
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 22

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

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 29, 2013 and January 5, 2014; copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Ada Erik, Mike Hensley (arrived at 7:00 pm), Vivienne Erk, Michele Dale, Luciano Signorino, CarlLa Horton. Mayor Bettina Bieri
Absent: None.
Also Present: Township Administrator Kenneth Gabbert, Township Clerk Antoinette Battaglia, Dawn Sullivan of Dorsey & Semrau for Township Attorney Frederick Semrau who arrived later in the meeting.

Agenda No. I

Reading of or Approval of Minutes

Councilwoman Erik moved to adopt the September 17, 2014 Regular Meeting Minutes, the October 1, 2014 Executive Session and Workshop Meeting Minutes as presented.

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

Agenda No. II

Executive Session

~ Resolution No. 2014 – 333 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 22nd day of October 2014 that:

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 22

- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contracts – PAL
 - Anticipated Litigation – Fire Inspection Fees
 - Litigation – Newark Watershed v. West Milford Tax Appeal
- (X) b. (8) Personnel matters.
 - Special Police Officers
- () b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: October 22, 2014

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

The Governing Body went into executive session at 6:33 p.m.
The Governing Body returned to the public meeting at 7:04 pm with all present as before.
Councilman Hensley arrived during Executive Session at 7:00 pm.

Agenda No. III

Proclamation

Extra Mile Day – Mayor Bieri read the proclamation and instructed the Clerk to mail it out.

Agenda No. IV

Presentations

- Liquor License Transfer - Retail Consumption License #1615-33-034-008 Frank & Satina LLC trading as Jimmy Geez North Sports Bar & Grill- Expansion of Premises – Mayor Bieri asked if there was anyone wishing to be heard on this license transfer. No person sought to be heard.
- Liquor License Transfer - Retail Consumption License #1615-3013-008 From Jessie’s Country Kettle, Inc. to Frank Festa Jr. – Mayor Bieri asked if there was anyone wishing to be heard on this license transfer. No person sought to be heard.
- Discussion: Best Practices – Administrator Gabbert noted that this item is scheduled for discussion in accordance with State requirements. The Township currently has a compliance rating of 84%, which indicates that West Milford can expect that State funding will not be affected. Mayor Bieri asked questions about certain elements of the survey and Administrator Gabbert replied responses. He noted that some answers do not reflect the work that is being done to change certain processes and the items in question are being worked on.

Agenda No. V

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1

~ Ordinance 2014 - 009 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DEED FOR A RIGHT-OF-WAY FOR A PORTION OF 1470 UNION VALLEY ROAD, ALSO KNOWN AS BLOCK 7903, LOTS 13-14 ON THE WEST MILFORD TAX MAP, FROM THE TOWNSHIP OF WEST MILFORD TO THE COUNTY OF PASSAIC

WHEREAS, the Township of West Milford owns property at 1470 Union Valley Road, also known as Block 7903, Lots 13-14 on the West Milford tax map, as more particularly described in the metes and bounds description annexed as Exhibit A to the Deed of Dedication that is the subject of this Ordinance (the “Property”); and

WHEREAS, the West Milford Public Library will be located on the Property; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 22

WHEREAS, the Township of West Milford proposes to make revisions to the West Milford Public Library; and

WHEREAS, the West Milford Planning Board submitted a site plan, revised January 31, 2014, to the Passaic County Planning Board for same; and

WHEREAS, by letter dated June 24, 2014, the County has requested that the Township deed a right-of-way over a portion of the Property, specifically 33 feet from the centerline of Union Valley Road, for road widening purposes; and

WHEREAS, the Township is authorized pursuant to law to grant interests in real property by ordinance; and

WHEREAS, the Mayor and Township Council of the Township of West Milford find it to be in the best interests of the Township and its citizenry to deed the requested right-of-way over a portion of the Property to the County of Passaic for road widening purposes; and

WHEREAS, the Township will retain all ownership, and attendant rights and responsibilities, of the Property;

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

- SECTION 1.** The Township of West Milford hereby deeds to the County of Passaic a right-of-way over a portion of the property identified as Lots 13-14 of Block 7903, 33 feet from the centerline of Union Valley Road, as more particularly described in the metes and bounds description annexed as Exhibit A to the Deed of Dedication in substantially the form on file with the Township Clerk.
- SECTION 2.** The Mayor and Township Clerk are hereby authorized to execute the Deed of Dedication in substantially the form attached hereto and on file with the Township Clerk.
- SECTION 3.** The appropriate Township officials are hereby authorized and directed to take all required actions to complete the Township's deeding of the right-of-way over a portion of the Property to the County of Passaic, along with the recording thereof.
- 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.

Introduced: October 1, 2014
Adopted: October 22, 2014
Effective Date: November 11, 2014

This ordinance was introduced on October 1, 2014 and the Notice of Public Hearing was published in the Herald News on October 5, 2014.

The Mayor opened the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Signorino and carried by unanimous voice vote to close the public comment period.

Motion to adopt ordinance.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 22

WHEREAS, to aid municipalities in addressing this increased volume and to help offset the increased cost of police enforcement during these periods, the State of New Jersey offers grant funds to certain municipality's; and

WHEREAS, the Division of Highway Traffic Safety has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased DUI enforcement & monitoring thereby providing for overall public safety at the holiday season; and

WHEREAS, the West Milford Police Department has an obligation to keep our roadways safe.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the acceptance of a Drive Sober or Get Pulled Over 2014 Statewide Crackdown Grant in the amount of \$7,500.00

Adopted: October 22, 2014

Agenda IX 4

~ Resolution 2014 - 336 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE LEASE FOR THE HILLCREST SCHOOL

WHEREAS, the Township of West Milford and the Board of Education of the Township of West Milford ("Board of Education") entered into a lease on or about December 13, 2011 for property known as the Hillcrest School (Block 372, Lot 2); and

WHEREAS, the lease between the Township and the Board of Education originally contained a provision for the Township to purchase the property that was the subject of the lease; and

WHEREAS, the Township of West Milford is no longer contemplating a purchase of the property as outlined in the first amendment to the agreement in resolution 2013-350 adopted on December 4, 2013; and

WHEREAS, the lease between the Township and the Board of Education must be amended to reflect that there is no longer the contemplation of a purchase; and

WHEREAS, the lease must be amended to create an escrow account, using the rent monies paid each month, to cover the cost of capital improvements to the Hillcrest School; and

WHEREAS, the lease must also be amended to remove certain exhibits that were related to the contemplated purchase.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the Mayor of the Township of West Milford is hereby authorized to execute the First Amendment to Lease amending the December 13, 2011 Lease for the property known as the Hillcrest School.

This Resolution shall take effect immediately.

Adopted: October 22, 2014

Agenda IX 5

~ Resolution 2014 - 337 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING RESOLUTION 2013-354 to INCREASE THE CONTRACT VALUE WITH ERIC L. HARRISON, ESQ. OF METHFESSEL & WERBEL IN THE MATTER KNOWN AS TRIPLE T CONSTRUCTION v. THE TOWNSHIP OF WEST MILFORD, ITS OFFICERS AND ASSIGNS

WHEREAS, by virtue of Resolution 2013-354 adopted on December 4, 2013 the Township Council did authorize the engagement of Special Labor Counsel services to be provided by Eric Harrison, Esq. of Methfessel & Werbel; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 6 of 22

WHEREAS, Resolution 2013-354 and the related Professional Services Contract did authorize services in an amount not to exceed \$25,000; and

WHEREAS, the Township Administrator has been advised that the Township's needs, related to the matter known as Triple T Construction vs. the Township of West Milford and certain officers and government officials named in the said litigation, necessitates an amendment in an additional amount not to exceed \$15,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number 01-201-20-155-502; and

WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded Professional Services Contract, and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$15,000 to Eric Harrison, Esq. for Special Labor Services which amount is in excess of the initially approved contract amount of \$25,000 bringing the contract total to an amount not to exceed \$40,000.

Adopted: October 22, 2014

Agenda IX 6

~ Resolution 2014 - 338 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 2 TO ALBERT CHRISTMANN, INC. FOR THE BUBBLING SPRINGS PARK INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM PROJECT FOR AN ADDITIONAL INCREASE OF \$5,925.00

WHEREAS, the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey authorized the award of a construction contract for the Bubbling Springs Park Individual Subsurface Disposal System Project by resolution 2014-258; and

WHEREAS, to complete the individual subsurface disposal system an existing concrete slab must be removed, disposed of and replaced; and

WHEREAS, removal of the concrete slab was not detailed on the contract drawings but it was determined in the field to be necessary to access and properly separate and connect the existing wastewater lines originating from the kitchen and bathrooms; and

WHEREAS, pursuant to the Change Order No. 2 report prepared by Ferriero Engineering, Inc., the total amount of increase for this purpose is \$5,925.00 or 4.30%; and

WHEREAS, the total of Change Orders No 1 and No. 2 is equal to \$14,880.00, which results in an adjusted contract amount of \$152,780.00 that represents a 10.8% increase; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this change order, said funds to be paid from the remaining balance of that previously approved for this project in account number 04-215-55-819-015; and

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

1. The Township Administrator is hereby authorized to exceed the original contract award of \$137,900.00 to Albert Christmann Inc. by an amount not to exceed \$14,880.00 or 10.8%.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: October 22, 2014

Agenda IX 7

~ Resolution 2014 - 339 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 22

CONTRACT TO CROSSROADS PAVEMENT MAINTENANCE, LLC FOR THE 2014 WEST MILFORD TOWNSHIP ROAD RESURFACING – PHASE 2 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 26, 2014 at 10:00 am for milling, paving and stormwater upgrades for Baron Road, Birch Avenue, Crescent Road, Fairlawn Drive, Midway Terrace and Rolling Ridge Road; and

WHEREAS, the Township of West Milford advertised in the Herald News and seven (7) prospective bidders requested and received bid specifications; and

WHEREAS, the Township of West Milford received five (5) bids for this contract; and

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

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from the low bidder Crossroads Pavement Maintenance, LLC in the amount of \$539,103.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this project and shall be encumbered from account numbers 04-215-55-812-015, 04-215-55-816-000, 04-215-55-821-006 and 04-215-55-822-005; and

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

4. The Township Council hereby awards a contract to Crossroads Pavement Maintenance, LLC, 81 Franklin Avenue, Nutley, NJ 07110 for the 2014 West Milford Road Resurfacing – Phase 2 project in an amount not to exceed \$539,103.00.
5. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Crossroads Pavement Maintenance, LLC in accordance with its bid for said 2014 West Milford Township Road Resurfacing – Phase 2 project.
6. The Township's Chief Financial Officer has certified the availability of funds for this contract.
7. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 22, 2014

Agenda IX 8

~ Resolution 2014 - 340 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE, THROUGH THE MORRIS COUNTY CO-OP CONTRACT #15-A; ITEM #3, OF FOUR (4) 2015 POLICE INTERCEPTOR UTILITY VEHICLES FROM BEYER FLEET

WHEREAS, the Township wishes to purchase four (4) 2015 Police Interceptor Utility vehicles; and

WHEREAS, The Township Chief of Police has provided a recommendation to award this contract through the Morris County Co-op #15A; Item #3 to Beyer Fleet; and

WHEREAS, the total amount of the contract shall not exceed \$102,555.00.

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase four (4) 2015 Police Interceptor Utility vehicles, in an amount not to exceed \$102,555.00, through Morris County Co-op #15A; Item #3 from Beyer Fleet, 31 Williams Parkway, East Hanover, NJ 07936.
2. The Township Chief Financial Officer has certified the availability of funds shall be encumbered from account number 01-201-25-240-900 for same.

Adopted: October 22, 2014

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 22

Agenda IX 9

~ Resolution 2014 – 341 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EQUIPMENT AND CHANGEOVERS FOR FOUR (4) 2015 POLICE INTERCEPTOR UTILITY VEHICLES BY ATLANTIC COMMUNICATIONS

WHEREAS, the Township wishes to equip and changeover equipment in four (4) 2015 Police Interceptor Utility vehicles; and

WHEREAS, the Township Chief of Police has provided a recommendation to award this contract through the State Contract #83927, #83917 and #81334 to Atlantic Communications; and

WHEREAS, the total amount of the contract shall not exceed \$42,559.20; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-25-240-900.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the Chief of Police to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ to equip and changeover equipment in four (4) 2015 Police Interceptor Utility vehicles, in an amount not to exceed \$42,559.20, through State Contract #83927, #83917 and #81334 and to execute a purchase order for same.

Adopted: October 22, 2014

Agenda IX 10

~ Resolution 2014 – 342 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCKLAND ELECTRIC COMPANY TO PARTICIPATE IN THEIR MUNICIPAL STREET LIGHT PORTAL

WHEREAS, Rockland Electric has developed and implemented a Municipal Street Light Portal; and

WHEREAS, the Municipal Street Light Portal provides a mechanism for municipalities to communicate electronically with Rockland Electric regarding street light issues within the municipality and to track the response to such communications.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, that the Mayor & Township Clerk be and are hereby authorized to execute an agreement with Rockland Electric to allow West Milford officials to participate in the Rockland Electric Company Municipal Street Light Portal.

Adopted: October 22, 2014

Agenda IX 11

~ Resolution 2014 - 343 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A LEASE / PURCHASE AGREEMENT TO R.S. KNAPP CO., INC. FOR ONE HP DESIGNJET T3500 LARGE FORMAT COPY MACHINE

WHEREAS, the Township of West Milford Engineering Division need to replace the existing large format copy machine; and

WHEREAS, the Township of West Milford will take ownership of said equipment after the expiration of the sixty (60) month lease period for no additional cost; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease / Purchase agreement, said funds are to be encumbered from account number 01-201-20-165-498.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 22

1. The Township Council hereby authorizes the Mayor and Township Clerk to execute a lease/purchase agreement not to exceed \$16,200.00 at a rate of \$270.00 per month for sixty months in an amount not to exceed \$3,240.00 annually, with R.S. Knapp Co., Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and agreement shall be available for public inspection in the office of the Township Clerk.

Adopted: October 22, 2014

Agenda IX 12

~ Resolution 2014 – 344 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-034-008 FRANK & SATINA LLC T/A JIMMY GEEZ NORTH SPORTS BAR & GRILL

WHEREAS, an application has been received for a Place to Place Transfer (Expansion of Premises) of 2014 - 2015 Plenary Retail Consumption License No. 1615-33-034-008 held by Frank & Satina LLC trading as Jimmy Geez North Sports Bar & Grill located at 3219 Route 23 South, Oak Ridge, NJ 07438; and

WHEREAS, the Township has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control, 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 financing obtained in the previous license year (July 1, 2013 - June 30, 2014).
4. The approval is in compliance and does not waive any municipality, county, or state laws with respect to the establishment.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred as an Expansion of Premises with conditions as follows:

- (a) Applicant must obtain final inspections and a Certificate of Occupancy from the Township Building and Construction Officials prior to occupying the additional outdoor patio expansion.
- (b) There will be no outdoor cooking or any increase in outdoor seating.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same as follows:

LICENSE
FRANK & SATINA LLC
JIMMY GEEZ NORTH SPORTS BAR & GRILL
3219 Route 23 South
Oak Ridge, NJ 07438
1615-33-034-008

Adopted: October 22, 2014

Agenda IX 13

~ Resolution 2014 – 345 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF POCKET (INACTIVE, UNSITED) PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-013-008 FROM JESSIES COUNTRY KETTLE INC TO FESTA JR FRANK

WHEREAS, an application has been received for a Person-to-Person transfer of 2014-2015 Plenary Retail Consumption License No. 1615-3013-008 presently Jessies Country Kettle Inc to Festa Jr Frank with no sited premises; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: October 22, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 10 of 22

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; and

WHEREAS, as a result of that review the Township Council has 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.

WHEREAS, the Police Department has recommended that the license be transferred to the new owner as a pocket (inactive) license with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold the license certificates for the Mayor and Township Council of the Township of West Milford.

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
<p style="text-align: center;">FESTA JR FRANK 1615-33-013-008</p>	<ol style="list-style-type: none"> 1. Licensee must submit and complete a 12-page application to transfer ownership and/or site this license in the Clerk’s office. 2. Fire Department, Health Department, Building, Zoning, and Police Department inspections must be made and satisfactory recommendations received in the Clerk’s office prior to transfer, activation or opening this license. 3. A Health Department Retail Food Establishment license must be acquired prior to opening 4. Certificate of Occupancy must be issued prior to opening if applicable. 	<p style="text-align: center;">Inactive / Pocket</p>

Adopted: October 22, 2014

Agenda IX 14

~ Resolution No. 2014 – 346 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RENEWAL OF POCKET (INACTIVE, UNSITED) PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-026-002 REFLECTION LAKES INN INC. FOR THE 2014-2015 LICENSE YEAR

WHEREAS, an application has been received for the renewal of Plenary Retail Consumption License No. 1615-33-026-002, having no sited premise, held by Reflection Lakes Inn 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; and

WHEREAS, 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, 2012 - June 30, 2013).
4. Recommendations have been received in the Office of the Township Clerk from all applicable departments.
5. Licensee has received a Special Ruling from the Office of the Attorney General for the 2014-2015 license year.

WHEREAS, 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:

- (a) Licensee must file a 12-page application transferring the license from pocket status to the intended premises.
- (b) Police Department, Fire Department, Health Department, Building and Zoning inspections must be made and satisfactory recommendations received in the Clerk’s office prior to transfer, activation or opening.
- (c) A Health Department Retail Food Establishment License must be acquired prior to opening.
- (d) Certificate of Occupancy must be issued prior to opening if applicable.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: October 22, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 11 of 22

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 22, 2014

Agenda X

~ Resolution 2014 – 347 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF A 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. **2014-348** – Cancel Taxes
- b. **2014-349** – Refund Overpayments
- c. **2014-350** – Refund Other Liens
- d. **2014-351** – Refund Recreation Fees
- e. **2014-352** – Various Licenses

Applications:

- a. Application for On Premise 50/50 Raffle License #2014-44 by West Milford PBA Local 162 Civic Association Inc. for January 31, 2015.
- b. Application for Tricky Tray Raffle License #2014-45 by West Milford PBA Local 162 Civic Association Inc. for January 31, 2015.
- c. Application for On Premise Draw Raffle License #2014-46 by West Milford PBA Local 162 Civic Association Inc. for January 31, 2015.

Adopted: October 22, 2014

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

Agenda X a

~ Resolution 2014 – 348 ~

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

REASON: 100% DISABLED VETERAN

BLOCK/LOT	NAME	AMOUNT	YEAR
408-29	Valentine Mullen	\$188.60	2014 2 nd Quarter
408-29	Valentine Mullen	\$3,597.43	2014 2 nd Half
408-29	Valentine Mullen	\$3,496.00	2015 1 st Half
10510-9	Rodman Marshall	\$1,194.60	2014 4 th Quarter
10510-9	Rodman Marshall	\$3,488.00	2015 1 st Half
10901-21	Clifford O'Reilly	\$1,790.47	2014 2 nd Quarter
10901-21	Clifford O'Reilly	\$8,313.19	2014 2 nd Half
10901-21	Clifford O'Reilly	\$8,088.00	2015 1 st Half
TOTAL		\$30,156.29	

Adopted: October 22, 2014

Agenda X b

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: October 22, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 12 of 22

~ Resolution 2014 – 349 ~

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

REASONS:

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

Block/Lot	Name	Amount	Year	Reason
102-27	Renee Capalbo, 24 Charissa Court Hewitt, NJ 07421	\$1,210.76	2012	5
102-27	Renee Capalbo, 24 Charissa Court Hewitt, NJ 07421	\$1,244.77	2013	5
408-29	Valentine & Rachanee Mullen 72 Larchmont Drive, Hewitt, NJ 07421	\$1,988.03	2014	6
7801-38.07	Ocwen Financial Corp., Tax Department 1661 Worthington Rd. Ste 100 West Palm Beach FL 33409	\$1,864.92	2014	2
902-14	Wayne Gottlieb & Patricia Barrett 20 South Richfield Road, Hewitt, NJ 07421	\$845.50	2012	5
902-14	Wayne Gottlieb & Patricia Barrett 20 South Richfield Road, Hewitt, NJ 07421	\$869.25	2013	5
10901-21	Clifford & Maureen O'Reilly 15 Pond View Drive, West Milford, NJ 07480	\$5,947.66	2014	6
16006-1.01	Antimo A. Del Vecchio Esq. Beattie Padovano LLC 50 Chestnut Ridge Road PO Box 244 Montvale, NJ 07645-0244	\$11,253.31	2011	5
16004-15	Antimo A. Del Vecchio Esq. Beattie Padovano LLC 50 Chestnut Ridge Road PO Box 244 Montvale, NJ 07645-0244	\$1,115.53	2011	5
16005-16	Antimo A. Del Vecchio Esq. Beattie Padovano LLC 50 Chestnut Ridge Road PO Box 244 Montvale, NJ 07645-0244	\$524.55	2011	5
TOTAL		\$26,864.28		

Adopted: October 22, 2014

Agenda X c

~ Resolution 2014 – 350 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot /Qual	Reimbursement Amount	Pay to the Lien Holder
11-113	04/19/2011	14113-028	\$90,760.13	LIEN TIMES LLC 203 STEPHENS ROAD WEST MILFORD, NJ 07480
12-0147	03/27/2012	16101-004	\$23,624.90	US BANK CUST / EMP IV CAP ONE 50 SOUTH 16 TH STREET, SUITE 1950 PHILADELPHIA, PA 19102
13-0066	03/19/2013	07801-032.07	\$2,333.57	CETIN AMATO 7002 BOULEVARD EAST 15N GUTTENBERG, NJ 07093
13-0082	03/19/2013	10503-006	\$41,995.27	ACTLIEN HOLDING INC.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: October 22, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 13 of 22

				45 WEST 45 TH STREET, SUITE 1402 NEW YORK, NY 10036
Grand Total			\$158,713.87	

Adopted: October 22, 2014

Agenda X d

~ Resolution 2014 – 351 ~

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 Department of Community Services and Recreation be refunded:

Low Impact Arthritis 10/9-11/20		
Bonnie Hickey	\$30.00	Bonnie Hickey 127 Center St. West Milford, NJ 07480
Low Impact Arthritis 10/9-11/20		
Janice Thomas	\$30.00	Janice Thomas 16 Melody Lane West Milford, NJ 07480
Low Impact Arthritis 10/9-11/20		
Aileen Sorensen	\$30.00	Aileen Sorensen 9209 Richmond Road West Milford, NJ 07480
Low Impact Arthritis 10/9-11/20		
Marjorie Grazecki	\$30.00	Marjorie Grazecki 665 Macopin Road West Milford, NJ 07480
Low Impact Arthritis 10/9-11/20		
Martha Gionti	\$30.00	Martha Gionti 884 Macopin Road West Milford, NJ 07480
Tai Chi 1/5-12/17		
Marianne Goerig	\$30.00	Marianne Goerig 20 LouAnn Blvd. West Milford, NJ 07480
Coed Adv. Volleyball		
Peter Sullivan	\$39.00	Peter Sullivan 28 Hampton Road Hewitt, NJ 07421

Adopted: October 22, 2014

Agenda X e

~ Resolution 2014 - 352 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEARS 2014 AND 2015

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2014 and 2015 license years; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2014 and 2015 License as listed below: and;

Lic No.	Name/ Location
2015 Amusement Games	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: October 22, 2014
 Time of Meeting: 6:30 pm
 Minute Page No: Page 14 of 22

2015 - 01	Island of Spirits, 3025 Rt. 23, Oak Ridge, NJ 07438
2015 - 02	Pioneer Bar & Grill Corporation 350 Warwick Tpk., Hewitt, NJ 07421
2015 Pool Table Licenses	
2015 - 01	Old School Pub, 551 Warwick Tpk., Hewitt 07421
2015 - 02	Island of Spirits, 3025 Rt. 23 Oak Ridge, NJ 07438
2015 - 03	Pioneer Bar & Grill Corporation 350 Warwick Tpk., Hewitt, NJ 07421
2015 - 04	American Legion Post 289 177 Lincoln Ave, West Milford, NJ 07480
2014-2015 Junkyard License	
2015 - 01	Concourse Auto II LLC 1894 Rt 23, West Milford, NJ 07480
2015 - 02	Jeannette Marchiafava 110 Weaver Road, West Milford, NJ 07480
2015 - 03	Mountain Top Auto Inc. 333 Warwick Tpk, Hewitt, NJ 07421
2014-2015 JunkShop and/or Recycling Center License	
2015 - 01	Concourse Auto II LLC 1894 Rt 23, West Milford, NJ 07480
2015 - 02	Mountain Top Auto Inc. 333 Warwick Tpk, Hewitt, NJ 07421
2015 - 03	Gagliano Services Inc. / Skytop Recycling Inc. 80 Airport Rd, West Milford, NJ 07480

Adopted: October 22, 2014

Agenda No. XI

Approval of Expenditures

~ Resolution No. 2014 - 353 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$522,725.61
3	Reserve Account	30.00
2	Grants	87,974.03
6	Refunds	173,031.76
1	General Ledger	4,667.00
26	Refuse	0.00
4	Capital	95,831.34
19	Animal Control	12,819.21
19	Heritage Trust	0.00
19	Open Space Trust	3,466.10
19	Trust	2,132.71
19	COAH	0.00
16	Development Escrow	2,950.96
20	Library Trust	0.00
21	Assessment Trust	55,599.15
Total		\$961,227.87
Less Refund Resolution		-173,031.76
Actual Bill List		\$788,196.11

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 15 of 22

Other Payments.	
Payroll	498,546.12
Dog, Due State	104.40
DTC Interest on Bonds	\$248,680.00
DCRP	503.08
BOE	4,461,686.00
Petty Cash	99.55
DTC Interest on Notes	69,374.99
Bob Cianci ALF entertainment	500.00
Glen M. Taylor ALF entertainment	500.00
West Milford Animal Shelter	4,909.00
Total Expenditures	\$6,073,099.25

Adopted: October 22, 2014

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

Agenda No. XII

Reports of Administrator, Mayor and Council Members

Mayor Bieri noted that it is not yet 7:30 p.m. As such, the Council will proceed to Council reports to comply with the policy that the public portion of the meeting will not begin before 7:30 p.m.

Councilwoman Dale congratulated all those involved with the ALF festival. She noted that the decision was made to hold the event on the rain date, Sunday, saying that it was the right decision. She said the organizers did an excellent job communicating the change. She and the Mayor were in communications with the organizers when they were making that decision. She said the festival was a great success. She said she met with members of Fire Company #2, including some new members. She said they are reorganizing and restructuring. Their membership has increased to 15 with two new additional members expected to come on board soon. She is happy to report that the Fire Company is doing very well.

Councilman Signorino echoed Councilwoman Dale's sentiments about ALF and the ALF committee adding that everyone did a great job. He said everyone he spoke to said they enjoyed the festival. He said the museum is now reopened. They are open to the public on Saturdays from 1 p.m. to 4 p.m. and he urged those interested in West Milford's history to stop by. He said he and Councilmembers Horton & Dale met with the library board subcommittee where they saw a rendition of the new library with the stonework and the siding. There was discussion about getting a generator for the building so they have asked for estimates.

Councilwoman Horton echoed all the sentiments expressed about ALF and those who worked to make it such a success. This month is domestic violence awareness month and breast cancer awareness month. She urged people to take care of their health and to seek help if they are experiencing abuse. She said she learned from Janice Sangle that this is also disability awareness month and this year the focus is on employment. She asked employers not to overlook the abilities of people with disabilities. She thanked and commended the innumerable people who are working to obtain signatures for the watershed petition. She urged people to continue the effort as we need more signatures. She pleaded with those who have not signed to do so saying that this is our chance to seek long-term tax relief for West Milford.

Councilwoman Erik announced that there will be a free workshop for film producers hosted by the Passaic County Film Commission in Totowa on the morning of Saturday October 25, 2014. She provided details about the workshop. She said she attended a State conference on Ebola last Thursday. She said there are many scare tactics surrounding Ebola. State doctors said that Ebola has killed one person in the USA yet every day 1,000 people in this country die from heart disease. She listed some related statistics. She said that 30,000 people per month die of hepatitis.

Councilman Hensley thanked his Council colleagues for introducing the ordinance to allow an annual town wide garage sale. He said it was a great event this year. He said he had a great time at ALF and commended the committee for the wise decision to reschedule to the rain date. He said the Council received a letter from Mr. Hajek with some great ideas. He relayed some anecdotes in the letter noting that the ultimate request was to name a street after Derek Jeter, the Yankee player. He said that at one

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 16 of 22

time Highlander Drive was named after Eric Arnold, a West Milford resident and WWII veteran. If there is an ability in the future, he would like to see some recognition for Mr. Arnold. Councilwoman Erik said that John Eric Arnold was from a prominent West Milford family. There is a tree planted in his honor in Veteran's Park.

Council President Erk said ALF was wonderful. She said the Cable TV committee continues to meet and make progress. She spoke with Gary Shaw from Cablevision and the target for the drop is 11/7. The equipment is on backorder but Mr. Shaw will arrange to have it picked up rather than wait for shipping. The committee is still looking for volunteers to record various events. The policy & procedure manual has been submitted to Administrator Gabbert for review.

Councilwoman Dale read the following statement from the fire companies. We are writing in direct response to recent negative allegations and critiques by specifically Mr. Simmons of the West Milford Township Fire Companies. Specifically, Mr. Simmons, although he is not presently a volunteer firefighter, seems to take great interest to observe fire calls and then send letters complaining as to the way our volunteers, who are protecting the safety and welfare of our residents, are fighting fires and protecting our residents. We do not take kindly to these repeated criticisms and "Monday morning quarterbacking" by this individual. In fact, if this individual had the respect and appreciation of the volunteer firefighters of West Milford Township, he wouldn't take it upon himself to continue to take issue with and criticize the efforts of our volunteers. We take great exception to such criticism as it demonstrates a lack of respect and appreciation for the 215 volunteer firefighters in West Milford Township. The average volunteer firefighter dedicates approximately 20 hours per week which totals almost 1000 hours a year per volunteer. Over 200,000 hours a year are dedicated to the Township of West Milford by our 215 volunteer firefighters. We note that Mr. Simmons previously filed a lawsuit against the Township of West Milford and Fire Company #2. While we express no opinion with respect to that case, we have been advised that the outcome resulted in a settlement whereby there was no finding of any type of liability but in fact Mr. Simmons was paid \$37,500 as a result of a complaint filed relating to him serving as a volunteer firefighter for the Township of West Milford. We note that this case is over and concluded and that Mr. Simmons was paid in accordance with the terms of an agreement. But we do point out that subsequent to the settlement, he has taken upon himself to evaluate, critique and criticize the West Milford Township Fire Companies. Most recently we have been advised that he intended to come to a Township meeting and raise issues about the West Milford Township Fire Companies. Firefighters exemplify solidarity and we support the loyalty of all of West Milford's firefighters and volunteers. We understand that there are those who put themselves, their lives and families at risk to protect the residents of this Township and then there are those who stand on the sideline and criticize. Accordingly, each one of the Fire Chiefs of the six fire districts of the Township of West Milford hereby join in supporting this statement of solidarity of our volunteer firefighters.

Mayor Bieri said she supports everything said in the letter from the fire companies. She hears all fire calls. She hears what they are dealing with. She listed the callouts for last night alone and she commended the first responders. She said that people don't realize how often our volunteers are called out. She said that there are 1,640 online signatures for the petition and 777 paper signatures. Councilwoman Dale asked to extend the deadline date for the petition. Mayor Bieri thanked everyone who participated in ALF particularly the volunteers and committee members. She noted that there are countless volunteers working every day in West Milford on various matters. She suggests seeking an alternate bid for the generator at the library as part of the bidding process. Councilman Signorino said the library board architect is getting an estimate. Mayor Bieri said Mr. Inserra attended a prior Council meeting with an update on renovations at Shop Rite. She reviewed his comments. They will be seeking an extension request with amended site plan, which will add renovations to the Theatre building. They plan to proceed with everything else. McDonalds has signed off on the plan and the store will be open during construction. They hope to begin in spring 2015 and to complete by the end of the year.

Administrator Gabbert said he gave a summary of PRIDE usage at Hillcrest to Council. Canistear Road information has also been provided which indicates that a stop sign has never been recommended at that site. The cost for a Robo call is \$575 and the Council gave consensus for him to proceed with a Robo call regarding the watershed petition. Councilwoman Dale asked that the deadline be extended to the end of year and the Council agreed. Councilwoman Horton said she would like to know from the lobbyist when they really need this saying that should drive the date. Administrator Gabbert will follow up with the lobbyist.

Township Clerk gave an update on the upcoming elections saying results will not be posted on the Township website on November 4th because the computers have been returned to the County for updating. Supplies will be returned to the County and results uploaded to the County website.

Dawn Sullivan, Esq. said Mr. Semrau attended a meeting with the fire chiefs regarding policy changes. He was impressed with the collaborative efforts of all involved.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 17 of 22

Agenda No. VI

Public Comments

Michele Wright, 8 Rosemont Ave, West Milford said she is here to discuss holiday decorations specifically a menorah at town hall. She was raised Jewish and has a son. Her son notices everything. He will notice there won't be a menorah at town hall. She wants him to feel included and she asked that the Council approve the display of a menorah at the upcoming holiday.

Stu Feldman, 54 Bisset Drive, West Milford said he is the president of the Chamber of Commerce but speaking as an individual. His family attends both the menorah & tree lighting ceremonies. There has been controversy over the years regarding holiday decorations and he has done plenty of research. Nobody knows the right answers. Lawyers, politicians, courts & scholars have weighed in. The Supreme Court ruled that a Christmas tree is a secular symbol. He questioned that. Secular means not religious by nature. The tree is a symbol of a celebration of a holiday. Compare that to a menorah. A menorah is not a representation of God. It is a symbol of something people want to celebrate. The Supreme Court does not list everything that is secular. If we limit celebrations to one symbol for each holiday then everyone is served. He suggests that it be noted that a display cannot reference anyone else's religion. Atheists can be heard too but their display should not reference somebody else's religion. That is wrong. This is about holiday celebrations. We want to come together as a community. We should establish a standard to be applied.

Daniel Grovney, 48 Upper High Crest Road, West Milford has been a resident for 11 years and he grew up in Jerusalem. He loves West Milford. Two years ago he attended the menorah lighting and he was proud & humbled. It was emotional to have his children experience that. Last year he came again but the menorah did not stay lit for the season. Having that symbol is less religious but opens up conversations for children about diverse backgrounds and cultural differences. It is important to continue that. He asked for that to be allowed again. The menorah is symbol of freedom, light over darkness.

Rabbi Mendi, 1069 Ringwood Ave, Wanaque said he is here for the third year. Last year there was a beautiful short & sweet menorah ceremony. Children approached him when he was rushing to take the menorah down in time. Children asked why it was being taken down. What is he supposed to say to them? He asked if he should tell the truth that town leaders rejected the menorah lighting. He did not want to tell them that. He told those children that maybe it will be up for entire Hanukah next year. He is here again and it is unfortunate that he has to request that the Mayor & Council take a vote again. Other towns have menorahs. He listed them. They all work out perfectly. The leadership in those towns work out issues. The White House has a menorah but West Milford cannot come together & show strong leadership. Stand up, make a decision and work this out. Why should children have to question? Is this really offensive? Is it so terrible? There is a Jewish community in West Milford. There are hundreds of Jews in West Milford. They are not the majority. They are quality people who deserve to have a light to represent their heritage. He said that Councilwoman Erik was at the menorah lighting last year and she said it was a beautiful & meaningful event. The Council can take a vote tonight. This is a small issue, make right decision. Do what is right for community. Make the decision and allow the menorah.

Angelo Juliano, 7 Parkside Court, Wayne said he is here about siting a license at the old Lakeview premises. When this was last discussed Council asked for information. The Council has received the requested information and he would like an update.

Luke Slott, 10 Ponderosa Place, Hewitt said he is here to speak about the bear hunt and the proposed resolution on the agenda seeking an extension on the bear-hunting season. There are falsehoods in the resolution, which is weak on facts. He said that statistics show that there has actually been decreased bear contact in New Jersey. Hunters can kill cubs as well as mothers, which is inhumane. He gave statistics about the number of bears killed in recent years and said the overall bear population is declining. Why is there a need to kill more bears? He said the Council could hire sharpshooters to kill real problem bears. When he hikes he rarely sees bears in the woods. The problem is with bears outside of woods and in garbage pails. He urged the Council to defeat the bear hunting resolution.

Jay Huggins, Long Pond Road, Hewitt said he is the coordinator of the pump track by Farrell Field. He is here to provide an update. Through JORBA & local clubs he runs the pump track with cooperation of other members. The pump track is a self funded and a non profit track that encourages exercise & skill building. With cooperation of town officials these volunteers were able to construct in the pump track in 2012 and opened in October that year. In 2013 it was a great success bringing patronage to local businesses. Businesses have contributed to the track. He shared statistics they have gathered from their Facebook page. The highest activity is in April and people want the track to remain non-competitive. People want a safe fun place to ride. 40% of participants in 2014 were from West Milford. Participants come from a wide range of towns and participants range in age from 3 to 70 years old. Recently the track

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 18 of 22

was nearly destroyed by vandals and warranted repairs. The community came together and a large number of volunteers repaired the track in 3 days. They began an awards program for someone who does good for the community. The winner will be presented with a bike this Saturday at the pump track. He reviewed changes made to the track and thanked the Mayor & Council for their continued support.

Melissa Brown-Blauer, Hewitt asked the Council to reject the resolution to extend the bear hunt. Information in the resolution is not very specific. It is anecdotal. She said the prior speaker, Mr. Slott, had a measured approach. West Milford is seeking to attract people for recreation. We should be thinking about this holistically. There should be input from the community and we should understand what happened at Apshawa. There should be signage to inform out of towners about how to handle contact with bears. There are steps that can be taken to avoid tragic consequences. There are many factors to be considered to attract people to our woods and keep them safe.

Diana Farr, 181 Otterhole Road, West Milford is in the Gordon Lakes community. Surrounded by forests and see a lot of bears. Asked council to reconsider resolution to extend the bear hunt. Wanted to specifically address Dale & Erik who grew up in WM and were concerned about increased bear population. Her family moved to Ringwood years ago. Grew up in deep woods and saw animals who no longer live here. She was taught to respect & revere wildlife. They were taught to protect themselves and be prepared. She contacted the clerk to ask how to protest fear mongering at the last meeting. We should focus on education and eco-tourism. She has hiked many of our trails. It is wrong to invite people here to trails without educating them. It is not a place for families to picnic. She sees families enter trails and no one has gotten hurt in the past. Here to oppose any resolution expanding or supporting bear hunting and she is representing nine other people in her community. For this one voice she is speaking for many others. They would be horrified if there was a vote tonight to support hunt. We should support pending state legislation that promotes education. She has known this town for decades and we should be able to live harmoniously with these creatures.

Dale Jones, 57 East Park Drive, West Milford provided her credentials as a member of the BEAR program. She distributed information and read a statement providing statistics about the bear population, bear hunting and the benefits of education versus hunting. She urged the Council to vote "no" for the extended bear hunt or any type of bear hunting. She asked the Council to consider adopting a resolution supporting State legislation known as the "New Jersey Bear Smart Bill" which is being considered in the State Senate.

Elaine Dunne, Bloomingdale Official Representative of Bear Program said she is an official representative of the BEAR program. She runs their educational department and she offers to come to schools, libraries & towns to make presentations. She and the BEAR group oppose expanding the bear-hunting season. In fact, they oppose bear hunting. The only necessary thing is to educate the public. They will give presentations. She asked Council to consider a resolution to support bear smart legislation being considered in Trenton.

Marilyn Lichtenberg, 37 Hudson Drive, West Milford noted that civic club had planned a presentation scheduled before the bear attack that was held on the night after the attack. The video is online and will be on the Channel 77 when it comes up. She encouraged people to watch the video.

Lou Gallucci from neighboring town said there has only been one fatality linked to bears. Decisions should be made on education & policy. Have no hunts for five years & focus on education & see what happens. He has been stationed in Europe and they think we are crazy. We are really blessed. We have wildlife at our doorstep and are close to New York City. The wildlife is a gift. Professional law enforcement is trained to deal with problem bears and are great. It would not be wise to send bored individuals with nothing to do to hunt bear. One episode to compel legislation is fear mongering. People are killed by dogs but we do not legislate that dogs should be killed. The record speaks for itself. Bears are generally safe. People generally feel safe. New Jersey is now in the national spotlight presenting a golden opportunity to set the right example for living with wildlife.

Crystal Walsh, Monroe, NY is a full-blooded native American Apache. Education is important. Animals were here first. We should learn about their behavior. We are encroaching on their territory. They have a right to live. She does not believe in a hunt. Her people use every part of an animal's body if the animal has to be killed. She thinks the hunt is political to benefit hunters who like trophy hunting. This is a tri-state issue. She sees New Jersey bears in New York. They are part of the ecological system. This is not right. Every animal contributes to the eco system. They each have a purpose.

Rick Ashley, 14 Orange Rd, West Milford said he is the third generation of his family who originates from West Milford. He gave overview of family history. He was not raised hunting. He and his brothers had it in their blood and as a result he has been hunting since he was 10. The State took away bear hunting in 1971 and during the last three decades there has been no growth in town but the bear population is out of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 19 of 22

control. Hunters have tried to educate people about the adverse result of feeding animals and attracting bears. We have an increased bear population because there are no controls. Bears have overreached that which can be sustained. They do not fear human beings. He relayed incidents where he and/or family members have had contact with bears. Some people here oppose hunting. There used to be controls when there were more farms. Hunting is the only thing to control the population. Hunters are intelligent members of the community. This town has a lengthy history that involves hunting. If we had an extended hunt maybe this kid would be alive today. We have issues in this town. We have to work together on every issue including hunting. This is what Council is trying to do. Bears need to fear us. Hunters do not hunt for trophies. They eat what they kill.

Eric Bunk, Vista Road, West Milford said he is looking for responsibility. He wants balance. Bears are an asset. Eating meat is not a crime. Hunters simply want to use surplus animals. There are too many bears for this habitat. We are managing for optimum conditions. Land can only support so many animals. He would like to see an effort to manage bears with responsible hunting seasons. You manage them for what the land can support. If overpopulated they will compete with other animals for food sources. It is a conservation issue. He cares about wildlife. Too many animals are being killed on roadways. He appreciates Council listening and considering this. We must manage the land while providing for wildlife. Bear proof garbage cans only protect garbage. But overpopulation of bears does not protect them. There are many things to worry about when hiking in the woods. You cannot have signs for every potential hazard. We don't need government telling us to be responsible. Hunters seek balance. They want a vital bear population. He wants support for the resolution. We can use these animals. It is simple. Hunters are not mean evil killers. They are part of the environment. Make bears an asset instead of a liability.

Valerie Devine, Lincoln Park opposes expanding or supporting the bear hunt. She asked for support for the bear smart bill. We should become a bear smart New Jersey. She does not understand taking away the life of innocent animals. Death by nature or disease is understandable. She does not understand how hunters bait bears only to kill them.

Doris Aaronson, 19 Bearfort Road, West Milford said the upcoming election has an open space ballot question about which she urges people to vote yes. She explained the question. She reviewed the history of open space bond referendums saying those funds have now been exhausted. West Milford benefited from much of those funds. West Milford is overdeveloped and we must protect open space. She urged people to vote yes on this question. Ebola was mentioned earlier. The flu is far more dangerous and kills more people. Local pharmacies are giving flu shots as is the health department. Protect yourself & your neighbors. There were many compliments about ALF. She thanked UGL ambulance for helping her get home that day.

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

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

Agenda No. VII

Council Comments

Councilwoman Horton said she believes in minority rights. She says it is all or nothing. Atheists & religious groups get equal time. Democracy can often be messy. She loved seeing the Menorah, the Christmas Tree and the Crèche and she was not opposed to atheist sign. As a democracy that is the right. Do not let someone else's effort to challenge your faith hinder you. She supports having what we had two years ago. All displays allowed. We did not do that last year so she didn't attend any of the ceremonies. She is an American and has an abiding faith in this country & our liberties. She believes in standing up for those who are oppressed. We are all in this together and there is room for all of us. She comes from a long family of hunters. She believes in eating the meat. She will not support the resolution to extend the bear hunt.

Councilwoman Erik said she doesn't know the answer about the bear hunt. She sees both sides. The bear that killed was rogue and she said we cannot act out of fear. We should take precautions. She has lived here all her life. The bears in the woods are not the problem. The bear in the backyard is the problem. She sees both sides.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 20 of 22

Councilman Hensley said he thinks a bear hunt is necessary. It is a necessary part of life. It must be an acceptable & intelligent hunt. If you have a hunt during hibernation season it is more problematic. You need to get them before they have dened for winter. He is a lifelong West Milford resident and in his opinion we are inundated with bears. They can be seen multiple times a day. He had an uneasy moment with a bear. He noted that there is general consensus that residents see bears more often now than ever before. It is natural that we have a more logical bear-hunting season. We cannot relocate a sufficient number of bears to reduce the population. From a logical perspective he supports an expanded bear hunt. Hunting season also attracts tourism. He loves bears but he has to act responsibly and promote a healthy habitat for healthy bears. He wants to see healthy bears.

Council President Erk said she is also native American and enjoys wildlife. She has had many problems on her property with bears. She gave examples. Bears have lost their fear of humans. She is bear educated but she cannot educate the bear. We need balance.

Mayor Bieri noted that she doesn't get to vote unless there is a tie. Nonetheless she shares her opinion. She will ask Council for a policy for holiday displays. She prefers just tree & a menorah. To allow all religious displays, she said, takes away from the meaning and creates a circus. She understands it is legal to just allow a Christmas tree. With regard to resolution 2014-334, she prides herself on being factual in nature. She believes in animal welfare. She serves the public's best interests. This resolution appears to be a knee jerk reaction to an unfortunate situation. It is a catalyst to some for personal agendas. She went through the resolution point by point. The incident was one fatality. How many fatalities are caused by hunters each year? Problem bears are not in the woods, they are more in the neighborhoods. Education is often key. That applies to many things including driving while intoxicated. We educate people; we do not ban alcohol. She does not have a vote, if she did, she would ask that statements made are verified and factual. There is already a bear hunt. She would ask that there be a statewide education, information and pamphlets. Education may have helped prevent the recent tragic fatality. She would ask the reference to the Mayor requesting an extended hunt in the resolution be removed from the wording.

Councilwoman Erik said Council just received information on the state bill. She moved to table resolution 2014-334. There was no second so the motion did not carry.

Agenda No. IX 2

~ Resolution 2014 – 334 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY URGING THE NEW JERSEY STATE LEGISLATURE TO EXPAND THE BEAR HUNTING SEASON IN THE STATE OF NEW JERSEY

WHEREAS, in September, 2014, a 22-year old New Jersey resident from Edison, New Jersey was fatally attacked by a bear in West Milford Township; and

WHEREAS, the Township of West Milford is home to hundreds of acres of open space and watershed land which serves to protect the water supply for much of the State as well as providing a natural habitat for many species of wild life including black bears; and

WHEREAS, for many years humans and black bears co-existed in harmony with few incidents of direct contact; and

WHEREAS, in recent years bear sightings have increased and incidents of direct human contact between bears and humans have escalated; and

WHEREAS, there are a lot of reasons that can explain these increased incidents, which include but are not limited to:

1. An increased bear population due to many factors including the relocation of bears from other areas to the northern part of the State; increased birth rates and litter sizes; and increased food sources for bears due to their proximity to residential neighborhoods;
2. A limited bear hunting season in New Jersey while there is an extended bear hunting season in neighboring New York State thereby causing an influx of bears from New York to New Jersey during the extended bear hunting season;
3. A healthier, more robust bear population whose fear of their only natural predator, man, has been diminished due to the proximity to which bears live with humans in this area and the limited ability for humans to serve as predator due to the severely limited hunting restrictions that exist in New Jersey.

and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 21 of 22

WHEREAS, controlled bear hunting, with oversight from the State of New Jersey, Department of Environmental Protection, Division of Fish & Wildlife serves to protect the bears in our communities as well as the human residents with whom they coexist; and

WHEREAS, New York State has an annual Bear Hunting Season that extends, in various zones, from September 6 through December 31, depending on the zone while New Jersey has a bear hunting season that extends for a six-day period in December; and

WHEREAS, New Jersey's efforts to minimize human encounters with bears, proactive measures to prevent future fatalities and efforts to restore the balance of nature so that bears and humans can return to a coexistence of mutual regard & respect would be enhanced by the institution of a bear hunting season that mirrors that bestowed upon the hunters in New York State.

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

1. The Township Council hereby urges the New Jersey State Legislature to immediately consider legislation, which would extend the bear-hunting season in New Jersey.
2. The Township Council respectfully recommends that the State Legislature, when considering such legislation, give considerable thought to the impact that the New York bear hunting season has on the bear population in this State and consider establishing a bear hunting season that mimics that of New York State to prevent the continued influx of bears into New Jersey during the New York bear hunting season.
3. The Township Council requests that the New Jersey State Legislature consider instituting legislation that would cease the practice of relocating bears from any other State to New Jersey until such time as the existing bear population is sustainable.
4. This resolution shall be sent to Governor Chris Christie, Senator Joseph Pennacchio, Assemblywoman Betty Lou DeCroce and Assemblyman Jay Webber.

Adopted: October 22, 2014

Moved: Signorino Seconded: Dale
Voted Aye: Hensley, Erk, Dale, Signorino.
Voted Nay: Erik, Horton.
Motion carried.

Mayor Bieri asked Council to consider establishing a policy for holiday displays. Councilman Signorino said he is not ready to set policy tonight and Councilwoman Horton said she favors allowing all displays. Mr. Semrau said if Council has their mind made up it may be best to disclose that tonight. He has provided opinions for the past two years based on case law & past practices. He reviewed the options. Councilman Hensley said a one-day permit as was done last year is not acceptable. If the menorah is to be displayed it should be for the duration of the season. Nonetheless he does not want any group to be discriminated against. Then other organizations would require an extension on the permit. Discussion ensued as to what would be allowed under a one-day permit.

Motion to allow Christmas tree, lights and Menorah as holiday displays at Town Hall; all requests by permit.

Moved: Dale Seconded: Erik
Voted Aye: Erik, Dale, Horton, Bieri
Voted Nay:
Abstain: Hensley, Erk, Signorino
Motion carried.

Agenda No. XIV

Appointments and Resignations

None.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:26 p.m.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: October 22, 2014
Time of Meeting: 6:30 pm
Minute Page No: Page 22 of 22

Moved: Erik Seconded: Erk
Voted Aye: All in favor
Voted Nay: None.
Motion carried.

Approved: November 12, 2014

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK