
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 2 of 24

compromise. Rather than remove a property from the tax rolls, this land was laying idle and will satisfy the State's requirements. As a result, this title transfer comes at no cost to the municipality. Ms. Glosinski agreed adding that the State agreed to this acquisition because the property is adjacent to State land and they will use it to expand an existing trail system.

Motion to close public portion.

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

Agenda No. V

Executive Session

None.

Agenda No. VI

Proclamations

None.

Agenda No. VII

Discussion Items

None.

Agenda No. VIII

Public Comments

Before opening the meeting to the public, Mr. Semrau asked to speak about holiday displays. Mr. Semrau reviewed the extensive discussions the Council engaged in last year on this topic and recalled the numerous times this matter was again discussed this year. He noted that this year the Council assigned two of its members to serve on a subcommittee to research and make a recommendation on this subject. There was a public discussion at a Council meeting in September. The matter was broached a number of subsequent meetings by members of the public and a number of discussions about the legal ramifications were held in executive session. Ultimately, the committee and Township officials met with local residents to discuss various options and suggestions. The Council ultimately decided not to alter the existing policy and thus there was no public vote. A vote is only necessary to alter existing policy; it is not necessary if the status quo is to be maintained. Mr. Semrau stated that he assumes responsibility for any dissatisfaction residents may have at the process. It was he who counseled the Governing Body and recommended limited discussions to avoid legal repercussions. He reviewed some decisions from the Federal Court of Appeals related to the topic of holiday displays on public property advising that there are limited options available to the Governing Body.

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

Ricky Bloetjes, Bayonne Drive, West Milford read a letter from Pastor Michael Rodak of Our Lady Queen of Peace Church and distributed copies. The letter pertained to religious displays on public property.

Janice Watson, 42 Vine Ave, West Milford stated that Christmas & Hanukkah are American traditions. They do not impose religious beliefs on anyone, they simply are a tradition in this country and their times of celebration often overlap. She asked the Council to help uphold these traditions. She said the atheist expression on public property last year was an imposition on people's freedoms of religious expression. She said that the nativity is a symbol of Christmas and menorah is a symbol of Hanukkah. They are nothing else and should be allowed on public property.

Jennifer King read excerpts from a paper her daughter wrote for school expressing her sadness that there would not be a menorah on public property in West Milford.

Michael Podany said he recently moved to West Milford. He noted that a holiday tree is not recognized as a religious symbol. He listened to the a recording of the Rabbi who appeared at a Council meeting depicting West Milford residents as discriminatory against Jews because we do not have a menorah in front of Town Hall. He resents that type of divisive speech and that depiction of West Milford residents. He urged people to listen to the Rabbi's hateful words online. He noted that no religious symbols except menorahs are allowed in Israel. Using hate words to strong arm people is simply wrong. The Council is not proposing to have certain religious symbols and not others; they have determined there will be no religious symbols. That is equality not discrimination and he resents the misrepresentations of him and his neighbors, the residents of West Milford.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 3 of 24

Eleanor Monahan, 26 High Street, West Milford stated that the Township is not trying to interfere in any person's religious freedoms. Every person is free to believe in the God of his or her choosing and is free to practice or not practice any religion of their choosing. Nonetheless, symbols do not belong on Township property. These ongoing demands for religious displays brings nothing but bad notoriety to West Milford. Christmas trees are recognized by the Federal courts as secular symbols that are not worshiped. The menorah is a religious and, as such, does not belong on public property.

H. Gonzales, Bearfort Road, West Milford agrees that there should not be displays on public property. He is especially affronted that we are engaging in this debate because of a request that came from a non-resident. However, even if a resident were to ask, he does not agree with religious displays on public property.

Michelle Fenwick, 85 Vreeland Road, West Milford said she respects the fact that there are legal issues that impact the decision about religious symbols on public property. However, she has been offended by comments made by Council members. She has attended the tree lighting ceremony at Town Hall for years. While it is a joyful time, the singing of carols and visit by Santa cannot be described as secular. It is a celebration of a Christian holiday. She loves all the festivities surrounding Christmas. However it should be all inclusive. Exclusion by race or religion is wrong and divisive. Last year the Council allowed religious displays and she applauded that decision. This year the Council is acting out of fear for the atheist group that erected an objectionable sign. She asked the Council to be sensitive to all religions and to saying words that could be divisive. The Township appears to be elitist and she does not want that. There are benefits to having a menorah alongside the Christmas tree.

Paul Bailey, Macopin Road, West Milford said the issue of holiday displays is in the forefront tonight. America, he said, is a melting pot that is founded on diversity. This country has struggled with various issues related to diversity but that is exactly what makes us unique & strong. He asked the Council to consider one night of inclusion & diversity in the month of December where people of all religions can come together to celebrate their beliefs & diversity. He described his inclusion plan. He urged the Council not to hide behind indecision.

Tim Wagner, Westbrook Road, West Milford said he is the Chairman of HEAT. The number of people in attendance tonight, in his opinion, shows that the Council has been wrong on the issue of holiday displays. He said he is disappointed in the Council's failure to speak at prior meetings and their failure to vote. He said that HEAT requests that the Town Council repeals the decision on holiday displays; recognize in public that religious displays are a constitutional right; have a public discussion and a public vote. He asked that they place this question on the ballot in 2014 for the voters to decide. He said that people can host events on public property like the rabbi's menorah lighting which will take place on December 4th as long as they fill out the proper paperwork. People have the right to religious freedom, the right to speech and the right to assemble. The people involved in this issue are not trying to be divisive, they are trying to create unity. He said it is offensive to exclude some people in town. He wants Christmas lights and will be here on Christmas Eve for a prayer meeting. The towns should be more festive. He is willing to help and he asked what Council is doing to help.

Wayne Gottlieb, 20 South Ridgefield Road, West Milford showed his personal household menorah so people could understand the scale of the Jewish household observance of Hanukah. He explained that when the candles are inserted in the menorah it becomes a display. When each candle is placed in the menorah those who observe Hanukah recite the prayers that correlate with each candle. The menorah & the recital of the prayers are a religious ritual, not a display. Last year the rabbi performed a ritual in front of town hall which appears to be in accordance with rulings from the Supreme Court. In his opinion this is a ritual and not a display. There are two options under the law. One is simple and one is complex. The Council appears to have chosen the simple route which is the secular symbol of the tree. This avoids the complexities that were encountered last year. He questioned the wisdom of allowing rituals on public property. Having a display differs from having rituals. The prayers associated with lighting the menorah constitute a ritual. There is no ritual associated with a kresch. However, there may be other religions of which we are not aware that have rituals for their respective observances. This may lead to complexities that the Township may not want to deal with. He has been monitoring the discussion and it appears that certain people appear to be expressing concern and sympathy for certain non-Christians such as Jews. He questions how many of them realize that the first day of school this year coincided with the Jewish holiday of Rosh Hashanah. He explained that Jewish holidays do not fall on the same day each year. None of the concerned people in this community expressed concern for this conflict with the Jewish observance. The matter came before the BOE in June for a vote and nobody came to the public meeting to express concern. He was the only person on the board who voted no. In his opinion this is a reflection of the true level of concern in this town. Given a choice between displays on public property and consideration of Rosh Hashanah, he would rather have the religious holidays observed.

Nancy Stavitz, 11 Weedon Drive, West Milford said she agrees that rituals should not be allowed on public property but she considers the menorah and a kresch to be an expression of faith, just symbols. She said that more people have spoken in favor of having religious displays on public property than

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 4 of 24

against. That is representative of the Township. She suggested imposing a limited time frame. She said that the atheist banner erected last year was not a religious display. It was, in her opinion, an anti-Christ statement and she doesn't understand why it was not taken down.

Abbe Benowitz, 25 Foxboro Lane, West Milford is a Jewish resident of West Milford with two children in the school system. If the Council decides not to allow a menorah on public property she wants them to tell her nine-year old daughter why. She said those who support displays on public property are creating unity and those opposed are being divisive. She said she is speaking on behalf of the rabbi who could not attend. Her children attend his Hebrew school in Ringwood. She said that there are many Jews in West Milford. She apologized on behalf of the rabbi for any comments he may have made in the past that were negative or derogatory because that is not his way. He is a good man trying to spread the word of God. She attacked Mr. Semrau for what she described as skirting the issue with his earlier comments. She demanded that the Council take a public vote instead of having a back room meeting to decide this matter. In a loud voice, she demanded that the Council take this vote tonight in front of her five-year old daughter telling them they should be ashamed of themselves. She wants the Council to tell her nine-year old daughter directly why there is no menorah this year. She wants Mr. Semrau to personally call her nine-year old daughter and tell her why she is not represented in her own town. She said her children will attend the tree lighting and sing Christmas carols. She said that it is insulting that the attorney calls the tree in front of town hall a holiday tree. That tree has nothing to do with the faith she practices in her home. If there is not going to be a menorah she does not want to see lights on that tree. It is about the spirit of the season. A menorah celebrates freedom. She said the Council should inform and educate themselves. Stand up to the atheists. Ms. Benowitz continued speaking as she returned to her seat but it appeared that her comments were being directed to individuals in the audience.

Mayor Bieri asked all those wishing to speak to be polite & respectful. While this may be an emotional subject, outbursts and the casting of blame are unnecessary for the purposes of discourse. There is no need, she said, to attack individuals for doing their job.

Doris Aaronson, 19 Bearfort, Road, West Milford said that in the practice of the Jewish faith it is commanded that when the menorah is lit, that lighting is accompanied by the recital of three prayers. She read in the papers that Rabbi Mendhi plans to hold a religious service on Township property on December 4th. The rabbi is not a West Milford resident nor is he employed by any West Milford synagogue. She asked the Council & Township Officials to set forth the criteria to hold a religious service on public property. In recognition of the separation of church & state, the premise upon which our nation was founded, she does not support the concept of holding religious services on public property. She questioned the motives of Rabbi Mendhi to insist that his services be on public property when the Presbyterian Church has offered their property to the rabbi for this purpose. She believes the rabbi's motive is publicity. Perhaps he wishes to solicit membership in his Chabad. As a West Milford Jew and a taxpayer in town, she finds Rabbi Mendhi's continued insistence on using Township property & resources for non-Township purposes problematic. She complimented the Township attorney for his counsel on this issue. If one were to research the Chabad online one would find hundreds of lawsuits triggered by the Chabad sect costing taxpayers a lot of money

John Sherwood, 50 Rabbit Run, West Milford said he cherishes our right to free speech as well as our right to participate in government. The Council has been saddled with a tough decision regarding holiday displays. He can respect that. However, the Council has been silent on the matter despite it being broached at a number of meetings. He asked the Council to share their opinions with their constituents.

Eric Hastings, Greenwood Lake Turnpike, West Milford urged individual Council members to speak up. He believes each has an opinion. He expects the permit applications to be expedited. The goal is inclusion.

Motion to close the meeting to the public.

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

Agenda No. IX

Council Comments

Council President Signorino said he is open to a referendum question on the primary ballot on this subject and he would like to make that motion. Mayor Bieri said she does not recall ever seeing a question on a primary ballot. She asked if that was possible. Mr. Semrau said he will have to look into that. Council President Signorino said he would like a motion to have a question on whichever ballot would allot it. He said it is not the job of the Council to deliberate on allowing people to express their faith. The question was put before the Council and the response was that no action was taken to change existing policy. He

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 5 of 24

appreciates that some people are not pleased with that response but he would like to see a subcommittee work with local groups to achieve a resolve. He would volunteer to achieve that. Elected officials are working with local groups to work towards having greater festive lighting in town at this season and to address the negativity that has been prominent in the past year.

Mayor Bieri said that no body has expressed any opposition to creating a festive environment in town whether that is expressed with lights or displays on private property. The discussion that has been broached with Council has been limited to religious displays on public property. The Council has never discussed nor have they ever objected to improving the character or ambience in town including increasing the non-faith-based lighting & festive atmosphere at this time of year. Fr. Rodak's letter, she said, alleges that increased lighting and festive decorations have been denied to commercial & private property owners and that is simply not the case. She asked if the Council wishes to second or further consider Council President Signorino's motion.

Councilman Hensley asked who would draft the question. Mayor Bieri said that the past practice has been to have the Township attorney draft the question, distribute it to the Council and have them finalize the language before adopting a resolution to that effect. Mr. Semrau said that one governing body cannot bind a future governing body. This would be for next year. This Council cannot commit this for next year. However, it can be done after the reorganization meeting in January. He explained how the resolution is drafted, disseminated, finalized and placed on the ballot. It has worked well in the past. The Council can give consensus to have him work on this and have it placed on an agenda for next year.

Councilwoman Erik said that the Council has given answers and she disagrees with allegations to the contrary. She said she received an email from a young lady asking why the Council hates her. Councilwoman Erik said she does not hate that young lady.

Mayor Bieri asked if there is a second to Council President Signorino's motion. Hearing none she suggested that he can bring this up again next year. She advised the public that they are entitled to engage in a process to have the question placed on the ballot without the Council's participation. Council President Signorino asked Mr. Semrau to outline the process.

Agenda No. X

Action Items

Agenda No. X 1

~ Ordinance No. 2013- 022 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 7 of 24

Motion carried.

Agenda No. X 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).

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.

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.

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.

The zoning officer shall approve the structures prior to their installation with the issuance of a zoning permit.

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.

Chicken hen manure may be applied to garden soil and incorporated into the soil.

Chicken hen manure shall not be used on the surface of any property or portion thereof in a manner similar to that used in the laying of mulch or topsoil.

Chicken hen manure may be composted in such a way as to minimize any fly and odor problems.

Chicken hen manure may be bagged and removed from the premises.

Chicken hen manure may not be stored, composted or applied to soil within 10 feet of the property line.

There shall be no runoff of chicken hen manure to neighboring properties.

§71-46. Chicken Hen Feed.

Any food scattered for chicken hen consumption shall be cleaned up daily.

All chicken hen food shall be stored & kept in tight containers.

All chicken hen food shall be protected from access by rodents and other wildlife.

§71-47. Compliance

All parties seeking to house, keep or maintain chicken hens on properties of less than one (1) acre in size in the Township of West Milford shall comply with the provisions of this legislation.

§71-48. Enforcement and penalties

All enforcement agents of the Township shall have the authority to enforce the provisions of this act. Such enforcement agents shall include but not be limited to the zoning officer, the construction code official, the health officer and his staff, the animal control officer and/or the police department.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 8 of 24

Penalties may include the removal of chicken hens from the property.
Summonses for non-compliance with any provision hereof may be issued by the appropriate enforcement officials.
Penalties may be imposed by the municipal court judge up to the maximum penalty allowed by law.

§71-49. Precedence of Land Use Code

In any instance where the provisions of §71-42 through §71-49 conflict with the provisions of the Township's Land Use code, Chapters 414, 420, 460, 470 and 500, the Land Use Code shall take precedence.

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

Introduced: October 23, 2013
Adopted: November 13, 2013
Effective Date: December 3, 2013

This Ordinance was introduced on October 23, 2013 and the Notice of Public Hearing was published in the Herald News on October 27, 2013. Mayor Bieri opened the meeting to the public to speak to this ordinance only.

On motion by Councilwoman Erik, seconded by Councilman Rosone and carried by unanimous voice vote the meeting was closed to the public.

Motion to adopt Ordinance 2013-023

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

Agenda No. X 3

~ 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 DECEMBER 18, 2013 MEETING

Motion to table resolution 2013-311 to the December 18th meeting.

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

Agenda No. X 4

~ Resolution No. 2013- 323 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REGARDING AN OPEN SPACE ACQUISITION WHICH REQUIRES THE TOWNSHIP TO DEED AN OVERLAP OF LAND ENCROACHING ON STATE LAND TO GREEN ACRES

WHEREAS, the Township of West Milford, by way of an Open Space acquisition with Green Acres funding, has acquired Block 9901, Lots 10, 11 and 12 consisting of over 100 acres of land for the sum of \$800,000; and

WHEREAS, in order to qualify for Green Acres funding it was necessary to complete a survey and insure that land being acquired does not contain any boundary disputes; and

WHEREAS, it was discovered that approximately 2.8 acres of land overlap or encroach upon State owned land; and

WHEREAS, in order to rectify this dispute and qualify for Green Acres funding, it is necessary for the Township to deed this overlap of land to Green Acres.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 10 of 24

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds have been encumbered to account number 20-155-502 in 2013; and

WHEREAS, Stuart B. Klepesch, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Stuart B. Klepesch from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Stuart B. Klepesch for the continuation of professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #30.
2. By virtue of resolution 2012-404, \$29,000 was appropriated for list #30 and to date \$10,300.25 has been expended. Therefore, there is a remaining balance of \$18,699.75 for the completion of foreclosure list #30.
3. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
4. This contract shall expire on completion of foreclosure list #30 or December 31, 2014 whichever comes first.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: November 13, 2012

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

Agenda No. X 7

~ Resolution No. 2013- 326 ~

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 EARTH-TEC ASSOCIATES, INC. FOR THE 2013 SEDIMENT CONTROL RETROFIT PROGRAM

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on November 1, 2013 at 10:00 am for the construction of sediment control retrofits as per the bid specifications; and

WHEREAS, the Township of West Milford received six (6) 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 Earth-Tec Associates, 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 04-215-55-818-003 and 04-215-55-821-010; 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 Earth-Tec Associates, Inc., P.O. Box 941, Vernon, NJ 07462 for the 2013 Sediment Control Retrofit Program subject to the review and approval of the Township Attorney in an amount not to exceed \$59,600.00
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Earth-Tec Associates, Inc. in accordance with its bid for said construction of sediment control retrofits in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 11 of 24

4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: November 13, 2013

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

Agenda No. X 8

~ Resolution No. 2013- 327 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING ALL BIDS RECEIVED ON OCTOBER 17, 2013 FOR TUB GRINDER SERVICES

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of West Milford, the Township received bids for tub grinder services; and

WHEREAS, six (6) sealed bids were received and opened on October 17, 2013, in accordance with the advertised date for acceptance of bids; and

WHEREAS, prior to the bid opening, one (1) objection was received to the bid specifications; and

WHEREAS, pursuant to a review of the bid specifications, it has been determined that there was a lack of clarity with regard to some provisions; and

WHEREAS, the Mayor and Township Council have determined that all bids pursuant to the bid specifications should be rejected in accordance with N.J.S.A. 40A:11-13.2 which allows a local contracting unit to reject all bids when the contracting unit wants to substantially revise the specifications.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic that all bids received for the above-referenced project be and are hereby rejected due to a lack of clarity in the bid specifications; and

BE IT FURTHER RESOLVED that the appropriate Township Officials be and are hereby authorized to revise the bid specifications to ensure that the lack of clarity is corrected with the intent to seek competitive bids for this project again; and

BE IT FURTHER RESOLVED that the Clerk be and is hereby authorized to ensure that all appropriate measures are taken to ensure that bonds posted with the bids received on October 17, 2013 are properly returned in accordance with the Local Public Contracts Law and that all bidders are properly notified of this action.

This Resolution shall take effect immediately.

Adopted: November 13, 2013

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

Agenda No. X 9

~ Resolution No. 2013- 328 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT EXTENSION JANUARY 1, 2014 TO JUNE 30, 2014

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 12 of 24

WHEREAS, The Township of West Milford Council of the Township of West Milford, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, Township of West Milford was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to West Milford Community Against Substance Abuse Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford Council does hereby authorize the submission of the grant extension for the West Milford Community Against Substance Abuse Grant in the amount of:

DEDR	\$19,276.00
Cash Match	\$4,891.00
In-Kind	\$14,457.00

BE IT FURTHER RESOLVED that the Township of West Milford Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: November 13, 2013

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

Agenda No. X 10

~ Resolution No. 2013- 329 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF MODIFICATIONS TO PEQUANNOCK RIVER PERMIT WAP090001

WHEREAS, the Pequannock River is a waterway of significant natural beauty, hosting important and sensitive coldwater fisheries and is a major aesthetic, natural, and recreational resource for the Township of West Milford and for the populace at large; and

WHEREAS, the required release of water from the Charlottesburg Reservoir could be modified to lower summer river temperatures with no loss of water for the City of Newark by requiring that the required release be from the bottom of the reservoir; and

WHEREAS, this change would improve conditions for coldwater fisheries and increase the river value for all uses and users; and

WHEREAS, this modification would move the river temperature toward meeting the requirements of New Jersey. Surface Water Quality Standards.

NOW, THEREFORE BE IT RESOLVED that the Township of West Milford hereby expresses support for changes to permit # WAP090001 that would require a continuous bottom release from the Charlottesburg Reservoir during the summer season.

BE IT FURTHER RESOLVED THAT duly authenticated copies of this resolution shall be transmitted to the Commissioner of the New Jersey Department of Environmental Protection, the Pequannock River Coalition, Senator Joseph Pennachio, Assemblyman Jay Weber and Assemblywoman Betty Lou DeCroce.

Adopted: November 13, 2013

Moved: Erik Seconded: Rosone
Voted Aye: Erik, Hensley, Erk, Rosone, Signorino.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 13 of 24

Voted Nay: None.
 Motion carried.

Agenda No. X 11

~ Resolution No. 2013- 330 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPOINTING A QUALIFIED PURCHASING AGENT AND INCREASING THE BID THRESHOLD FOR CONTRACTS SUBJECT TO PUBLIC BIDDING UNDER THE LOCAL PUBLIC CONTRACT LAW TO \$36,000.00

WHEREAS, the Township, by adoption and final passage of Ordinance 2013-020, has created the position of Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9 to 9.1 and the regulations promulgated pursuant thereto at N.J.A.C. 5:34-5.1 to 5.5; and

WHEREAS, A. Julie Zeltner, who serves the Township in the position of Principal Account Clerk, possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, N.J.S.A. 40A: 11-9 (b) provides that a government unit which employ a Qualified Purchasing Agent can take advantage of the higher bid threshold of \$36,000.00 pursuant to N.J.S.A. 40A: 11-3a and grants the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, the Township of West Milford desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints A. Julie Zeltner as the Qualified Purchasing Agent; and

BE IT FURTHER RESOLVED, that the governing body of the Township of West Milford, County of Passaic, in the State of New Jersey, hereby increases the bid threshold for award of public contracts by the Township from \$17,500.00 to \$36,000.00.

Adopted: November 13, 2013

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

Agenda No. X 12

~ Resolution No. 2013- 331 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4 - 58

WHEREAS, there appears to be a surplus in the 2013 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Information Technology	20-140-100	\$4,000.00
Hillcrest S&W	28-374-100	\$22,700.00
Group Insurance	22-220-200	\$15,000.00
TOTAL TRANSFERS OUT		\$41,700.00

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2013 budget year:

Engineering S&W	20-165-100	\$4,000.00
Elections S&W	20-146-100	\$1,000.00
Elections O.E.	20-146-200	\$1,000.00
Health Benefit Waiver	23-230-200	\$15,000.00
LOSAP	25-267-200	\$700.00
Bubbling Springs S&W	28-371-100	\$6,800.00
Recreation Administration S&W	28-372-100	\$3,000.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 14 of 24

Utility - Telephone	31-440-261	\$7,500.00
PERS	36-472-532	\$2,700.00
TOTAL TRANSFERS IN		\$41,700.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2013 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to make the following transfers in the 2013 appropriation:

1.	\$41,700.00	2.	\$41,700.00	CURRENT FUND
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A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: November 13, 2013

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

Agenda No. X 13

~ Resolution No. 2013- 332 ~

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST MILFORD IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO TRANSFER ITEMS OF SOLID WASTE FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4 – 58

WHEREAS, there appears to be a surplus in the 2013 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Solid Waste O.E.	55-500-200	\$5,000.00
TOTAL TRANSFERS OUT		\$5,000.00

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2013 budget year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Solid Waste S&W	55-500-100	\$5,000.00
TOTAL TRANSFERS IN		\$5,000.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, the 2013 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to make the following transfers in the 2013 appropriation:

1.	\$5,000.00	2.	\$5,000.00
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A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: November 13, 2013

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

Agenda No. X 14

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 15 of 24

~ Resolution No. 2013- 333 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ENVIROTACTICS, INC. FOR LSRP SERVICES AT WEST MILFORD TOWN HALL

WHEREAS, there exists a need for Licensed Site Remediation Professional (LSRP) services to be rendered to the Township of West Milford in connection with West Milford Town Hall, 1480 Union Valley Road; and

WHEREAS, the Township wishes to retain the services of Envirotactics, Inc.; and

WHEREAS, the CFO has certified to the availability of funds, said funds to be encumbered from account number 01-201-20-161-450; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bidding, and the contract itself, must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153, for environmental consulting services in connection with Licensed Site Remediation Professional (LSRP) services to be performed including a LSRP Notification of Retention form, the submission of an Extension Request Form to the NJDEP, a Receptor Evaluation to be submitted to the NJDEP by March 1, 2012, and a review of the historical investigation activities conducted at the site known as the West Milford Town Hall, 1480 Union Valley Road for a total amount estimated to be less than \$4,195.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$4,195.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Monica Goscicki, CFO, and Christopher Neuffer, President, Envirotactics, Inc., of 1625 Highway 71, Wall, New Jersey 07719-3153 for their information and guidance.

Adopted: November 13, 2013

Discussion: Discussion ensued as to whether or not this had been done some years ago. Administrator Gage advised that it may have been previously done in 1994 but the records have not been located. The State is requiring that the work be done and the proper documentation be filed with the DEP.

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

Agenda No. X 15

~ Resolution No. 2013- 334 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAUL W. FERRIERO, PE, CME, OF FERRIERO ENGINEERING, INC., FOR PROFESSIONAL ENGINEERING SERVICES REGARDING THE CONSTRUCTION OF AN ACCESS DRIVEWAY FROM THE TOWNSHIP'S RECYCLING FACILITY, LOCATED ON BLOCK 6002, LOT 18.02 TO AIRPORT ROAD

WHEREAS, the Township has a recycling facility, located on Block 6002, Lot 18.02 (hereinafter, the "property"); and

WHEREAS, Block 6002, Lot 18.02 is a "landlocked" parcel that does not have frontage onto a public roadway; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 16 of 24

WHEREAS, in order to gain access to the property, the Township desires to construct an access driveway from the property to Airport Road; and

WHEREAS, in order to construct the access driveway, the Township anticipates that it will need professional engineering services for various needs, including the filing of an application for Highlands Preservation Area Approval from the NJ Department of Environmental Protection; and

WHEREAS, the Township wishes to retain the services of Paul W. Ferriero, PE, CME of Ferriero Engineering, Inc. to perform such services and for such other services as identified in his proposal dated November 8, 2013; and

WHEREAS, the professional engineering services to be provided by Paul W. Ferriero, PE, CME of Ferriero Engineering, Inc. shall not exceed the amount of \$10,000 without a Resolution authorizing an increase to the compensation limitations; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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 as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Paul W. Ferriero, PE, CME of Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, New Jersey 07930, to provide professional engineering services as set forth herein and Ferriero's proposal, dated November 8, 2013. The professional engineering services to be provided by Paul W. Ferriero, PE, CME of Ferriero Engineering, Inc. shall not exceed the amount of \$10,000 without a Resolution authorizing an increase to the compensation limitations.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that neither Ferriero Engineering, Inc., its subsidiaries, assigns or principals controlling in excess of 10% of the firm has made a contribution in the one (1) year period preceding the award of the contract that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44-16 so as to affect his eligibility to perform this contract, nor will it or they make a reportable contribution during the term of the contract to any political party committee in the Township of West Milford if a member of that political party is serving in an elective public office of the Township of West Milford when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of West Milford when the contract is awarded.
3. Ferriero Engineering, Inc. is advised of the responsibility to file an annual statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271 §3) if it received contracts in excess of \$50,000 from public entities in a calendar year. It is Ferriero Engineering's responsibility to determine if filing is necessary.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this Resolution shall be provided to Monica Goscicki, Township Chief Financial Officer and Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, New Jersey 07930, for their information and guidance.

This Resolution shall take effect immediately.

Adopted: November 13, 2013

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

Seconded: Rosone

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 17 of 24

~ Resolution No. 2013- 335 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF A POCKET PLENARY RETAIL CONSUMPTION LICENSE AND AN INACTIVE PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2013-2014 LICENSE YEAR WITH CONDITIONS

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2013 - 2014 License year have been received and reviewed; and

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

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have 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, with conditions.
5. Where necessary Special Rulings from the Director of the Division of Alcoholic Beverage Control have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to hold the pocket license certificate of Juliano Angelo M. for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS	LICENSE STATUS
<p>JULIANO ANGELO M 7 Parkside Ct Wayne, NJ 07470 1615-33-015-009</p>	<ol style="list-style-type: none"> 1. Licensee must file a Place-to-Place Transfer of License to site. 2. Any proposed premises must be inspected and approved by the Police Department, Fire Marshall and Health Department before opening. 3. Food Handlers License must be current before issuance of License Certificate. 4. Certificate of Occupancy must be issued prior to opening. 5. Licensee must file an amendment to the 12-page application, within ten days before or after the opening of the business to activate. 	<p>Pocket license/no sited premises</p>

BE IT FURTHER RESOLVED that the Township Clerk is directed to hold the inactive license certificate of ALO, Inc. referenced below for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS
<p>ALO INC. VILLAGE SQUARE INN 2887 ROUTE 23 NEWFOUNDLAND, NJ 07435 1615-33-005-003</p>	<ol style="list-style-type: none"> 1. The Open Violation, for multiple locations in the building of the Fire Code must be abated prior to activation of license and opening of premises. 2. A Retail Food Establishment license must be acquired prior to activation. 3. A Health Department inspection must be made prior to reopening. 4. A Police Department inspection must be made and a satisfactory recommendation received in the Township Clerk's office prior to opening. 5. Inactive licenses must submit applicable pages of 12-page application to the Township Clerk prior to re-opening.

Adopted: November 13, 2013

Moved: Signorino
 Voted Aye: Erik, Hensley, Erk, Rosone, Signorino.
 Voted Nay: None.

Seconded: Rosone

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 19 of 24

search down to the final candidates. Council President Signorino said he would like Council to be allowed to participate in all interviews for department heads.

Motion to table to December 18, 2013.

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

Agenda No. XI

Consent Agenda

~ Resolution No. 2013- 337 ~

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. **2013-338** – Refund Other Liens
- b. **2013-339** – Refund Clerk Office Fees
- c. **2013-340** – Refund Overpayments
- d. **2013-341** – Refund Police Fees
- e. **2013-342** – Refund Recreation Fees
- f. **2013-343** – Reinstate Taxes
- g. **2013-344** – Various Licenses (2013 + 2014)

Applications:

- 1. Application for Off Premise 50/50 Raffle License by West Milford High School PTSO for December 18, 2013.

Adopted: November 13, 2013

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

Agenda No. XI a.

~ Resolution No. 2013- 338 ~

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 Amount	Pay to the Lien Holder
11-051	04/19/2011	05301-039	\$71,417.80	US BANK CUST FOR TOWER DBW 50 SOUTH 16 TH ST STE 1950 TOW PHILADELPHIA, PA 19102
11-066	04/19/2011	07213-002	\$60,665.79	US BANK CUST FOR TOWER DBW 50 SOUTH 16 TH ST STE 1950 TOW PHILADELPHIA, PA 19102
11-115	04/19/2011	14501-014-	\$79,314.82	US BANK – CUST/SASS MUNI VI DTR

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 20 of 24

Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
		CELL		2 LIBERTY PLACE 50 SO. 16 TH ST. STE 1950 PHILADELPHIA, PA 19102
13-0019	03/19/2013	02017-006	\$6,478.07	US BANK CUST FOR PRO CAP II; LLC U.S. BANK TLGS 50 S. 16 TH ST. STE 1950 PHILADELPHIA, PA 19102
13-0092	03/19/2013	12307-023	\$24,811.62	TOWER FUND SER. AS CUST FOR EBURY FD 1NJ P.O. BOX 37695 BALTIMORE, MD 21297-3695
Grand Total			\$242,688.10	

Adopted: November 13, 2013

Agenda No. XI b.

~ Resolution No. 2013- 339 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF JUNKYARD APPLICATION FEE

BE IT RESOLVED that the following junkyard application fee upon the report of the Township Clerk be refunded:

2014 Junkyard License Application		
Licensed Premise	Application Fee	Owner/Payee
West Milford Auto Recyclers Inc. 112 Weaver Road West Milford, NJ	\$500.00	Frank Kasabri 3 Brookvale Terrace Kinnelon, NJ 07405-2271

Adopted: November 13, 2013

Agenda No. XI c.

~ Resolution No. 2013- 340 ~

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
7801-55.08	Lorra M. Colwell 1121 S. Brannon Stand Road, Apt. C-28 Dothan, Alabama, 36305	\$2,055.00	2013	2
TOTAL		\$2,055.00		

Adopted: November 13, 2013

Agenda No. XI d.

~ Resolution No. 2013- 341 ~

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

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
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TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 21 of 24

H&G Contractors 489 Fairway Road Ridgewood, NJ 07450	19-295-56-100-310	\$453.76
Zenith Construction Services 365 Thomas Boulevard Orange, NJ 07050-4112	19-295-56-100-306	\$953.86

Adopted: November 13, 2013

Agenda No. XI e.

~ Resolution No. 2013- 342 ~
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:

Day Camp/Session 2		
Drew Weaver	\$385.00	Erin Weaver 120 Otterhole Road West Milford, NJ 07480
Spa 23 Dance & Movement		
Leila	\$89.00	Leo Urgiles 6 Arlington Ave. Hewitt, NJ 07421
Violin		
Gretchen	\$111.00	Laura Ileczo 1509 Macopin Road West Milford, NJ 07480
Coed Volleyball		
Shanna	\$25.00	Shanna Canty 54 Sweetman Lane West Milford, NJ 07480

Adopted: November 13, 2013

Agenda No. XI f.

~ Resolution No. 2013- 343 ~
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
2402-8	Judith DeFrancesco	\$5,439.98	2013
TOTAL		\$5,439.98	

Adopted: November 13, 2013

Agenda No. XI g.

~ Resolution No. 2013- 344 ~
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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 22 of 24

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		
2013 and 2014 Clothing Bin License			
2013 – PA 01	Convenience Food Stores Rte. 23	PLANET AID 3 Lincoln Drive Fairfield, NJ	
2013 – PA 02	SBP Gas Warwick Tpk		
2013 – PA 03	Pizza Station Rte 23		
2013 – PA 04	TJ's Gas of West Milford Rte 23		
2014 – GSW 01 2014 – GSW 02 2014 – GSW 03	WM Recycling Center	GSW, INC. (bins for AMVETS) P.O. Box 1828 S. Hackensack, NJ	
2014 – GSW 04 2014 – GSW 05 2014 – GSW 06	Bearfort Shopping Village		
2014 – GSW 07 2014 – GSW 08 2014 – GSW 09	WM Shopping Plaza		
2013 Dealer in Precious Metals License			
2013 - 03	J. Alexander Fine Jewelers LLC , Alexis Randolph, Proprietor 1935 D Union Valley Road, Hewitt		
2013 & 2014 Pool Table Licenses			
2013-08	574 A Macopin Associates LLC , t/a S&S Liquors 574 A Macopin Road, West Milford		
2014 - 04	574 A Macopin Associates LLC , t/a S&S Liquors 574 A Macopin Road, West Milford		
2014 Junk Shop License			
2014-01	Mountain Top Auto Inc. , John Kardanow 333 Warwick Tpk., Hewitt		
2014 - 02	Concourse Auto II LLC , Carl Del Campo, Jr. 1894 Route 23 West Milford		
2014 Junkyard License			
2014 - 02	Mountain Top Auto Inc. , John Kardanow 333 Warwick Tpk., Hewitt		
2014 - 03	Concourse Auto II LLC , Carl Del Campo, Jr. 1894 Route 23 West Milford		
2014 Peddler Licenses			
2014 - 01	Joseph Reynolds, Schwans Home Services		
2014 - 02	Orlando Cardaci, Cardaci Enterprises LLC		

Adopted: November 13, 2013

Agenda No. XII

Approval of Expenditures

~ Resolution No. 2013- 345 ~
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	\$644,115.41
3	Reserve Account	195.50
2	Grants	111,402.60
6	Refunds	187,728.10

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
 Date of Meeting: November 13, 2013
 Time of Meeting: 6:30 P.M.
 Minute Page No: Page 23 of 24

1	General Ledger	5,671,773.72
26	Refuse	157,430.03
4	Capital	55,764.50
19	Animal Control	4,910.03
19	Heritage Trust	0.00
19	Open Space Trust	3,703.00
19	Trust	60,582.62
19	COAH	0.00
16	Development Escrow	4,923.00
20	Special Reserve	0.00
21	Assessment Trust	0.00
Total		\$6,902,528.51
Less Refund Resolution		-187,728.10
Actual Bill List		\$6,714,800.41
Other Payments. Check # 2448 NJ State Treasurer		\$58,724.36
Check # 2449 Skytop		3,950.00
Check # 51371 Deer Park		257.10
Total Expenditures		\$6,777,731.87

Adopted: November 13, 2013

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

Agenda No. XIII

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

Councilwoman Erik asked for a workshop discussion about cable television. The committee needs direction. The health advisory board has been collaborating with CASA and the police department to address the drug problems in town. There is a competition being scheduled in April for a zero tolerance approach. She read the competition advertisement advising that submissions are due in March. The beautification & recycling committee continues to clean the adopt-a-spot sites. They are seeking more sponsors including corporate and individual.

Councilwoman Erk said she hopes to have an update on the watershed coalition at the next meeting.

Councilman Rosone wished everyone a Happy Thanksgiving.

Council President Signorino commended Officer Frassa and the police department. He asked Mr. Semrau if he received a response from the Highlands Council on the request for a financial analysis. Mr. McGroarty reached out to the Highlands Council. They are not optimistic but he is pursuing it further. He explained the effect of the Act on certain properties and transfer rights. Mr. McGroarty will evaluate the response and advise Council accordingly.

Administrator Gage said that the police department has been using the Meadowbrook Rifle Range for years at no cost for training. It is a valuable asset. Costs have increased for the range and the owners have asked for a waiver of the \$250 licensing fee in consideration of the use. The Council gave consent. The MUA has requested a meeting with Council representatives, the Mayor, Administration and a similar representation from their body. They wish to discuss a number of issues including financing, consolidation, fire hydrants and a greater level of communication from Council. Councilwoman Horton is already a liaison and Councilwoman Erik volunteered.

Attorney Semrau echoed comments from Councilwoman Erik about the public access station. At the end of the year, Cablevision may stop taping the meetings and have notified the administration accordingly. The Council may wish to have a plan for the period between the cessation of their services in January and the ability of the Township to operate the channel. Ms. Gage said she has been working on that and a plan is being devised. The plan is to borrow equipment from Cablevision and tape the meetings in-house. Mr. Semrau said he has drafted legislation for the watershed coalition and it is being considered by the legislators. Now the lobbyist steps in and establishes a roadmap. Earlier this year the Administrator notified him that there is an outstanding balance from English Paving for police services for a road project. Going forward escrow accounts will be required for these services. The outstanding

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop / Regular Meeting
Date of Meeting: November 13, 2013
Time of Meeting: 6:30 P.M.
Minute Page No: Page 24 of 24

balance is \$17,000. He asked for a motion to authorize him to file a civil suit if they do not file within a week.

Motion to authorize to collect money owed to police

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

Agenda No. XIV

Appointments and Resignations

Councilman Hensley made a motion to nominate Rick Robinson and Stephen Drew on the Economic Development Commission.

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

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:06 p.m.

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

Approved: December 18, 2013

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
MUNICIPAL CLERK