
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: April 5, 2017
Time of Meeting: 6:30 pm
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Agenda No. VI

Presentations

2017 Budget, Mr. Casey, Budget Consultant – Councilman Signorino said that he didn't receive copies of the requested information until 12 noon today which was not enough time for him to review the documents. If everyone is amenable they could have a meeting next Wednesday because he is not prepared to finalize today. Mayor Bieri asked the Council if they would like to have another meeting, and Councilman Signorino suggested having the discussions first.

Councilman Wagner spoke about line item 192 (township attorney) in the budget. His recommendation was to reduce the line item from \$120,000 down to \$100,000. They still have enough in the line item and he feels comfortable with the number for the remainder of the year. Mr. Casey said Councilman Wagner is referring to the actual cost last year. Councilman Signorino asked what they are anticipating this year. Councilman Wagner said if a line item gets higher they could still work with it by moving money within the department. For example, in the 2106 budget there was \$320,000 total and \$287,000 was charged. Mayor Bieri said that is not a lot of leeway. Administrator Battaglia said they do monitor the legal bills to make sure they are utilizing the services to the minimum extent possible. She recommended reducing the total bottom line. They have a lot of issues this year that may be costly, and she is concerned about the bottom line in the budget. Councilman Signorino said they slowly increased it in the past and in the long term that saved them money. He is comfortable with leaving the line item the way it is but if they want to reduce it he would be fine with that as well. Administrator Battaglia recommended not reducing the line item. Mayor Bieri said year after year they can't predict the legal fees. The worst case is it lands in surplus which they withdraw from in the next year. The total legal budget is the concern. Councilman McGuinness recommended reducing the line item by \$20,000. Councilman Signorino said he concurs with Councilman McGuinness and he is also fine with leaving the line item the way it is. Mayor Bieri mentioned something else to consider on the executive session is one item might become very costly this year. Councilwoman Lichtenberg recommended tabling this discussion until after the executive session. Mr. Casey said they need to resolve the issue now so it doesn't get regurgitated. Councilman Wagner withdrew his motion until after the executive session.

Councilman Wagner noted that with line items 278 and 279 (planning board, consultant, and legal fees) there are no pending legal matters at this time, and he would like to reduce line item 278 to \$500.00 and line item 279 to \$10,000. Councilman Signorino said they could probably reduce from the Planning Board. He asked about the COAH monitoring. Administrator Battaglia said the COAH monitoring is a manual contract. If there is a home that qualifies for COAH they would have to bring in the affordable counseling professional to guide them through the process. Councilman Signorino asked if they had that necessity and who gets paid. Administrator Battaglia said they have a consultant that is retained every year specifically for the COAH. Councilman Wagner suggested reducing line item 278 from \$3,500 to \$500.00, and reducing line item 279 from \$30,500 to \$10,000. Councilman Signorino doesn't agree with the \$10,000 because next year they would have to raise it. Mayor Bieri said they haven't needed the consultants every year but if they need the architect or landscaper then they are not allowing the Planning Board to do their job of due diligence in an application. Councilman Signorino suggested reducing to \$15,000. They haven't seen much activity so far but they can't predict the rest of the year. It would be appropriate to reduce it by 1/3. Councilman Wagner asked the Council if they are okay with \$15,000. Administrator Battaglia asked the Governing Body to reduce the total bottom line not the Planning Board line item. The Council gave consensus.

Councilman Wagner suggested that with line item 289 (comprehensive planning board) reducing it to \$5,000. Councilman Signorino said the master plan is an ongoing item. It's being reviewed presently so even though they haven't taken action yet they might want to next year. The Council suggested leaving the line item as is. Councilman Wagner noted Line item 297 (comprehensive planning consultant) and reducing it to \$2,000. Councilman McGuinness said he agrees with it. The Council gave consensus. Councilman Signorino said a lot of applicants have tried to circumvent the Planning Board because the Zoning Board is more open to approving different projects. They are just moving into spring and there will be more projects starting up in the next two months. He doesn't suggest reducing it too much. Mayor Bieri said the Zoning Board has different contracts than the Planning Board does with their attorney. The Zoning Board has the ability to approve or disapprove of a contract.

Councilman Wagner said he will pass on line item 409 (police patrol technical supplies) for now. He discussed it with Administrator Battaglia and she will find out what is needed and get back to the Governing Body. The Snow Trust Account has a balance of \$396,000 and it's been climbing since 2013. He suggested reducing the contractor number for discussion in the future. Mayor Bieri said the snow trust account has to be used for storm related functions.

Councilman Wagner noted the ALF line item. Administrator Battaglia said ALF gets seed money every year in the amount of \$3,000 from the Governing Body. The ALF committee discussed whether or not they need the seed money because they have money in their trust account in the beginning of the year. Councilman Wagner noted moving forward they are going to be generating money from sponsors and vendors, so that trust account will grow. Councilwoman Erik said they are starting now with over \$8,000.

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Councilman Signorino asked if they are going to wait to have a discussion about amending the Ordinance or are they going to have the discussion on letting them have the business and exempt them from that Ordinance. Councilman Wager asked if they can make a motion to exempt them from the 2,500 feet. Mr. Semrau said it's an Ordinance on the books of the township. They could adopt a resolution to exempt a parking restriction but this is a permanent matter that will carry on beyond this year. In order to make the change they will have to amend the township code and do it in a way where it could be consistently applied. Councilman Signorino said they were told it could be an exempt or amending the Ordinance. Administrator Battaglia said it's the legal opinion that evolved from the discussion. Councilman Signorino said they don't want to delay the opening of the business. Mayor Bieri noted this topic is on for discussion if the Governing Body has to vote.

Administrator Battaglia said if the Governing Body is amenable and the Ordinance is ready, they could introduce April 19th or May 3rd and adopt on May 17th. Councilman Signorino asked if they had to change the Ordinance completely or can they somehow take action and make a minor change to the Ordinance that would allow the exemption of the 2,500 feet. Mr. Semrau noted if they are going to carve out an exception it has to be well grounded. Mayor Bieri said when it comes to exemptions they need to remove any subjectivity. Councilman Wagner asked if the discussion moves forward could they add this to the special meeting next week. Mr. Semrau responded in the affirmative that it could be added to the agenda. Mayor Bieri said there are time restrictions between introduction and adoption. They could add it to the meeting next week for discussion and make the adoption of the Ordinance if that's the direction of the Council at the next meeting depending on the legalities.

Mr. Semrau said it's not final until it's voted on, published and the period of objection passes. Mayor Bieri thanked the gentlemen and wished them good luck.

Mayor Bieri said given the late hour and the fact that there were several members of the public wanting to speak she asked the Council if they would agree to move to the public comments portion of the meeting. The Council gave consensus. Mayor Bieri opened the meeting to the public.

Agenda No. IX

Public Comments

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

Jo Falcerano, & MaryAnn Terracino, Bald Eagle Commons – they were very pleased with the Governing Body because they gave them what they needed. The people really appreciated how fast they worked on everything and all their hard work. They are very happy they got the bus.

Patricia Gerst, 17 Hillview Ct – said she strongly encourages the Council to approve the capital budget request for the recreation center facility gym floor due to safety issues. The floor is beyond its useful life time and has deteriorated into very poor conditions. The floor has multiple bubble areas where it's been patched causing trip hazards and safety concerns. The primary users are children and senior citizens. She asked the Council to resolve the matter and alleviate the safety concerns by replacing the gym floor this year by maintaining a zero tax increase. She is running for Council and will only support a zero tax increase.

Steve Castronova, 26 Arnold Rd – he is very familiar with the liquor licenses in town. Changing a liquor Ordinance was brought up in the past. He mentioned all the problems at 99 Marshall Hill Road and the new business idea. He said the gentlemen approached the MUA to try and hook the business up to their water. It's a residential area. He doesn't mean to wish anyone bad luck but he said the Council is jumping very quickly to change an Ordinance that 32 liquor license holders don't know about. He said if the Council changed the distance Ordinance, ShopRite could open a liquor store and put Uncorked out of business. There is a reason why there is a 2,500 foot distance. We have an overabundance of liquor licenses. There should be 1 for every 5,000 people. He asked the Council to think carefully before they make a decision.

Jennifer McIntyre, 11 Wesley Drive – stated her concerns about the Gypsy Moth Spraying. She would have liked to hear the discussion and she is sorry it was tabled until after the public comment section. Her concern was about how it was executed. Last year the spray times between 7:30-8:30 did not protect the middle school and high school students. She was outside with her children waiting for the bus and she saw the planes over her head and sprayed them. On top of that, the schools were not aware of when the spraying was going to occur. During her son's first period gym she called the school and she said not a single person knew the spraying had occurred that morning. If they go forward again with the spraying the communication needs to be addressed between the schools and parents because the children should not be outside during the spray times for gym and recess.

Mr. Nicholson, 20 Hyde Rd – in defense to the Governing Body, the Gypsy Moth Spraying was advertised and listed on the Township website, newspaper and WM77.

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She concluded that she doesn't see why the Government has the right to spend taxpayers' money and spray chemicals over private property. If someone has an infestation and they are concerned about the trees, they can hire a contractor to assist with the infestation.

Agenda No. XI

Discussion Items

1.	Discussion: Bubbling Springs Dam Loan Program: Administrator Battaglia stated there is a memo in the packets regarding a potential grant opportunity from Eric Miller. It was submitted in the past and was denied. The delay was getting the easements from the adjoining property owners. If the Governing Body is amenable they could put a resolution on the next agenda. Councilman Signorino said he sent an email to Administrator Battaglia to distribute. Administrator Battaglia said the email was from the contractor that had legal issues with the group that retained his services, and the contractor said there are major compromising issues with the dam. The Council gave consensus for the submittal of the grant application. There were no further discussions.
2.	Discussion: Updated West Milford Map: Mayor Bieri noted that the new West Milford map will be available at the Clerk's Office.
3.	Discussion: Gypsy Moth Spraying – Resolution 2017-112: Mayor Bieri said there is no need for a motion. There is a resolution, and they could defeat it. Councilwoman Erik noted in the packet it said they may be responsible for the chemical. Mr. Hodges said he doesn't know the process. When they first agreed to have the egg mass survey, that's how they determine how much product to buy. \$51.05 per acre. Mayor Bieri asked if they signed any contracts. Mr. Hodges said he did not sign any contracts. Administrator Battaglia said the Director of the state agency who was overseeing the spraying has relayed that if they do not sign on they will get charged. She spoke with a member of his staff and said each member of the Governing Body has a right to vote with their conscious and if the state submits a bill the Administration would challenge it. There was no further discussion.
4.	Discussion: Supporting A222/S2171 – Library Construction: Mayor Bieri asked the Council to support a resolution supporting the potential legislation which could fund up to 50% of the cost of the project. It would save the Township and the library money. The Council gave consensus to add this to the agenda for the next meeting. Councilman Signorino agreed as long as new taxes will not be raised. Councilwoman Erik mentioned she met with the state librarian she said the Governing Body should submit this because the new library building will qualify. Councilwoman Lichtenberg mentioned they have to make sure the state librarian gets invited to the Library Grand Opening.
5.	Discussion: Opposing A4590/S3007 - State Reimbursement of Federal Funds for Sanctuary Jurisdictions: The Council gave consensus to add this to the next meeting agenda.
6.	Discussion: Ordinance - Proposed Amendments to §63-7 of the Township Code Regarding 2,500 Liquor License Distance Limitation: Councilman McGuinness asked if there will be take-out alcohol. Mr. Yazgi said that is not part of his plan. Mayor Bieri said if an Ordinance is revised it would be revised in general terms and not specific to this facility. Councilman Signorino said if it's an exemption it would be specific to this business. This would be the route he wants to take but if they are allowed to provide a different service that's already included his intention would be to support the idea as it stands. Mr. Semrau said there needs to be some type of rationale and standard to apply across the board. They need to go back and chart out how this will impact other licenses and if certain restrictions will be lifted or not. Councilman Signorino said he is not interested in changing the distance, and not down to 1,000 feet. He was expecting to have some examples set for them. He said they are changing the discussion they had from last time. Mayor Bieri said they can amend the Ordinance by the distance and zone factor. There is no provision in the Ordinance for exemptions. Either way they would be amending the Ordinance. Mr. Semrau said they should look for a way to come up with a provision that would exempt this property from the 2,500 foot distance. Mayor Bieri asked the Council's permission to ask Mr. Yazgi to come back up to the podium to speak again and clarify issues and the Council agreed. The exact amount of footage is unknown at this time. Mayor Bieri said the township officials will have to measure, and they need to find out the distances between the 22 active licenses. Mr. Semrau asked how many seats they plan to have, and Mr. Yazgi said it depends on the capacity of the septic tank. Councilman Wagner recommended tabling the discussion to another meeting. Mr. Semrau said its Mr. Yazgi's obligation to have an engineer identify and measure the route from one premise to the other including the walking path, and report back to the Administration Office with the calculation. Mayor Bieri said the issue is the distance and they need to know if they are requiring some sort of modification or consideration. There were no further discussions.

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7.	Discussion: Council Selection of 2016 Volunteer of the Year: Councilwoman Lichtenberg stated when she was reviewing the biographies and the nominees she believed every person nominated except one should be nominated for the Life Time Award through the Mayors Committee. Mayor Bieri announced that Alfred Stewart is the 2016 Lifetime Volunteer, and the 2016 Volunteer of the Year is Eli Easterbrook.
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Agenda No. XII

Action Items

Agenda No. XII 1

~ Ordinance 2017 – 001 ~

DEFEATED

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND CORRECTING CHAPTER 226, "NOISE", OF THE REVISED GENERAL ORDINANCES

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

WHEREAS, the originally submitted ordinance lacks or alters definitions in the areas of Emergency Work and Real Property Line; there are section citation errors to N.J.A.C. 7:29 in the text, and Table IV is missing, the following amendments are hereby made:

§226-1. Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

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"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

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§226-2. Applicability.

- (A) This noise ordinance applies to sound from the following property categories:
1. Industrial facilities;
 2. Commercial facilities;
 3. Public service facilities;
 4. Community service facilities;
 5. Residential properties;
 6. Multi-use properties;
 7. Public and private right-of-ways;
 8. Public spaces; and
 9. Multi-dwelling unit buildings.
- (B) This noise ordinance applies to sound received at the following property categories:
1. Commercial facilities;
 2. Public service facilities;
 3. Community service facilities (i.e. non-profits and/or religious facilities)
 4. Residential properties;
 5. Multi-use properties;
 6. Multi-dwelling unit buildings.
- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§226-3. Declaration of findings and Policy.

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, **WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and, **WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Township of West Milford.

§226-4. Noise control officers.

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- (D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and to the definition of "real property line" as contained herein.
- (E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b) 2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§226-6. Restricted uses and activities.

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The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
 - (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.
- H. Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.
 - 1) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

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- 2) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- 3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- 4) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§226-7 Enforcement; violations and penalties.

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the

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responsible party does not remediate the violation within the period of time specified in the NOPA issued.

- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
 - 1. Mitigating or any other extenuating circumstances;
 - 2. The timely implementation by the violator of measures which lead to compliance;
 - 3. The conduct of the violator; and
 - 4. The compliance history of the violator.
- (J) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (K) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (L) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

Introduced: February 1, 2017

This Ordinance was introduced February 1, 2017 and the Notice of Public Hearing was published in the Herald News on February 5, 2017. The public hearing was held on February 15, 2017. The Governing Body will consider final adoption of this Ordinance.

Motion to adopt Ordinance 2017-001.

Moved: Erik Seconded: Signorino
Voted Aye: Erik, Lichtenberg
Voted Nay: Hensley, Wagner, McGuinness, Signorino
Motion defeated.

Agenda No. XII 2

~ Ordinance 2017 - 006 ~

BOND ORDINANCE FOR APPROPRIATING \$2,837,121 AND AUTHORIZING THE ISSUANCE OF \$2,375,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$2,837,121 including the aggregate sum of \$125,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also (i) in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$32,500 received or expected to be received by the Township as a Community

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Development Block Grant, as a grant-in-aid of financing said improvement or purpose, (ii) in the case of the improvement or purpose described in paragraph (c) of said Section 3, the sum of \$250,000 received or expected to be received by the Township from the New Jersey Department of Transportation, as a grant-in-aid of financing said improvement or purpose and (iii) in the case of the improvement or purpose described in paragraph (d) of said Section 3, the sum of \$54,621 received or expected to be received by the Township from Passaic County Open Space Trust Fund, as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,837,121 appropriations not provided for by application hereunder of said down payments and grants, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,375,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,375,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Acquisition by purchase of new and additional vehicular equipment, including without limitation one (1) tractor and one (1) bus for use by the Recreation Department of the Township, one (1) ambulance chassis for use by the First Aid Squad of the Township and one (1) truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$289,500 appropriation hereby made therefor being inclusive of the amount of \$32,500 received or expected to be received by the Township as a Community Development Block Grant as a grant-in-aid of financing said bus	\$289,500	\$239,600
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Alvin Road, Andrew Court, Bordeaux Terrace, Cooley Lane, Glenda Drive, Glennon Road, John Street, Kanouse Road, Landing Road, Madelyn Avenue, Navajo Trail, Old Route 23 at Kanouse Road, Sade Terrace, Shadowy Lane, Shadyside Road and Witte Road, together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	900,000	857,100
(c) Improvement of Ridge Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law),	670,731	400,600

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IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$670,731 appropriation hereby made therefor being inclusive of the amount of \$250,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement		
(d) Improvement of municipally-owned properties and facilities in and by the Township, including without limitation, Farrell Field Park by the rehabilitation of the soccer fields and the Department of Public Works Yard by the installation of fencing, together with for all the aforesaid all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$278,890 appropriation hereby made therefor being inclusive of the amount of \$54,621 received or expected to be received by the Township from the County of Passaic Open Space Trust Fund as a grant-in-aid of financing said improvement to Farrell Field Park	278,890	213,500
(e) Acquisition by purchase of new and additional equipment, including without limitation, turnout gear for use by the Fire Department of the Township, breathalyzer equipment for use by the Police Department of the Township and one (1) trailer for use by the Department of Public Works of the Township, and including also the installation of a generator at the Recreation Center, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	190,000	180,900
(f) Acquisition by purchase of new and additional firefighting equipment for the preservation of life and property in the Township, including one (1) fire truck, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	508,000	483,300
Totals	<u>\$2,837,121</u>	<u>\$2,375,000</u>

Except as otherwise stated in paragraphs (a), (c) and (d) above with respect to the said grants-in-aid of financing the purposes described in said paragraphs, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost

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thereof has been or shall be specially assessed on property specially benefited thereby.

- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.32 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,375,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$60,050 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, such costs have been included in the improvement described in Section 3(d) of this bond ordinance).

Section 5. The funds from time to time received by the Township on account of the \$337,121 grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in paragraphs (a), (c) and (d) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at no less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

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Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: March 1, 2017
Adopted: April 5, 2017
Effective: April 25, 2017

This Ordinance was introduced March 1, 2017 and the Notice of Public Hearing was published in the Herald News on March 5, 2017. The Governing Body will open the meeting to the public to speak on this Ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2017-006.

Moved: Erik Seconded: McGuinness
Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Voted Nay: None
Motion carried.

Mayor Bieri asked to move all resolutions 2017-129 through 2017-140 as one with the exception of resolution 2017-112.

Agenda No. XII 3

~ Resolution 2017 - 112 ~

DEFEATED

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY DECLARING THE GYPSY MOTH TO BE A PUBLIC HEALTH NUISANCE

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of West Milford; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Health Officer has recommended that the gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Council of the Township of West Milford that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Adopted: April 5, 2017

Motion for a roll call vote on Resolution 2017-112.

Moved: Erik Seconded: Hensley
Voted Aye:
Voted Nay: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
Motion defeated.

Discussion:

Councilman Signorino asked about resolution 2017-134 (Chilton Medical Center shall provide 200 hours of community health services for one year in an amount not to exceed \$7,800.00). Administrator Battaglia referred to Mr. Hodges for questioning.

Mr. Hodges said it's for a specific contract for the provision of health education for the township that is required by the state of New Jersey at a rate of \$39.00 per hour for 200 hours. Most of the programs (walking, bullying, and skin cancer) are state mandated and done by a certified Health Education Specialist. Councilman Signorino asked if there is somewhere they could send the bill. Mr. Hodges said local boards of health are required to provide this to residents.

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Councilwoman Lichtenberg asked if they had to use Chilton and suggested Atlantic Health. Councilwoman Erik said Atlantic Health Systems owns Chilton so they are the same. Mr. Hodges said part of the reason they use Chilton is because there is the backing of a hospital. The physicians at Chilton have not been making themselves available. There have been a number of times that they did not provide what they were supposed to. Administrator Battaglia said she is doing research with Mr. Hodges. He started researching what the other options would be and that the services provided meet their standards.

Councilman McGuinness asked about resolution 2017-132. He said usually Greenwood Forest was involved. Will there be any volunteer groups involved or just the Power Boat Association. Mayor Bieri said it's for the permits so they can have the boat race. This is the same way it's been done in the past.

Council McGuinness thanked the School Board for resolution 2017-133. He asked who the checks were made payable to on resolution 2017-136. Administrator Battaglia said she will get the information. Mayor Bieri said they wrote the checks and didn't cash them so they officially canceled them. Councilman McGuinness asked who Zuccaro Inc. is on resolution 2017-137. Administrator Battaglia said it's a contractor who is doing a project in town and utilized the police services. They are the funds that remain in escrow that were not used. Councilman McGuinness asked about resolution 2017-139. Administrator Battaglia said it's a solicitor license. Somebody submitted an application to go door to door in town to sell a product.

Mayor Bieri publicly thanked John Hefferon for donating the plasma flat screen television for use in the new Community Center.

Agenda No. XII 4

~ Resolution 2017 – 129 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE 2017 WEST MILFORD FIREWORKS DISPLAY TO BE HELD AT THE BOARD OF EDUCATION MCCORMACK FIELD

WHEREAS, the West Milford Community Services & Recreation Department wishes to use the McCormack Field property to hold a display of fireworks on July 1, 2017 with a rain date of July 6, 2017; and

WHEREAS, the West Milford Board of Education Officials have approved the use of the property known as McCormack Field to hold a fireworks display.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that based upon the West Milford Board of Education's approval of McCormack Field, it does hereby approve the special event by the West Milford Community Services & Recreation and Interstate Fireworks Inc. to conduct a fireworks display on July 1, 2017 with a rain date of July 6, 2017.

Adopted: April 5, 2017

Agenda No. XII 5

~ Resolution 2017 – 130 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO INTERSTATE FIREWORKS, INC. FOR THE TOWNSHIP'S FOURTH OF JULY CELEBRATION IN AN AMOUNT NOT TO EXCEED \$15,000.00

WHEREAS, the Township is in need of professional pyrotechnics handler services for the 2017 Fourth of July celebration; and

WHEREAS, Interstate Fireworks, Inc. has vast experience and expertise in providing such services in New Jersey, and to the Township; and

WHEREAS, the Township wishes to retain the services of Interstate Fireworks, Inc. to assist the Township of West Milford in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition; and

WHEREAS, the total amount of the contract shall not exceed \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services and shall come from the Fireworks Trust Account # 19-295-56-120-202.

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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, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Interstate Fireworks, Inc. has received the Township's Political Contribution Disclosure Form and 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 Interstate Fireworks, Inc. from making any reportable contributions through the term of the contract, 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 Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Mayor and Township Clerk be and are hereby authorized to execute an agreement with Interstate Fireworks, Inc. PO Box 260, Rowland, PA 18457 for professional pyrotechnics fireworks display in an amount not to exceed \$15,000
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 \$15,000 without the prior written approval of the Township Council.
4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: April 5, 2017

Agenda No. XII 6

~ Resolution 2017 – 131 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING THE DONATION OF A PANASONIC TH-103PF12U 103" PLASMA TV DISPLAY

WHEREAS, John Hefferon is in possession and wishes to donate a Panasonic Plasma Multimedia Display Television to the Township; and

WHEREAS, the Department of Community Services & Recreation has need for this item in the Township's area of the new library building; and

WHEREAS, the Township wishes to accept the Panasonic 103" Plasma Multimedia Display.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of West Milford hereby authorizes the Director of Community Services & Recreation to accept the donation of the Panasonic TH-103PF12U 103" Plasma Multimedia Display; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Township of West Milford does hereby express sincere gratitude to Mr. John Hefferon for this generous donation.

Adopted: April 5, 2017

Agenda No. XII 7

~ Resolution 2017– 132 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A RECREATION GROUP USE PERMIT (BROWN'S POINT – 2017 POWER BOAT RACES)

WHEREAS, the Township's Director of Community Services & Recreation has received a request for the use of Brown's Point from Saturday June 17 to Sunday June 18, 2017 (with the preceding Friday booked for set-up and the succeeding Monday booked for clean-up) as a launching site for a power boat race being sponsored by the Greenwood Lake Power Boat Association (GLPBA); and

WHEREAS, this event is of an extraordinary nature requiring the approval of the Township Council of the Township of West Milford; and

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WHEREAS, the Director of Community Services & Recreation has made application and obtained requisite approvals from the State of New Jersey, Department of Environmental Protection; and

WHEREAS, based upon the review of the application and the report of the Director, the Township Council approves of the issuance of a Group Use Permit to the Greenwood Lake Power Boat Association (GLPBA), with the following conditions:

1. GLPBA shall arrange for portable toilets to be located on the site, in accordance with Township Health Department guidelines and shall see that all portable toilets are emptied at the end of the events on Saturday and Sunday.
2. GLPBA shall arrange for a 20 yard dumpster to be located on the site in accordance with the recommendation of the Director of Community Services & Recreation.
3. GLPBA shall agree to pay for any extraordinary expenses incurred by the Township in providing CS&R, Health Department or Police Department personnel for the events.
4. GLPBA shall issue a notice by May 16, 2017 to surrounding residents which will include a description of activities and the dates and times of those events.
5. GLPBA shall provide to the Township Insurance Certificates with the Township of West Milford and the State of New Jersey, Department of Environmental Protection named as an additional insured parties in the amount of \$1,000,000.00 umbrella (\$500,000.00 property damage and \$1,000,000.00 personal injury.)
6. GLPBA shall provide Insurance Certificates with the Township of West Milford and State of New Jersey DEP named as additional insured parties in the amount of \$1,000,000.00 for liquor liability, which coverage will include a Hold Harmless Agreement.
7. GLPBA shall arrange for a plan of traffic control, sufficient parking, security and crowd control in accordance with the recommendation of the Chief of Police by April 7, 2017 which must be implemented by May 1, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby authorize the issuance of a Group Use Permit to the Greenwood Lake Power Boat Association for the use of Brown's Point on Friday June 16, 2017 and Monday June 19, 2017 with the above noted conditions; and

BE IT FURTHER RESOLVED that the sponsoring organization is authorized to charge admission fees of – \$10.00 for 12 years and older, – \$5.00 for children 5 years to 11 years, and no charge for children 4 years and under. There is also an additional \$5.00 charge on top of the above listed fees for anyone wanting to go into the pits.

Adopted: April 5, 2017

Agenda No. XII 8

~ Resolution 2017- 133 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE WEST MILFORD BOARD OF EDUCATION FOR THE LOAN OF A SCHOOL BUS FROM THE BOE TO THE TOWNSHIP FOR USE IN THE BUBBLING SPRINGS DAY CAMP PROGRAM

WHEREAS, the Township of West Milford is desirous of using one (1) fifty-four (54) passenger school bus (hereinafter referred to as the "School Bus") that is owned by the West Milford Board of Education to use in connection with the Township's Bubbling Springs Day Camp Program in West Milford, NJ; and

WHEREAS, the West Milford Board of Education agrees to loan the School Bus to the Township from June 26, 2017 to August 18, 2017 in accordance with a Memorandum of Agreement filed in the Office of the Township Clerk; for 39 days at a rate of \$10.00 per day for a total of \$390.00; and

WHEREAS, the Township of West Milford and the West Milford Board of Education have successfully engaged in this loan program for a number of years.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and are hereby authorized and directed to execute a memorandum of agreement for the loan of one school bus from the Board of Education to the Township of West Milford for use for the Township's Bubbling Springs Day Camp Program from June 26, 2017 to August 18, 2017

Adopted: April 5, 2017

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~ Resolution 2017 – 134 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A ONE YEAR AGREEMENT WITH CHILTON MEDICAL CENTER FOR COMMUNITY HEALTH SERVICES

WHEREAS, Chilton Medical Center has provided community health services to the Township;
and

WHEREAS the Health Officer recommends award of a contract to Chilton Medical Center; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract, said encumbrances to be taken from account number 01-201-27-330-450.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the execution of an agreement beginning January 1, 2017 and ending December 31, 2017 for community health education services with Chilton Medical Center as follows:

1. Chilton Medical Center shall provide 200 hours of community health services for one year in an amount not to exceed \$7,800.00
2. The agreement shall be on file in the Office of the Township Clerk and to deliver same to Chilton Medical Center, 97 West Parkway, Pompton Plains, NJ 07440 evidencing the Municipality's intention to execute its agreement.
3. That a notice of this action shall be published once in the *Herald News*.

Adopted: April 5, 2017

Agenda No. XII 10

~ Resolution 2017 – 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE REPAIR AND RECONSTRUCTION OF A SEPTIC SYSTEM DELIVERY PIPELINE WITHIN A PAPER STREET RIGHT-OF-WAY

WHEREAS, there exists a 30' wide unimproved, no outlet, no name, paper street right-of-way (formerly Ricker Street) adjacent to 8 De Hart Avenue; and

WHEREAS, in accordance with the Septic Alteration plan for 8 De Hart Avenue, prepared by McKittrick Engineering Associates, Inc. (dated February 8, 2017), the existing septic system delivery pipeline lies within and encroaches onto a portion of the no name, paper street right-of-way (formerly Ricker Street); and

WHEREAS, the Application to Alter an Individual Subsurface Disposal System for 8 De Hart Avenue (Block 3509, Lot 11) has been provisionally approved (dated March 10, 2017) by the West Milford Township Health Department subject to approval for use of the paper street right-of-way for the septic system delivery pipeline; and

WHEREAS, the existing site conditions at 8 De Hart Avenue do not provide for a reasonable alternative to the existing configuration of the septic system components and it is acknowledged that a hardship exists for the owner of 8 De Hart Avenue under the requirement that the existing septic system must be replaced; and

WHEREAS, there is no record of the Township of West Milford previously approving the use of the no name, paper street right-of-way (formerly Ricker Street) for the existing septic system delivery pipeline; and

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 in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. That the septic system delivery pipeline at 8 De Hart Avenue (Block 3509, Lot 11) be permitted to remain in the existing, historic location without any further encroachment into the unimproved, no outlet, no name, paper street right-of-way (formerly Ricker Street) as shown on the approved Septic Alteration plan.
2. That a Hold Harmless agreement be filed with the Passaic County Register to indemnify the Township of West Milford in perpetuity or until such time that use is no longer valid and the agreement is severed.

Adopted: April 5, 2017

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
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Agenda No. XII 11

~ Resolution 2017 – 136~

RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford Claims account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
5/5/16	10510	\$75.00
5/5/16	10552	75.00
5/19/16	10739	250.00
6/9/16	10840	120.00
7/14/16	11249	215.00
8/15/16	11481	102.00
8/15/16	11482	10.00
8/15/16	11552	1,729.16
9/22/16	11751	230.00
10/6/16	11813	10.00
10/6/16	11841	20.00
10/20/16	11905	1,983.83
10/20/16	11920	20.00
10/20/16	11957	20.00
10/20/16	11988	6,799.54
TOTAL		\$11,659.53

NOW, THEREFORE, BE IT RESOLVED that the above outstanding checks be restored to the Township cash balance.

Adopted: April 5, 2017

Agenda No. XII 12

~ Resolution 2017- 137 ~

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
Zuccaro Inc. 64 Commerce Street Garfield, NJ 07026	19-295-56-120-343	\$3,270.17
	Total	\$3,270.17

Adopted: April 5, 2017

Agenda No. XII 13

~ Resolution 2017 – 138 ~

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:

Spring Basketball Clinic		
Liam Curtin	\$50.00	Yvonne Curtin

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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		572 Ridge Road West Milford, NJ 07480
Spring Basketball Clinic		
Joshua Samueli	\$50.00	Shelley Samuel 10 Alvin Road West Milford, NJ 07480
Spring Basketball Clinic		
Anthony Wisnieski	\$50.00	Jennifer Bustamante 60 Edgcomb Road West Milford, NJ 07480
Spring Basketball Clinic		
Riley	\$50.00	Jennifer Kapral 16 Alpine Lane West Milford, NJ 07480
Spring Basketball Clinic		
Raymond	\$50.00	Heather Obidzienski 23 Bushwick Lane West Milford, NJ 07480
Spring Basketball Clinic		
Diana Mann	\$50.00	Tiffanhy Van Beveren 22 Elm Street Hewitt, NJ 07421
Spring Basketball Clinic		
Colton	\$50.00	Joanna Naccara 41 Mohawk Trail West Milford, NJ 07480
Beyond the Bell - April		
Dylan	\$90.00	Colleen McLaughlin 39 Rocky Point Road Hewitt, NJ 07421
Spring Soccer (K & 1)		
Madison & Mason	\$130.00	Alison Vanasse 297 Germantown Road West Milford, NJ 07480

Adopted: April 5, 2017

Agenda No. XII 14

~ Resolution 2017 – 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2017

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2017 license year; 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 2017 Licenses as listed below and;

License No.	2017 PEDDLER LICENSE
2017-01	Schwan's Home Service, Inc. Michael Gresik

Adopted: April 5, 2017

Agenda No. XII 15

~ Resolution 2017 – 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2017 BUDGET PER N.J.S.A.. 40A:4-20

WHEREAS, Local Budget Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

WHEREAS, the Township of West Milford has obligatory expenses that exceed the temporary budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford by a 2/3 vote, that the following temporary budget appropriation be made and that a certified copy of the resolution be sent to DLGS:

Appropriation	Acct Number	2017 Temporary Budget
Utilities, Gas	01-201-31-446-200	\$8,900.00
	Total	\$8,900.00

Adopted: April 5, 2017

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Hensley, Wagner, McGuinness, Signorino, Lichtenberg
 Voted Nay: McGuinness, resolution 2017-139 only
 Motion carried.

Agenda No. XIII

Consent Agenda

None

Agenda No. XIV

Approval of Expenditures

~ Resolution No. 2017 – 141 ~

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	\$548,095.51
3	Reserve Account	71,692.05
2	Grants	9,992.01
6	Refunds	3,840.17
1	General Ledger	0.00
26	Refuse	123,737.76
4	Capital	30,230.08
19	Animal Control	195.00
19	Heritage Trust	366.65
19	Open Space Trust	0.00
19	Trust	24,884.33
19	COAH	0.00
16	Development Escrow	2,560.00
19	Tax Sale Trust	0.00
21	Assessment Trust	25,145.36
	Special Reserve	0.00
Total		\$840,738.92
Less Refund Resolution		-3,840.17
Actual Bills List		\$836,898.75
Other Payments		
P/R		520,986.99
Petty Cash Vehicle		250.00
Depository Trust Co.		1,250,000.00

