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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: October 23, 2013  
Time of Meeting: 6:30 P.M.  
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- ( ) 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.
- (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.
  - Contract: PAL
  - Attorney-Client Privilege: Holiday Displays
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: October 23, 2013  
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Moved: Erik Seconded: Signorino  
Voted Aye: Erik, Hensley, Erk, Signorino, Horton.  
Voted Nay: None.  
Motion carried.  
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The Governing Body went into executive session at 6:38 pm

The Governing Body returned to the public meeting at 7:27 p.m. with all present as before.

Agenda No. IV

**Proclamation**

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

Agenda No. V

**Unfinished Business, Final Passage of Ordinances**

Agenda No. V 1

~ Ordinance No. 2013- 020 ~

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

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

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

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

C. Qualified Purchasing Agent

Creation of Position. Within the Division of the Treasury there shall be the position of Qualified Purchasing Agent. Qualified Purchasing Agent shall mean a purchasing agent who is the holder of a Qualified Purchasing Agent certificate and serves pursuant to the Qualified Purchasing Agent Law, N.J.S.A. 40A:11-9 to 9.1, and the regulations promulgated pursuant thereto, N.J.A.C. 5:34-5.1 to 5.5.

Compensation. The Qualified Purchasing Agent will be paid a salary that will be fixed by the Mayor and Council in the salary ordinance that is adopted from time to time.

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Qualifications. The Qualified Purchasing Agent is required to possess and maintain a valid Qualified Purchasing Agent certificate issued by the New Jersey Division of Local Government Services, Department of Community Affairs, and satisfy all of the requirements of the applicable statutes and regulations then in effect for the position.

Vacancies and Temporary Appointments. If the position becomes vacant, a temporary appointment may be made pursuant to section 15-52(C)(2) and the provisions of N.J.S.A. 40A:11-9(g).

Duties. The Qualified Purchasing Agent will have, on behalf of the Mayor and Township Council, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services, and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms, and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township.

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

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

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

Introduced: October 2, 2013  
Adopted: October 23, 2013  
Effective Date: November 12, 2013

This Ordinance was introduced on September 18, 2013 and the Notice of Public Hearing was published in the Herald News on September 22, 2013. Mayor Bieri opened the meeting to the public to speak to this ordinance only.

Councilwoman Erik made a motion seconded by Councilwoman Erk and carried by unanimous voice vote to close the public portion.

Motion to adopt 2013-020.

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

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Agenda No. V 2

~ Ordinance No. 2013- 021 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A CERTAIN TOWNSHIP RIGHT-OF-WAY INTEREST**

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

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

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

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

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

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

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

- SECTION 1.** The Township of West Milford hereby authorizes the vacation of a portion of its current right-of-way interest inside the intersection of Overlook Road by 18' and Butler Lane by 10' as further described in the attached Metes and Bounds description which is attached hereto and made a part hereof.
- SECTION 2.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.
- SECTION 3.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: October 2, 2013  
Adopted: October 23, 2013  
Effective Date: November 12, 2013

This Ordinance was introduced on October 2, 2013 and the Notice of Public Hearing was published in the Herald News on October 6, 2013. Mayor Bieri opened the meeting to the public to speak to this ordinance only.

Councilwoman Erik made a motion seconded by Council President Signorino and carried by unanimous voice vote to close the public portion.

Motion to adopt ordinance 2013-021.

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

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Agenda No. VI

**Public Comments**

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

David Hardin, West Milford said the constitution allows mixing of church & state. He said the Council can limit the number of religious displays on Township property. Christmas celebrates the birth of Jesus Christ. Public property is a place for anyone who believes in God to make a display of that faith. It does not hurt anyone. It is inclusive and allows expression. People have a right to express their belief in God in their own way. He suggested that the Council limit the number of displays and place restrictions but allow displays. It is not the town imposing a belief on anyone. Everyone has a right to their faith. Christmas is a longstanding holiday celebrating the birth of God.

Tim Wagner, 835 Westbrook Road, West Milford is here representing HEAT and on behalf of both the rabbi & the priest neither of whom could be present. There was a meeting yesterday with members of HEAT, the Township Attorney, the Township Administrator and Council members who serve of the subcommittee for holiday displays. Rabbi Mendhi attended too. The members of HEAT appreciate that the meeting took place. Mr. Wagner provided the Council with copies of the guidelines they discussed yesterday. He said he removed two items that were objectionable noting that this is a step forward because last year there were no guidelines. The group feels that they will not compromise anyone's religion by expressing themselves on public property. Their goal is to unite this community at a festive time. ALF brought the community together and it would be nice to have that for the entire holiday season. West Milford residents have to travel out of town to see holiday displays. There is significance to the lights but they lose that symbolism without religious displays. They had a petition at ALF signed by constituents and some visitors. People did not hesitate to sign the petition. Everyone wants to see holiday displays and he urged the Council to make the right decision based on what the community wants. This group has a strong belief that this is the right thing to do. He asked the Council to give careful thought and a vote



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ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 135, "FEES AND COSTS," OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 135 of the Revised General Ordinances of the Township of West Milford, is hereby amended and supplemented to read as follows:

§135-9. Administration; Public Records.

Reference Chapter 15, Administration of Government, Article XXVIII, Public Records.

- A. Fees for photocopies. The fee for providing copies of records shall be as follows:
(1) Per page: \$0.05

§135-10. Alcoholic Beverage Licenses.

Reference Chapter 63, Alcoholic Beverages, Article II, Licensing; Regulations.

- A. The annual fees for the sale or distribution of alcoholic beverages in the Township shall be as follows:
(1) Plenary retail consumption license:\$600
(2) Club license: \$165.
B. Transfer of license fees. The fees to transfer a liquor license, per the Division of Alcoholic Beverage Control of the State of New Jersey, shall be as follows:
(1) Transfer of plenary retail consumption license:
(a) Person-to-person transfer: \$60
(b) Place-to-place transfer: \$60
(2) Transfer of club license: \$16.50.

§135-17. Fire Prevention.

- B. Application for a certificate of smoke detector and carbon monoxide compliance inspection fee as required by N.J.A.C. 5:70-4.19 et seq.:

When Certificate of Compliance Required (number of business days prior to closing) Fee
More than 10 \$50
4 to 10 \$85
Less than 4 \$140

- (1) Certificate of smoke detector and carbon monoxide compliance reinspection fee \$40

- C. Annual non-life-hazard inspection fees. In addition to the registration fees required pursuant to the Uniform Fire Code, the following additional annual fees shall be required for annual inspections, except that the fees established pursuant to this section shall not be assessed against life hazard uses. The following fees shall also apply to all vacant buildings.

Occupancy (square feet) Fee
Up to 999 \$50
1,000 to 4,999 \$75
5,000 to 9,999 \$140
10,000 to 14,999 \$265
15,000 and over \$365

- D. Violation of fire lane: \$60.
E. Any form of haunted amusements (shall include hay mazes, haunted structures, etc.): \$80.
F. Illegal burning: not to exceed \$1,000 per offense.

§135-2. Department of Community Services and Recreation.

The Department of Community Services and Recreation is authorized to charge the following fees:

- K. Use of Teen Center/Coffee House. Event Permits may be issued for use of the West Milford Teen Center/Coffee House by the Community Services and Recreation Department. The fee for such use shall be a one-time fee of \$150 for a four-hour rental. Time exceeding the initial four hours shall be charged at the rate of \$25 per hour. Each event shall require a security deposit of \$200.00.

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Use of the Teen Center shall be subject to all requirements associated with the issuance of event permits under Township policy and the Township's caretaker must be present during any event.

**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 23, 2013

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for November 13, 2013. Notice of this public hearing shall be published in the Herald News on or about October 27, 2013.

Motion to introduce Ordinance 2013-022.

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

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Agenda No. VIII 2  
~ Ordinance No. 2013- 023 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 71 OF THE TOWNSHIP CODE TO REGULATE THE KEEPING AND HOUSING OF CHICKEN HENS ON LESS THAN ONE ACRE OF LAND**

**BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey Chapter 71, Animals, of the Township code be and is hereby amended, as follows:

Article VI Chicken Hens on Less than One Acre of Land

Purpose: The purpose of this article is to regulate the keeping and housing of chicken hens on less than one acre of land.

**§71-42. Definitions**

Chicken Hens: Any female of the chicken species.

**§71-43. Number of Chicken Hens Allowed**

No more than six (6) chicken hens shall be allowed on properties of less than one (1) acre in accordance with the provisions of §500-90 B. (3) of the Township code.

**§71-44. Housing Requirements for Chicken Hens (Coops and Runs)**

- A. Notwithstanding any other provisions of this chapter, chicken hens shall be housed and kept in a manner which will not constitute a public or neighborhood nuisance. Chicken hens shall not be permitted to fly or run at large.
- B. All chickens hens shall be housed in coops or structures that are properly designed for such use and completely separated from any building utilized for dwelling purposes.
- C. Coops and runs shall be restricted to the rear yard area and shall adhere to the applicable side and rear yard setbacks pursuant to §500-12 of Chapter 500, "Zoning." The setback requirement for accessory buildings and structures from other buildings set forth in §500-12 shall not apply to coops and runs.
- D. The zoning officer shall approve the structures prior to their installation with the issuance of a zoning permit.
- E. No chicken hens shall be kept unless they can be contained on the property of their owner or the agent of their owner.

**§71-45. Chicken Hen Waste Management**



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**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A RIGHT OF ENTRY AGREEMENT BETWEEN THE TOWNSHIP AND SUN YUNG JOO**

**WHEREAS**, Sun Young Joo is the owner of 55 Green Terrace Way and has made application for various site plan approvals; and

**WHEREAS**, the Planning Board has granted the owner a Major Soil Removal/Fill Permit numbered PB-05-12-05A; and

**WHEREAS**, as a condition of such approval, the owner must grant the Township of West Milford a right of entry which allows, but does not obligate, the Township to maintain storm water basins constructed pursuant to the Permit if the owner fails to do so; and

**WHEREAS**, the Right of Entry Agreement has been prepared and approved by the Township Engineer and Planning Board Attorney.

**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 is hereby authorized to execute the Right of Entry Agreement between the Township and Sun Young Joo.

**BE IT FURTHER RESOLVED** that the Right of Entry Agreement be recorded in the Passaic County Clerk's Office.  
Adopted: October 23, 2013

Agenda No. VIII 4  
~ Resolution No. 2013- 310 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A RIGHT OF ENTRY AGREEMENT BETWEEN THE TOWNSHIP AND SUN YUNG JOO**

**WHEREAS**, Sun Young Joo is the owner of 55 Green Terrace Way and has made application for various site plan approvals; and

**WHEREAS**, the Planning Board has granted the owner a Major Soil Removal/Fill Permit numbered PB-05-12-05A; and

**WHEREAS**, as a condition of such approval, the owner must grant the Township of West Milford a right of entry which allows, but does not obligate, the Township to maintain storm water basins constructed pursuant to the Permit if the owner fails to do so; and

**WHEREAS**, the Right of Entry Agreement has been prepared and approved by the Township Engineer and Planning Board Attorney.

**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 is hereby authorized to execute the Right of Entry Agreement between the Township and Sun Young Joo.

**BE IT FURTHER RESOLVED** that the Right of Entry Agreement be recorded in the Passaic County Clerk's Office.  
Adopted: October 23, 2013

Agenda No. VIII 5  
~ Resolution No. 2013- 311 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING A RIGHT-OF-WAY USE TO CROSS RIVER FIBER NJ INC.**

TABLED TO November 13, 2013 Workshop and Regular Meeting

Agenda No. VIII 6  
~ Resolution No. 2013- 312 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO HASKELL PAVING, INC. FOR THE OTTERHOLE ROAD – SECTION 3 PROJECT**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on October 11, 2013 at 10:00 am for the resurfacing of Otterhole Road, between Larsen Road and Crescent Road, as per the bid specifications; and

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**WHEREAS**, the Township of West Milford received three (3) bids for this contract; and

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

**WHEREAS**, the bid received from the low bidder Haskell Paving, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 04-215-55-821-006 & 04-215-55-816-000; 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:

1. The Township Council hereby awards a contract to Haskell Paving, Inc., 30 Greenwood Lake Turnpike, Ringwood, NJ 07456 for the Otterhole Road – Section 3 project subject to the review and approval of the Township Attorney and the New Jersey Department of Transportation in an amount not to exceed \$487,519.85.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Haskell Paving, Inc. in accordance with its bid for said resurfacing of Otterhole Road, between Larsen Road and Crescent Road, in the Township of West Milford.
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 Township Clerk.

Adopted: October 23, 2013

Agenda No. VIII 7  
~ Resolution No. 2013- 313 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDERS NO. 1 THROUGH 4, TO ZENITH CONSTRUCTION SERVICES, INC., FOR THE STREETScape IMPROVEMENT PROJECT FOR AN OVERALL INCREASE OF \$15,325.39**

**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 Streetscape Improvement Project to Zenith Construction Services, Inc., in an amount not to exceed \$295,125.00; and

**WHEREAS**, field conditions resulted in changes to the decorative wall, pedestrian signals and other minor items; and

**WHEREAS**, pursuant to the *Change Orders No. 1 through 4* report prepared by Ferriero Engineering, the total amount of increases for the project are \$15,325.39, or 5.19%; and

**WHEREAS**, based upon the aforementioned changes to the contract, the adjusted total amount of the contract is now \$310,450.39; 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 a capital appropriation previously approved for road improvements in account number 04-215-55-812-017; 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 \$295,125.00 to Zenith Construction Services, Inc., by an amount not to exceed \$15,325.39 (5.19%).
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 23, 2013

Agenda No. VIII 8  
~ Resolution No. 2013- 308 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING AND ACCEPTANCE OF A HEPATITIS INOCULATION FUND GRANT APPLICATION**

**WHEREAS**, the Township's Health Department wishes to apply for and receive a Hepatitis Inoculation Fund Grant in an amount up to \$5,000.00; and

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WHEREAS, these funds are available for the reimbursement costs of hepatitis B inoculations for certain emergency medical technicians, firefighters and police officers, and the cost of fees for professional medical services for administration of the vaccine; and

WHEREAS, a resolution authorizing this municipality to apply for such grant will memorialize the commitment of this municipality to all emergency services personnel within its jurisdiction, indicate the assent of the Township Council to the efforts undertaken by the municipal emergency services workers and certify that the reimbursement applied for represents actual costs incurred and have not been reimbursed through any other source in the past.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Hepatitis Inoculation Fund Grant Application to the New Jersey Department of Health, Division of Epidemiology, Environmental and Occupational Health, and acceptance of such grant if awarded.

Adopted: October 23, 2013

Agenda No. IX

Consent Agenda

~ Resolution No. 2013- 314 ~

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. 2013-315 – Cancel Taxes
b. 2013-316 – Refund Other Liens
c. 2013-317 – Refund Overpayments
d. 2013-318 – Refund Police Fees
e. 2013-319 – Refund Recreation Fees
f. 2013-320 – Reinstate Taxes
g. 2013-321 – Various Licenses

Applications:

- 1. Application for Off Premise 50/50 Raffle License by Association for Special Children and Families, Inc. for February 10, 2014.

Adopted: October 23, 2013

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

Agenda No. IX a

~ Resolution No. 2013-315 ~

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: 100% DISABLED VETERAN

Table with 4 columns: BLOCK/LOT, NAME, AMOUNT, YEAR. Rows include tax details for Manuel Hernandez and a TOTAL row.

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Agenda No. IX b  
 ~ Resolution No. 2013-316 ~  
**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:

Cert. No	Cert. Date	Block/Lot/Qual	Reimburse Amount	Pay to the Lien Holder
12-0052	03/27/2012	03603-002	\$7,769.55	US BANK CUST/CRESTAR CAPITAL LLC 2 LIBERTY PLACE, 50 SO. 16 ST. STE 1950 PHILADELPHIA, PA 19102
12-0063	03/27/2012	04701-033.04	\$83,343.24	FWDSL & ASSOCIATES LP 5 COLD HILL ROAD SOUTH, SUITE 11 MENDHAM, NJ 07945
12-0086	03/27/2012	07801-055.07	\$6,397.39	KENAT INC., 15 CRESTWOOD DRIVE NORTHPORT, NY 11768
10-032A	06/28/2012	03013-027	\$2,275.59	JERZY DURLIK, 104 FRANKLIN STREET BROOKLYN, NY 11222
13-0044	03/19/2013	05505-002.01	\$7,684.41	MTAG SERVICES CUST FOR ATCFII NJLLC PO BOX 54292 NEW ORLEANS, LA 70154-4292
13-0058	03/19/2013	07403-007	\$21,737.40	US BANK C/F N.J. BOARDWALK LLC LOCKBOX #005191, PO BOX 645191 CINCINNATI, OH 45264-5191
13-0060	03/19/2013	07601-002	\$1,406.57	Tower Fund Ser. As Cust for Ebury FD 1NJ P.O. BOX 37695 BALTIMORE, MD 21297-3695
13-0073 13-0076	03/19/2013 03/19/2013	08802-011 09406-008	\$3,342.58 \$3,895.40	RIDGEBACK VENTURES LLC, PO BOX 503 MOUNT FREEDOM, NJ 07970
13-0100	03/19/2013	14112-002	\$15,413.54	CLEMENTE ENTERPRISES, LLC P.O. BOX 141 WYCKOFF, NJ 07481
<b>Grand Total</b>			<b>\$153,265.67</b>	

Adopted: October 23, 2013

Agenda No. IX c  
 ~ Resolution No. 2013-317 ~  
**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

**REASONS:**

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

Block/Lot	Name	Amount	Year	Reason
2802-1	Moe's Plaza LLC 355 –359 Warwick Turnpike Hewitt, NJ 07421	\$3,477.45	2011	5
13604-2	P & J Co. C/O Generant Co. P.O. Box 768 Butler, NJ 07405	\$19.99	2011	5
17001-13	Cynthia Wright	\$3,920.00	2013	1

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Block/Lot	Name	Amount	Year	Reason
	21 Henderson Road Stockholm, NJ 07460			
17001-13	Cynthia Wright 21 Henderson Road Stockholm, NJ 07460	\$6,173.45	2014	1
1805-4	Manuel Hernandez 3 Janiver Road Hewitt, NJ 07421	\$1,672.29	2013	6
<b>TOTAL</b>		<b>\$15,263.18</b>		

Adopted: October 23, 2013

Agenda No. IX d

~ Resolution No. 2013-318 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT TRAFFIC CONTROL FEE**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Chief of Police the following overpayment of traffic service fees be refunded:

Name & Address	From Account No.	Amount Refunded
Maser Const, 331 Newman Spring Road, Suite 203, Red Bank, NJ 07001	19-295-56-100-308	\$311.34

Adopted: October 23, 2013

Agenda No. IX e

~ Resolution No. 2013- 319 ~

**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:

Mt. Airy Bus Trip 9/11/13	\$45.00	Marie Blackman 41 Northgate Park Ringwood, NJ 07456
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Adopted: October 23, 2013

Agenda No. IX f

~ Resolution No. 2013- 320 ~

**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
10602-68	Aminet Zazi	\$700.00	2013
12307-6	Andrea Vilner	\$103.71	2014
<b>TOTAL</b>		<b>\$803.71</b>	

Adopted: October 23, 2013

Agenda No. IX g

~ Resolution No. 2013- 321 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEARS 2013 AND 2014**

**WHEREAS**, applications have been made for the new licenses and the renewal of various Licenses for the 2013 and 2014 license years; and

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**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 2013 License as listed below: and;

Lic No.	Name/ Location
<b>2013 &amp; 2014 Clothing Bin License</b>	
2013 – SYN 1 2014 – SYN 1	Synergy In Kind Donatrion Mgt., Inc. 1 Bin at the West Milford Presbyterian Church
2014 – GWI 1 2014 – GWI 2	Goodwill Industries of Greater NY & Northern NJ 2 Bins at the WM Recycling Center
<b>2014 Dealer in Precious Metals License</b>	
2014 - 01	Jewelry Repair Center LLC, Linda Leaman 1602A Union Valley Road
<b>2014 Amusement Game Licenses</b>	
2014 - 01	Island of Spirits, 3025 Rte 23, Oak Ridge
2014 - 02	Pioneer Bar & Grill, 350 Warwick Tpk, Hewitt
2014 - 03	Old School Pub, 551 Warwick Tpk., Hewitt
<b>2014 Pool Table Licenses</b>	
2014 - 01	Island of Spirits, 3025 Rte 23, Oak Ridge
2014 - 02	Pioneer Bar & Grill, 350 Warwick Tpk, Hewitt
2014 - 03	Old School Pub, 551 Warwick Tpk., Hewitt
<b>2014 Junkyard License</b>	
2014 - 01	Jeannette Marchiafava, 110 Weaver Road

Adopted: October 23, 2013

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2013-322 ~  
**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	\$463,913.09
3	Reserve Account	602.50
2	Grants	31,929.46
6	Refunds	168,753.85
1	General Ledger	6,203.00
26	Refuse	59,957.61
4	Capital	301,559.15
19	Animal Control	120.00
19	Heritage Trust	181.83
19	Open Space Trust	3,790.00
19	Trust	4,343.14
19	COAH	2,495.23
16	Development Escrow	7,709.13
20	Special Reserve	0.00

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

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21	Assessment Trust	5,895.13
Total		\$1,057,453.12
Less Refund Resolution		-168,753.85
Actual Bill List		\$888,699.27
Other Payments		
<b>Total Expenditures</b>		<b>\$888,699.27</b>

Adopted: October 23, 2013

Discussion: Councilwoman Horton said she has concerns about detail provided for Princeton Public Affairs Group and she opposes the payment of this bill. Council President Signorino asked for an updated report from the lobbyist and Councilwoman Horton said it is long overdue.

Moved: Erik Seconded: Signorino  
Voted Aye: Erik, Hensley, Erk, Signorino, Horton.  
Voted Nay: Horton yes excluding 2406.  
Motion carried.

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Agenda No. XI

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

Council President Signorino reminded everyone to get out to vote at the election in less than two weeks. The Heritage Committee has put the ceiling project at the museum out to bid and he urged contractors to participate in the bidding process.

Councilwoman Horton said that she was a dissenting vote on the decision to go back to the prior policy on holiday displays. Mr. Semrau noted that there was no vote on that matter. Councilwoman Horton clarified that she dissents from the statement read by the attorney. The MUA, she said, has asked for assistance in getting another commissioner for their board. They have been doing very well and she encourages anyone who has the time and energy to please apply. She asked if all the steps are in place to complete the chicken ordinance issue. Mayor Bieri said the final ordinance was introduced tonight but upon adoption, the matter should be complete. Councilwoman Horton said she was glad and Mayor Bieri noted that the Council could just have people with undersized lots seek waivers from the zoning board as is standard for any other issue of this nature. She explained the process. Council President Signorino said that MUA quarterly report is overdue and he asked that it be provided.

Councilwoman Erik said that she and Council President Signorino are on the cable TV committee. It is moving forward and they would like to ask members of the public to participate whether on a committee or in other ways. 4H had a number of exhibits at annual fair and West Milford 4H won many awards. She listed the divisions they won. She thanked everyone who attended ALF.

Councilman Hensley said a group of local residents are trying to establish a low powered FM radio station. He described the low powered FM stations, how they are established and operated saying it will be for local and educational purposes only. They are looking for a location and have asked about the municipal property and the tower in the back for their antenna. He spoke to Nancy about this. They are in the application process now which is due by the end of November and they need an answer. He said he conferred with Administrator who spoke to Paul Reilly who had questions about the size of the antenna and the radio frequency. The answer is the antenna is not big at all. The frequency does not exist as yet. The FCC would work with the group to ensure the proper frequency is used without interference to other frequencies out there. Mr. Semrau said that from a legal perspective it would be good to see the application. It would be good to support the application as long as the Governing Body is not bound by it. We have other obligations with regard to the tower that have to be addressed. Mayor Bieri asked if we can support the concept but not the practical components. Mr. Hensley advised that the application is being submitted by a 501(3)© not-for-profit organization under Sustainable West Milford. Councilman Hensley asked for November 13<sup>th</sup> workshop discussion. Erik said that at Planning Board every tower has multiple layers and Ms. Gage agreed saying there are limitations regarding other tenants. The Council gave consensus to support the concept pending legal review and workshop discussion. Sustainable West Milford will be filing the application but ultimately the group will split and have a dedicated group for this station. Information can be found at [www.promethiusradio.org](http://www.promethiusradio.org).

Councilwoman Eric said there is a civics club meeting on Tuesday at Hillcrest about time banks.

Councilman Hensley said that the CS&R will be hosting parade & trunk & treat on Saturday. He described the event and provided times. The department needs a volley ball referee. There are openings in various programs that he listed.

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Councilwoman Erk said the bid specifications for the museum ceiling are available at clerks office.

Mayor Bieri thanked the ALF committee, volunteers and staff as well as all those who came to ALF. She wished Elsie Powers a special Happy 100<sup>th</sup> Birthday noting that she attended the birthday celebration yesterday. Elsie is an amazing lady and she wished her many more years. She thanked Assemblywoman Betty Lou DeCroce for supporting our resolution for children's cancer funding noting that Ms. DeCroce intends to introduce a bill seeking voluntary funding through an option on tax returns.

Administrator Gage said we have received the annual request from AA for a break of use of facility fee from \$50 to \$25. Council agreed. Ms. Gage gave an update on road projects. She said the Township could not get the coffee house parking lot done this year. The crack sealing program will start next week. The Fire Marshal resigned and we will seek to fill that position. To meet immediate needs she proposes temporarily appointing Fred Stewart and hire per diem inspectors. She asked Mayor Bieri to make that temporary appointment tonight. Mayor Bieri asked for Council consent to a temporary appointment of Fred Stewart to the position of Fire Marshal.

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Voted Aye: Erik, Hensley, Erk, Signorino, Horton.  
Voted Nay: None.  
Consent granted.

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Council President Signorino thanked the Clerk and her staff for the work they do. Sometimes Council asks for things that are not conventional but he commended that office for having minutes up to date and current.

Mr. Semrau said the Township sent an application to Ramapo College who has completed their TDR at Wallisch. The governing body with the BOE has asked if Ramapo would be interested in acquiring the Wallisch property and maintain the buildings in exchange for scholarships. It appears that there may be interest. They had questions. Nothing has been completed at this point but it is being considered. He said that Council President Signorino asked about the Highlands fiscal analysis. Research indicated that some municipalities have had such fiscal analyses but those analyses are being provided to municipalities outside of the preservation area. The Township Planner, Chuck McGroarty thinks it a good idea to suggest it to the Highlands Council. He will ask Highlands Council to conduct the first preservation zone fiscal analysis in West Milford. Mr. Semrau thanked Council members Erk & Erik for participating in a meeting with residents regarding holiday displays. He reminded everyone that the open space question is on the ballot for November 5<sup>th</sup>. If there are questions please contact him. He said he received a memo from Denise Loeffel regarding the licensing of clothing bins. He reviewed the memo. The memo indicates that there are difficulties achieving compliance and he asked for permission to confer with administration and zoning officer regarding compliance. The Council gave consensus. Council President Signorino said that he does not support licensing and discussion ensued about local ordinances governing licensing, the responsibility of local officials to try to achieve compliance and the problems being encountered in that process. Mr. Semrau advised that Village on Ridge is a subdivision that was partially developed. There is an approval for the remainder of the property and water issues were resolved where Village on Ridge would have to make DEP application for their own water supply. The governing body agreed to that infrastructure and an approval was issued by the planning board which also resulted in the execution of a developers agreement. Village on Ridge must make application to the DEP & Highlands Council to get water system approvals. They need Council consent to have the Mayor sign a letter indicating that the Township will not oppose the submission of an application because the infrastructure crosses a small portion of a Township roadway. The Township Engineer has reviewed the paperwork and has no objection. He said the application is consistent with the approval. Councilwoman Erik made a motion, seconded by Councilwoman Horton and carried by unanimous voice vote to have Mayor Bieri sign the letter.

Agenda No. XII

**Appointments and Resignations**

None.

Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 8:43 p.m.

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

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Approved: November 13, 2013

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK