
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: October 24, 2012
Time of Meeting: 6:30 P.M.
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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 21, 2012 with an update for the change of time on October 10, 2012; 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, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Carlla Horton, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the June 27, 2012 Regular Meeting Minutes, July 18, 2012 Workshop and Regular Session Meeting Minutes, July 18, 2012 Executive Session Meeting Minutes and August 1, 2012 Workshop Meeting Minutes as presented:

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: Smolinski on 7-18-12 Executive Session Meeting Minutes only.
Abstain: Rosone on 8-1-12 Workshop Meeting Minutes only.
Motion carried.

Agenda No. II

Proclamations

Extra Mile Day – Mayor Bieri read the proclamation and advised it will be mailed out by the Clerk’s office.

Agenda No. III

Unfinished Business, Final Passage of Ordinances

None.

Agenda No. IV

Public Comments

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

Tim Wagner, 835 Westbrook Road, West Milford said he is a resident and business owner. He is here to address ongoing issues & problems and he distributed information comparing this years & last years police charges for the air show. The air show, he said, was a success this year and he commended the police department. His fees were waived last year and the year before. This year the administrative fees were calculated at 10%. He was authorized to use the Sheriff’s department due to manpower shortages in the police department. The Sheriff’s department calculates their administrative fees at \$5 per officer. He asked for an update from Administrator Gage who, he said, promised in March that she would address these issues. Next year he is trying to plan a three day air show and is hoping that the fees will be less and that administrative fees are reduced. He shortened this year to two days because of fees.

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asking for Council consensus to send it out. She distributed the letter and read it. Mr. Semrau said that if Council agrees they can make a motion to okay its submittal. Councilwoman Horton made a motion seeking consensus to send the letter to Newark Mayor Booker, seconded by Councilwoman Erik. Discussion ensued and amendments were made to the letter. Councilman Smolinski said that the government should not apologize for someone's opinion. The letter was approved by unanimous voice vote.

Council President Signorino said he is looking forward to seeing Mr. Witherspoon at the planning board meeting and wishes him luck. The money for the library does come from the residents and we can argue forever about whether or not it will cost additional money. It is a big project. Some residents are eager to see it move forward but he thinks we should ensure that everything is in order to do the best job possible before spending all this money. He does not want to be too hasty. He will attend future library board meetings and will assist in any way possible. The project will cost millions of dollars.

Administrator Gage said that she asked the police and finance departments to keep records to identify administrative costs for events because that had not been done in the past. By January she would like to have a recommendation from her office to set the fee. She is confident that there is now sufficient data to make that recommendation to bring forth to the Council. She said that she had her first subcommittee meeting with regard to DPW issues and budget decisions. They talked about snow plowing. The next meeting will address structure of the department and the necessary workforce as well as exploring the concept of hiring or contracting out for services. Council President Signorino thanked Ms. Gage for the productive DPW meeting that will help to solve many issues.

Mr. Semrau said that in August he did recommend pursuing the Witherspoon issue in the courts because the application was stagnant. Now the application has been completed and the issue is now in the proper hands. The Township Engineer has reviewed those plans and the planning board is the best venue for Mr. Witherspoon to be heard and to provide comments and have questions answered. Because the application is at the planning board there is now no reason to proceed to court. Discussion ensued about getting reimbursement of professional fees when this matter goes to municipal court. Mr. Semrau said that the governing body has a lot to handle in a municipality of 80 square miles. West Milford plows private roads where other towns do not. From a legal perspective this has been questioned over the years.

Mayor Bieri said that she will be at the planning board meeting tomorrow night. She agrees that compliance is necessary and making Mr. Witherspoon and the Township whole for costs is a priority. She said that Mr. Witherspoon can speak when the application comes forward and Mr. Semrau said that other neighbors have also been noticed. Mayor Bieri said that she can speak on the library over & over. It will not cost additional funds. The library is funded by state formula and the library will not receive additional funds for this project. The library board has a 50% cash down payment because the board has been fiscally responsible. The Township Council has been responsible by effectuating contracts and following all the rules. The library board is not a taxing authority and cannot raise taxes. They only get funding as dictated by state statute. She explained how taxes are collected & distributed. Although the library funding now appears on tax bills, it is not a new tax. She reviewed how the money would be taken off library funding before any money is distributed to the library for operations. She encouraged anyone who has questions to call her at home. The new library would also serve as a community center for kids & seniors and every age group in the community. She agrees with speakers about weeds, DPW & eye sores. There is cross training being encouraged in town. There is only so much that can be done with limited staffing. She encouraged people to report issues and zoning violations. DPW has a lot of work to do with catch basins, roads, etc. There have been staff reductions due to attrition. She agrees that she would pay more for these services. There is a balancing act because other people do not want to see any increase in taxes, large or small. These are the tough decisions that Council has to make. New Jersey, she said, is the third highest tax state in this nation. Road, garbage & police services are most important. Only 20% of a given tax bill goes to the municipality. Mayor Bieri said that she made it clear that she was disappointed that Governor Christie did not give her an opportunity to speak at his town hall meeting although she was happy he came here. Indeed she never got to say a word to him throughout. She tried to get his attention to speak on behalf of the residents. Seven people were called on and only three were West Milford residents. She said she will write to him and ask for a meeting although it will not have the same effect. She would have spoken about West Milford being a watershed community and she indicated what the substance would have been. Half of the residents in New Jersey benefit from this watershed community and the water that emanates from here. She would have proposed two solutions and she described those solutions. Change the tax structure or generate a water surcharge. She hopes there will be other opportunities.

Council President Signorino thanked Councilwoman Erik for the DPW meetings also saying that he did not intend to exclude her. He thanked Councilwoman Horton for her draft letter.

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Council Comments

Council President Signorino asked for an explanation about garbage costs & services and asked Mr. Semrau to address that. The third floor of a new library would be paid for by the taxpayers through bonding. He would appreciate a new library. He said he would like to know how the \$800,000 decrease on Newark watershed taxes happened. Newark is very aware of their rights. The fifth amendment protects private property. They are taking away our rights because we are not being compensated. He asked Mr. Semrau about zoning in the watershed and what attempts have previously been made to change the zoning and the classifications.

Councilman Smolinski said he is nervous about this conversation noting that the Township has hired a lobbyist. In his opinion we should not show our hand. Everybody in this town understands that the Council is united in fighting this issue. He urges people to be careful. He said that Governor Christie was proper not to call on elected officials at his town meeting because we have the open dialogue. He agrees with the Governor's strategy. He asked Mr. Semrau not to go into too much detail on Newark.

Mr. Semrau said that the assessment of the watershed property was changed as dictated by the assessor and discussed with the governing body in executive session. A professional was hired to assist in this valuation. This property, from a tax appeal perspective, has been an issue for 25 years with cases at both the appellate division and Supreme Court. There is legislation that values this property differently and the Highlands Act also affected the valuation because it is undeveloped land with watershed restrictions and a state purchase of development rights. The state paid Newark \$10 million for conservation easements that put another restriction on the property. Zoning and other issues were explored. Ultimately pursuing a route based on the current tax code is not benefiting the Township. Hence the Council has hired a lobbyist to pursue this legislatively. The lobbyist is going to put together a strategy with a coalition to have more voices. Mr. Semrau said he would have to research the garbage issue and will get back to Council on that.

Councilwoman Erik said that the garbage charge to commercial properties is a ratable to offset the residential costs. For every ton of recycling the businesses put out the Town gets back a \$3 surcharge per ton. If the recycling was recycled through the town the town would get paid directly. She said a family of four should only generate one small bag of garbage; the rest is recyclable. She thanked everyone for recycling.

Council President Signorino agreed that recycling does pay. It is state law that recycling money cannot go back into the general fund. It is put back into recycling programs. Councilwoman Erik said the \$3 per ton surcharge goes to recycling.

Councilman Smolinski said he was hoping someone would have asked the governor about the Highlands legislation and watershed aid. Our watershed aid comes in at \$750,000 and we lose \$800,000 to Newark. He opposes the highlands act in its practical form because it is unfair and inhibits this town. The Governor spoke about Mendham Borough & Mendham Township. We are a much larger town than those two combined. Anything that happens in the hub of West Milford may not be enjoyed by those areas on the outskirts like Hewitt and Oak Ridge. We should consider that when considering a new library. He has been simply asking that the residents be allowed to weigh in by referendum. He does not oppose it but he wants to represent the residents and hear them speak. He does not believe that it is a mandate that we have to build a new library but he does believe in restoring the money for tax relief. It is tax dollars.

Mayor Bieri agreed that recycling benefits the entire community on many levels, financial and environmental. She encourages people to recycle. If the municipality chooses to build a third floor at the new library it will be up to the governing body to determine how to fund it. There is bonding and the redevelopment money. The Council has also suggested selling Johner. Those are choices that have yet to be made. There is a state mandated formula for library funding based on population levels. It is mandatory to return surplus funds with specific rules and guidelines. She reviewed and explained the specifics for West Milford. She reviewed the size of the current library of 3,000 square feet. The state mandates a library of 18,000 square feet for a municipality with a population equivalent to West Milford. The voters voted against funding a new library with extra tax dollars. People that are leaving West Milford are not staying in New Jersey. There are not 21 full time employees at the library. Staffing is the largest cost for operating a library. There are no plans to increase staffing although other lesser costs may increase. She does not disagree that the MUA needs money but the return of any library monies cannot go to the MUA or any other entity. Any return must go for tax relief. That is the goal of the library board. This project has been in the making for ten years. That is not rushing the project.

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Council President Signorino agreed with the Mayor about the redevelopment money. Council has been frugal waiting for the best use. FAC had discussed using it for upgrading current facilities. He asked if there is a time frame within which we must use the redevelopment monies.

New Business Introduction of Ordinances, Resolutions

The Mayor asked to move all resolutions, consent agenda and payment of bills as one.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. VI 1

~ Resolution No. 2012- 350 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO NOTIFY THE COUNTY OF PASSAIC OPEN SPACE COMMITTEE THAT THE TOWNSHIP WILL NOT BE UTILIZING FUNDS TO ACQUIRE THE PROPERTY KNOWN AS THE BUBBLING SPRINGS EXTENSION

WHEREAS, the Township of West Milford did submit an application and receive approval for Passaic County Open Space Trust Funds for the acquisition of Block 9901, Lot 27.01 referenced as the Bubbling Springs Extension and locally known as the Greene Property; and

WHEREAS, the property owner, Mr. Kerry Greene, has indicated a desire to retain ownership of said property and to further seek Passaic County approval for the property to be designated as Farmland Preserved; and

WHEREAS, the Township Council is of the belief that the Township & Mr. Greene will be unable to reach a mutually satisfactory agreement for the acquisition of said land.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the West Milford does hereby release all claims to the Passaic County funding of \$215,000 that was approved by Passaic County for the possible acquisition of Block 9901, Lot 27.01 referenced as the Bubbling Springs Extension and locally known as the Greene Property.

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford does hereby express appreciation to the County of Passaic for their consideration of the Township's applications for these open space funds; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford does hereby further commit to participating in the Passaic County Open Space Trust Fund grant program for the acquisition and/or rehabilitation of open space for the purpose of active recreation.

Adopted: October 24, 2012

Agenda No. VI 2

~ Resolution No. 2012- 351 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF A FUEL SECURITY SYSTEM THROUGH STATE CONTRACT NO. A75553 AWARDED TO INDEPENDENCE CONSTRUCTORS

WHEREAS, the Township Council of the Township of West Milford has determined it to be in the best interest of the municipality to upgrade the existing fuel tanks and install a fuel security system; and

WHEREAS, in addition to the benefits of upgrading the fuel tanks it is estimated that the security system will result in savings for a product that cost the municipality \$413,096.07 in 2011; and

WHEREAS, the State of New Jersey has engaged in multiple rounds of competitive bidding for these products & services and has awarded a number of contracts for the various offerings in accordance with the State of New Jersey Local Public Contracts Law; and

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WHEREAS, the Township Council, in order to avail of the best products available, instructed that staff review multiple offerings and recommend that which best serves the needs of the municipality for long-term efficiency & savings; and

WHEREAS, such research has been effectuated, a written recommendation submitted for review & discussion to the Council at the October 3, 2012 Workshop Meeting of that body and a consensus of the Council given to proceed with the purchase & installation of a fuel security system; and

WHEREAS, the Township Council has further instructed that the Township Administrator establish protocols, policies, and administrative controls for the use of the system which are to be in place prior to the completion of the installation of the system; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these products & services said funds to be encumbered from accounts C-04-08-941-315 and C-04-12-956-290.

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 of the Township of West Milford hereby authorizes the purchase & installation of a fuel security system through Independence Constructors of Bridgewater, New Jersey in accordance with State Contract #A75553 which authorizes such goods & services in accordance with the local public contracts law and their proposal submitted to the Township.
2. The amount of these goods and services shall not exceed \$157,340 without advance written approval from the Governing Body.

Adopted: October 24, 2012

Agenda No. VI 3

~ Resolution No. 2012- 363 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH NJDEP FOR PARTICIPATION BY THE TOWNSHIP IN THE BLUE ACRES ACQUISITION PROGRAM WITH REGARD TO 36 LOUIS AVENUE

WHEREAS, the Green Acres Program in the New Jersey Department of Environmental Protection has been charged with the responsibility of acquiring certain properties in the Passaic River Basin for flood control purposes; and

WHEREAS, such acquisitions and the removal of improvements situated on properties acquired for flood control purposes will result in the alleviation of adverse social and economic impacts which besiege the residents of the basin during periodic flooding and will result in lessening the intensity of the periodic flooding by increasing the area of absorption of flood waters; and

WHEREAS, in consideration of the promotion of public health, safety, and welfare, the Township Council has decided to cooperate with the NJDEP to participate in this "Blue Acres" program with regard to a property located at 36 Louis Avenue, which participation does not require the expenditure of Township funds, as all costs of acquisition and demolition of structures will be borne by the NJDEP.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford that they do hereby authorize the execution of a Memorandum of Understanding with the NJDEP to accept custodial jurisdiction over the property after its acquisition by the State DEP, and to assist in the process of demolition of the structures on the property, with all costs of acquisition and demolition to be borne by the DEP.

Approved: October 24, 2012

Agenda No. VII

Consent Agenda

~ Resolution No. 2012- 352 ~

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.

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NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:

- a. **2012-353** – Cancel Taxes
- b. **2012-354** – Release Cash Bond
- c. **2012-355** – Refund Clerk’s Office Fees
- d. **2012-356** – Refund Health Department Fees
- e. **2012-357** – Refund Other Liens
- f. **2012-358** – Refund Overpayments
- g. **2012-359** – Refund Recreation Fees
- h. **2012-360** – Reinstate Taxes
- i. **2012-362** – Various Licenses

Applications: None.

Adopted: October 24, 2012

Agenda No. IX a

~ Resolution No. 2012- 353 ~

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

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:

BLOCK/LOT	NAME	AMOUNT	YEAR
1604-1.02	State of New Jersey – DEP	\$11.84	2013 First Half
TOTAL		\$11.84	

Adopted: October 24, 2012

Agenda No. IX b

~ Resolution No. 2012- 354 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING RELEASE OF A CASH BOND POSTED BY WOJCEICH CZYKIER AS A PERFORMANCE BOND FOR MAJOR SOIL REMOVAL PERMIT NO. PB-07-10-08 / LANDSCAPE WORK AT BLOCK 9406 LOT 45

WHEREAS, on January 13, 2012 Wojceich Czykier posted a performance bond in the form of a cash bond for a Major Soil Removal Permit for landscape work at 27 Weedon Drive, Block 9406 Lot 45 in the amount of \$3,000.00; and

WHEREAS, the Township Clerk’s Office has received a request from Wojceich Czykier for the release of said cash bond; and

WHEREAS, the Township Engineer has provided a recommendation for the release of said Cash Bond.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the release of the performance bond in the form of a Cash Bond in the amount of \$3,000.00 posted by Wojceich Czykier for a Major Soil Removal Permit;

BE IT FURTHER RESOLVED, that the appropriate Township officials be and they are hereby authorized to execute such documents and take such steps necessary to effectuate the terms of this resolution and forward a check to Wojceich Czykier, 27 Weedon Drive, West Milford, NJ 07480 in the total amount of \$3,000.00.

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Agenda No. VIII c

~ Resolution No. 2012- 355 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF CLERK'S OFFICE FEES

BE IT RESOLVED that the Clerk's Office received OPRA Request 2012-104 on 8-6-12 and replied on 8-13-12 to Jeanette Crowley; and that Jeanette Crowley picked up on 10-9-12 copies requested from OPRA Request 2012-104 that totaled \$4.65 whereby giving a \$10.00 bill and leaving the \$5.35 change on the Clerk's Office counter.

BE IT RESOLVED that the following Clerk's Office fees upon the report of the Township Clerk be refunded:

Event	Amount of Refund	Payee
Change left on Counter (OPRA 2012-104 \$4.65 copies)	\$5.35	Jeanette Crowley 6 Setting Sun Trail West Milford, NJ 07480

Adopted: October 24, 2012

Agenda No. VIII d

~ Resolution No. 2012- 356 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF A HEALTH DEPARTMENT FEE

BE IT RESOLVED, that upon the report of the Health Official, the following cancelled retail food license application fee be refunded:

Refund To	Refund	Refund Amount
Ms. SallyAnn Scala 395 Stiles Court Pompton Lakes, NJ 07442	Retail Food License Application	\$40.00

Adopted: October 24, 2012

Agenda No. VIII e

~ Resolution No. 2012- 357 ~

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

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

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

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amt	Pay to the Lien Holder
08-115	04/08/2008	16101-004	\$39,685.82	U S BANK CUST/SASS MUNI V DTR TAX LIEN 2 LIBERTY PLACE 50 SO. 16TH ST. STE 1950 PHILADELPHIA, PA 19102
09-023	03/25/2009	02313-004	\$33,603.60	NONI PROPERTIES LLC, 4 RESTRICK COURT WEST WINDSOR, NJ 08550
11-012	04/19/2011	01811-005	\$43,293.69	US BANK CUST FOR TOWER DBW 50 SOUTH 16TH ST., STE 1950-TOW PHILADELPHIA, PA 19102
12-0015	03/27/2012	01404-005.02	\$12,942.53	LIEN TIMES LLC, 203 STEPHENS ROAD

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				WEST MILFORD, NJ 07480
12-0077	03/27/2012	07211-004	\$4,641.27	KENAT INC., 15 CRESTWOOD DRIVE NORTHPORT, NY 11768
12-0091	03/27/2012	08802-011	\$766.60	US BANK CUST/CRESTAR CAPITAL LLC 2 LIBERTY PLACE, 50 SO. 16 ST. STE 1950 PHILADELPHIA, PA 19102
12-0094	03/27/2012	09711-005	\$4,261.37	KENAT INC. 15 CRESTWOOD DRIVE NORTHPORT, NY 11768
12-0096	03/27/2012	10704-007	\$19,656.97	ACE PLUS LLC, 1416 AVENUE L BROOKLYN, NY 11230
12-0149	03/27/2012	16603-005	\$19,832.73	ACE PLUS LLC, 1416 AVENUE L BROOKLYN, NY 11230
Grand Total			\$178,684.58	

Adopted: October 24, 2012

Agenda No. VIII f

~ Resolution No. 2012- 358 ~

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 an overpayment as shown below; and

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

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

REASONS:

- 1. Incorrect Payment
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate
- 5. Tax Appeal

Block/Lot	Name	Amount	Year	Reason
2305-5	CoreLogic Attn: Refunds Department 1 CoreLogic Dr. DFW 1-3 Westlake, TX 76262	\$2,227.00	2012	2
5803-1	Morsetown Lake Inc. C/O Parker 98 Kuhn Drive Saddle Brook, NJ 07663	\$615.80	2012	5
5803-2	Arthur & Carol Madgwick 12 Wayne Street Montvale, NJ 07645	\$475.47	2012	5
2701-19	BAC Tax Services Corporation 1757 Tapo Canyon Road Sim Valey, CA 93063	\$2,969.40	2012	1
4401-21	Richard & Laura Conkling 813 East Shore Road Hewitt, NJ 07421	\$5,377.72	2012	5
TOTAL		\$11,665.39		

Adopted: October 24, 2012

Agenda No. VIII g

~ Resolution No. 2012- 359 ~

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:

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Sport Squirts/Imagine w/Music		
John & Alex Luggiero	\$388.00	Shane Luggiero 703 Otterhole Road West Milford, NJ 07480
Watercolor 10/3		
Philip	\$50.00	Lori Strina 12 Rhinesmith Rd. West Milford, NJ 07480
Watercolor 10/3		
Veronika Kovalev	\$50.00	Anna Sharygina 137 Wesley Drive West Milford, NJ 07480
Karate 10/4		
Dave and George	\$200.00	Julie Barounis 685 Lake Shore Drive Hewitt, NJ 07421
Karate 10/4		
Davelyn	\$100.00	David Domenico 65 Reidy Place Hewitt, NJ 07421
Karate 10/4		
Thomas	\$100.00	Gloria Dinan 21 Jamesburg Road Hewitt, NJ 07421
Karate 10/4		
Benjamin	\$100.00	Susan Taylor 81 Witte Road Hewitt, NJ 07421
Karate 10/4		
Madison Borsetti	\$100.00	Kathleen Eder 12 Clover Road Nfld, NJ 07435
Creative Writing fee		
Margaret	10.00	Margaret Dooley 41 Red Barn Lane West Milford, NJ 07480

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Agenda No. VIII h

~ Resolution No. 2012- 360 ~

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: INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
1001-32	Alfredo Galletti	\$8.10	2012
1101-23	Alfredo Galletti	\$2,108.41	2012
13901-1	JICO	\$15,261.03	2012
TOTAL		\$17,377.54	

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~ Resolution No. 2012- 362 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2013

WHEREAS, applications have been made for the renewal of various Licenses 2013; 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 2013 Licenses as listed below:

2013 JUNKYARD LICENSE	
License No.	Applicant Name
JY- 2013 – 1	Mountain Top Auto John Kardanow 333 Warwick Turnpike Hewitt, New Jersey 07421
2013 JUNK SHOP LICENSE	
JS - 2013-1	Mountain Top Auto John Kardanow 333 Warwick Turnpike Hewitt, New Jersey 07421

Adopted: October 24, 2012

Agenda No. VIII

Approval of Expenditures

~ Resolution No. 2012- 361 ~

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	\$142,176.04
2	Reserve Account	4,399.50
3	Animal Control Trust	975.20
6	Capital	214,760.56
7	Grants	6,827.41
8	Refuse	215,090.59
9	Refunds.	191,437.97
12	General Ledger	5,127.00
16	Heritage Trust	0.00
14	Open Space Trust	37.50
17	Trust	2,129.76
18	Development Escrow	13,434.80
19	COAH	0.00
20	Special Reserve	0.00
11	Assessment Trust	53,429.69
Total		\$849,826.02
	\$Less Refund Resolution	-191,437.97
	Actual Bill List	\$658,388.05
	Other Payments Ck#50291 Pierce Mftrg	154,939.00

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Total Expenditures	\$813,327.05
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Five minute recess to allow Paul Ferriero to set up for Streetscape Presentation.

Agenda No. IX

Presentations

Streetscape – Township Engineer, Paul Ferriero

Mr. Ferriero addressed the Council saying that the issue is what to do with the grant money which has to be spent by the end of next year. The initial design was not practical or affordable. He has slides to break it down into a workable project. The first slide is an aerial view of center of town. He pointed out specific properties. He is considering making crossings work to comply with current standards and make a statement. He showed a second slide which is the island by the Shop Rite. That, he said, could certainly be more attractive.

Shop Rite, Mr. Ferriero said, will be rehabilitated by virtue of their planning board application. The Walgreen’s project included a sidewalk but there are ROW issues across the street. There are accessibility problems with the walkway at the intersection at the light that need to be addressed. The other side of the intersection shows that the alignment is not in compliance. A view from the Shop Rite property shows that there are issues with the grading that must be addressed. He showed a large-scale overview. Most of the work is in the center of town.

Mr. Ferriero gave a different aerial view that shows current cross-walks which would be realigned. There would be a need for greater pedestrian controls. He would accentuate the landscaping in the island and install a clock tower to create a visual effect. The curved intersection at Shop Rite is an issue. He showed a property in Chester that may provide an acceptable alternative to the current configuration. The visual cue at the intersection with stone would tie well with the plans for Shop Rite. It will be a centerpiece for West Milford and may be accented with a bench in the center of the island. This plan would work within the budget and time frame. There would be a wall in front of Shop Rite at the curve with a walkway in front.

Mr. Ferriero said that he has not estimated the project. He believes it can be done within grant amount. In response to Councilman Smolinski he said there is no separate bikeway. Mayor Bieri asked about the corridor enhancement funding from the County for the clock which could cost about \$18,000. Mr. Ferriero described the four-faced clock he would recommend. Mayor Bieri said she likes the pedestrian friendly and ADA compliance concept. She asked about connecting this to Bearfort and Administrator Gage said the county is considering that and may contribute to that. Mr. Ferriero said the Shop Rite plans have sidewalk plans on their frontage. Preferably but based on funding, Mr. Ferriero would like to see sidewalks on both Union Valley and Marshall Hill roads. He wants to utilize all the grant funds of \$360,000. He will have to accelerate the process to complete by September 2013. Mayor Bieri asked about street lighting. Mr. Ferriero replied that money is an issue, there is lighting at the intersection, so it may be feasible to install lighting at the island. Councilman Rosone asked about lighting the wall. Mr. Ferriero said there may be sufficient lighting so as to not need that. Councilwoman Horton said, in thinking about aesthetics in town center, she would like to see mood lighting at the wall.

Discussion ensued about properly marking the sidewalks and avoiding issues during inclement weather that have been experienced with some options. Mr. Ferriero said there are options for street striping. ADA allows the old Abbey Road style, which is high visibility. He recommends just white lines on either side. The other option is slippery for various modes of transport, motorized and pedestrian. Mayor Bieri said that pavers and bricks were considered but discounted because of maintenance issues. Mr. Ferriero showed the brick pavers on the Walgreen’s sidewalk which may be part of his recommendation. He said he will not recommend inlaying brick in crosswalks because of the host of issues they create.

The Council gave consensus to have Mr. Ferriero move forward with this plan. Mr. Ferriero reviewed the issues he faces with installing sidewalks in the area. Mayor Bieri said that from McDonalds to Wells Fargo it is all included in the Shop Rite plan. Councilwoman Erik asked about mid-block crossings and their legality and Mr. Ferriero replied that they are legal but not always functional. There are limitations and he understands the County does not want them. Standards for mid-block crossings are stringent. Mr. Ferriero said that everything will be itemized in his plan.

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JCP&L - John Anderson, Manager of External Affairs for JCP&L

Mr. Anderson introduced himself advising that he is here to provide an update on lessons learned from last year's storms. This area felt the wrath of Hurricane Irene & the October snowstorm in 2011 and the results were difficult to deal with. He said that JCP&L has 450,000 customers in this region. Hurricane Floyd in 1999 was the largest weather event he had seen until last year. There were over 300,000 customers out at one point during Hurricane Floyd. During the snowstorm last October JCP&L saw over 380,000 people lose power. Communications are pivotal. He encouraged everyone to visit www.firstenergycorp.com to see their real-time outage management system. That screen refreshes every 15 minutes. Before they used to search by zip code; now the system has been reprogrammed to be searched by tax districts. JCP&L will be rolling out lap top computers in all trucks to allow line men and dispatchers know where every crew is and where the outages are located. It will allow efficient dispatching of crews. That will be here by the Spring of 2013. This outage management system will mirror those being used by sister companies in neighboring states. That will help when they call in mutual assistance and they can navigate unfamiliar territory. They used to use fax systems; they now use emails to communicate more effectively. When navigating through the outage management system people can report outages, even street light outages. This level of communication is new to them but it is necessary in this day & age. They are on facebook and twitter and are now using their own website to communicate not just the outages but sources of assistance. There are about 1,700 customers in West Milford.

Agenda No. X

Reports of Administrator, Mayor and Council Members

Councilman Smolinski said he attended the first cable committee meeting last week where the committee spent three hours discussing studios, accessibility, the school program, sponsorship, public access channels, and benefits to the Township. Ms. Gage, he said, will be scheduling the next meeting to include Gary Shaw of Cablevision. Anyone who is approaching the age of eligibility for senior freezes should know it applies to the revaluation. The Mayor had a great idea that elected officials thank governor Christie for his visit. He enjoyed it.

Councilman Rosone thanked Governor Christie for visiting West Milford. He said ALF was great and thanked all the volunteers and the committee noting that it is a lot of hard work. It was a successful day. The committee is looking for volunteers for next year. The pump track, he said, is great and he congratulated everyone who worked to make it happen. It was enlightening to see it evolve into this great facility. Councilman Rosone urged everyone to be cautious at Halloween especially in light of recent abductions.

Council President Signorino echoed all the sentiments expressed by Councilman Rosone noting that the pump track is great. He thanked Governor Christie noting that the residents enjoyed his meeting.

Councilwoman Horton thanked everyone for coming tonight adding that she appreciates hearing from residents. She was out of town for the pump track grand opening but thought that ALF was the best ever this year. We have a lot to be proud of. She listed a lot of upcoming events and thanked the police department for disposing of prescription drugs in a safe manner. All these events are made possible by the wonderful volunteers in this community and she conveyed her appreciation to them.

Councilwoman Erik stated that she worked at the recycling booth at ALF. It is amazing to see how much people know and how much they don't know. It was a wonderful experience. She advised that the local 4H group swept competitions at the state level. The new signs are in and say "Welcome to West Milford". She said she spoke with the Administrator's office about an annex for emergency preparedness. There is a book to assist in preparing for disasters and she recommends it as a good read especially for elected officials. She attended a mass casualty drill at Newark airport on Saturday where West Milford First Aid squad did a good job. She has a few complaints about dead trees on Township & County roads which she will convey to the Administrator.

Mayor Bieri reported that the Township got a recycling tonnage grant award for 2010. She commended Dave Stires & the Recycling Committee. She commended CS&R & the staff there for submitting and getting a grant from Passaic County for the coffee house. It was a thrill, she said, to see about 70 people using the pump track at the grand opening. It was over 500 volunteer hours of work, including over 70 volunteers and Township staff. With cooperation positive things can be accomplished and she looks forward to more successes. ALF was great this year and the Mayor thanked the ALF committee, police department and DPW for a job well done. She said that she was either volunteering or at her booth all day. It was a great opportunity to meet our residents and she thanked everyone for input. Fire company #6 allowed her to go up on the ladder raised to highest level of 150 feet. It is an amazing view and she thanked the chief for that honor. She thanked Ed Steines for the fuel security system. It is a project that

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was outstanding for over 8 years. She commended the police department for the annual medicine chest challenge.

Administrator Gage said she has been collecting information for a future discussion about municipal facilities. She said there will most likely be a need for executive session at the next meeting and she asked for and received consensus to begin the meeting at 6:30 p.m. Ms. Gage said that a significant cost to the municipality is health benefits and she is looking at means to realize savings. Only one union contract provides that employees who waive benefits can get incentive payments. That is more important now in light of mandated contributions. This may be an added incentive to have them avail of this option. She reviewed the potential savings. She proposes amending our personnel manual to have that available for all employees. The Council gave consensus to have a resolution prepared for the next meeting. Ms. Gage expressed appreciation saying that we are currently in open enrollment and could realize savings which could be as high as \$20,000. The Council gave consensus to waive 50% of the building use fee for AA for their upcoming meetings.

Councilwoman Horton encouraged people to get out to vote on November 6th. She thanked poll workers and wished congratulations and best wishes to all candidates.

Attorney Semrau said that the administration asked his office to look at the PRIDE program to have them become a 501(3)c organization. Council gave consensus to proceed with that application. Mr. Semrau said he received a request from the Mayor to attend a meeting with the new DCA commissioner with regard to the MUA. This would be to provide an update on November 21st. This would be a follow up and transitional meeting from last year to this. Council gave consensus. Councilwoman Horton said the MUA has a whole lot of fines and not a lot of money. She would like to have the attorney attend the meeting to see if the fines can be forestalled or waived so that those funds can be used for improvements to the system. Councilman Ramaglia asked what the meeting is for and Mr. Semrau said it would be to provide an update and hear the current commissioners. Councilwoman Horton said that she would like to open a dialogue to understand the options available to have the monies reinvested into the MUA system. Councilman Ramaglia said the MUA is an autonomous body. The Township role down there would be as an informational only and a mechanism to update the new commissioner. He does not favor a discussion to have the Township become involved in this autonomous utility. Mayor Bieri said it is simply a discussion of the status and possibly discussing future options which would be relayed back to Council. Councilman Ramaglia said he is concerned about the funding for this. Mr. Semrau said he has not been asked to do anything else this year for the MUA. This would be a good opportunity to learn of the current status and report back. Councilman Smolinski asked why the MUA attorney would not do that and Mayor Bieri said that it is her understanding that the request was made by DCA because she and Mr. Semrau were at a similar meeting last year. Councilman Smolinski said Council appointed the new commissioners who have their own legal advice. The Council gave consensus to hear from a member of the audience who is also an MUA commissioner.

David Ofshinsky, 47 Morris Avenue, West Milford was given the floor. Mr. Ofshinsky stated that the DEP has asked for this meeting as a follow up with the DCA because of the vacancies that existed for some time last year. It is to close the loop and is part of the bureaucratic process. There should not be any future ongoing demands. Councilman Smolinski said the Council appointed the commissioners who are doing a good job and he does not understand why they don't just do this. Mr. Ofshinsky said that the DEP has asked for this meeting. Councilman Smolinski asked if the MUA attorney is going. Mr. Ofshinsky said he is not sure who will be attending but he will check. Mayor Bieri asked him confirm the DEP request that the Mayor & Township Attorney attend as part of the consent order. Council President Signorino said that he would like to have the MUA attorney there so that the Township is not caught in this going forward and Councilman Smolinski said he will not consent if the MUA attorney is not present. The Council gave consensus to have Mr. Semrau and Mayor Bieri attend. Smolinski lamented that DCA did not communicate with the prior board.

Agenda No. XI

Appointments and Resignations

None.

Agenda No. XII

Executive Session

None.

Agenda No. XIII

