

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2014 – 106 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 19th day of March, 2014 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Attorney-Client Privilege – Update on Outstanding Labor Matters
 - Litigation – Sparkes v. West Milford
 - Attorney-Client Privilege – Newark Watershed
 - Contract – PAL
 - Contract Negotiations – Position of Director of Public Works
 - Contract Negotiations – Position of Fire Marshal
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 19, 2014

Adopted this 19th of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Ordinance 2014 – 002 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AND GRANTING A CONSERVATION RESTRICTION/EASEMENT FROM THE TOWNSHIP OF WEST MILFORD TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of West Milford and the West Milford Township Board of Education own the property identified as a portion of Lot 1 of Block 6607, Lot 1 of Block 6608 and Lot 5 of Block 6401 as more particularly described in the metes and bounds description annexed as Exhibit A to the Declaration of Conservation Restriction/Easement that is the subject of this Ordinance; and

WHEREAS, the New Jersey Department of Environmental Protection is authorized to acquire and enforce conservation restrictions in conjunction with the construction of a wetland mitigation site known as the Ramapo College Wetlands Mitigation Project; and

WHEREAS, the Township of West Milford and the West Milford Township Board of Education have entered into an agreement with Ramapo College of New Jersey which obtained a Freshwater Wetlands Permit NJDEP File No. 0233-02-0004.1 FWW 040001, pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1, and the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, for a land use development; and

WHEREAS, the Permit issued to Ramapo College of New Jersey is conditioned upon the Township of West Milford and the West Milford Township Board of Education's recording of a Department of Environmental Protection approved deed restriction, pursuant to N.J.A.C. 7:7A-15.2(i) for the mitigation site area as shown on a Plan, entitled "As-Built Survey, Wetlands Mitigation Project, Ramapo College of New Jersey, Situate in the Township of West Milford, Passaic County, New Jersey", prepared by Arthur J. Schappell Jr., PLS PP, dated March 23, 2009, revised through November 18, 2012; and

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

WHEREAS, the Mayor and Township Council of the Township of West Milford find it to be in the best interests of the Township and its citizenry to grant the Conservation Restriction/Easement for a portion of the property to the New Jersey Department of Environmental Protection.

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

SECTION 1. Subject to the conditions of the Permit and set forth herein, the Township of West Milford hereby grants a Conservation Restriction/Easement to the New Jersey Department of Environmental Protection on a portion of the property identified as Lot 1 of Block 6607, Lot 1 of Block 6608 and Lot 5 of Block 6401 as more particularly described in the metes and bounds description annexed as Exhibit A to the Declaration of Conservation Restriction/Easement in substantially the form attached hereto.

SECTION 2. The Mayor and Township Clerk are hereby authorized to execute the Conservation Restriction/Easement in substantially the form attached hereto.

SECTION 3. The appropriate Township officials are hereby authorized and directed to take all required actions to complete the Township's grant of the Conservation Restriction/Easement to the New Jersey Department of Environmental Protection, along with the recording thereof.

SECTION 4. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

Antoinette Battaglia, Township Clerk

By: _____
Bettina Bieri, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2014 - 107 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE ORDER TO THE CONTRACT TO JET VAC, INC. FOR REPAIRS TO THE VACTOR JET VAC EQUIPMENT

WHEREAS, by virtue of Resolution 2013-245 adopted on August 21, 2013 the Township Council did authorize substantial repairs to the Township Vactor Jet Vac equipment to Jet-Vac, Inc. of Wharton NJ through the State Cooperative Purchasing System; and

WHEREAS, resolution 2013-245 and the related contract did authorize services in an amount not to exceed \$67,705.10; and

WHEREAS, the Township Administrator has advised that the final repair costs to the equipment totaled \$77,046.38 due to the need to replace additional equipment not known until the equipment was fully disassembled and new equipment installed resulting in the need to amend the original authorization by \$9,341.28; and

WHEREAS, the Chief Financial Officer of the Township has provided a Certificate of Funds Availability to finance this contract extension, said Certification being attached to and made a part of this Resolution.

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

1. The Administrator be and is hereby authorized and directed to execute a change order for the contract with JET Vac, Inc., of Wharton N.J. Inc. in an amount not to exceed \$9,341.28 representing an increase to the original contract amount not to exceed \$77,046.38
2. The Township's Chief Financial Officer has certified the availability of funds for same. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Office of the Township Chief Financial Officer

CHIEF FINANCIAL OFFICER/TREASURER'S CERTIFICATION OF FUNDS

**The Governing Body of the Township of West Milford proposes to
award a contract as follows:**

Contractor: Jet-Vac, Inc.

Amount of Proposal: Not to exceed an additional \$9,341.28

Subject of Contract: Vactor repair – additional work

Account Numbers to be encumbered: 01-203-26-315-340 - \$6,930.31
02-213-41-701-524 - \$2,410.97

As the Chief Financial Officer/Treasurer of the Township of West Milford, responsible for the maintenance of the financial records of the municipality, I hereby certify that adequate funds are available for the aforementioned purpose and that payment of the contract price will be charged against and are not to exceed the amount appropriated in the 2013 Reserve Budget captioned under the title of "Streets and Roads, O.E., Parts" and in the grant budget captioned under "Clean Communities".



Monica Goscicki, Chief Financial Officer, Township of West Milford

March 14, 2014

Township of West Milford

Passaic County, New Jersey

~ Resolution 2014 - 108 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE NATIONWIDE 2014 DISTRACTED DRIVING CRACKDOWN

WHEREAS, In 2012 alone, 3,328 people were killed in distracted driving crashes. An estimated 421,000 people were injured in motor vehicle crashes involving a distracted driver. This is a nine percent increase from the estimated 387,000 people injured in 2011; and

WHEREAS, an enforcement crackdown is planned to combat distracted driving; and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *2014 Distracted Driving Crackdown*; and

WHEREAS, the project will involve increased distracted driving enforcement from April 1, 2014 through April 21, 2014; and

WHEREAS, an increase in distracted driving enforcement and a reduction in distracted driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of West Milford declares its support for the *2014 Distracted Driving Crackdown* from April 1, 2014 through April 21, 2014 and pledges to increase awareness of the dangers of distracted driving.

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford
 Passaic County, New Jersey

RESOLUTION # 2014-109

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST MILFORD IN THE 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 2014 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
General Services Fees for Services	20-161-450	\$18,000.00
TOTAL TRANSFERS OUT		\$18,000.00

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2014 budget year.

Streets & Roads O.E.	26-290-408	\$18,000.00
TOTAL TRANSFERS IN		\$18,000.00

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 the 2014 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:

\$18,000.00	\$18,000.00
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A certified copy of this resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
 and certified as a true copy of an original.

 Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2014 – 110 ~

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. 2014-111 – Refund Other Liens
- b. 2014-112 – Refund Overpayments
- c. 2014-113 – Refund Police Fee
- d. 2014-114 – Reinstate Taxes
- e. 2014-115 – Tax Correction Error

Applications:

- 1. Application for On Premise 50/50 Raffle License #2014-15 by Our Lady Queen of Peace Church for May 31, 2014.
- 2. Application for Off Premise Draw Raffle License #2014-16 by Our Lady Queen of Peace Church for May 30, May 31 and June 1, 2014.
- 3. Application for Bingo License #2014-17 by Association for Special Children & Families for May 16, 2014.
- 4. Application for Tricky Tray License #2014-18 by Association for Special Children & Families for May 16, 2014.
- 5. Application for On Premise 50/50 License #2014-19 by Association for Special Children & Families for May 16, 2014.
- 6. Application for Off Premise Draw Raffle License #2014-20 by West Milford Midget Football Association - West Milford Little League for June 3, 2014.
- 7. Application for Off Premise Draw Raffle License #2014-21 by West Milford Midget Football Association for August 29, 2014.

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2014 – 111 ~

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
11-100	04/19/2011	12001-021	\$46,935.07	EMPIRE TAX FUND III LLC 8 HARROWS LANE PURCHASE, NY 10577
12-0118	03/27/2012	12501-024	\$12,374.20	US BANK CUST / EMP IV CAP ONE 50 SOUTH 16 TH STREET SUITE 1950 PHILADELPHIA, PA 19102
12-0138	03/27/2012	15001-004	\$1,470.47	CRAIG S. KOJAC 29 D SISCO ROAD NEWFOUNDLAND, NJ 07435
13-0114	03/19/2013	16603-005	\$20,756.86	CLEMENTE ENTERPRISES; LLC PO BOX 141 WYCKOFF, NJ 07481
			Total \$81,536.60	

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford
 Passaic County, New Jersey

~ Resolution 2014 – 112 ~

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 overpayment as shown 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:

REASON: 1. Tax Appeal

Block/Lot	Name	Amount	Year
505 - 6	Anna Povanda 1710 Raven Drive Florence, SC 29505	\$500.69	2013
Total		\$500.69	

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
 and certified as a true copy of an original.

 Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2014 - 113~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT TRAFFIC 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
Craig Test Boring POB 427 Mays Landing, NJ 08330	19-295-56-120-315	\$376.02

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford
 Passaic County, New Jersey

~ Resolution 2014 – 114 ~

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
5307-3	Scott & Susan Owens	\$2,623.00	2014
3701-3	Laurel Avenue Associates, LLC	\$1,439.00	2014
10001-12	Michael & Ann Niechwadowicz	\$2,794.00	2014
7401-16.01	Robert McAllister	\$183.31	2014
12001-23	Mark & Mary Moore	\$4,014.55	2014
12001-23Q	Mark & Mary Moore	\$16.00	2014
13901-15	655 Macopin Road LLC	\$1,252.42	2014
12102-15	Max & Mason Realty LLC	\$1,665.90	2014
	TOTAL	\$13,988.18	

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
 and certified as a true copy of an original.

 Antoinette Battaglia, Township Clerk

Township of West Milford
 Passaic County, New Jersey

~ Resolution 2014 – 115 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CORRECTION OF ERROR - REVERSE CANCELLATION OF STALEMATE CHECK

WHEREAS, on January 20, 2014 the Tax Collector received a list of checks to be cancelled from the Finance Department, one of those checks being Check #1763 posted by ANAN Management Company in the amount of \$4,311.63; and

WHEREAS, the Tax Collector submitted Resolution 2014-083 canceling check #1763 to the Township Clerk for adoption at the February 19, 2014 Council Meeting; and

WHEREAS, following the February 19, 2014 Council Meeting the Tax Collector was advised by the Finance Department that check #1763 in the amount of \$4,311.63 was cashed on January 10, 2014 by ANAN Management Company;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector, Rita DeNivo has recommended that a Resolution reversing the cancellation of stalemate check #1763 correcting the error made by Resolution 2014-083 at the February 19, 2014 Council meeting be adopted;

BE IT FURTHER RESOLVED by the Township Council of the Township of West Milford that the proper officers be and they are hereby authorized and directed to Reverse Cancellation of Stalemate check # 1763 as listed below:

BLOCK/LOT	NAME	AMOUNT	YEAR
6202-1 Cert 13-0051A	ANAN Management Company, Inc.	\$4,311.63	2013
	TOTAL	\$4,311.63	

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
 and certified as a true copy of an original.

 Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2014 - 116~

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	\$208,067.98
3	Reserve Account	43,414.48
2	Grants	1,105.79
6	Refunds	82,413.31
1	General Ledger	0.00
26	Refuse	157,531.19
4	Capital	97,749.56
19	Animal Control	225.69
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	319.94
19	COAH	0.00
16	Development Escrow	2,480.90
20	Library Trust	0.00
21	Assessment Trust	17,733.98
Total		\$611,042.82
	\$Less Refund Resolution	-82,413.31
	Actual Bill List	\$528,629.51
	Other Pyts.	
	Total Expenditures	\$528,629.51

Adopted: March 19, 2014

Adopted this 19th day of March, 2014
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk