
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 33

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

July 6, 2011 Workshop Meeting
October 5, 2011 Executive Session

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

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

Agenda No. II

Presentations

Police Chief Swearing In – Acting Chief Chiosie and a number of the members of the police department came to the podium. Mayor Bieri stated that she is very privileged to stand with Gene Chiosie and the officers who have recently dealt with many changes including locally and from the state. She explained the staffing level issues and the process that brought her to making this promotion. She said every member of the department stepped up to the plate and got their jobs done. In the interim, the former chief unexpectedly retired and she asked the highest ranking member of the department, Gene Chiosie, to step into that leadership role in an acting capacity. She commended him for his leadership and his performance. She described him as a really good man who sincerely cares about our community. He has proven that he always makes decisions based on what is right. He has provided a new beginning for the department, there is a renewed focus, increased morale, and a concentration on local issues that affect our safety on a daily basis. Under the direction of Acting Chief Chiosie there is increased efficiency and fewer grievances with a happier police force. Bernadette Chiosie held the the bible for her husband as Mayor Bieri administered the oath of office. Chief Chiosie presented flowers to his surrogate mother since his mother passed away. He gave flowers to Dot Wink, his administrative assistant and he presented flowers to his wife. He stated that anyone who has stopped by his office will notice he appreciates the past and he stated that he tries to learn from past chiefs Breslin and Dykstra. He stated that he learned a lot from them while he served under their command and he invokes their leadership skills in his new position. He reviewed his first few days on the job and commended the police force who never faltered. He commended Captain Storbeck, Lieutenants Malfetti & Congleton and every officer in the department who stepped up to the plate. He stated that the PBA has been a very supportive and everyone is working as one unified force. He presented Mayor Bieri with a photograph of the 2011 police department. Mayor Bieri stated that it is teamwork with entire department working with Chiosie and Storbeck which is a testament to both men. The Township will proudly display the photo. She noted that there are former chiefs in the audience and she invited them to come forward to be introduced. Chief Chiosie introduced former chiefs Breslin and Dykstra. Chief Breslin recalled that he interviewed Chiosie and hired him noting that he was always very sharp. He wished Chief Chiosie the best predicting that he will do an outstanding job. Chief Dykstra said that he worked with Chief Chiosie for many years noting

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 33

that he was always reliable. He stated that the job of Chief can be a hot seat but it is rewarding. He wished Chief Chiosie the best for many years. Mayor Bieri recognized Sheriff Berdnik who congratulated Chief Chiosie and commended the Mayor on her appointment. Chief Chiosie welcomed neighboring chiefs from other towns and thanked them for coming as did Mayor Bieri.

Public Hearing Liquor License Transfer – 1615-33-009-004 – the licensees approached the podium. Mayor Bieri noted that the Council received a memo from the Clerk advising that there are no proposed changes for this license except transfer of ownership. There were no questions from the public or the Council and the Council unanimously closed this public hearing.

Agenda No. III

Proclamations

Extra Mile Day - Mayor Bieri read this proclamation into the record noting that it will be mailed out tomorrow.

Agenda No. IV

Unfinished Business, Final Passage of Ordinances

Agenda No. IV

~ 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 AS AMENDED

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

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 should 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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 33

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. In the event a property owner declines every reasonable effort shall be made to accommodate the opportunity for the remaining property owners to connect.
- 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 to be paid from the capital escrow fund at the request of the Township 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.
- 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. Prior to submission to the NJDEP the Developer must provide plans with normal and minimum water pressures at street level and second floor level for the three highest existing and highest proposed homes. The Township Engineer will review the plan so that it can be verified that the properties will not need booster pumps to sustain adequate water pressure. In the event the Township Engineer cannot approve such plans then the consent issued herein is hereby revoked.
- 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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 33

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) \$5,000.00 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
Adopted: October 19, 2011
Effective Date: November 8, 2011

This Ordinance was introduced on September 21, 2011 and the Notice of Public Hearing was published in the Herald News on October 9, 2011. The Mayor and Council opened the meeting to the public to speak on this matter only.

Mr. Semrau stated that there are ten residents in phase one who had a concern about water. He noted that they will have the ability to connect to this system as phase 2 of the project. This ordinance would allow the developer to go to DEP for a water system. The ten residents expressed concerns and there have been a number of conversations about these concerns. At about 5 pm today there was a proposed amendment in an attempt to strike an agreeable solution. He spoke with Mr. Boswell who is not fully supportive but the residents are. Mr. Semrau read the proposed amendment in section I. "Prior to submission to the DEP" The Township engineer approved this language which would direct him to take a look at the plans prior to the project proceeding and after DEP approval. This language would replace the item "i" in the current language if the amendment is approved by Council. Discussion ensued to explain the proposed amendment.

Mayor Bieri asked Mr. Boswell if he has any comments. Mr. Boswell introduced himself as the engineer for the developer of this project. At the last meeting there were two amendments made to the ordinance. He reviewed those amendments. He reviewed the bonds and the assurances they provide. At that time he asked for time to research the second bond. Mr. Ferriero agreed with the concept of releasing the first bond when the second bond is posted. They don't want the ratepayers subsidizing a premium for a bond if that bond is not needed. He requested that that minor amendment be made. Councilman Jurkovic explained what a bond is noting that a bond is like an insurance policy with annual premiums which will ultimately fall to the residents. Mr. Boswell agreed and said he just saw the proposed change tonight. The real problem, he said is that the highest point is required by DEP to have a minimum pressure of 20 psi. Currently, residents do at times experience significantly less pressure than that. He reviewed current DEP regulations that cause this situation. He reviewed the psi that will be attained at both ends of the development and explained that he has to meet DEP standard gravity conditions at each end. People don't want to rely on booster pumps. He does not understand what level of pressure the booster pumps

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 33

provide. He proposes to design the system with the tank so that it has a 20 psi standard at the highest point and the developer will put a booster pump at the tank. He said he cannot boost it so high that the lower end of the development will have too much pressure. Holding the developer to a standard in excess of DEP standards could prove cost prohibitive. This will satisfy the residents and the DEP and the developer. He can artificially boost 20 psi to higher numbers as long as he does not create problems for residents at the lower end of the development. The current proposal from the township would cost the developer over \$1 million. That is why he proposes meeting minimum DEP standards which will have the developer installing a booster pump at their end. Mayor Bieri asked if we should have that language in the ordinance. Mr. Semrau stated that if it is acceptable to the governing body, the developer and the residents he would propose asking Mr. Ferriero and he hopes to hear back from him momentarily. Mr. Boswell said he has no objection. Councilman Jurkovic asked if this booster pump is in place and if the future houses experience pressure problems can the booster pump be reset to accommodate that need. Mr. Boswell replied in the affirmative. Council President Smolinski stated that Mr. Boswell is presenting a positive option and he recommended that the Council accept that. He stated that Mr. Boswell's proposal is better for the neighborhood. Mr. Boswell agreed adding that it is a \$10,000 cost versus \$750,000 which will be better for everyone. Mr. Semrau stated that he has concerns that the homes won't need a booster. Mr. Boswell stated that they won't because the pressure can be set for the entire development. Councilman Jurkovic stated that it makes sense. Councilman Ramaglia stated that next time there is need for such lengthy discussion in a public format, we should have the township engineer here too. We cannot continue to operate like this. Mr. Boswell said it is not due to lack of efforts on his part. Councilman Ramaglia stated that we left the last meeting with an understanding and he would like to hear from residents.

Dan Trout, 26 Heritage Drive, West Milford stated that every time he uses water in his house which is in phase I of this development, the booster pump kicks in. Over time the booster pump wears out and it costs \$1,200 to replace. He has neighbors who are on their second and third booster pumps despite continued promises and assurances from the developer. At one meeting he recalled that Mr. Boswell guaranteed that the pumps would not be needed anymore. Mr. Boswell agreed saying he will design the system to eliminate the need for booster pumps. Mr. Trout stated that he asked the Township engineer what the average pressure will be on a normal day. Mr. Ferriero could not answer because the system has not been designed as yet. Therefore, the claims being made by the developer cannot be verified. 20 psi is the DEP standard and 35 is the electrical code. He stated that residents need to have pressure based on the electrical basic standard to operate appliances such as a dishwasher and washer. Residents were not amenable to the original language because there was no discretion to the township engineer. The new proposed language is acceptable. He wants acceptable levels of water pressure 90% of the time. He asked questions of Mr. Boswell about the booster pump at the water tank. Mr. Boswell stated he has to design by DEP standards to get their approval and will then install the booster pump to address resident concerns. Mr. Trout asked if Mr. Boswell's amendment is in addition to the new language in "i". Mr. Boswell answered in the affirmative. Discussion ensued about booster pumps and Mr. Boswell explained the tank booster pump and Mr. Trout explained the residential booster pump. Council President Smolinski advised Mr. Trout that the Township Engineer must ultimately approve Mr. Boswell's plan. Mr. Trout agreed but stated the old language did not give the Township Engineer any discretion to ask for more than DEP minimum standards. He asked for assurances that the water would not be sent to other developments when this is transferred to the MUA. He commended everyone for their help noting that there was no political agenda and everyone worked together on reaching this solution.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she spoke to the DEP caseworker for the Village on Ridge project who stated that he has not had any contact with anyone involved in this project since the DEP denial was issued in 2009. She distributed a 2/5/2009 DEP letter to the MUA and referred to its contents that said the wells at the Village on Ridge site could not provide sufficient water. She stated that additional information is needed. Mr. Semrau stated this is in the abstract to allow the project to move forward. The applicant would still have to meet municipal standards and get all permits. This is only addressing the issue about getting started.

Ms. Aaronson asked if there is space on this property to have 55 additional houses with three new wells. Mr. Semrau stated that the question is not pertinent for the matter before the governing body this evening. Those matters have to go to the planning board which is not within the Council's jurisdiction. Ms. Aaronson asked what happens if the DEP and the planning board ultimately have issues. Mr. Semrau stated that if the developer does not get approvals this ordinance is moot. Ms. Aaronson asked what the redress is then for the ten current residents who are now experiencing problems. Mr. Semrau stated that would leave the residents where they are now. That is between them and the developer and would not involve the Council. Councilman Jurkovic reminded people that Matt Mullhall was involved in this and evaluated the water in that area and has stated that he has no concerns about these wells ability to provide water. He said the conditions are not similar to Braemar.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 33

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he is chairman of the planning board but has a question as a resident. He asked about E3 which separates the amount from the bond amount. He asked if we went from \$500,000 to \$250,000. Mr. Semrau stated that he will be addressing that matter. Mr. Gargano asked if the bond is cash or a letter of credit. Mr. Semrau stated that it would be up to the applicant to determine the form of bond. Mr. Gargano recalled that about 10 years ago a letter of credit was issued by a savings and loan that defaulted. He asked that caution be used with letters of credit. Mr. Semrau advised that the process will also include getting a personal guarantee.

Mr. Semrau noted that the language as presented has been agreed to by all parties. He did speak with Mr. Ferriero who believes an overall booster will be sufficient. However he recommends that not be the language used because the language says that the residents will not need boosters and how we get there need not be in the ordinance. Mr. Boswell agreed. Mayor Bieri stated that there was discussion that the water would be used only as an emergency for the MUA. Mr. Boswell stated that the DEP requires that there be an alternate connection in place for emergencies but they cannot service entities not included in the design. Mr. Semrau stated that the issue with the bond was that there were two forms of guarantee and one was to protect the system. He is asking for an operation bond to address operation of the system and then there is a \$250,000 requirement to commence the funding to ultimately make the system self-sustaining. At the last meeting there was discussion about forms of guarantee. The \$250,000 question was resolved. However the Township still requires the operational bond in the event the developer abandons the system. At the last meeting Mr. Boswell proposed using funds from the \$250,000 to pay for that guarantee. That is okay. In the interim there was discussion with the Engineer. Mr. Semrau said that he would like to see the operational guarantee put in place and he agrees that it can be funded with the \$250,000. Mr. Boswell said he can agree to that but the problem is that it is taxing these homeowners for something they don't need. He would prefer to see maintaining the funds in an interest bearing account with the Township for the benefit of these homeowners. He is not objecting on behalf of the developer but he is objecting on behalf of the 60 homeowners. He stated that he will address that down the road. This proposal will result in the development starting with a new system that will be state of the art and will begin with \$250,000 starting cash. Mr. Semrau noted that this is a multi million-dollar system and he asked why don't we make it that the Township will have the option to request this bond when the project comes closer to completion. Mayor Bieri asked about the condition that the ten existing homes must collectively agree to connect. Is it possible to allow those who want to hook up to do so even if one or two refuse? Mr. Boswell stated that the problem is that there is a line in the ground that interconnects and goes out to Ridge Road. They want to own that line and to own it they need the owners to agree to connect. He explained how it becomes an issue if one person refuses to connect because that would cause the need to install new lines. The developer needs to own the main to operate. If one owner wants to stay with the MUA and agrees to connect from the nearest intersection, that's okay.

Councilman Weisbecker made a motion seconded by Councilman Ramaglia and carried by unanimous roll call vote to close the public portion of the meeting.

Mr. Semrau reviewed the amendments that were made to this ordinance since its introduction.

Motion to adopt Ordinance

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

Agenda No. V

Public Comments

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

Martin Perricone, 64 Alpine Ridge Road, West Milford stated that until recently he chose not to get involved in political rhetoric about himself and MUA users. Recently Mayor Bieri forwarded to the Passaic County Prosecutor's Office and other government agencies a report alleging baseless charges against himself and other officials. The fact that Mayor Bieri has shown her true colors by formally naming his fourteen year old son is baseless. A copy of Matthew's facebook page is the basis of her charges. Knowing that his son's facebook page was stalked by a public official is disturbing. He reviewed the foundation he has taught his fourteen-year old son. He reviewed the people in the community who have described Matthew as exemplary. He was described by the Mayor as exhibit s. The Mayor's supporters call her anything but divisive. He welcomes the opportunity to defend himself. It is appalling that the Mayor finds it appropriate to involve or even name a minor in a document of criminal wrongdoing. He is not surprised because he has witnessed the disrespect shown to Mr. Rosone's daughter by the Mayor's

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 33

supporters. He said he hopes Bieri learns from this travesty so that no more children are attacked for political reasons. He hopes she realizes how low she has sunk. He read a certificate of recognition that his son received from the Council on April 4, 2009 signed by Mayor Bieri.

Ms. Jordan, 43 Pinecliff Lake Drive, West Milford has tried to stay out of the MUA issue until now. She stated that she is qualified to speak about MUA issues and provided information about her background. She has concluded, like the DEP, that the MUA has created an immediate health concern. She is tired of worrying about the health of her children. We are not in the third world. Children should not play in feces infected water. The administrator and commissioners are not capable. The DEP has called this an immediate public health concern. The DEP asked to see the job qualifications of the administrator. She asked for that information too. The MUA administrator does not have a degree, has never worked in this field and has no training. How can you issue a RFP if you don't know what to ask for. There was a DEP audit in April that Ms. Love refused to attend. That audit resulted in a written response from the DEP. The inspection took place on April 27th and on May 30th the administrator refused to do anything. The DEP sent a certified letter to the MUA administrator and she refused to pick it up from the post office. In any other environment she would have been fired by now. How can you refuse to sign for a letter from a government agency? The Council has been elected to take action. She urged then to review the audit reports and the law. No one in the MUA has read the rules or has the ability to understand their responsibilities. Ultimately, the Council has the authority to take immediate action to resolve this matter. She is a lifelong republican who is glad that Mayor Bieri exposed these health matters.

Sandra Schimmenti stated that she is a 22-year West Milford resident. She agrees that the MUA should be looked at. Part of the exhibits being used in this corruption case involves our children. There is a list of about 15 freshman kids. Facebook is a public domain. But to print it and send it to the prosecutor's office is unfair. Photos and names as exhibits are very upsetting. They are 14-18 year old children. She stated that she understands the pictures and information were posted on a public forum. These innocent children should not be used in an investigation. She will call each of the parents for permission to use their names. There is an election and she will express her repulsion at the Mayor using children for political benefit. She read the definition of bullying.

Donna Rosone, West Milford asked if the Mayor must use innocent children for an investigation. She is appalled to learn that her daughter's facebook page was used. 20 children were named in the report. No one knows the damage that will be done to these children because they are part of a criminal investigation. Since this spring the Mayor has claimed that she has evidence of criminal activity at the MUA. The Council asked that she turn that over to the prosecutor's office. The Mayor gathered the information after the Council asked for her to provide the information. Why wait if you had evidence before June? In her report, the Mayor said she accumulated information. She quoted from the letter submitted by the Mayor. The Mayor did not verify the information. There is a chance that the Mayor damaged the prospects for these children. No one is safe from the Mayor's political aspirations. When does this end?

Adrienne Chandler, Bald Eagle Village, West Milford stated that she lives on a cul de sac where toddlers drive small electric vehicles. When she backs out of her driveway she cannot see these children. She asked parents to install tall flags on these vehicles. She is afraid of hitting one of these children. It is a matter of safety.

Richard Randazzo, Wooley Road, West Milford stated that he received a letter in the mail from Joe Smolinski because he is a registered republican. It was an attack on the Mayor blaming her for everything wrong in West Milford. It is mudslinging. It was the Republican Party that was the driving force in changing the form of government in West Milford. The people we vote for affect us. We need people who show support for all residents. We need people who have determination and strength. He stated that he has attended Council meetings and follows local issues. As long as the Township is partisan he will vote for a balanced Council. The party divisions must stop. One party reflects the need of the town. He will be voting in November to balance this Council. He would like to come to a meeting where the Council focuses on what will be done for residents not mudslinging.

Tracy Clark, Hewitt, West Milford stated that kids and corruption don't mix. Adults should fight with adults; stop bringing the children into it. She has made phone calls over past two weeks to find out where the Hillcrest contract is. The contract is down at the State for DOE approval. She knew that years ago. Why didn't the Mayor, Administrator and Attorney not know that? We are waiting for Mr. Gilmartin to sign off on the long-term lease. She reviewed the timeline that it took to get to this point. She first came here in 2009 to the BOE and Council. The school said they did not get the contract until the first week in August. She doubts we will ever get a contract signed. She said that the attorney claimed that the Township has paid every expense for Hillcrest. This is taking too long and now it is getting tossed back to the BOE. She said that Mr. Semrau said that the BOE will evict us. Mayor Bieri asked Council for consent to allow Ms. Clark to exceed five minutes and the Council gave consent. Ms. Clark said that people are begging for the governing body to get along. She urged residents to make educated

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 33

decisions. Council President Smolinski asked Ms. Clark to honor the five minute rule. Ms. Clark replied that respect is earned and does not come with Mayor's title. She does not need to be treated this way.

Robert Nicholson, 20 Hyde Road, Stockholm congratulated Chief Chiosie. He stated that he read an editorial by Councilman Rosone's daughter and he was impressed with her words. He dreamed that night about all these young children and their future. He dreamt that they were not in West Milford because we don't have a vision. We need to think of tomorrow today. We worry about seniors but sometimes we forget our youth. After the election he hopes we work for the future of the youth in this town.

Doug Trainer, Bald Eagle Village, West Milford asked if the MUA administrator is really qualified. He listed the faults with the MUA in recent years. He suggested that the MUA be put out to bid. The Mayor asked for intervention to have the administrator replaced and help to correct the problems. It is unlikely we will get millions of dollars in funds from any government source without a qualified administrator to oversee those funds. Ratepayers have problems dealing with Ms. Love but the assistant, Cathy, is helpful. He stated that he was here when Councilman Rosone's daughter spoke. It was poor timing when she spoke. She spoke from the heart but the room was tense. It is a shame there is such disparity among Democrats and Republicans in West Milford. Assigning blame does not work. He asked if there is a way to get a replacement for the MUA director and how can that be done.

Matthew Conlon, 33 Orleans Lane, West Milford is a trustee of the BOE speaking as a citizen tonight. As he was walking at the ALF festival he was approached by a parent who said their child was named in a criminal investigation by Mayor Bieri. He is not being political but is standing up for the kids. From a moral perspective he disagrees with the Mayor's position. He sat in front row of the Macopin graduation where Matthew Perricone gave an inspiring speech. He felt the passion and the greatness of this kid as he spoke to his class. He inspired his classmates as they transition into high school. He now goes to Don Bosco, if they find out he is part of a criminal investigation will he be affected by that. Al Schimmenti is another fine young man that may be affected as may Ashley Rosone. She wants to apply for nursing school and she may be impacted by that. This is the most ridiculous thing he ever heard. It is despicable for anyone to use these children like this. What have they ever done to contribute to corruption at the MUA. If you want to go after their parents, that's fine. These kids cannot be held responsible for their parent's actions. He used to like the Mayor but he now disagrees with many of her decisions. It is hard to accomplish dreams. Stop creating obstacles.

Celeste Hampton, Macopin Road, West Milford stated that the Mayor took a pounding tonight. Ms. Hampton has been asking for improved water quality in West Milford for many years. She recalled specific meetings in years gone by about water issues. Residents for years have been fighting for water quality. She stated that she watches her daughter's facebook more than anyone because she knows it is public and anyone can see it. Mayor Bieri brought attention to the MUA problems. She quoted from the DEP letter to the MUA about concerns with facilities. The MUA response was an attempt to suppress this reality for MUA customers. The response from this Council was to support MUA cronies and attempt to cover what was growing on. She thanked the Mayor on behalf of those residents who cannot speak for trying to protect the public interest.

Daniel Poeschl, 13 Somerset Place, West Milford stated that he went to college four years ago and is now returning to West Milford. He was driving around town and noticed many empty businesses and houses for sale. Our town is great but the town is dying and slipping into despair. These are the issues that the governing body needs to address. The circus act must stop and the focus should be on saving our town.

Chris Garcia, 200 Lakeshore Drive, West Milford stated that this is a circus. He is disappointed to see this. If the Council agrees with a speaker they are lenient with time. If not, they are very strict. That should not be the case. He has three children of whom he is very proud. As a father he would like to know why this 150 page is not being redacted through OPRA with children's information. He has not seen this document. It is astonishing that it is not being redacted. If Council is distributing the document without redactions it is more concerning. As a parent he would not put his children in this public forum. This document has not been made public. Everyone is naming children and making them public fodder. As a parent he would go to the Clerk and ask why my child's name was not redacted. Parading children into Council meetings and used as pawns is disturbing. Using children as political pawns is ridiculous. He stated that he trusts the Mayor that there was a reason to include information in this document. Nobody has expressed astonishment at the other information in this 150-page document. Look at the real issues. Our leaders are not looking at this issue for the betterment of the Township but using it for political motives.

Doris Aaronson, 19 Bearfort, West Milford stated that the Council appointed the MUA commissioners. If the Council believes that the commissioners are doing a good job they should listen to constituent issues too. There have been four boil water alerts lately. She stated that she would like to see a committee

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 9 of 33

formed to determine why all these issues exist and to address these issues. Councilmembers Ramaglia & Jurkovic left meeting. Ms. Aaronson asked the Council to think about the residents, support their constituents and form a committee to ask questions of the MUA. She listed questions that could be asked. Councilmembers Jurkovic & Ramaglia returned. Ms. Aaronson asked if copies of boil water notices have been sent to the DEP and the health department. She stated that when she was 21 she was investigated by the FBI. She was hired in a top-secret position for a US naval research lab. An investigation, she said, is not an indictment. This is all pure political hype.

Ada Erik, Macopin Road, West Milford stated that there is something very wrong here at Council which has compelled her to run for office. There is a perpetual wrong which she has condoned by sitting by quietly. The Mayor & Council don't hold these seats as a pulpit to express personal opinion. They are here to represent resident's interests. During the budget process the Council made a decision to move public business behind closed doors excluding the major shareholders. Once it was considered an honor to serve on Council and she questioned where the honor has gone. The people have made a decision that there will be no more bullying in these chambers. The people will filibuster when it happens. Residents have witnessed this disgusting behavior meeting after meeting. She stated that she is putting the Mayor & Council on notice. People are tired of nothing getting done because of this behavior. This town is not dying.

Harry Clark, Risley Road, West Milford stated that it is okay to have a Council comprised of all republicans as long as everyone is doing their job. At the last meeting, he discussed PAC money and the Mayor said she doesn't take PAC money. However, he said, she has taken PAC money on numerous occasions. She is guilty of taking PAC money. He lamented that there are more issues in town than Bald Eagle Village and the MUA. Everyone keeps bringing up the DEP letter from six months ago. Many of those issues have been taken care of. Every utility has main breaks. As long as you follow DEP rules, the problems are addressed. Council cannot do anything about the MUA except appoint commissioners. Kelly Love & Cathy Rogosich are just billing clerks. All Ms. Love does is pick up the phone and calls the operator. That is all they do in that office. He is sure that Mr. Garcia saw the investigation document. This document went to the prosecutor's office where they keep records of all of these names. Ms. Aaronson wants a committee despite the fact that the Council has no control over the MUA. What do people expect? This is an autonomous agency. The only possible solution is to have someone like WVRSA accept the \$11 million debt. If you sell the MUA to a for-profit organization that debt goes to the Township of West Milford and the new owner will double the rates. He stated that he would like the WVRSA considered as a possible solution. Someone said something about behind closed door meetings. The attorney okayed the process that got us a zero budget increase.

Robert Nolan, 1 Winding Way, West Milford stated that the meeting started on a good note and he congratulated Chief Chiosie noting that the Mayor made an excellent choice. He put in an OPRA request today for this 150-page document and wonders if it will be redacted. He questioned who got it without redactions. Usually when someone claims not to be political, they are. Action items are now being put on the website prior to meetings. Ordinance 2011-018 pertains to capital surplus which reflects a \$136,000 appropriation to the Hillcrest lease for 2010 and 2011. When the DOE signs off on the agreement, the BOE will get paid. However, rent is an operating expense and here we are using prior capital funds for operating which is not good fiscal policy. Resolution 356 deals with canceling unexpended capital ordinances. This is money borrowed in prior years that was not used and for which we are paying interest. We paid fees to bond counsel and the auditor. Now it will go into surplus and be used for operating expenses. 2011-358 deals with the audit and the Council needs to sign the group affidavit. The same comments repeatedly appear on the municipal audit. He said he hopes that these will be addressed and the number of comments decreased. He noted that the corrective action plan from last year was not prepared. Resolution 2011-361 approves the AFSCME contract and he would like to know new terms.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that on July 19, 2011 Alan Dillon from the DEP wrote to the MUA asking for a job description and experience from the MUA administrator. The response on 9/10/2011 does not resolve that or many of the other questions. He urged Council to read that. He noticed that it is October because Tracy Clark is out shouting and blaming the Mayor for everything. She comes out every October just before the elections. He cannot see how the Mayor is to blame. She takes care of business. Messrs. Boyle and Semrau are doing their best. He said that he would like to know about the exhibit to the Mayor's report which everyone seems to know about. He does not know the Mayor as a person who would hurt a child and he has known her for many years. Bettina Bieri would not put any child in harms way. He congratulated Chief Chiosie. He also congratulated Mayor Bieri on this selection because despite all objections, Chiosie is addressing the drug problem. He thanked the Mayor for doing what she has done. On October 27th the library board is closing on the Finn property which is a direct action of Mayor Bieri.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 11 of 33

Councilman Rosone stated that in January he took an oath in this room. He was elected to do a job for the people in this town. He has tried for the past eleven months. He has received many compliments and doesn't understand where this goes with the kids. He stated that he has no concept of why she has been ridiculed, and now named in this report. She did nothing but speak her mind. He does not understand the Mayor's motivation. These kids are all friends. They talk on facebook. That's what kids do. He begs for her sense of decency and morality. He tries to show respect. They can disagree. But to keep doing this to his daughter. He got an apology at the last meeting. That is an admission of wrongdoing. Let's run campaigns based on the record of action. Let's stop this nonsense. We are here to serve the good of the town. Not for personal gain or political aspirations. We should not laugh at people who come to speak. Trying to link kids to the MUA is absurd. These are innocent children. Everyone felt bad for what happened to the Mayor's daughter. No one mentioned the particulars. Bringing the kids into this arena is unacceptable. He doesn't understand this. His daughter got into college on her own merit. He listed her accomplishments. That's how she got into college. It is absurd and he cannot understand the Mayor's motivation. Going forward let's work for the good of the Township. Run on your record and leave his family and his kids out of this room. He will defend himself he shouldn't have to defend minors and his own daughter in this manner. He is here to protect the citizens of this town. He will protect the children.

Council President Smolinski asked Mr. Semrau about redacting the record. It has been sent to other agencies. How can those be redacted. Mr. Semrau stated that those are investigatory agencies so the records will not be released by those agencies. He can assure the Council that those agencies will not disclose those documents. They do not have authority to release these documents. Council President Smolinski stated that Councilman Rosone's daughter is not a minor. Mr. Semrau stated that she is an adult so the information cannot be redacted. The report was not written in a manner that would have a negative impact. He stated that he will review it and err on the side of caution. Councilman Weisbecker asked if these agencies will target these children. Mr. Semrau advised that he does not believe so. Councilman Weisbecker finds it appalling that children with pictures are in this report and stated that he concerned about the future of these kids. They may be investigated and their name is permanently implanted on some board. It is disappointing that children are involved.

Councilman Weisbecker stated that our vac truck is still broken impeding our ability to clean catch basins. He recalled that Mr. Clark mentioned the WVRSA possibly taking over the MUA and asked the township Attorney to reach out to the WVRSA and speak to them about getting involved. The MUA issue is old. We have heard the same comments over and over until the wee hours of the morning. This is strangling the town. We are getting nothing accomplished. The Mayor, he said, continues to allow this circus to continue. She allows the attacks and dissemination of propoganda. For Ada Erik to chastise Council is awful. He has a right to disagree with the Mayor and he condemned Ms. Erik for taking issue with him. The Mayor is prohibiting accomplishments. She can say the issue is being addressed. Tomorrow we are meeting with state representatives again. The Council is working hard. The budget process was good this year. It had the best result. It is not an easy task. We have a great administrator doing what the Council requested. The Mayor, he said, never gives any direction, she only chastises and attacks. For what, zero percent tax increase. Mud is being thrown by Bettina Bieri and James Warden. There is constant mud flying. It is not easy. After this election he will be here commenting all the time and holding everyone to the fire. The Council asked for an investigation into the MUA; into cronyism and corruption. Yet the Mayor named the children. That is not right. He is sure that she will try to embarrass the Council. Council does not attack children, the Mayor does. The Hillcrest lease was broached. It was said it should not fall on Bettina Bieri. It does fall on her. She had a lease from this Council for four months before she signed it. The buck stops with the Mayor. The Hillcrest issue, he said, is the Mayor's responsibility. The Council has done due diligence time and again to be thwarted by the Mayor and her cronies. He believes in the declaration of independence. Everyone here has a right to opinions and they should be expressed. He is very disappointed to see these children in this report and wants to let the people know that this Council has worked extremely hard and done a lot for this municipality.

Councilman Signorino asked Administrator Boyle about the cancelled funding. He asked if we bonded for \$2 million this year. Administrator Boyle advised that the Township bonded for less. That was a self-imposed number. Councilman Signorino suggested that when times improve the collapsed capital should be used to make an extra payment to the debt.

Mr. Semrau stated that he was involved in the turf field acquisition. The Township negotiated a reduced price for Random Woods and also negotiated a turf field. The first deal was just for dollars. It did not include a field. The Township has not yet received all green acres funding. They are very specific before releasing funds. It is not uncommon to close on these acquisitions before release of funds. He reviewed the valuation process used by Green Acres based on pre and post highlands appraisals. He does not see anything wrong with the actions of the governing body with regard to Hillcrest. He will assume that blame. When his clients owe money he will make sure everything is in order before finalizing any agreement. Hillcrest took a back seat during the turf field process but there has been no negative impact. In 2009 he was told by BOE representative that the approval came from Trenton. He was surprised when it was needed this year. He sees no issue. The Governing Body approved the agreement and they then

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 33

approved the funding. He was responsible for that lease. No services have been interrupted. Both entities serve the residents. They both know where to find the other party. This has worked out okay. It is a long-term lease that is rather complicated.

Mayor Bieri noted that there is a lot of talk about mud slinging. She was accused of withholding a signature on Hillcrest but she signed the lease the night it was placed in her folder. Everyone worked on the Hillcrest lease together. Although she does not like all the terms, it is her duty to sign it and she did. Nobody tried to stop this agreement. We knew it had to go to DOE. Both bodies worked together. She has been accused of allowing a circus at Council meetings but we have had a legal opinion that allows for freedom of speech regardless of whether or not someone likes what the public is saying. She cannot prevent people speaking about the MUA no matter how many times it is broached. She cannot stop any negative comments. She does not like disruptions from the public. She tries to control it. This Council has begun to address the long-term issues at the MUA and are exploring viable options. It is her opinion that short-term issues have not been addressed. Councilman Weisbecker left the room. Mayor Bieri said that it is ultimately Kelly Love's responsibility to oversee daily operations at the MUA. You can't have contractors not report to someone and Kelly Love is that person right now. The information that she wrote for the MUA investigation is ten pages long. All the other information is presented without commentary and is public information. Any investigatory agency will use the web to get public documents. Out of all these pages there are two facebook home pages. The report does not mention any minors. She did not make any accusation, place them under investigation, and made no commentary about their affiliations. She would welcome the press in particular and the public to OPRA that report to see who is really being political, used as pawns, and using children. She did not suggest that a child is part of this investigation. She and she alone is the only person who compiled that information. She has not shared a single document with anyone else. Mr. Semrau and Councilman Signorino saw it when it went to the Prosecutor's Office when she gave it to them. This is a confidential process. She takes her oath seriously. She read from Mr. Semrau's memo. She does not know who released that report to the public. Either someone on this dais released that report because it is not, as is, a public document or someone is spreading rumors to make these parents believe she accused their children. This report was not released by her. Someone other than her released that report and shame on the person who did that. She did not broach that in public, she did not cast aspersions, and she has been protective of the people mentioned. She listened carefully to comments from the public and has sympathy for people affected by the MUA. She has received complaints about many issues related to the MUA and she listed some topics. She received over 70 complaints in four months and was asked by Council to provide a report and any and all information on potential problems. She was not asked to verify the information but she did the best she possibly could. A significant amount of information was withheld. She would have handled it differently than the Council did but she followed their directive with the exception that she only submitted verifiable information. The Council attacks her for complying with their request and they are now attacking her about contents that don't even exist in the report she submitted. The facebook comprises two pages yet no one is talking about the other 148 pages. This is a determined effort to divert attention from the real issues, the seventy of the complaints, the 150 violations and over \$800,000 fines. Every effort is being made to divert attention from real relationships listed in that report. She has consistently been questioned about managerial issues and it has been repeatedly asked how Kelly Love became administrator. Her resume and qualifications have not been disclosed. There were approximately 120 resumes submitted for that position in 2009. Among those was the resume a part time receptionist at Dr. Sal Schimmenti's office. The interview committee was comprised of Ed Rosone and Jim Byrnes. Out of 120 applicants they decided the most qualified person to head the MUA was the part time person from Sal Schimmenti's office. They recommended that she be hired to oversee a water/sewer agency with a \$2 million budget. That created a vacancy at the doctor's office which was filled by a Councilman's daughter. That Councilman is Ed Rosone who served on the MUA interview committee when he was an MUA commissioner. That process may or may not be questioned by some. Now you have Kelly Love as administrator and her vacant position was filled by Ashley Rosone. Among other things, Kelly Love is accused of politicking at the MUA. The Council instructed that the Mayor provide information for a report. She submitted verified information and now the very Council that gave that direction is attacking her for complying. She cautioned that people ought be careful what they ask for. There are relationships that exist. She will leave it to the authorities to determine if those relationships constitute conflicts. There is feces-contaminated water, under chlorinated water, raw feces going into waterways, and now her compliance with a Council directive. She will continue to advocate until there is clean water. Her conscience will guide her and she will continue to bring forward potential issues. The same thing is happening here tonight as happened in prior elections. There is a blame game coupled with fact distortion. She will not apologize for complying with a Council request. In May the Republicans mailed out a town wide newsletter titled "something stinks at the MUA" and she agrees. Mayor Bieri stated that she would welcome anybody to request that investigation document.

Councilman Ramaglia asked who put the document at each Council's seat at the last meeting. The Mayor advised that the Township Clerk did. Councilman Ramaglia asked when Council got attorney opinion about the confidentiality of the record. Mr. Semrau stated that he issued it on Friday.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 13 of 33

Council President Smolinski said it is sad that the Mayor thinks she is justified in what she did. In the opening letter she said "enclosed are" He stated he has never seen children used in this manner before. She has done it before. There is a certain limitation that the Council supports. They don't attack families or children. Leave the kids alone. The smoke screen of justification is not appropriate. What connection do the children have? Where is the connection? What might be legal is not necessarily ethical. Council President Smolinski stated that side comments heard on internet tv are from the Mayor's associates.

Agenda No. VII

New Business, Introduction of Ordinances, Resolutions

Agenda No. VII 1

~ Ordinance No. 2011-019 ~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$318,000 FROM CAPITAL SURPLUS OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, An Ordinance of the Township of West Milford, County of Passaic, State of New Jersey appropriating \$318,000 from the capital surplus for various improvements and costs; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$318,000 be appropriated as follows:

Hillcrest Community Center Lease 2010 and 2011	\$136,000
Waste Water Management Plan Engineering Expense	\$15,000
Banker Road Depot Remediation Engineering Expense	\$70,000
Time/Attendance/Payroll/Personal Software & Hardware	\$22,000
Green Energy Retrofit Program (town share)	\$20,000
Department of Public Works Car Lift	\$5,000
Department of Public Works Purchase and Repair of Various Equipment	\$50,000
TOTAL	\$318,000

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

Introduced: October 19, 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 November 9, 2011. Notice of this public hearing shall be published in the Herald News on or about October 23, 2011.

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

Agenda No. VII 2

~ Ordinance No. 2011-020 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 152, FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 152, Fire Prevention of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

152-2. Local enforcement of Uniform Fire Code

Adoption and local enforcement of the **State of New Jersey Uniform Fire Code**, ~~which includes the BOCA Basic Fire Prevention Code and the National Fire Codes.~~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 14 of 33

- A. Local enforcement. Pursuant to Section 44 **XI (N.J.S.A. 52:27D-202)** of the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Uniform Fire Code shall be locally enforced in the Township of West Milford.
- B. ~~Agency designation.~~ Local Enforcing Agency. The local enforcing agency shall be the Division of Fire Prevention in the Township of West Milford **Department of Public Safety and the Fire Marshal. The Fire Marshal shall serve as Chief of the Division of Fire Prevention.**
- C. Duties. The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of West Milford, except owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
- D. Life hazard uses. The local enforcing agency established by Subsection B of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
- E. Organization. The local enforcing agency established by Subsection B of this section shall be a part of the Township of West Milford Division of Fire ~~Suppression~~ **Prevention** and shall be under the direct supervision and control of the Fire Marshal, who shall report to the Director of Public Safety.
- F. Legal counsel. The Township Attorney shall provide legal counsel to the ~~Bureau~~**Division** of Fire Prevention pursuant to N.J.A.C. 5:70 et seq.

152-3 Red light display over Division of Fire Suppression connection.

A red light shall be illuminated 24 hours per day over any Division of Fire Prevention connection. In such suppression systems that have siamese connections supply zoned areas of suppression, the red light shall flash intermittently over the siamese connection of the activated zone. The rate of flash shall not be less than 60 flashes per minute.

152-4 Appeals.

Any person aggrieved by any order of the local enforcement agency shall have the right to appeal the Construction Board of Appeals of Passaic County.

152-5 Permit and inspection fees.

Permit fees, smoke detector inspection and reinspection fees and annual inspection fees are set forth in Chapter 135, Fees and Costs.

152-6 Violations and penalties; false alarms; tampering with equipment.

- A. Penalties and enforcement shall be as provided for in the Uniform Fire Code.
- B. False alarms.
- (1) The following penalties shall be assessed for false alarms occurring within a thirty-day time period:
- (a) First two alarms: warning only.
 - (b) Third alarm: \$200.
 - (c) Fourth alarm: \$300.
 - (d) Fifth through seventh alarm: \$400.
 - (e) Over seven alarms: \$1,400.
- (2) The failure to pay a penalty assessed under this section within 30 days of the occurrence shall be deemed a violation of this chapter.
- (3) All penalties collected pursuant to this section shall be placed in the Division of Fire Prevention **Trust Account**.
- C. Blocking, interfering, tampering with suppression equipment. Blocking access, interfering, tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid fire-fighting system, device, unit or part thereof shall result in a mandatory fine of \$50 per day per violation. During an actual alarm, such a violation shall result in a mandatory fine of \$200 per day per violation. Fines shall remain in effect

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 15 of 33

until conditions are deemed corrected by the Fire Marshal. Failure to comply shall result in an issued summons to appear in court.

152-7 Designation of Fire Lanes

- A. Whenever it is deemed necessary for public safety, the Fire Marshal of the Township of West Milford may order and require the owner or the owner's agent of any multiple dwelling unit, place of public assembly, school, shopping center, business establishment, house of worship or commercial or industrial zoned property to designate as fire zones, driveways, parking areas or other areas necessary for fire department access and fire safety. Upon issuing such written order, the Fire Marshal shall, at the same time, require the owner or the owner's agent of such premises to provide, erect and maintain metal signs and markings in paint upon the pavement, designating such location as a fire zone and that no parking shall be permitted therein. Such metal signs and markings shall be of a design and quality approved by the Fire Marshal.**
- B. No person shall at any time park a vehicle or in any other manner obstruct any area that has been designated as a fire lane pursuant to an order issued by the West Milford Fire Prevention Bureau. Failure to abide by this order will result in a fine of \$54.**

152-8 Fire Watch

- A. Whenever a determination is made by the Fire Marshal that an increased potential of fire, life, or property loss is present at any building, there may be ordered a protective fire watch to be performed by trained personnel from the ranks of the Fire Prevention Bureau or Fire Department. The requirement for such watch shall consider the status of occupancy and use, fire protection equipment, structural damage from fire or accident, and the potential for fire from all sources. The cost for this watch shall be borne by the owner of the involved property or the persons responsible for creating such hazard and shall be paid within 30 days of received written proof of cost and personnel hours. Uncollected fees are subject through the municipal court and Penalty Collection Act.**

152-9 Vacant Buildings

- A. Building or tenant areas that are not occupied shall be inspected by the Fire Prevention Bureau. An annual non-life hazard inspection fee may be assessed on the building or premises based upon the building type and hazard. Such charges are reflected in Chapter 135-17 of this code.**

152-10 Recovery of Costs:

- A. Costs incurred by the Township of West Milford Fire Department for items damaged and/or destroyed, and/or used in connection with the suppressing, control or clean-up of a fire or emergency situation shall be reimbursed to the Township of West Milford by the property owner or responsible parties involved.**
- B. The provisions of this chapter shall be enforced by the Township of West Milford Division of Fire Prevention. Such charges for reimbursements shall be made at the discretion of the Fire Marshal.**

152-11 Illegal burning

- A. Definitions.**

For the purpose of this section, the following definitions shall apply:

Chiminea, outdoor fireplace, outdoor fire pit shall mean as defined by the manufacturers, approved containers for open burning.

Firewood shall mean trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three (3) inches in diameter.

Nuisance shall mean any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

Open burning shall mean an outdoor fire where wood or any combustible materials are burned for entertainment. Open burning is allowed at single-family homes, duplexes and town homes without a permit provided the regulations set forth herein are met.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 16 of 33

Treated lumber shall mean dry wood which has been milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

Untreated lumber shall mean dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

C. Open Burning Regulations.

- 1) Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes, townhomes, subject to the regulations contained herein.
- 2) Fires shall be limited to a maximum three (3) foot diameter and two (2) foot height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method, approved by the Fire Prevention Officer.
- 3) All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.
- 4) Fires must be kept at least ten (10) feet from any structure or combustible exterior wall.
- 5) Fires must be constantly attended.
- 6) No such fire or container used for open burning may be used on any porch, deck, balcony or any other portion of a building; within any room or space; under any building overhang.
- 7) The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than three (3) inches in diameter, treated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited.
- 8) All open fires as set forth herein shall be extinguished no later than 1:00 a.m.
- 9) The Fire Prevention Officer or Police Officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

D. Enforcement.

- 1) This section shall be administered by the Fire Prevention Officer and the Police Department.
- 2) Any person, firm or corporation, violating any of the provisions of this section, shall be liable to a fine not exceeding the sum of one thousand two hundred fifty (\$1,250.00) dollars, or to imprisonment not exceeding ninety days, or both.

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

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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

Introduced: October 19, 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 November 9, 2011. Notice of this public hearing shall be published in the Herald News on or about October 23, 2011.

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

Mayor Bieri asked to move Resolutions 2011-356 through 2011-360.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 17 of 33

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CANCELING UNEXPENDED FULLY-FUNDED CAPITAL ORDINANCES

WHEREAS, balances exist in various funded capital ordinances; and

WHEREAS, these projects have been completed; and

WHEREAS, the Township Council wishes to cancel said ordinances;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following ordinances be hereby canceled to the capital improvement fund:

Ordinance Number	Project Description	Balance to be Cancelled
2006-17	Scott Pack Replacements	67,448.00
2006-17	Renovation to Police Headquarters	25,000.00
2006-17	Section 20 Costs	5,000.00
2007-18	Section 20 Costs	6,350.00
2007-18	Section 20 Costs	1,500.00
2007-18	Section 20 Costs	80,000.00
2007-18	Telecommunications	75,000.00
2007-18	Section 20 Costs	11,700.00
2007-18	Section 20 Costs	37,500.00
2005-12	Road Resurfacing	30,869.00
2006-17	Vibrating Roller	5,000.00
2008-41	PD Storage Facility	500.00
2008-41	DPW Gas Detectors	1,385.45
TOTAL		\$347,252.45

Adopted: October 19, 2011

Agenda No. VII 4

~ Resolution No. 2011- 357~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING S-2887 AND A-3992, WHICH REVISES STANDARDS FOR WIND GENERATION FACILITIES ON FARMLAND

WHEREAS, on May 19, A-3992 was approved by the Assembly Telecommunications and Utilities Committee, and then referenced to the Assembly Housing and Local Government Committee for further consideration; and

WHEREAS, the Senate companion to A-3992, S-2887, was considered but held by the Senate Environment and Energy Committee on September 19, 2011; and

WHEREAS, S-2887 and A-3992 would exempt wind turbines from "review, approval or application from any state, county or municipal regulatory body" except for minor site plan review by the municipality on farms, and would require limited minor site plan approval by the municipality; and

WHEREAS, S-2887 and A-3992 also mandates that any such qualifying projects shall be a permitted use under local zoning; and

WHEREAS, S-2887 and A-3992 would allow for the construction of utility-scale installations on preserved farmland;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of West Milford supports the State's effort to promote renewable and green energy sources, but such efforts should not be at the expense of sound planning and should not impair the State's successful farmland preservation efforts, and

BE IT FURTHER RESOLVED, the Governing Body of the Township of West Milford **strongly opposes** S-2887 and A-3992 as an unnecessary and unwarranted intrusion on local zoning discretion; and,

BE IT FURTHER RESOLVED, that significant taxpayer dollars have been dedicated to the Farmland Preservation Program, and S-2887 and A-3992 would undermine the legislative and regulatory intent of the farmland preservation program; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 18 of 33

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, the members of the Senate Environment Committee, the members of the Assembly Housing and Local Government Committee, Senator Bob Smith and Assemblyman Chivukula, the primary sponsors of the legislation and the New Jersey State League of Municipalities.

Adopted: October 19, 2011

Agenda No. VII 5

~ Resolution No. 2011- 358 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SYNOPSIS OF AUDIT FOR PUBLICATION FOR THE 2010 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7

SUMMARY OF SYNOPSIS OF AUDIT REPORT FOR PUBLICATION		
Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S.A. 40A:5-7		
Summary of Synopsis of 2010 Audit Report of the TOWNSHIP OF WEST MILFORD, County of Passaic, as required by N.J.S.A. 40A:5-7.		
	December 31 Year 2010	December 31 Year 2009
ASSETS		
Cash, Investments and Prepaid Debt Service	16,353,086.61	16,503,210.99
Taxes, Assessments, Liens and Utility Charges Receivable	4,190,656.50	3,427,034.56
Prospective Assessments Funded	82,792.75	206,977.75
Property Acquired for Taxes - Assessed Value	2,702,100.00	2,951,400.00
Accounts Receivable (and Inventory)	7,794,837.56	5,292,474.52
General Fixed Assets	31,331,193.00	31,331,193.00
Deferred Charges to Future Taxation - General Capital	30,389,030.04	32,003,482.83
Deferred Charges to Revenue of Succeeding Years	48,200.00	14,850.42
TOTAL ASSETS	92,891,896.46	91,730,624.07
LIABILITIES, RESERVES AND FUND BALANCES		
Bond and Notes Payable	30,597,288.77	29,885,829.16
Improvement Authorizations	6,025,399.70	6,929,219.59
Other Liabilities and Special Funds	15,452,910.57	14,078,238.80
Net Assets Available for Benefits	1,254,751.57	1,089,965.76
Investment in General Fixed Assets	31,331,193.00	31,331,193.00
Reserve for Certain Assets Receivable	5,396,274.46	5,962,119.32
Fund Balance	2,834,078.39	2,454,058.44
TOTAL LIABILITIES, RESERVES AND SURPLUS	92,891,896.46	91,730,624.07
TOWNSHIP OF WEST MILFORD, N.J. COMPARATIVE STATEMENT OF OPERATIONS AND CHANGE IN SURPLUS – CURRENT FUND		
	2010	2009
REVENUE AND OTHER INCOME REALIZED		
Fund Balance Utilized	2,010,000.00	2,402,000.00
Miscellaneous – From Other Than Local Property Tax Levies	7,296,833.31	8,033,249.93
Collection of Delinquent Taxes and Tax Title Liens	1,051,269.16	1,435,253.19
Collection of Current Tax Levy	90,370,447.42	87,119,548.64
Other Credits to Income	1,824,627.82	684,058.01
TOTAL INCOME	102,553,177.71	99,674,109.77
EXPENDITURES	2010	2009
Budget Expenditures:		
Municipal Purpose	28,881,485.28	27,954,970.61
Special District Taxes	1,907,410.36	2,421,682.89
Municipal Open Space Tax	150,011.29	152,006.69
County Taxes	19,651,456.53	19,434,672.55
Local and Regional School Taxes	49,030,641.00	47,191,716.50
Other Expenditures	1,057,598.77	514,388.75
TOTAL EXPENDITURES	100,678,603.23	97,669,437.99

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 19 of 33

Less: Expenditures to be Raised By Future Taxes	48,200.00	14,850.42
TOTAL ADJUSTED EXPENDITURES	100,630,403.23	97,654,587.57
Excess in Revenue	1,922,774.48	2,019,522.20
Fund Balance January 1	2,043,816.16	2,426,293.96
	3,966,590.64	4,445,816.16
Less:		
Utilized as Anticipated Revenue	2,010,000.00	2,402,000.00
Fund Balance December 31	1,956,590.64	2,043,816.16

RECOMMENDATIONS

1. That the salary ordinance contain the salaries to be paid to the Mayor and Council.
2. That all manual payroll checks be entered in the payroll records in a timely manner.
3. That the Township's General Fixed Assets be updated for additions and deletions.
4. That the cash deficits for ordinances over five years old be funded in future year's budgets.
5. That old escrow and trust reserve balances be returned or canceled.
6. That separate bank accounts be opened for escrow accounts with balances over \$5,000.
7. That old grant receivable and reserve balances be reviewed and be collected, spent or canceled.
8. That receivable balances in the General Capital Fund be reviewed and the proper action be taken.
9. That all court monies be disbursed by the 15th of the next month.
10. That no budget appropriation be overspent.
11. That a functioning formal general ledger be maintained.
12. That the payroll bank account be reconciled on a monthly basis.
13. That all employees required to be enrolled in the PERS be enrolled.
14. That a Corrective Action Plan be prepared addressing the prior year audit findings.
15. That Political Disclosure forms be obtained from all vendors required to submit them.

* * * * *

A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2010. This Report of Audit, submitted by Charles J. Ferraioli, Jr. of Ferraioli, Wielkocz, Cerullo & Cuva, P.A., is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: October 19, 2011

Agenda No. VII 6

~ Resolution No. 2011- 359 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS CERTIFICATION OF THE 2010 ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

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

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 20 of 33

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

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

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

Adopted: October 19, 2011

Discussion: Council President Smolinski noted that every Councilperson should read the recommendations. Number 15 pertains states that the political disclosure forms should be obtained from vendors. He asked Administrator Boyle for a list of those contractors. He stated that he finds it amusing that the payroll bank account was not reconciled on a monthly basis.

Agenda No. VII 7

~ Resolution No. 2011- 360 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRE DEPARTMENTS AND FIRST AID SQUADS

WHEREAS, the Township adopted Ordinance No. 1999-26 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A: 14-191 requires that the Emergency Service Organizations furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, formally approve the list of the volunteer members of the Township of West Milford fire departments and first aid squads submitted by each fire department and first aid squad for the year 2010, a copy of which list is on file in the Office of the Township Clerk; and

BE IT FURTHER RESOLVED that a copy of this list will be posted for at least thirty (30) days in the respective fire houses, first aid squads and municipal clerk's office.

Approved: October 19, 2011

Agenda No. VII 8

~ Resolution No. 2011- 361 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH AFSCME COUNCIL 52, LOCAL 2275 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2013

TABLED TO 11-2-11 WORKSHOP MEETING

Motion to table Resolution 2011-361 to November 2, 2011 Workshop Meeting.

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

Motion to move Resolutions 2011-362 thru 2011-368

Moved: Weisbecker Seconded: Ramaglia
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 21 of 33

Voted Nay: None.
Motion carried.

Agenda No. VII 9

~ Resolution No. 2011- 362 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATES AT PRIVATE SALE – 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 assignment the following tax lien certificate, held by the Township of West Milford:

Lien Certificate	Date of Sale	Block/Lot	Amount Due
11-040	4-19-11	3609-13.02	\$6,140.40

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-114, including due publications in the Herald News; and

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

NOW, THEREFORE, BE IT RESOLVED, that the assignment from the Township, to the said Lien Man Retirement Plan c/o Alex Garcia, TTEE, be and the same is hereby authorized and the proper Township officials are hereby authorized and directed to sign the required documentation on behalf of the Township.

Adopted: October 19, 2011

Agenda No. VII 10

~ Resolution No. 2011- 363 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND 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:

Lien Certificate	Date of Sale	Block/Lot	Amount Due
11-019	4-19-11	2009-002	\$651.82

WHEREAS, the Collector of Taxes did mail such notices and did post such notices as is required by Title 54:5-114, including due publications in the Herald News; and

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

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

Adopted: October 19, 2011

Agenda No. VII 11

~ Resolution No. 2011- 364 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AMENDMENT TO STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 22 of 33

organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Milford has previously obtained a grant of \$1,450,000 from the State to fund the following project(s): Apple Acres/Open space Acquisition; and

WHEREAS, the State and the Township of West Milford intend to increase Green Acres funding; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project:

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. That Township Administrator is hereby authorized to execute an Amendment to the Agreement increasing funding to \$1,900,000.
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,900.00.
3. That, in the event the State's funds are less than the project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

Adopted: October 19, 2011

Agenda No. VII 12

~ Resolution No. 2011- 365 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXCHANGE BY WAY OF TERMINATION OF A LEASE AGREEMENT WITH NEW JERSEY TRANSIT FOR VEHICLE #16-1172 AND AUTHORIZING A TITLE TRANSFER FOR VEHICLE #16-1172 FROM NEW JERSEY TRANSIT CORPORATION TO THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford has operated and maintained Vehicle #16-1172, VIN #xxxxxxxxxxxx9010, Ford Scraft Allstar, which vehicle was leased from New Jersey Transit Corporation; and

WHEREAS, New Jersey Transit has proposed to transfer Vehicle #16, VIN# xxxxxxxxxxxxxxx9010, a Ford Scraft Allstar to the Township of West Milford from New Jersey Transit Corporation;

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

1. The Mayor is hereby authorized to execute a Termination of Lease Agreement with respect to Vehicle #16-1172, VIN #xxxxxxxxxxxx9010, Ford Scraft Allstar and a title transfer from said vehicle to the Township of West Milford;
2. The Mayor is authorized to take any other incidental actions to effectuate this transaction.

Adopted: October 19, 2011

Agenda No. VII 13

~ Resolution No. 2011- 366 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP AND RICHARD DE MARCO D/B/A EZ CAR TITLES TO ACT AS THE TOWNSHIP'S AGENT TO APPLY FOR SALEABLE OR JUNK UNCLAIMED MOTOR VEHICLE TITLES

WHEREAS, the Township of West Milford operates the West Milford Police Department; and

WHEREAS, the Township of West Milford Police Department lawfully causes the seizure of motor vehicles being operated improperly or being operated without proper documentation; and

WHEREAS, some of the motor vehicles being seized become abandoned or go unclaimed by the owners; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 23 of 33

WHEREAS, the West Milford Police Department desires that these abandoned and/or unclaimed motor vehicles are disposed of properly in accordance with New Jersey Statutes; and

WHEREAS, Lieutenant John Matarese of the West Milford Police Department has recommended to the Mayor and Council that the Township execute an agreement with Richard De Marco D/B/A Ez Car Titles to act as the Township's Agent to apply for saleable or junk unclaimed motor vehicle titles for abandoned and/or unclaimed motor vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with Richard De Marco D/B/A Ez Car Titles, 1358 Hooper Avenue, PMB 280, Toms River, New Jersey 08753 to act as the Township's Agent to apply for saleable or junk unclaimed motor vehicle titles for abandoned and/or unclaimed motor vehicles; and

BE IT FURTHER RESOLVED, that execution of this agreement stipulates is that EZ Car Titles agrees to adhere to N.J.S.A. 39:10A-1, et. seq. and any other applicable laws of the State of New Jersey.

Adopted: October 19, 2011

Agenda No. VII 14

~ Resolution No. 2011- 367 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ICE CONTROL AGGREGATES THROUGH TILCON NEW YORK INC.

WHEREAS, the Township of West Milford solicited bids on September 30, 2011 for Ice Control Aggregates; and

WHEREAS, in response to the "Notice to Bidders" advertised and sent to twelve prospective bidders and bid service companies the Township received two (2) bids; and

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

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of this contract to Tilcon New York Inc., 625 Mt. Hope Road, Wharton, NJ 07885; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 1-01-26-294-348; 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 Van Orden Sand & Gravel of Ringwood;

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:

6. The Township Council hereby awards a contract Tilcon New York Inc. for Ice Control Aggregates in an amount not to exceed \$149,175.00.
7. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tilcon New York Inc. in accordance with its bid for Ice Control Aggregates.
8. The Township's Chief Financial Officer has certified the availability of funds for same.
9. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 19, 2011

Agenda No. VII 15

~ Resolution No. 2011- 368 ~

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

WHEREAS, the Township of West Milford solicited bids on September 30, 2011 for Rock Salt; and

WHEREAS, in response to the "Notice to Bidders" advertised and sent to ten prospective bidders and bid service companies the Township received four (4) bids; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 24 of 33

WHEREAS, said bids have been duly reviewed and analyzed by 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 Street, Suite 210, Lowell, MA 01852; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 1-01-26-294-363; 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 Atlantic Salt, Inc.

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

1. The Township Council hereby awards a contract to Atlantic Salt, Inc. for Rock Salt in an amount not to exceed \$487,050.00.
2. The 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 and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: October 19, 2011

Motion to move Resolutions 2011-369 through 2011-370.

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

Agenda No. VII 16

~ Resolution No. 2011- 369 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-009-004 574A MACOPIN INC. TO 574A MACOPIN ASSOCIATES, LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application for the person to person transfer of Plenary Retail Consumption License 1615-33-009-004 - 574a Macopin Inc. for premises at the same location has been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Mayor and Township Council have determined as follows:

- 1 The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2012).

WHEREAS, the Police Department has recommended that the license be transferred with all current conditions if applicable.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved and the Township Clerk is authorized to endorse the transfer and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

LICENSE/LICENSEE/T/A
574A MACOPIN ASSOCIATES LLC

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 25 of 33

LICENSE/LICENSEE/T/A
S&S Liquors 574A Macopin Road West Milford, NJ 07480

Adopted: October 19, 2011

Agenda No. VII 17

~ Resolution No. 2011- 370 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-020-007 SAAGAR BEVERAGE, INC. FOR THE 2011-2012 LICENSE YEAR

WHEREAS, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-020-007, having no sited premise, held by Saagar Beverage Inc.; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2010 - June 30, 2011).
4. Licensee has received a Special Ruling from the Office of the Attorney General for the 2011-2012 license year.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the license be renewed as a "Pocket" license with the following conditions:

1. Licensee must file a Place-to-Place Transfer of License to site.
2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshal and Health Department before activating.
3. Food Handlers License must be current before issuance of License Certificate.
4. Certificate of Occupancy must be issued prior to opening if applicable.
5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12-page application, within ten days before or after the opening of the business.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the renewal and hold the license certificate until activated per conditions referenced above.

Adopted: October 19, 2011

Consent Agenda

Agenda No. VIII

~ Resolution No. 2011- 371 ~

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) **2011-372** – Cancel Taxes
- b) **2011-373** – Partial Refund of Performance Guarantee
- c) **2011-374** – Refund Escrow Funds
- d) **2011-375** – Refund Other Liens
- e) **2011-376** – Refund Over Payments
- f) **2011-377** – Refund Performance Guarantee
- g) **2011-378** – Refund Recreation Fees

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 26 of 33

- h) **2011-379** – Reinstate Taxes
- i) **2011-380** – Issue Solicitors License

Applications:

- a. **Application** for On Premise 50/50 Raffle License No. RL2011-34 by the West Milford P.A.L. for November 12, 2011.

Adopted: October 19, 2011

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

The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2011- 372 ~

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
1002-1	Michael Paul Burke	\$681.90	2010 3 rd Qtr.
1002-1	Michael Paul Burke	\$2002.59	2010 4 th Qtr.
1002-1	Michael Paul Burke	\$7914.64	2011 Full Year
1002-1	Michael Paul Burke	\$3,958.00	2012 First Half
TOTAL		\$14,557.13	

Adopted: October 19, 2011

Agenda No. VIII b

~ Resolution No. 2011- 373 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be partially refunded:

Name & Address	Block & Lot	Amount Refunded	Pg. No.
Sherry 31 Forest Lake Drive Hewitt, NJ 07421	4301/38	\$1,350.00	81

Adopted: October 19, 2011

Agenda No. VIII c

~ Resolution No. 2011- 374 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 27 of 33

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

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

Name & Address	Application No.	Amount of Escrow	Amount Refunded
Kurt Renzland P.O. Box 285 Hewitt, NJ 07421	PB06-10-07	\$8,204.60	\$5,884.60
TOTAL REFUND			\$5,884.60

Adopted: October 19, 2011

Agenda No. VIII d

~ Resolution No. 2011- 375 ~

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 Lienholder
11-011	04/19/2011	01810-008	\$9,898.89	ROSEHILL FUND I LLC 409 MILTON ROAD RYE, N.Y. 10586
11-029	04/19/2011	02409-009	\$13,175.79	CLEMENTE ENTERPRISES; LLC P.O. BOX 141 WYCKOFF, N.J. 07481
11-032	04/19/2011	02601-033	\$14,360.65	LEAN MAN RETIREMENT PLAN C/O ALEX GARCIA, TTEE 103 FINCH ROAD RINGWOOD, NJ 07456
Grand Total			\$37,435.33	

Adopted: October 19, 2011

Agenda No. VIII e

~ Resolution No. 2011- 376 ~

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

WHEREAS, there appears on the tax records an overpayment as shown below; and

WHEREAS, the overpayment was created by reasons stated below and the Collector of Taxes recommends the refund of such overpayment.

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
1002-1	Michael Paul Burke	\$8,584.13	2011	6

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 28 of 33

	12 Lyons Avenue Hewitt, NJ 07421			
TOTAL		\$8,584.13		

Adopted: October 19, 2011

Agenda No. VIII f

~ Resolution No. 2011- 377 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be refunded:

Name & Address	Block & Lot	Amount Refunded	Page No.
Eric Wunk 7 Chatham Road Hewitt, NJ 07421	24609/14	\$2,050.00	77

Adopted: October 19, 2011

Agenda No. VIII g

~ Resolution No. 2011- 378 ~

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:

<i>Jr. Jazzercise</i>		
Davelyn	\$75.00	Dave Domenico, 65 Reidy Place, Hewitt, NJ 07421
Tyler	\$75.00	Janet Meier 15 Winetka Lane, West Milford, NJ 07480
<i>Pee Wee Picasso</i>		
Aidan	\$80.00	Jen Cimbrik 34 Alvin Road, West Milford, NJ 07480
Franklin	\$90.00	Jessica Diaz 7 Dogwood Terrace, Ringwood, NJ 07456
<i>Gymnastics</i>		
Gina	\$65.00	Melissa Gianetti 20 Pawnee Terrace, West Milford, NJ 07480
<i>A Star is Born</i>		
Althea	\$70.00	Kim Edelstein 48 Mountain Circle North West Milford, NJ 07480
<i>Squirts Tennis</i>		
Shreya	\$99.00	Vivek Gudena 107 Continental Road West Milford, NJ 07480
Tyler	\$89.00	Janet Meier 15 Winetka Lane, West Milford, NJ 07480
Annika Baumgardt	\$99.00	Kelly Pew 11 Windsor Road, West Milford, NJ 07480
Shelby	\$89.00	Mary Durant 27 Mountain Circle North West Milford, NJ 07480
<i>Rising Stars</i>		
Michelle	\$110.00	Sophie Adams 215 Long Pond Road, Hewitt, NJ 07421
Amelia	\$110.00	Susan Taylor

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
 Date of Meeting: October 19, 2011
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 29 of 33

		81 Witte Road Hewitt, NJ 07421
Caiden	\$110.00	Cathleen Foster 2 Orchard Lane, West Milford, NJ 07480

Adopted: October 19, 2011

Agenda No. VIII h

~ Resolution No. 2011- 379 ~

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
2511-3	James & Linda LaPlaca	\$2,386.97	2011
7508-16	Getty Petroleum Marketing	\$3,122.58	2011
TOTAL		\$5,509.55	

Adopted: October 19, 2011

Agenda No. VIII I

~ Resolution No. 2011- 380 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A NEW SOLICITOR LICENSE FOR THE LICENSE YEAR 2011

WHEREAS, an application has been made for a new Solicitor License for the year 2011; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said license as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of a 2011 Solicitor License as listed below:

2011 SOLICITOR LICENSE	
License No.	Applicant Name
2011-01	Joseph R. Cauda 13 Stanton Ct Hewitt, NJ 07421

Adopted: October 19, 2011

Agenda No. IX

Approval of Expenditures

~ Resolution No. 2011- 381~

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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Regular
 October 19, 2011
 7:30 P.M.
 Page 30 of 33

Acct #	Account Name	Amount
1	Current Account.	\$104,899.47
2	Reserve Account	5,555.25
3	Animal Control Trust	4,558.50
6	Capital.	319,903.46
7	Grants.	4,293.89
8	Refuse.	150.27
9	Refunds.	47,480.46
12	General Ledger.	556,806.91
16	Heritage Trust.	0.00
14	Open Space Trust	2,900.00
17	Trust	6,171.37
18	Development Escrow.	6,301.60
19	COAH	0.00
20	Special Reserve	0.00
Total		\$1,059,021.18
Less Refund Resolution		-47,480.46
Actual Bill List		\$1,011,540.72
Other Payments Ck #47143		\$2,000.00
Total Expenditures		\$1,013,540.72

Approved: October 19, 2011

 Moved: Weisbecker Seconded: Ramaglia
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.
 Voted Nay: None.
 Abstain: Smolinski abstain Hillcrest only, Jurkovic abstain Glatt only.
 Motion carried.

 Agenda No. X

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

Council President Smolinski stated that the Council received copies of the minutes from a meeting with DOT representatives about "S" turns on Route 23. It was a very positive meeting where he learned that the State is very familiar with the issues even providing videos and photos. He thanked Administrator Boyle and the police & engineering for being there and for being adamant about the need to have the "S" turns addressed. There was discussion about straightening this roadway as well the potential for federal funding. They are aware of the excessive incidents on this road. He noted that 50,000 vehicles per day travel that route. The meeting attendees discussed short-term proposals and long-term suggestions. He stated that he will be meeting with Senator Pennachio, Councilman Weisbecker, Mayor Bieri and representatives from the DEP to discuss the potential sale of the MUA. He stated that they will also discuss the potential for a centralized sewer facility at the Random Woods site. This year was the best ALF ever and it was the biggest outdoor event in New Jersey. He thanked everyone involved. The Castronova family deserves special accolades for allowing the municipality to use their land for ALF. He stated that Mr. Castronova is continuously chastised often but no one recognizes the good they do.

Councilman Ramaglia asked Administrator Boyle to contact Passaic County who placed detour signs in wrong places in town. He asked Administrator Boyle about going paperless saying that he wants this acted upon immediately.

Council President Smolinski thanked the County for the work on Clinton Road work and expediting the project.

Councilman Ramaglia stated that he would have liked to have an executive session discussion about PBA negotiations.

Councilman Rosone congratulated Chief Chiosie wishing him and the department all the best. He stated that he was privileged to have served as the Council liaison to ALF and commended the committee on a great job. He said that it was estimated that 15,000 people attended and he hopes to serve again next year. This is a great place to live and raise a family and ALF is a testament to that.

Councilman Signorino stated that he had a great time at ALF as did the residents. He thanked Councilman Rosone for being both a liaison and a volunteer. Robert & Mary Kochka were Abe and Mary

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 31 of 33

Lincoln at the Museum and made themselves available as such during ALF. He asked for volunteers to share anecdotes about local history at the museum. He congratulated Chief Chiosie on his appointment. He stated that the Township did get an insurance dividend this year. There will be open enrollment in insurance plans and he urged employees to look into the H S A option which saves the Township a lot of money.

Councilman Weisbecker stated that ALF was wonderful and he thanked Councilman Rosone and Mr. Hazelman. He stated that he agrees with comments made by Council President Smolinski about the Castronova family. He congratulated Chief Chiosie.

Mayor Bieri congratulated Chief Chiosie saying that he has proven his capabilities. She commended all the volunteers and staff involved with ALF and thanked them. She received compliments about two staff members lately. Eric Miller (read opening comment of email), and Denise Loeffel who assisted in researching an insurance matter. She gave t thumbs up to Gary Oppenheimer, founder of Ample Harvest who was chosen this week for a Huffington Post award for changing the way we look at the world and the way we live in it. West Milford, she said, is now a NJ Sustainable community having achieved a bronze level certification. She conveyed information about the sustainable program. We received word last week that Verizon has decided that they will not pay certain taxes in West Milford because their business is down which is a loss of ratable funds nearing \$194,000. There is statewide litigation to challenge that. The Township received notice from Newbridge Services asking that everyone take a stand against bullying as November is national bullying month. She explained the program.

Administrator Boyle stated that he provided Council with a facilities update earlier this month. On 10/17 there was a final inspection of the turf field and the Township Engineer has approved closing this project and getting warranties. Mr. Ferriero is working with the Highlands Council on a mapping plan for the conformance process. He noted that this month's zoning report indicates increased enforcement. He noted that every year AA has programs during the holidays wherein they seek a waiver of the facility fee. The Council gave consensus to waive the fee this year. Hurricane Irene affected roads in town at cost of about \$500,000 so we may need an emergency resolution to fund the repairs and we are seeking FEMA reimbursement. Road resurfacing in Upper Greenwood Lake begins next week and the work is being done at the traffic light. The RFP for scrap metal and recycling is being completed. He stated that he will begin 2012 budget around Veteran's Day and will have preliminary Council information early in December.

Township Attorney Semrau stated that approval was granted on the Cablevision agreement this week and the JORBA state approval is done. He stated that he received comments from the state regarding the fire code amendments being introduced tonight. The Hillcrest check has been issued and the Village on Ridge ordinance was adopted tonight. He stated that the Township spent almost \$100,000 some years ago to insure Banker Road. He stated that he has researched that coverage and believes that the Township may be able to secure 70% coverage. He stated that he had a meeting about police fees for events which was productive. The rates being charged are in accordance with what we have to charge, and the Administrator will review the administrative fee. It is being done appropriately. The final inspection of the turf field included a manufacturer's representative and the exchange of funds will result in clear ownership and warranty. With regard to the traffic light there is a piece of property that must be acquired to complete this project. He has negotiated a price of \$68,500 and asked the Council to introduce ordinance tonight to acquire that property. He will have all other related items at future meetings. Noting that it has been posted, he read the ordinance by title.

~ Ordinance 2011 - 021 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF THE
VACANT PROPERTY DESIGNATED AS BLOCK 2801, LOT 1 IN THE TOWNSHIP OF WEST
MILFORD**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, Anjo Associates, c/o Richard Farhat has agreed to convey BLOCK 2801, LOT 1, consisting of approximately 0.219 acres of vacant land to the Township for the use by the Township in completing the Warwick Turnpike Traffic Improvements Project in consideration of the payment of \$68,500.00; and

WHEREAS, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for the above stated purpose; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 32 of 33

WHEREAS, funds are available for this acquisition.

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:

- Section 1.** The Township of West Milford hereby authorizes the acquisition of BLOCK 2801, LOT 1 for the above mentioned purpose for the total sum of \$68,500.00, with said costs to be funded by the Township of West Milford.
- 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.
- Section 3.** No debt is to be authorized by the enactment and passage of this ordinance.
- Section 4.** 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 5.** 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 6.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

Mayor Bieri congratulated everyone on the accomplishments listed by Mr. Semrau.

Agenda No. XI

Appointments and Resignations

~ Resolution No. 2011- 382~

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>
Ryan Curving	Citizen Member	October 3, 2011
Parks & Recreation Committee (Advisory)		Term expiring December 31, 2011

Adopted: October 19, 2011

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

Motion by Councilman Smolinski to nominate Philip Weisbecker to the Greenwood Lake Bi-State Commission second by Councilman Ramaglia.

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

Motion by Councilman Signorino to nominate Marilyn Lichtenberg to the Health Board (Advisory) seconded by Councilman Smolinski.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 19, 2011
Time of Meeting: 7:30 P.M.
Minute Page No: Page 33 of 33

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

Agenda No. XII

Executive Session

None.

Agenda No. XIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:33:19 am.

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

Approved: February 22, 2012

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK