
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Regular
Date of Meeting: December 19, 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 Regular meeting was advertised in the Herald News in its issue of January 1, 2012 with an update for the change of time on December 16, 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.

Mayor Bieri noted that this is the first meeting since tragedy in Newton Connecticut. She asked for a moment of silence for those who lost their lives and their loved ones. She asked that everyone pray for the victims, family, friends & loved ones and that we become a better nation. She asked that we pray for peace, better days and safety for all.

Roll Call

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Carlla Horton, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Nancy Gage, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. I

Reading of or Approval of Unapproved Minutes

Councilwoman Erik moved to adopt the October 3, 2012 Workshop Meeting Minutes and October 24, 2012 Regular Meeting Minutes as presented:

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Abstain: Rosone October 3, 2012 Workshop Meeting Minutes only
Motion carried.

Agenda No. II

Executive Session

~ Resolution No. 2012- 401 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 19th day of December, 2012 that:

- I. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - (X) b. (4) A collective bargaining agreement including negotiations.
 - > Labor Negotiations

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- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- () b. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.

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

Adopted: December 19, 2012

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

The Governing Body went into executive session at 6:40 p.m.
The Governing Body reconvened in public at 7:28 pm with all present as before.

Agenda No. III

Proclamation

Radon Action Month – Mayor Bieri read the proclamation and noted that it will be mailed out by the Clerk’s office.

Agenda No. IV

Presentation

➤ Autumn Lights Festival (ALF) – Committee Chair Rocky Hazelman addressed the Council. He noted that this year ALF raised extra money through sponsorship even generating donations on the actual day of the event. Thanks to those donations ALF is donating back \$1,664 to five local organizations. He presented a \$500 to PAL which was accepted by Bill Hempstead. Mr. Hazelman said that West Milford Project Graduation is getting \$500 but they could not be here to accept the check. The West Milford Special Olympics team received \$250 which was accepted by the entire group. One Olympian thanked Council for supporting the Maple Road Mustangs. Mayor Bieri accepted a check for the animal shelter and Mr. Hazelman said that the leukemia & lymphoma associations will receive the balance. Mayor Bieri thanked the entire committee for an amazing event that is appreciated town wide, and recognized all around.

Agenda No. V

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1

~ Ordinance No. 2012- 018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING CASTLE ROCK ROAD CONTAINED IN THE LONGHOUSE ESTATES SUBDIVISION FOR USE AS A PUBLIC ROAD

WHEREAS, there exists a certain roadway within the Longhouse Estates Subdivision, namely Castle Rock Road, which said roadway is wholly contained within the boundaries of the Township of West Milford; and

WHEREAS, Castle Rock Road was dedicated to the public by a Final Subdivision Plat entitled “Long House Estates”, filed with the Passaic County Register on January 2, 2003 as Map no. 3493; and

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WHEREAS, the West Milford Township Engineering Division has inspected same roadway and has found the public improvements to be in substantial compliance with the West Milford Township Planning Board resolution(s) of approval; and

WHEREAS, the Township of West Milford does hereby determine to accept said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general.

NOW, THEREFORE, BE IT ORDAINED, 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 formally accepts Castle Rock Road contained in the Longhouse Estates subdivision for use as a public road.
2. That the West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Introduced: November 28, 2012
Adopted: December 19, 2012
Effective Date: January 8, 2013

This Ordinance was introduced on November 28, 2012 and the Notice of Public Hearing was published in the Herald News on December 2, 2012. Mayor Bieri opened the meeting to the public. There being no one wishing to be heard by motion of Councilwoman Erik, seconded by Council President Signorino and carried by unanimous voice vote the Council closed the public portion of the meeting.

Motion to adopt Ordinance.

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

Agenda No. V 2.

~ Ordinance No. 2012- 019 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO REPEAL ARTICLE XXV, TOURISM AND ECONOMIC REVITALIZATION COMMISSION, OF CHAPTER 15, ADMINISTRATION OF GOVERNMENT, AND REPLACE IT WITH A NEW ARTICLE XXV, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

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

SECTION 1. Article XXV, Tourism and Economic Revitalization Commission, of Chapter 15, Administration of Government, of the Code of the Township of West Milford is hereby repealed in its entirety and replaced with a new Article XXV, Economic Development Commission, to read in its entirety as follows:

ARTICLE XXV. Economic Development Commission

§15-110. Establishment of Economic Development Commission.

The Economic Development Commission of the Township of West Milford is hereby established.

§15-111. Purpose and Findings.

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The Township Council finds and declares that the members appointed to the Economic Development Commission shall serve as an advisory body to the Township Council and strive to promote economic development activities within the Township of West Milford.

§15-112. Membership of the Economic Development Commission.

The Township of West Milford Economic Development Commission (the "Commission") shall consist of eleven (11) members. The Mayor shall appoint his designee or serve in that capacity. The Council shall appoint the Council liaison. The Chamber of Commerce shall recommend annually to the Council a member of their body to be appointed by the Council. The Mayor shall appoint two citizen members. The Council shall appoint six citizen members. The members shall serve without compensation.

§15-113. Terms.

The members of the Commission shall have staggered terms as follows for their initial appointments:

The Mayor or Mayor's designee shall serve for the term of the Mayor.
The Council liaison member shall be appointed for one (1) year.
The Chamber of Commerce member shall be appointed for one (1) year.
Citizen Members 1 & 2 shall be appointed for the term of the Mayor.
Citizen Members 3 & 4 shall be appointed for one (1) year; and
Citizen Members 5 & 6 shall be appointed for two (2) years; and
Citizen Members 7 & 8 shall be appointed for three (3) years.
Thereafter citizen members 3 through 8 shall be appointed for three-year terms.

§15-114. Meetings; minutes.

A majority of the members of the Commission shall constitute a quorum for the conduct of business. The Commission shall annually establish a meeting schedule, and written notice of the time, date and place of all meetings shall be publicly available sufficiently in advance thereof. The schedule and notices shall be provided to the Office of the Township Clerk. The Commission shall be considered a "public body" for the purpose of complying with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Minutes of each meeting shall be produced and approved by the Commission at a subsequent meeting. At the conclusion of each meeting, the Chairman (or Secretary if one is appointed) shall in a timely manner forward to the Township Clerk a copy of the approved minutes.

§15-115. Officers.

The members of the Commission shall annually choose a Chairperson and such other officers as it may deem necessary from among its members. All members shall have equal voting privileges.

§15-116. Powers and duties.

- A. It is the intention of the Township Council that the Commission shall support its activities through solicitation of donations and acquisition of grant monies. The Township shall not make an annual appropriation for the budgetary needs of the Commission. The Commission will seek to obtain non-profit status.
- B. The Commission shall not be authorized to pledge the credit of the Township to create any debt against it, or in any manner act as the agent of the Township.

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

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

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

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

Introduced: November 28, 2012
Adopted: December 19, 2012
Effective Date: January 8, 2013

This Ordinance was introduced on November 28, 2012 and the Notice of Public Hearing was published in the Herald News on December 2, 2012. Mayor Bieri opened the meeting to the public. There being no one wishing

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to be heard by motion of Councilwoman Erik, seconded by Council President Signorino and carried by unanimous voice vote the Council closed the public portion of the meeting.

Motion to adopt Ordinance.

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

Agenda No. VI

Public Comments

Doris Aaronson, 19 Bearfort Road, West Milford recalled last meeting where discussion took place about drug use and hepatitis C. The health board has made hepatitis C a major priority. Hepatitis C is most commonly caused by sharing dirty needles for heroin use. Ms. Aaronson handed out documentation from CDRSS about reportable diseases, particularly on hepatitis C showing increases for the last three years. She said she supports SROs in the schools.

Father Michael Rodak, 1911 Union Valley Road, West Milford said that the atheist sign outside has brought him here and he is speaking as pastor of his parish. He thanked Council for permitting placement of religious symbols on public property. He was pleased that people joined as people of faith in lighting the menorah. He was pleased that the two catholic parishes were able to build and assemble the nativity scene. Parishioners were also thankful. However, by erecting the sign out there calling on atheism goes against the will of this community. People are very concerned about this issue. When this vote was taken it was for religious symbols. Religious symbols would be the nativity and menorah. Atheism is the absence of religion. It is devoid of religion. When we look at our Judeo Christian beliefs this is offensive. There is a depiction of the nativity as a myth. It is not a myth. This is causing a lot of ire in this community. Since this is not a religion how is this allowed on public property. We have to set up parameters to disallow these signs of hate. It is a sign against people of faith. If someone wants to place a swastika we would not allow it because they are symbols of hate. This sign is a symbol of hate. He thanked Council again for their conscientious vote and consideration. Sitting on Council is not easy, he said and he urged elected officials to be mindful of the people of this community. Please support religious symbols not those that are not of religion. Merry Christmas.

Tim Wagner, 835 Westbrook Road, West Milford thanked Councilmembers Smolinski & Ramaglia for their years of service. He thanked the Administrator for addressing complaints he filed and he thanked the governing body for voting to allow religious groups to place displays on public property. These displays have pleased thousands of Christians and Jews in the Township. We should establish guidelines to avoid a personal agenda to spread hate. The vote was to allow religious groups. The atheist signs must come down immediately for several reasons. It is not a religion. Gary Steele is not a member of the American Atheist Group. He is acting as an individual. The banner is offensive and is an insult to thousands of residents. Offensive messages should not be permitted. Atheists do not celebrate the holiday season This is political. He said that appropriate fees were not paid by Gary Steele who piggy-backed on the other churches. Atheists do not celebrate this season. For years we had to endure attacks from Gary Steele. He must be warned when he is out of line. We need a sense of community and Gary Steele tried to divide us even though he is attacking his own religion. He is rude and obnoxious at meetings without any regard for procedure. He is a bully; he tells Council that government is not to allow religion on public property. The decision to vote yes is Council fulfilling their obligation. If Council votes to remove that sign, Wagner will remove it. Gary Steele attacked Christianity. The atheist sign must come down it was only put up to prove a point. At the last Council meeting he and others asked that the holiday tree be called a Christmas tree and he asked for a public statement to that effect. Next year he wants a Christmas tree & a menorah lighting.

Bob Nicholson, 20 Hyde Road, Stockholm thanked Council for making the EDC a commission. He thanked Councilmembers Ramaglia and Smolinski for their service. At the last EDC meeting the committee reviewed their top ten accomplishments in 2012. He listed them. He doubts the sign out front meets our sign ordinance parameters. America is a beautiful country and the first amendment guarantees freedom of speech. We don't have to agree. Some have used that as a means to lash out and become divisive. They run for election and become sore losers. Our Township attorney said this is a legal thing. A little knowledge is a dangerous thing. Gary Steele was insulted by our attorney's ruling so he sought to avenge that. We should ignore this type of behavior. He will not mention his name or give him credit.

Michael Geist, Hillview Court, West Milford asked for a vote to name the tree a Christmas tree.

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Bill Hempstead, 276 Germantown Road, West Milford said he volunteers a lot but here as a private citizen tonight. He is offended by the sign on the front lawn. It is bullying. The atheists campaign this year is to offend Christians. If they put a sign that said there is no god, that is fine. But who are they to attack his religion. To have that is just insulting. It took us a while to get this religion thing right. It went back & forth. He thought we should have a live nativity. We have our jackass – Gary Steele. He said he is tired of great decisions being overturned by bullies. Repeal the decision. Move the other religious symbols and put a stop to this. Stop it tonight.

Scott Witherspoon 70 Green Terrace Way, thanked Council for support for his drainage issue battles. He said he trusts the planning board where it is being heard on January 3rd. He is refreshed that Mike Hensley will be sworn into office in January having never served in public office and he wishes that would happen in Washington. About 17 years ago there was a bombing in Oklahoma. 19 victims were under the age of 6. Newtown Connecticut could have been any town in America. One thing that struck him was the outpouring of gifts. People struggled with what to do, and what to say. It is a form of domestic terrorism. The solution lies with local governments. He asked Council to form a working committee with the BOE, police & mental health professionals to identify potential problems because, he said, solutions will not come from Washington. There are no words to express our sympathy for the families.

Angelo Silvestri, Applegate Court, West Milford asked if we can make money from the innumerable trees that came down in Hurricane Sandy. He suggested they could be sold to mills noting that they are an eyesore.

John Sivagian, 26 West Shore Road, West Milford said that he is a member of the local chapter of the Knights of Columbus. He is appalled at the atheist sign outside town hall. He asked how that sign will that help anyone and classified it as appalling.

Doris Aaronson, 19 Bearfort Road, West Milford said that as president of the Board of Health she met with the Health Officer regarding the Newtown situation. She suggested he talk to Chilton about having a mental health hotline.

Matthew Conlon, 33 Orleans Lane, West Milford said that West Milford was in the news again yesterday. Further perpetuating the negative image of West Milford and focusing on the atheist sign this individual, he said, continues to misrepresent many things. He reviewed what he classified as misrepresentations made by Mr. Steele. He said that we need a solution to stop him. Now he tries to represent himself as an atheist even though he is a Christian. We have to try to find a way to restore the positive image of West Milford to make this town inviting to outsiders. This one person is a bad apple and not representative of other citizens of this town. In the holiday spirit we must work to restore our positive image. He thanked Messrs. Smolinski & Ramaglia for their service.

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

Agenda No. VII

Council Comments

Councilman Smolinski said that, as many know, the decision on holiday displays was difficult. He is proud of this decision. The Council, he said, expected some negative occurrences. But he did not expect a Christian to promote this negativity. He has never witnessed such animosity and arrogance that is displayed in this town. We are being portrayed negatively and he is particularly offended by comments made by one resident. He received a lot of phone calls of anger and disappointment. There is so much anger he is surprised that the atheist sign is still there. We can call the tree a Christmas tree now. He would not remove our other religious symbols because of that banner. That would display weakness. This community can show true commitment to our beliefs. Someone's absence of faith should not alter your beliefs. If it violates our sign ordinance, remove it. He would like to see it removed. We found something that brings us together and in the absence of belief he does not know how this happens. He said that what is logical is not always legal. He supports removing the atheist sign because it insults this community. He supports anyone who wants to remove it. He said that the West Milford community would pay the legal repercussions. He supports the religious symbols, namely the nativity & Christmas tree. Councilman Smolinski noted that the BOE president and invited the governing body to join a committee to talk over mutual issues. There are issues about which the BOE should work directly & solely with the police department. He urged the Council to keep politicians out of that process. There has been grandstanding in this very room in the past, he said and he urged the Council to let the police

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department and the school districts work on this. These issues are not for public discourse because that would defeat the purpose.

Councilwoman Horton said that she accepted Christ as her savior as a young woman. She has a duty to this town and is concerned that we would take down that sign. She is a member of a local church and she is glad West Milford is allowing this expression of faith. It was a difficult process but she is not afraid of the atheist sign. Her faith in God, this country & our freedoms matter to her. She believes in freedom of religion, freedom from religion and freedom of speech. She was delighted to see the symbols shining and sparkling in front of town hall. She heard about the banner while at work. Her faith is too strong to be offended by that sign. Her belief in freedom of speech is too deep to even consider taking down that sign. The result has been contrary to the goal of the sign. There has been strong pro religious sentiment in this room. God works in wondrous ways his wonders to perform. Leave the sign, celebrate your faith and celebrate all our freedoms, including freedom of speech.

Councilwoman Erik said that she has consistently voted no on the holiday displays because she listened to our attorney who cautioned against this. Council asked for more information. She abstained from the last vote because her colleagues had the majority and she could not reverse their course. We need more information. This was rushed to our disadvantage. She loves the nativity and she heard all the outrage. When she read the atheist sign she was concerned. We must revisit this matter and institute parameters because these issues should not divide this community. Her faith too is too strong to be shaken.

Councilman Ramaglia said that erecting the atheist sign was done as a stunt for notoriety and it is a disgrace to the intention of this Council. It is a sad day.

Council President Signorino thanked everyone who came out to voice their feelings. The issue was vetted and there was significant discussion about the legality of this banner. He was concerned about exposing the Township to a lawsuit. We cannot take the sign down for that reason. He asked the community to focus on the positive not the negative and urged that the Council put structure in place for next year. This is supposed to be a good season and he asked everyone to focus on that. He asked Mr. Semrau to speak about the legalities associated with the holiday displays.

Mr. Semrau said the holiday display issue has been discussed a lot. Under the circumstances the tree in front of town hall is a Christmas tree according to case law. The Council has adopted a policy and now must abide by it. From a legal perspective he has advised governing body but it is not prudent to delve into those legal issues at this time. Challenges have been made in multiple courts throughout the nation on this matter and tonight there were comments about a specific sign. Based on the policy and procedure engaged in this first year he advised the governing body that there are certain restrictions for now. He could read many decisions and case law that prohibits government from taking a position on beliefs and disbeliefs. He did advise the governing body of rights and options throughout this process. Down the road there may be opportunity to establish policies & procedures. If you do this on a timeline with a cutoff date with various applications providing examples the governing body can vote on that particular composite display. The law at this point, after extensive, research says you can have just the tree, menorah & tree, or everyone. The governing body struggled and made a policy decision to open up holiday displays to everyone.

Council President Signorino said he asked what was voted on. He thought it was all religious holiday displays. The concern is this is a protest to all religions. Legally he has been advised that it is recognized as a religious sign. It has been discussed at length. Without breaking the law there is nothing we can do. Mr. Semrau agreed and added that the administration requested to amend or change the sign and that was denied. Mayor Bieri said we should not divulge too much based on where this could lead to but noted that the governing body has sought all legal advice. We can change that in the future but for now the Council has done all it can.

Agenda No. VIII

New Business Introduction of Ordinances, Resolutions

Mayor Bieri asked to move all Resolutions 2012-402, 2012-403, 2012-404, 2012-405, 2012-406, and 2012-407 as one.

Moved: Horton Seconded: Erik
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: Signorino on Resolution 2012-407 only.
Motion carried.

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Agenda No. VIII 1

~ Resolution No. 2012- 402 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO FERRIERO ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE STREETScape IMPROVEMENT PROJECT

WHEREAS, the Township of West Milford received a \$346,500 grant in 2006 from the U.S. Department of Housing and Urban Development (HUD) in conjunction with the Streetscape Project; and

WHEREAS, the Township of West Milford anticipates an additional \$30,402.20 from the Passaic County Corridor Enhancement Program to apply toward the project making the total funding of \$376,902.20 for the engineering and construction of the Streetscape Project; and

WHEREAS, the estimated construction cost for the project is \$297,970 with \$62,500 for engineering services; and

WHEREAS, the Engineering Department has recommended that Ferriero Engineering Inc. be retained to perform professional engineering and surveying services for the design of the proposed streetscape improvement project in accordance with their proposal for same; 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 bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that the 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 Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

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 of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute a contract with Ferriero Engineering, Inc. for engineering for the Streetscape Improvement Project and to disburse the grant funding for the streetscape project for payment under said contract in an amount not to exceed \$62,500.
2. This contract is awarded without competitive bidding as "Professional Services" in accordance with the provisions of the local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$62,500 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: December 19, 2012

Agenda No. VIII 2

~ Resolution No. 2012- 403 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR THE FIXED ASSET INVENTORY SERVICES

WHEREAS, there exists a need for the Township to engage the services of an experienced, qualified entity or agency to provide a complete audit of the Township's assets; and

WHEREAS, the Township wishes to award a contract to Acclaim Inventory, LLC for the performance of such fixed asset inventory service; and

WHEREAS, the total amount of the contract shall not exceed \$4,200.00

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WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from 2-01-20-130-450; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A.40A:11-3 when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500.00, the contract may be awarded by the contracting unit without public advertising for bids.

NOW, THEREFORE, BE IT RESOLVED by the 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 Acclaim Inventory, LLC with offices located at 8 Hamilton Avenue, Edison, New Jersey 08820 for a Township fixed asset inventory in the amount not to exceed \$4,200.00.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A.40A:11-3.
3. The total fee authorized for this contract shall not exceed \$4,200.00 without the prior written approval of the Township Council.
4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office the township clerk.
5. This Resolution shall take effect immediately.

Adopted: December 19, 2012

Agenda No. VIII 3

~ Resolution No. 2012- 404 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE CONTINUATION OF THE 2012 NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH STUART B. KLEPESCH TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #30)

WHEREAS, the Township of West Milford wishes to continue the award of a professional services contract by virtue of Resolution 2011-432 adopted December 21, 2011 for the 2012 year to represent the Township in foreclosure matters as outlined in foreclosure list # 30; and

WHEREAS, Stuart B. Klepesch, has worked on these matters on behalf of the Township; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds have been encumbered to account number 2-01-20-155-502 in 2012; 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 2011-432, \$29,000 was appropriated for list #30 and to date \$6,200 has been expended. Therefore, there is a remaining balance of \$22,800 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, 2013 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: December 19, 2012

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~ Resolution No. 2012- 405 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR THE CANCELLATION OF UNEXPENDED APPROPRIATED EMERGENCY FUNDS ASSOCIATED WITH HURRICANE IRENE

WHEREAS, the Township of West Milford received approval from the Division of Local Government Services for an Emergency Application – N.J.S.A.40A:4-46 in the amount of \$350,000.00 for Hurricane Irene damages as requested per Resolution 2011-411; and

WHEREAS, costs totaling \$192,530.40 have been charged to this emergency and there remains unexpended balances totaling \$157,469.60; and

WHEREAS, per N.J.S.A.40A:4-60 any unexpended balances of appropriations from the preceding fiscal year shall forthwith lapse and no disbursements shall thereafter be made, except to cover specific contracts or agreements in existence at the close of the current year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in the County of Passaic (not less than two-thirds of all the members thereof affirmatively concurring) that the unexpended balance of the emergency for Hurricane Irene be canceled; and

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

Adopted December 19, 2012

Agenda No. VIII 5

~ Resolution No. 2012- 406 ~

AMENDED

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN EXTENSION TO THE DUE DILIGENCE PERIOD FOR THE MORRIS HABITAT FOR HUMANITY PROJECT APPROVED FOR BLOCK 10508, LOT 11

WHEREAS, the Township of West Milford and Morris Habitat for Humanity entered into a developer's agreement in July 2012 as part of the municipality's Housing Element & Fair Share Plan; and

WHEREAS, the Morris Habitat for Humanity has requested an extension to the January 14, 2013 deadline for completion of the due diligence period specified in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that Morris County Habitat for Humanity be and is hereby granted a one (1) year extension to the due diligence period contained in paragraph 3 of the Developer's Agreement authorized by virtue of resolution 2012-213 adopted on June 27, 2012.

BE IT FURTHER RESOLVED that all other terms in said agreement remain in full force and effect.

Adopted: December 19, 2012

Agenda No. VIII 6

~ Resolution No. 2012- 407 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING ANTI-IDLING MEASURES

WHEREAS, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including ozone formation, greenhouse gases, fine particulates, and many potentially harmful pollutants that can trigger and exacerbate asthma attacks, cause lung and heart inflammation, and increase the risk for cardiopulmonary and lung cancer mortality; and

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WHEREAS, for each gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with 1/3 of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the US Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks, with emissions totaling about 10 million tons of CO₂, plus 50,000 tons of nitrogen oxides, and 2,000 tons of particulates; and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful vehicle idling and recognizing that petroleum-based gasoline and diesel fuel are nonrenewable and should be used wisely; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it can wear engine parts, leave fuel residues that contaminate motor oil and make spark plugs dirty, thereby increasing vehicle maintenance costs, and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again, and idling for 10 minutes uses as much fuel as it takes to travel 5 miles; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford supports the adoption of anti-idling measures by government agencies, schools, businesses, and other organizations by:

- 1) Identifying and prioritizing frequent idling locations throughout the community, such as schools, banks, gas stations, drive-through windows, parking lots, convenience stores, bus and truck depots, and other businesses, etc.
- 2) Encouraging gasoline and diesel powered motor vehicle operators to turn off their engines after 10 seconds if they plan to remain at a given location for more than 30 seconds.
- 3) Maintaining municipal vehicles to eliminate visible exhaust.
- 4) Supporting the broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

Adopted: December 19, 2012

Agenda No. VIII 7

~ Resolution No. 2012- 419 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH AFSCME COUNCIL 52, LOCAL 3301 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2014

WHEREAS, the Township of West Milford ("Township") and the AFSCME Council 52, Local 3301 have been conducting negotiations for successor Collective Bargaining Agreements; and

WHEREAS, the Mayor and Council desires to approve the terms of the agreement as recommended by the Township Administrator in accordance with the memorandum of agreement signed on December 19, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford as follows:

1. The Parties have reached a tentative Agreement; and
2. The Township desires to ratify the terms of the Agreement pending ratification by AFSCME Council 52, Local 3301.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, ratifies the terms contained in the Agreement with AFSCME Council 52, Local 3301 as recommended by the Township Administrator for inclusion in successor Collective Bargaining Agreements and directs the Township's Labor Counsel to incorporate said terms into the parties' Collective Bargaining Agreement and authorize the Township Administrator to execute said Collective Bargaining Agreement when completed.

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Consent Agenda

Agenda No. IX

~ Resolution No. 2012- 408 ~

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. **2012-409** – Cancel Tax Lien Certificates
- b. **2012-410** – Refund Escrow Monies
- c. **2012-411** – Refund Other Liens
- d. **2012-412** – Refund Overpayments
- e. **2012-413** – Refund Police Department Fees
- f. **2012-414** – Reinstate Taxes
- g. **2012-415** – Correct Resolution 2012-381
- h. **2012-416** – Various Licenses
- i. **2012-418** - Current Fund Transfer

Applications:

- 1. Application for Special Permit for Social Affair by West Milford PBA Local 162 for February 2, 2013.

Adopted: December 19, 2012

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

Agenda No. IX a

~ Resolution No. 2012- 409 ~

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

WHEREAS, the Township Tax Collector of the Township of West Milford sold liens to the municipality; and

WHEREAS, as a result of such tax sale, the Tax Collector has issued Tax Lien Certificates with respect to property formerly known as:

BLOCK & LOT	CERTIFICATE NO.	LIEN AMOUNT	BLOCK & LOT	CERTIFICATE NO.	LIEN AMOUNT
902-16	12-0004	\$373.16	3506-15	12-0049	\$602.95
906-16	12-0007	\$582.95	4301-8	12-0061	\$820.31
1603-4	12-0016	\$252.34	5005-10	12-0064	\$1,580.93
2015-17	12-0024	\$87.04	7513-1	06-058	\$427.47
2402-14	12-0029	\$176.25	10001-6	09-113	\$8,267.37
2503-1	12-0031	\$116.18	10505-2	12-0111	\$870.47
2512-29	12-0035	\$35.65	10706-13.01	12-0098	\$88.55
2802-3	12-0045	\$1,501.40	10706-13.02	12-0099	107.26
TOTAL					\$15,890.28

WHEREAS, the outstanding lien has been redeemed and the amount has been paid to the Tax Collector to satisfy the obligation; and

WHEREAS, the Tax Collector recommends that these Tax Lien Certificates be executed for cancellation of record and recorded with the Passaic County Clerk's Office.

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in the County of Passaic, State of New Jersey that the Mayor is hereby authorized to execute the cancellation of West Milford Tax Lien Certificates and the Township Attorney may then forward same with the Passaic County Clerk for cancellation of record.

Adopted: December 19, 2012

Agenda No. IX b

~ Resolution No. 2012- 410 ~

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

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

Name & Address	Application No.	Amount of Escrow	Amount Refunded
New Cingular Wireless C/o Judith A. Fairweather, Esq. Day Pitney LLP One Jefferson Road Parsippany, NJ 07054	ZB09-09-09	\$5,500.00	\$3,157.90
TOTAL REFUND			\$3,157.90

Adopted: December 19, 2012

Agenda No. IX c

~ Resolution No. 2012- 411 ~

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
11-063	4-19-2011	06716/003	\$25,351.82	Lean Man Retirement Plan C/O Alex Garcia; TTEE 103 Finch Road Ringwood, NJ 07456
12-0146	3-27-2012	16006/002	\$14,921.08	Ace Plus LLC 1416 Avenue L Brooklyn, NY 11230
Grand Total			\$40,272.90	

Adopted: December 19, 2012

Agenda No. IX d

~ Resolution No. 2012- 412 ~

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:

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REASONS:

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

Block/Lot	Name	Amount	Year	Reason
102-17	Crusader Lien Services 179 Washington Lane, Jenkintown, PA 19046	\$336.87	2012	2
1807-9	US Bank /Crestar Capital LLC, 50 So. 16 th St. Ste 1950, Philadelphia, PA 19102	\$2,474.18	2012	2
3401-21	Crusader Lien Services 179 Washington Lane, Jenkintown, PA 19046	\$4,918.07	2012	2
3603-2	US Bank /Crestar Capital LLC, 50 So. 16 th St. Ste 1950, Philadelphia, PA 19102	\$317.47	2012	2
4102-3	Sondae & Farivar Fatemi 126 Long Pond Road, Hewitt, NJ 07421	\$1,626.74	2012	5
5301-20	Boulder Pond LLC of NJ, 13 Old Army Post Rd Morris Township, NJ 07960	\$12,239.46	2009	5
5301-20	Boulder Pond LLC of NJ, 13 Old Army Post Rd Morris Township, NJ 07960	\$961.07	2010	5
5708-13	John & Kathryn Greco 667 Woodside Avenue, Rivervale, NJ 07675	\$277.70	2012	1
12901-26	Troy & Doretta Hamblin 341 High Crest Drive, West Milford, NJ 07480	\$1,670.71	2012	5
17401-9	Tower DBW II Trust 2012-1 1345 Avenue of the Americas, 46 th Floor New York, NY 10105	\$1,496.78	2012	2
TOTAL		\$26,319.05		

Adopted: December 19, 2012

Agenda No. IX e

~ Resolution No. 2012- 413 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT TRUST ACCOUNT BALANCES

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 balances held in Police Trust Accounts be refunded:

Name & Address	Trust Account No.	Amount Refunded
Pinecliff Lake Community Club P.O. Box 246 1577 Union Valley Road West Milford, New Jersey 07480	T-15-56-240-020	\$32.73
David Wagner 56 William Street New City, New York 10596	T-15-56-240-025	\$1000.00

Adopted: December 19, 2012

Agenda No. IX f

~ Resolution No. 2012- 414 ~

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.

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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
501-6	8530 Third Avenue Realty Co. LLC	\$1,799.70	2012
3013-1	Leon & Elaine Oxman	\$7,707.85	2012
1101-44	Ursula Schraut	\$1,995.37	2012
11001-39.01	Susan Harris	\$2,138.06	2012
12201-1	Jill Mehl	\$1337.32	2012
TOTAL		\$14,978.30	

Adopted: December 19, 2012

Agenda No. IX g

~ Resolution No. 2012- 415 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO CORRECT AN ERROR ON RESOLUTION 2012-381 WHICH CANCELLED OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that Resolution No. 2012-381 adopted on November 28, 2012 canceling outstanding checks had one incorrect amount posted to the resolution; and

WHEREAS, the Chief Financial Officer recommends that the amount be corrected by resolution

NOW, THEREFORE, BE IT RESOLVED, that the incorrect check amount be corrected and cancelled as follows:

DATE	CHECK#	WRONG AMOUNT	CORRECT AMOUNT
10/11/2007	# 32213	\$600.00	\$32.00

BE IT FURTHER RESOLVED that the above outstanding checks be restored to the Township's cash balance.

Adopted: December 19, 2012

Agenda No. IX h

~ Resolution No. 2012- 416 ~

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 AUTOMOBILE JUNKYARD LICENSE	
2013 – 4	Estate of Victor Marchiafava, Jeanette Marchiafava 110 Weaver Road, West Milford Block 12501 Lot 22
LIMOUSINE OWNER AND DRIVER LICENSE	
Owner 2013-01 Driver 2013-01	Alexander Neymark t/a Alex's Limo 48-B Beacon Hill Road, West Milford
Owner 2013-02 Driver 2013-02	Douglas Townsend t/a Douglas Business Services Inc. 1873 Macopin Road, West Milford
POOL TABLE LICENSE	

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2013-01	American Legion Post 289 177 Lincoln Avenue, West Milford
2013-02	Pioneer Bar & Grill 350 Warwick Turnpike, Hewitt
2013-03	The New Jessies Kettle/NTI 1555 Greenwood Lake Turnpike, Hewitt
2013-04	Island of Spirits 3025 Route 23, Oak Ridge
2013-05	Sharon Ann McKeages Tavern 341 Macopin Road West Milford
AMUSEMENT GAME LICENSE	
2013-01	Pioneer Bar & Grill 350 Warwick Turnpike, Hewitt
2013-02	Island of Spirits 3025 Route 23, Oak Ridge
DEALER IN SECONDHAND PRECIOUS METALS	
2013-02	Jewelry Repair Center LLC 1602-A Union Valley Road, West Milford
PEDDLER LICENSE	
2013-01	Joseph Reynolds t/a Schwans 60 Stickle Pond Road, Newton
2013-02	Roger & Ann Marie Drew t/a Doggin Around 1511 Greenwood Lake Turnpike, Hewitt
2013-03	Orlando Cardaci t/a Cardaci Enterprises Inc. 43 Adelaide Terrace, West Milford

Adopted: December 19, 2012

Agenda No. IX I

~ Resolution No. 2012- 418 ~

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 2012 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Mass Transit Current	30-432-200	\$6,000.00
TOTAL TRANSFERS OUT		\$6,000.00

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2012 budget year:

General Services Postage	20-161-413	\$6,000.00
TOTAL TRANSFERS IN		\$6,000.00

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, part of the 2012 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 2012 appropriation:

1.	\$6,000.00	2.	\$6,000.00	CURRENT FUND
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A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: December 19, 2012

Agenda No. X

Approval of Expenditures

~ Resolution No. 2012- 417 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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	\$731,887.35
2	Reserve Account	3,800.00
3	Animal Control Trust	2,512.24
6	Capital	91,970.00
7	Grants	3,820.56
8	Refuse	53,488.78
9	Refunds.	66,614.87
12	General Ledger	0.00
16	Heritage Trust	0.00
14	Open Space Trust	16,400.00
17	Trust	1,199.79
18	Development Escrow	3,605.58
19	COAH	0.00
20	Special Reserve	0.00
11	Assessment Trust	0.00
Total		\$975,299.17
Less Refund Resolution		-66,614.87
Actual Bill List		\$908,684.30
Other Payments		0.00
Total Expenditures		\$908,684.30

Adopted: December 19, 2012

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

Agenda No. XI

Reports of Administrator, Mayor and Council Members

Councilwoman Horton wished everyone the very best for the end of this year and beginning of next. There are concerns about drugs in this town and she would like to draw attention to the CASA dinner in January. Information is available on the Township's website and she urged participation.

Councilwoman Erik said the date of the CASA dinner is January 28th. She wished everyone happy holidays.

Councilman Smolinski said this is his last meeting. He has sat in on over 300 meetings and time has passed quickly. This, he said, becomes a part of you. When he first ran for Council a former mayor signed his petition and warned him it is addictive. You learn a lot of things, and many things are rewarding. Others take work. He enjoyed his tenure and wished the best to all those who will sit on the dais. One challenge facing those on the Council is the loss of revenue from Newark. He thanked everyone for their support & trust. West Milford is a beautiful town even though it has challenging issues. He wished everyone a Happy New Year and Merry Christmas.

Councilman Ramaglia said the journey began three years ago. He did the best he could for residents of West Milford. There are many issues facing this town including those of a financial nature and economic development. He implored Council to continue to be fiscally prudent saying they need to refocus on a

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Township wide effort. We should focus on improving this town and revitalizing this town and making it attractive to people. He will be in the audience next year. He thanked residents for this opportunity.

Councilman Rosone thanked Mr. Hazelman and the ALF committee noting that it was a pleasure to see those checks go back to community. He thanked Messrs. Smolinski & Ramaglia for years of service saying they will be sorely missed. They have experience on the dais and on committees. They have worked hard and he applauds them.

Council President Signorino thanked the ALF committee and Councilman Rosone as liaison noting that it was a successful event. He thanked Messrs. Smolinski & Ramaglia for their time and service. He said his heart goes out to the victims and families of Newtown Connecticut.

Mayor Bieri said she received commendation letters from residents for various employees and she listed them. She thanked all departments for their quarterly reports. She noted that police department calls are varied despite the increased volume. They handled every call even with lesser staff. She thanked the volunteer first aid & fire companies too, noting they have also seen increased calls. Those organizations are in constant need of new volunteers and she encouraged any who has an interest to join. A coalition has been formed for Newark property issues, she said, and to date Hardyston & Vernon have signed on. Rockaway & Jefferson will be considering participation at upcoming meetings. The Township is seeking revenue generation with help from the lobbyist. She said she would like to see the new library come to fruition. The Library Board efforts have been town wide and they have been seeking Township involvement. She said she encourages Council to decide what they want with regard to municipal needs. She asked them to conduct an analysis and make a decision. Mayor Bieri thanked all volunteers who have served on committees during the past year. Her thoughts and prayers are with the victims & families of Newtown Connecticut. That entire community is in distress and she asked people to pray for a better nation. We can accomplish that. She wished everyone a blessed, healthy happy & safe holiday season.

Councilman Ramaglia thanked Mr. Semrau for his guidance over the past three years. He has been very helpful with plans for the lobbyist. Councilman Ramaglia noted that some time ago he asked for a study about municipal space needs but he has never received that information. That study must be done before any decision is made by a new Council about space at the new library. Mayor Bieri said that Council was presented with that information and a future council will make that decision.

Administrator Gage reported that DPW staff has been working hard to get FEMA reports done & submitted to get reimbursement ASAP. The good news is that the information for category 1 has been completed and the Township will be entitled to compensation that will cover our emergency appropriation. She is continuing with budget meetings with departments and preliminary budget packets will go to Council in January. She and the Mayor met with O&R. They opened the meeting with a statement that would have helped at the beginning of the storm. They said they approached the storm in a manner that required them to first repair major infrastructure including transmissions and 19 sub stations before a single house could be restored. We could have honestly reported that to our residents had we known. They were good at the meeting, polite & positive and willing to hear comments about improvements to be made. The difficulty with tree removal is private property owners. They would rather cut all trees down. They talked about JCP&L territory. They were hesitant to talk about it until the Township has approached the BPU and they were not enthused about the idea. Mayor Bieri agreed noting that it may be difficult for us to get anyone to take over JCP&L

Councilman Smolinski said he wishes to express appreciation for the turf field at the high school. The opportunity came before this Council to provide that to this community at no cost. He thanked Mr. Semrau for being a driving force behind this. He went head to head with many people and he listed the issues they faced. This was a \$700,000-\$800,000 gift and Mr. Semrau addressed all the challenges. People tend to forget where these facilities came from. It was at no additional cost to taxpayers. He thanked Mr. Semrau for battling that. The turf field is now a great asset to West Milford. He thanked the police department for the route 23 "S" curves. Hazards & incidents have dropped dramatically as a result of efforts from the traffic division under Chief Storbeck's leadership. He thanked everyone again.

Attorney Semrau expressed appreciation for those words. He congratulated Messrs. Smolinski & Ramaglia. In a short period of time the coalition was formed for a lobbyist and to fight for equity issues. He reviewed the process. Now we have garnered support from other communities. It has not been easy to convince other elected officials of the value of this work & investment. It is a credit to this governing body. Councilman Ramaglia & Mayor Bieri have been pivotal. He asked the governing body to consider having Mr. Ramaglia continue working on this because of his working relationship with Princeton Affairs Group. Mr. Ramaglia said he would like to continue this work in whatever capacity possible. Mr. Semrau said the Council could designate Mr. Ramaglia as a liaison to assist in this effort. Mr. Semrau said that at

