the Municipal Attorney, Tax Assessor, and Tax Collector to determine if the exemption has been improperly applied, based on the criteria in the above-referenced case, to the private businesses that are not eligible for the exemption with respect to those for-profit private entities.

Bob Nicholson, 20 Hyde Road, Stockholm – Mentioned that ALF was a good time, he liked the location and it was well attended. It was a positive event for the Township. He noted that there will be a mayoral debate on November 1st, and WM77 TV will be broadcasting the debate. He asked if the debate could be placed on the community sign in front of Town Hall. He said he looked at Apple Acres and what is underneath there. He thinks it looked really nice, and hopefully the Township could get some use out of it like a dog park or Frisbee golf park.

Marilyn Lichtenberg, 37 Hudson Drive – Mentioned that on October 20th the Health Advisory Board and the Highlands Family Success Center is sponsoring the Road to Resources at the High School.

Paul Zarrillo, Greenwood Lake, Hewitt – Provided an update on the projects happening with the Greenwood Lake Commission. He noted that he is happy that there will be a debate, and it will be a big plus for the residents to get to know the candidates.

Gary Steele, North Glenwood Road – Said they have a sponsor for the mayoral debate by the Model UN; they will organize the event and there will be a special moderator. He noted that the date is November 1st, and hopefully all the candidates will be able to attend. He encouraged people that have questions for the candidates attend the debate and write down their questions on the question cards; the question cards will be filtered through the Model UN moderator. He said if the responses from the employees regarding the cost efficiency audit were negative, the Council should refer back to the employees because maybe the employees will tell the Council exactly what is bothering them and maybe they will get a greater response.

Acting Mayor Wagner requested to step down from the dais and speak as a member of the public. Mr. Semrau said that another council member will need to take the chair. Councilman Signorino said that he will take the chair. There were no objections from the Governing Body.

Tim Wagner, Westbrook Road – Expressed that he feels Michele Dale is trying to attack his business with slanderous, false information. He noted that the Greenwood Lake Airport was a state facility before he even got there. He explained that a state aviation facility is federally funded and tax exempt. He thinks it's astonishing how Michele Dale is bringing this up now, but she never mentioned it when she was a councilwoman. He noted that he employs a lot of West Milford residents at the Airport, and he looks forward to the mayoral debate.

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

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

Agenda No. X

Council Comments

Councilman Signorino – Said he did feel compelled to step down from the dais, but then he realized it is election season. He said over the eight years he has been on the dais, he has been nothing but respectful. He did not appreciate the comments about the gender of the Council or the integrity. He said they should not take to heart too much of what is said because it is election season.

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Mr. Semrau – Mentioned that the Board of Public Utilities has a meeting on October 29th, and he does not know if the Township is officially on the agenda for consideration for the sale of the MUA assets. He will know once they post the agenda over the next few days. They are anticipating being on the agenda, and if they are, it will be another significant step. He said he will notify Administration once he knows for sure.

Agenda No. XIV

Appointments and Resignations

None

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:04 p.m.

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

Approved: November 7, 2018

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk I

TIM WAGNER, ACTING MAYOR

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK