
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: December 13, 2023
Time of Meeting: 6:30 p.m.
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

Adequate Notice Statement

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issue of January 10, 2023, February 14, 2023 and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right and rear of this room – for use in case of an emergency. Thank you.

Agenda No. I

Pledge of Allegiance

Mayor Dale led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg,
Kevin Goodsir, Matthew Conlon, David Marsden

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande,
Township Attorney Ed Pasternak

Agenda No. III

Reading of or Approval of Unapproved Minutes

November 8, 2023 Executive Session Minutes

November 8, 2023 Regular Meeting Minutes

Motion to approve the minutes.

Moved: Erik Seconded: Conlon
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Agenda No. IV

Meetings

January 3, 2024 Reorganization Meeting

January 3, 2024 Regular Meeting following Reorganization

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations

None

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

1.	Land Conservancy Request for Township-Owned Lands – Administrator Senande indicated that the Land Conservancy of New Jersey contacted the Township with a list of properties that cannot be developed because of the Highlands. The land is located adjacent to properties already owned by the State. Approximately 5 of the properties could be sold to the State and the rest of the properties that have a private owner or perhaps some other public use would not be sold. The properties sold to the State would be added to the park land already owned by the State. Attorney Pasternak indicated that the amount of land was 36 1/3 total acres. Councilman Chazukow indicated that he grew up in the area around Otterhole and though it saddens him somewhat to see it fenced in, it is probably what is best for the environment. Administrator Senande indicated that additionally if the property were sold to the State the Township would no longer be held liable for any type of activity on that property. Council gave consensus to move forward.
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Unfinished Business, Final Passage of Ordinances

Agenda No. XI 1

~ Ordinance 2023 – 030 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CREATING A NEW SECTION WITHIN THE TOWNSHIP CODE WITHIN PART II, GENERAL LEGISLATION AS CHAPTER XXX, AND ENTITLED LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS FOR RENTAL DWELLINGS

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard and residential rental property and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;” and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1) a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that the Code of the Township of West Milford shall be updated to include the following new Chapter XXX, entitled Lead-Based Paint Inspection Requirements for Rental Dwellings, for the purpose of assisting the municipality with inspection requirements and fees for compliance of P.L. 2021, c. 182 and will read as follows:

SECTION 1. Chapter XXX - Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings

§ XXX-1 Definitions.

§ Definitions.

The following definitions shall apply to this article:

COMMON INTEREST COMMUNITY

A real-estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owner’s association that provides services or facilities to the community.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or lead contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD INSPECTOR

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1, *et seq.* This includes the ability to perform dust wipe sampling.

LEAD-FREE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and that no lead based-paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

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VISUAL ASSESSOR

A person that is certified to perform a visual assessment.

§ Requirement for Lead-Based Paint Inspection.

- A. All residential rental dwelling units required to be inspected under state law must initially be inspected for lead-based paint hazards upon tenant turnover, but the first inspection must take place no later than July 22, 2024, in the event there has been no tenant turnover before that date.
- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.

§ Reporting Requirements for Owners/Landlords and Contractors.

- A. Owners/landlords of all dwellings subject to the inspection requirements under this section shall register their unit(s) with the Township Clerk and also provide the Township with up-to-date information on inspection schedules, inspection results, and tenant turnover.
- B. An owner/landlord shall provide the Township with a copy of any lead-safe certification issued by a lead evaluation contractor.
- C. An owner/landlord shall provide the Township with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).

§ Lead-Based Paint Inspection.

- A. A lead inspector or visual assessor shall inspect every single-family, two-family, and multiple rental dwelling located within the municipality for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 *et seq.*, as may be amended from time to time.
- B. The property owner or landlord may, in lieu of having the dwelling inspected by the municipality's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 *et seq.*, as may be amended from time to time.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
 - (1) has been certified to be free of lead-based paint;
 - (2) was constructed during or after 1978;
 - (3) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law";
 - (4) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - (5) has a valid lead-safe certification.
- D. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the municipality's lead inspector or visual assessor, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- E. If no lead-based paint hazards are identified then the municipality's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.
- F. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:
 - (1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the municipality at the time of the cyclical inspection.
 - (2) Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
 - (3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

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- G. The fees for a lead-based paint inspection shall be as follows:
- (1) The fee for a visual assessment inspection performed by the municipal lead inspector shall be \$250 for a dwelling unit that has one bedroom. There shall be an additional fee of \$25 for each additional bedroom in the dwelling unit.
 - (2) Where it may be necessary to collect dust wipe samples to test for lead dust hazards, the fee shall be \$30 per dust wipe with a minimum of six (6) dust wipes required in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
 - (3) Where an independent inspection or risk assessment determines that no lead-based paint hazard exists in a dwelling unit, the fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
 - (4) The fee for conduction a visual reinspection performed by the municipal lead inspector shall be \$100 for a 1 bedroom dwelling unit and \$20 for each additional bedroom. Additional dust wipe sampling fees as aforementioned shall be applied if applicable.
 - (5) In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
 - (6) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the municipal lead inspector or the owner's private lead inspector shall be assessed for the purposes of the "Lead Hazard Control Assistance Act" unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this paragraph shall be deposited into the "Lead Hazard Control Assistance Fund."

§ Violations and Penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this chapter shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

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

SECTION 3. If any section, subsection, 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 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 5. This Ordinance may be renumbered for codification purposes.

Introduced: November 8, 2023
Adopted: December 13, 2023
Effective Date: January 2, 2024

This Ordinance was introduced on November 8, 2023 and the Notice of Public Hearing was published in the Herald News on or about November 14, 2023. The Governing Body will open the meeting to the public to speak on this ordinance only.

Seeing no one wished to speak Councilwoman Erik made a motion to close the public portion. Seconded by Councilwoman Lichtenberg. All were in favor.

Motion to move Ordinance 2023-030.

Moved: Erik Seconded: Conlon
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay:
Motion carried:

New Business, Introduction of Ordinances, Resolutions

Mayor Dale asked to move Resolutions 2023-439 through 2023-460 and Resolution 2023-469.

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Agenda No. XII 1

~ Resolution 2023 – 439 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE DATE OF JANUARY 3, 2024 FOR THE GOVERNING BODY REORGANIZATION MEETING AND REGULAR MEETING

BE IT RESOLVED that the Township Council of the Township of West Milford does hereby adopt the following date for the Reorganization Meeting/Regular Meeting of the Governing Body of the Township for the 2024 calendar year:

January 3, 2024	Reorganization Meeting
January 3, 2024	Regular Meeting

BE IT FURTHER RESOLVED that the Reorganization Meeting of the Governing Body of the Township of West Milford as outlined herein shall be held on January 3, 2024 in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 6:30 p.m. and the Regular Meeting shall follow immediately thereafter.

BE IT FURTHER RESOLVED that official action may be taken at the meetings outlined herein.

BE IT FURTHER RESOLVED that this resolution shall constitute the Reorganization Meeting and Regular Meeting date for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: December 13, 2023

Agenda No. XII 2

~ Resolution 2023 – 440 ~

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE COUNTY OF PASSAIC FOR THE JOHNER BUILDING

WHEREAS, the Township currently has a shared services agreement with the County of Passaic for Health Officer services; and

WHEREAS, the Township wishes to continue and possibly expand the shared service arraignment; and

WHEREAS, the County of Passaic has expressed interest in continuing the Township with Health Officer services and making other County services, such as human services, more readily available to the residents of West Milford; and

WHEREAS, the County of Passaic seeks to house offices in West Milford in order to make those services more readily available; and

WHEREAS, the Johner Building, located at 13 Edgar Drive in West Milford, is underutilized and suitable for the needs of the County of Passaic; and

WHEREAS, the County of Passaic has proposed leasing the Johner Building for 20 years for a nominal fee; and

WHEREAS, the County of Passaic will remodel both the interior and exterior of the Johner Building to suit the needs of the residents of West Milford; and

WHEREAS, the residents of West Milford are best served by providing them with a greater access to services.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council authorizes the Mayor to execute the lease agreement with the County of Passaic for the Johner Building.

Adopted: December 13, 2023

Agenda No. XII 3

~ Resolution 2023 – 441 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF #2 ULTRA

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LOW SULFUR DIESEL FUEL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) CONTRACT #12 FROM GRIFFITH ALLIED TRUCKING, LLC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCOOP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #12, #2 Ultra Low Sulfur Diesel Fuel , for 2024 to Griffith Allied Trucking, LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates the need for #2 Ultra Low Sulfur Diesel Fuel for the period from January 1, 2024 through December 31, 2024; and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase #2 Ultra Low Sulfur Diesel Fuel through the MCCPC Contract #12 from Griffith Allied Trucking, LLC in an amount not to exceed \$150,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-31-460-316.

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 Township Council hereby authorizes the Department of Public Works to expend funds for the purchase of #2 Ultra Low Sulfur Diesel Fuel, for the period from January 1, 2024 through December 31, 2024 in a total not to exceed amount of \$150,000.00 to Griffith Allied Trucking, LLC through MCCPC Contract #12.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This Resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: December 13, 2023

Agenda No. XII 4

~ Resolution 2023 – 442 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF MOTOR GASOLINE THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) CONTRACT #1 FROM GRIFFITH ALLIED TRUCKING, LLC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCOOP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #1 Motor Gasoline, for 2024 to Griffith Allied Trucking, LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates the need for motor gasoline for the period from January 1, 2024 through December 31, 2024; and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase motor gasoline through the MCCPC Contract #1 from Griffith Allied Trucking, LLC in an amount not to exceed \$230,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases said funds to be encumbered from account numbers 01-201-31-460-315 (\$100,000.00) and 01-201-31-460-240 (\$130,000.00).

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 Township Council hereby authorizes the Department of Public Works to expend funds for the purchase of motor gasoline, for the period from January 1, 2024 through December 31, 2024 in a total not to exceed amount of \$230,000.00 to Griffith Allied Trucking, LLC through MCCPC Contract #1.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This Resolution shall be available for public inspection in the office of the Township Clerk.

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Agenda No. XII 5

~ Resolution 2023 – 443 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT FOR MARKETING OF RECYCLABLES TO ATLANTIC COAST RECYCLING, LLC

WHEREAS, the Township of West Milford requested proposals for the Marketing of Recyclables which included a methodology to reduce the processing costs to the Township based upon market variation in the value of the recyclables being transported to the vendor; and

WHEREAS, Atlantic Coast Recycling, LLC, the single responsive bidder provided the required bid, administrative information and sufficient documentation to compare pricing; and

WHEREAS, the Township Administrator and Township Attorney have reviewed the bid; and

WHEREAS, Atlantic Coast Recycling has agreed to pay the Township 85% of the low monthly market price for curbside paper and cardboard collection, including the cardboard & paper container at the recycling center. Prices will vary from month to month per market value. Atlantic Coast also will be receiving all curbside commingled at a price of \$133.64 per ton to be paid to the contractor; and

WHEREAS, the Township Administrator recommends that the bid of Atlantic Coast Recycling LLC, using the 12 month calculation be accepted with the provision that plastic recycling be limited to plastics identified as #1, 2, and 5, as well as all paper and cardboard products, excluding pizza boxes.

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

1. The recommendation of the Township Administrator is accepted.
2. The Township Council hereby authorizes the Mayor and Township Clerk to execute a contract with Atlantic Coast Fibers, LLC, at 101 7th Street, Passaic, NJ 07055 for the Marketing of Recyclables for a 12-month period with a 12-month option.
3. The Township Attorney shall prepare a contract to implement this award.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: December 13, 2023

Agenda No. XII 6

~ Resolution 2023 – 444 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FOR FIRE FIGHTER PHYSICALS IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES

WHEREAS, the Township Council has received a recommendation from the Department of Fire to contract for fire fighter physicals which expense shall exceed the aggregate quote threshold of \$17,500; and

WHEREAS, the Township has been doing physicals for members of the Fire Department since 2011 due to OSHA regulations and NIOSH recommendation and as recommended by the JIF; and

WHEREAS, the annual physicals would check heart function, lung functions, eyesight, hearing and bloodwork which would possibly prevent a more serious illness;

WHEREAS, three (3) quotes were solicited with one (1) non-responsive and two (2) quotes received and Nassau NDI Diagnostics was the lowest quote; and

WHEREAS, the Department of Fire recommends Nassau Diagnostics for Class A physicals examinations for \$150 each; and

WHEREAS, the Township's Qualified Purchasing Agent is aware of the recommendation, and confirms that Nassau NDI Diagnostics is the vendor for physicals and the purchase is in compliance with the New Jersey Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 01-201-25-266-553.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the appropriate Township officials be and are

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hereby authorized to execute future purchases to Nassau NDI Diagnostics, P.O. Box 1206, Center Moriches, NY 11934, in an amount not to exceed \$30,000 for the 2023 calendar year.

Adopted: December 13, 2023

Agenda No. XII 7

~ Resolution 2023 – 445 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A MONTH TO MONTH EXTENSION FOR 2024 WITH SKYTOP RECYCLING INC. FOR COLLECTION OF BRUSH AND SMALL TREE LIMBS FROM WEST MILFORD RESIDENTS AND STORM DEBRIS FROM WEST MILFORD DPW

WHEREAS, by virtue of Resolution 2022-110 the Township of West Milford entered into an agreement with Skytop Recycling, Inc. to accept resident's brush and small tree limbs and storm debris from West Milford DPW; and

WHEREAS, due to strict NJDEP regulations, West Milford Township has a very limited permit allowing for the acceptance of leaves and grass only and any brush or small tree limbs dropped off at the West Milford Recycling Center creates a violation of the permit and subjects the Township to fines and other penalties; and

WHEREAS, Skytop Recycling, Inc. has agreed to a month to month extension of the agreement to accept resident's brush and small tree limbs for a monthly fee of \$3,950.00; and

WHEREAS, the Director of Public Works and Recycling Coordinator have submitted a written recommendation for the month to month extension; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 26-201-55-500-450.

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

1. The Mayor and Township Council are hereby authorized and directed to execute a month to month extension to the agreement with Skytop Recycling Inc. 80 Airport Road, West Milford, NJ 07480 for the collection of residential brush and small tree limbs from West Milford residents and storm debris from West Milford DPW for \$3,950.00 per month.
2. The Chief Financial Officer has certified the availability of funds.
3. This resolution shall serve as an Addendum to the agreement with Skytop Recycling, Inc. for collection of brush and small tree limbs as stated above and be available for public inspection in the office of the Township Clerk.

Adopted: December 13, 2023

Agenda No. XII 8

~ Resolution 2023 – 446 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE HIRING OF CAROLYN GUEVARA FROM THE PASSAIC COUNTY PUBLIC SAFETY TRAINING ACADEMY ALTERNATE ROUTE PROGRAM

WHEREAS, the Alternate Route program gives individuals interested in becoming police officers the opportunity to attend a police training academy at their own expense prior to being hired by a police department; and

WHEREAS, the program creates a pool of trained officers for communities to hire while saving local police departments the expenditure associated with officer training; and

WHEREAS, Carolyn Guevara accepted employment at the West Milford Police Department on November 30, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the West Milford Township Police Department is hereby authorized to hire Carolyn Guevara from the Passaic County Public Safety Training Academy, Alternate Route Program.

Adopted: December 13, 2023

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Agenda No. XII 9

~ Resolution 2023 – 447 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE HIRING OF MICHAEL TARTARILLA FROM THE MORRIS COUNTY PUBLIC SAFETY TRAINING ACADEMY ALTERNATE ROUTE PROGRAM

WHEREAS, Michael Tartarilla has completed the Morris County Public Safety Training Academy Alternate Route Program; and

WHEREAS, Michael Tartarilla was hired by the West Milford Township Police Department effective October 2, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the West Milford Township Police Department was authorized to hire Michael Tartarilla from the Morris County Public Safety Training Academy with the effective employment date of October 2, 2023.

Adopted: December 13, 2023

Agenda No. XII 10

~ Resolution 2023 – 448 ~

RESOLUTION RATIFYING A SIDEBAR AGREEMENT BETWEEN THE TOWNSHIP AND AFSCME NJ COUNCIL 63, LOCAL NO. 3301 CHANGING THE TITLE OF RECREATION AIDE A TO RECREATION AIDE AND REPLACING RECREATION AIDE B, GRADE 13 WITH RECREATION LEADER, GRADE 15 AND CHANGING THE GRADE FOR THE FIRE PREVENTION SPECIALIST TO GRADE 19 FROM GRADE 11

WHEREAS, certain Township employees are members of a collective bargaining unit, AFSCME NJ Council, Local No. 3301 (“AFSCME 3301”); and

WHEREAS, the Township and AFSCME 3301 have negotiated a sidebar agreement to the current contract that changes the title of Recreation Aide A to Recreation Aide, replaces Recreation Aide B Grade 13 with Recreation Leader Grade 15 and changes the Grade for the Fire Prevention Specialist to Grade 19 from Grade 11.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, in the County of Passaic, hereby ratify the sidebar agreement as described above.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized to execute the sidebar agreement with AFSCME 3301 to provide for changing the title of Recreation Aide A to Recreation Aide, replacing Recreation Aide B Grade 13 with Recreation Leader Grade 15 and changing the Grade for the Fire Prevention Specialist to Grade 19 from Grade 11.

Adopted: December 13, 2023

Agenda No. XII 11

~ Resolution 2023 – 449 ~

RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST MILFORD OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT A SUB-GRANT AWARD OF THE FEDERAL FISCAL YEAR 2023 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

WHEREAS, the West Milford Township Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Sub-grant Award #FY23-EMPG-EMAA-1615 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The Sub-grant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Townships ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of West Milford Office of Emergency Management will use these funds to enhance its Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the application for the Sub grant Award calls for a match in the amount of \$0

WHEREAS, the award period is from July 1, 2023 to June 30, 2024; and

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WHEREAS, the Sub-grant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the West Milford Township Office of Emergency Management Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for Sub-grant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does authorize the Office of Emergency Management to apply and accept the award of the FFY23 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Sub-grant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.

BE IT FURTHER RESOLVED that the West Milford Township Administrator, the Township Chief Fiscal Officer, the Township Emergency Management Coordinator, and the Township Deputy Emergency Management Coordinator are authorized to the sign the appropriate Sub grant award documents; and

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: December 13, 2023

Agenda No. XII 12

~ Resolution 2023 – 450 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY OFFICE OF HOMELAND SECURITY PREPAREDNESS (NJOHSP) THROUGH THE NEW JERSEY CYBERSECURITY AND COMMUNICATIONS INTEGRATION CELL (NJCCIC) FOR CYBERSECURITY IMPROVEMENTS

WHEREAS, the New Jersey Office of Homeland Security and Preparedness (NJOHSP) through the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC) is accepting SLCGP FFY23 applications from municipalities to be provide with hardware, software and services to make state and local government organizations more resilient to cyber threats; and

WHEREAS, West Milford is a qualifying “Local Government” entity as defined in 6 U.S.C. §101(13); and

WHEREAS, the Information Technology Office and Township Administrator have recommended the submission of an application to be utilized for cybersecurity hardware, software, and services; and

WHEREAS, the Township is eligible to hardware, software, and services for cybersecurity.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford and County of Passaic that the Township Network Administrator is hereby authorized to submit an application to the New Jersey Office of Homeland Security Preparedness to be utilized for cybersecurity resources.

Adopted: December 13, 2023

Agenda No. XII 13

~ Resolution 2023 – 451 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2023-036 WITH FRED SEMRAU, ESQ. FOR TOWNSHIP ATTORNEY SERVICES TO INCREASE THE CONTRACT VALUE IN AN AMOUNT NOT TO EXCEED \$15,000.00

WHEREAS, by virtue of Resolution 2023-036 adopted January 4, 2023 the Township Council did authorize the engagement of Legal Services to be provided Fred Semrau, Esq.; and

WHEREAS, Resolution 2023-036 and the related Professional Services Contract did authorize services in an amount not to exceed \$140,000; and

WHEREAS, the Township Administrator has been advised that the Township's needs require an amendment in an additional amount not to exceed \$15,000; and

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-201-20-155-502 for \$15,000; and

WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded Professional Services Contract, and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk and that the professional services offered by Fred Semrau, Esq. are extended by an additional twelve months or until the conclusion of the legal matter, whichever comes first.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$15,000 to Fred Semrau, Esq. for Legal Services which amount is in excess of the approved contract amount of \$140,000 bringing the contract total to an amount not to exceed \$155,000 and re-engaging the services of Fred Semrau, Esq. for an additional twelve months or until the conclusion of this legal matter, whichever comes first.

This Resolution shall take effect immediately.

Adopted: December 13, 2023

Agenda No. XII 14

~ Resolution 2023 – 452 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2023-044 TO INCREASE THE CONTRACT VALUE WITH PHOENIX ADVISORS, LLC FOR CONTINUING DISCLOSURE SERVICES

WHEREAS, by virtue of Resolution 2023-044 adopted January 4, 2023 the Township Council did authorize the engagement of Continuing Disclosure Services to be provided by Phoenix Advisors. LLC; and

WHEREAS, Resolution 2023-044 and the related Professional Services Contract did authorize services in an amount not to exceed \$1,150.00; and

WHEREAS, the Township Administrator has been advised that the Township's needs, necessitates an amendment in an additional amount not to exceed \$550.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 04-215-55-829-003, and

WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded Professional Services Contract, and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$550.00 to Phoenix Advisors, LLC for Continuing Disclosure Services which amount is in excess of the approved contract amount of \$1,150.00 bringing the contract total to an amount not to exceed \$1,700.00.

This Resolution shall take effect immediately.

Adopted: December 13, 2023

Agenda No. XII 15

~ Resolution 2023 – 453 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN THE INTERLOCAL PURCHASING SYSTEM ALSO KNOWN AS "TIPS"

WHEREAS, N.J.S.A. 40A:11-1 et seq. authorizes contracting units to enter into Cooperative Purchasing Agreements; and

WHEREAS, The Inter-local Purchasing System (TIPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Purchasing System for the purchase of work, materials and supplies; and

WHEREAS, the Township of West Milford, County of Passaic, State of New Jersey desires to participate in The Inter-local Purchasing System (TIPS);

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NOW, THEREFORE, BE IT RESOLVED, by the Township of West Milford, County of Passaic, State of New Jersey that the Township Council hereby authorizes the Township of West Milford to participate in The Inter-local Purchasing System (TIPS), and execute a Cooperative Purchasing Agreement with The Inter-local Purchasing System (TIPS); and

BE IT FURTHER RESOLVED, that The Inter-local Purchasing System (TIPS), as Lead Agency is expected to comply with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq. and all of the provisions of the revised statutes of the State of New Jersey).

Adopted: December 13, 2023

Agenda No. XII 16

~ Resolution 2023 – 454 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE USE OF THE NORTH JERSEY JUNIOR BASKETBALL LEAGUE INC. IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5

WHEREAS, the Township of West Milford has 11 boys travel basketball teams participating in the North Jersey Junior Basketball League which they have participated in for many years; and

WHEREAS, due to the location of the other township teams participating in this league it would allow West Milford boys teams the least amount of travel for participants; and

WHEREAS, the Recreation Department reached out to other vendors that offer similar travel basketball leagues that are less expensive but require a greater distance of travel, as per the non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township of West Milford Council has requested that any purchase over \$17,500 be approved by Council; and

WHEREAS, The North Jersey Junior Basketball League Inc. will comply with state pay-to-play regulation by completing and submitting 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 North Jersey Junior Basketball League Inc. will not make any reportable contributions through the remainder of the year; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds to be encumbered from account number 19-295-56-120-222; and

WHEREAS, The North Jersey Junior Basketball League will exceed the \$17,500 and should not exceed the bid threshold of \$40,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that The North Jersey Junior Basketball League Inc. is hereby authorized and approved for total purchases of \$19,800 not to exceed \$40,000.

Adopted: December 13, 2023

Agenda No. XII 17

~ Resolution 2023 – 455 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING USE OF SESRVICES FROM VERONICA SPORTS LLC IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5

WHEREAS, the Township of West Milford has to purchase Travel Basketball Jersey Package: Home/Away Jerseys and Shorts, Shooter Shirts, Socks and Bags; and

WHEREAS, with this purchase the Recreation Department will exceed the \$17,500 threshold; and

WHEREAS, the Recreation Department has requested from vendors that offer similar packages and obtained three (3) quotes as per the non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township of West Milford Council has requested that any purchase over \$17,500 be approved by Council; and

WHEREAS, Veronica Sports LLC will comply with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any

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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 Veronica Sports LLC will not make any reportable contributions through the remainder of the year; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds to be encumbered from account number 19-295-56-120-222; and

WHEREAS, Veronica Sports LLC will exceed the \$17,500 and should not exceed the bid threshold of \$40,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that Veronica Sports LLC is hereby authorized and approved as three (3) quotes were obtained and total purchases not to exceed \$40,000.

Adopted: December 13, 2023

Agenda No. XII 18

~ Resolution 2023 – 456 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2024

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2024 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2024 Licenses as listed below:

License No.	2024 CLOTHING BINS
2024-01, 02, 03, 04 2024-05, 06 2024-07, 08	NJ/NY Volunteer Fire Fighters Association - H&M Leasing Corporation KYH Properties - 1618 Union Valley Road (4) Newfoundland First Aid Squad – Route 23 (2) West Milford First Aid Squad - Ridge Road (2)
2024-09, 10, 11 2024-12, 13, 14, 15 2024-16, 17, 18 2024-19 2024-20, 21 2024-22	OGS Recycling LLC dba Helpsy – NJ AmVets Foundation KYH Properties – 1618 Union Valley Road (3) West Milford Shopping Plaza (4) Aphawa Fire Company – 666 Macopin Road (3) Marshall Hill Elementary School 210 Marshall Hill Road (1) West Milford Fire Dept Community #2 – 2970 Route 23 (2) Highlands Family Success Center – 1801 Greenwood Lake Tpke (1)
2024-23	Turnkey Enterprises LLC West Milford Elks - 1860 Union Valley Road (1)

Adopted: December 13, 2023

Agenda No. XII 19

~ Resolution 2023 – 457 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A CANNABIS LICENSE FOR THE LICENSE YEAR 2023

WHEREAS, an application has been made for the new license for the 2023 license year; and

WHEREAS, the Cannabis Regulatory Commission has issued the Annual Class 5 Retailer license to the application listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2023 License as listed below:

License No.	CANNABIS LICENSE – CLASS 5 RETAILER
2023-03	Elevated Herb LLC 1846 Route 23, West Milford, NJ 07480 State License Number: RE000250

Adopted: December 13, 2023

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Agenda No. XII 20

~ Resolution 2023 – 458 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING DOOBIEZ LLC APPLICATION TO THE CANNABIS REGULATORY COMMISSION FOR A CLASS 2 CANNABIS MANUFACTURER LICENSE

WHEREAS, the State of New Jersey legalized the cultivation, manufacturing, sale and distribution of recreational cannabis pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act; and

WHEREAS, the legalization of cannabis for recreational use will likely spawn a significant industry throughout the State of New Jersey that will create employment opportunities through its four sectors of growers, processors, wholesalers and retailers; and

WHEREAS, the Township is in position to benefit from all four sectors of the industry; and

WHEREAS the Township passed Ordinances 2021-029 and 2021-036 (collectively, the "Ordinances") and as amended, which, in part permit a limited number of licensed Cannabis businesses to operate in specific zones within the Township; and

WHEREAS, Doobiez LLC demonstrated proof that it has secured a location at 1612 Union Valley Road, West Milford, NJ (Block 7006, Lot 1) to manufacture cannabis products; and

WHEREAS, the Township has authorized the type of cannabis business license being sought by Doobiez LLC within its jurisdiction, namely a Class 2 Manufacturer License; and

WHEREAS, the Township has imposed a limit on the number of licensed cannabis businesses, and the issuance of a license to Doobiez LLC by the State of New Jersey Cannabis Regulatory Commission ("CRC") would not exceed that limit; and

WHEREAS, the Council is satisfied that Doobiez LLC will have a positive impact on the Township's community; and

WHEREAS, the Zoning Officer has issued permit dated November 2, 2023 indicating that the location does conform to municipal zoning requirements allowing for activities related to the operation of the proposed cannabis manufacturer as required by N.J.A.C §17:30-7.8(a)4.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the Township supports Doobiez LLC's Class 2 Cannabis Manufacturer License application to the CRC and is satisfied that Doobiez LLC location is suitable for the manufacturing of cannabis products, subject to its compliance with the Ordinances and obtaining all necessary State and municipal approvals to conduct operations.

Adopted: December 13, 2023

Agenda No. XII 21

~ Resolution 2023 – 459 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ENTER INTO A SETTLEMENT AGREEMENT

WHEREAS, the Township was named as a defendant in an action filed by Plaintiff Canabhang, LLC (herein after "Canabhang") in the Superior Court of New Jersey, Passaic County docket no: PAS-L-2040-23 as to the Township's denial of a Resolution of Support for Canabhang's request for a Class 5 Cannabis license, and

WHEREAS, the parties now wish to end such litigation by way of a settlement agreement, herein attached at Exhibit A and which does not constitute an admission by any party, but results in Canabhang receiving the above referenced Resolution of Support, as well as the dismissal of its complaint with prejudice; and

WHEREAS, the Township wishes to enter into this agreement, to formalize those terms.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the Administrator be empowered to execute the proposed settlement agreement with Canabhang LLC as described in the settlement agreement attached herein at Exhibit A, and to take all necessary further actions in contemplation of this resolution and the specific terms of the Agreement.

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This Resolution shall take effect immediately upon adoption.

Adopted: December 13, 2023

Agenda No. XII 22

~ Resolution 2023 – 460 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING CANABHANG LLC’S APPLICATION TO THE CANNABIS REGULATORY COMMISSION FOR A CLASS 5 CANNABIS RETAILER BUSINESS

WHEREAS, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

WHEREAS, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which established the adult use cannabis program in the State of New Jersey; and

WHEREAS, the Township of West Milford endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Township of West Milford supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Community Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-193, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, Canabhang LLC has expressed interest in siting such a retail cannabis dispensary at 24 Marshall Hill Road, West Milford, NJ (Block 5701, Lot 7); and

WHEREAS, the proposed location is within the Township's Community Commercial Zone; and

WHEREAS, the Township of West Milford has not imposed any limits on the number of retail cannabis dispensary that may operate in the Community Commercial Zone.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Cannabis Community Commercial Zone by Canabhang LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

Adopted: December 13, 2023

Agenda No. XII 23

~ Resolution 2023 – 469 ~

RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF AGREEMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE PBA LOCAL No. 162

WHEREAS, the Township of West Milford (“Township”) and the PBA Local No. 162 (the “PBA” or “Associations”) have been conducting negotiations for successor Collective Bargaining Agreement; and

WHEREAS, the Mayor and Township Council desire to approve the terms of a Memorandum of Agreement which shall cover the five-year period from January 1, 2024 through December 31, 2028; and

WHEREAS, the Associations have ratified the terms of the Memorandum of Agreement as recommended by all parties involved in the negotiation process; and

WHEREAS, the Mayor and Council desires to approve the terms of the Memorandum of Agreement as recommended by the Township Administrator.

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

1. The Parties have reached an agreement; and
2. The members of the PBA bargaining unit have ratified the terms of the Memorandum of Agreement which shall modify the terms of the existing bargaining unit agreement and extend the terms thereof to December 31, 2028; and
3. The Township desires to ratify the terms of the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, ratifies the terms contained in the Memorandum of Agreement with the PBA bargaining unit for inclusion in successor Collective Bargaining Agreements and authorizes the appropriate Township Officials to execute said Memorandum of Agreement.

Adopted: December 13, 2023

Motion to move Resolutions 2023-439 through 2023-460 and Resolution 2023-469.

 Moved: Conlon Seconded: Chazukow
 Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
 Abstain: Conlon only on Resolution 2023-469
 Voted Nay:
 Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2023 – 461 ~

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.

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

- Resolutions:**
- a) **2023-462** – Recreation Fee Refunds
 - b) **2023-463** – Amend Resolution 2023-401 Reinstatement of Taxes
 - c) **2023-464** – Refund Building Permit Fee
 - d) **2023-465** – Refund Other Liens
 - e) **2023-466** – Refund Overpayments
 - f) **2023-467** – Reinstatement of Taxes

Adopted: December 13, 2023

Agenda No. XIII a

~ Resolution 2023 – 462 ~

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

REC BASKETBALL			
\$85.00	84 Vreeland Rd West Milford, NJ 07480	\$100.00	22 Relda Ave. West Milford, NJ 07480
\$90.00	15 Highview Dr. West Milford, NJ 07480	\$110.00	8 Frederick Dr. West Milford, NJ 07480
\$110.00	50 Stephens Road West Milford, NJ 07480		
WREATHMAKING CLASS			
\$90.00	502 Ridge Road West Milford, NJ 07480		

Adopted: December 13, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2023 – 463 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2023-401 AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, Resolution 2023-401 adopted October 18, 2023 reinstated taxes for Block 16002 Lot 003 in the amount of \$279.89 incorrectly; and

WHEREAS, the Collector of Taxes recommends the correction of the reinstatement of the taxes on Block 16002 Lot 003 to \$279.62.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to properly apply the payment to the below Block 16002 Lot 003 taxes.

REASON: INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
16002-003	The Integrity Group LLC	\$279.62	2023

Adopted: December 13, 2023

Agenda No. XIII c

~ Resolution 2023 – 464 ~

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

BE IT RESOLVED, that the following Building Department permit fee be refunded:

Name	Account No.	Amount to be Refunded
Skyline Solar LLC 4 Crossroads Drive Suite 116 Hamilton, NJ 08691	01-192-08-160-190 (\$310) 01-192-08-160-191 (\$340) 01-192-08-160-200 (\$46)	\$696.00

Adopted: December 13, 2023

Agenda No. XIII d

~ Resolution 2023 – 465 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Premium	Pay to Lien Holder
21-0022	10/12/2021	03610-016	\$24,364.97	\$23,100.00	TLOA OF NJ LLC 11 TALCOTT NOTCH ROAD, 2 ND FL FARMINGTON, CT 06032
21-0047	10/12/2021	09801-028.07	\$12,569.00	\$17,000.00	FUNDPALITY II, LLC 100 N LASALLE ST; STE 710 CHICAGO, IL 60602
23-0037	10/10/2023	07601-006	\$30,104.64	\$43,900.00	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
21-0055	10/12/2021	13906-012	\$15,327.60	\$26,200.00	FUNDPALITY II, LLC 100 N LASALLE ST; STE 710 CHICAGO, IL 60602

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23-0054	10/10/2023	15804-003	\$736.10	0	GETRO MACENO SOLE MBR 339 NORTH 5 TH STREET NEWARK, NJ 07107
23-0055	10/10/2023	15804-004.02	\$868.17	0	GETRO MACENO SOLE MBR 339 NORTH 5 TH STREET NEWARK, NJ 07107
TOTAL			\$83,970.48	\$110,200.00	

Adopted: December 13, 2023

Agenda No. XIII e

~ Resolution 2023 – 466 ~

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

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. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Replacement Check |
| 5. Homestead Rebate | |

Block/Lot	Name	Amount	Year	Reason
03703-017	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$2,329.50	2023	8
07210-003	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$4,287.45	2023	2
10101-004	85 Gould Road Newfoundland, NJ 07435	\$250.00	2023	3
15401-058	159 La Rue Newfoundland, NJ 07435	\$250.00	2023	4
04013-003	59 Wanaque Road Hewitt, NJ 07210	\$250.00	2023	4
01701-044.08	15 Bobby Lane Hewitt, NJ 07421	\$1,688.40	2023	8
13104-006	7 Richmond Road; Unit 207 West Milford, NJ 07480	\$250.00	2023	4
03610-016	TLOA Servicing LLC 11Talcott Notch Rd 2 nd FL Farmington, CT 06032	\$1,558.37	2023	1
00408-010	413 Warwick Tpke. Hewitt, NJ 07421	\$250.00	2023	4
TOTAL		\$11,113.72		

Adopted: December 13, 2023

Agenda No. XIII f

~ Resolution 2023 – 467 ~

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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Actual Bills List	\$1,708,534.30
Other Payments:	
Payroll	1,758,765.89
BOE (November)	5,223,074.00
BOE (December)	5,223,074.00
Enterprise Lease Services	21,253.68
Pitney Bowes Reserve	14,000.00
PL Custom	71,718.00
Total Expenditures	\$14,020,419.87

Adopted: December 13, 2023

Moved: Erik Seconded: Conlon
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Agenda No. XVI

Appointments and Resignations

Mayor Dale indicated that the appointment for the Environmental Commission would be made in 2024. Councilwoman Erik nominated Margaret Liebenstein for the Economic Development Commission. Seconded by Councilman Chazukow. Motion to close and confirm by Councilwoman Erik and seconded by Councilman Conlon.

Moved: Erik Seconded: Chazukow
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Agenda No. XV

Reports of Mayor, Council Members, Administrator, and Attorney

Councilman Conlon – Wished to congratulate the community on the tree lighting and menorah lighting ceremonies as well as the business decorating contest. The Battienelli Farms application was heard at the November 28 Zoning Board of Adjustment and unanimously passed. The process took just over 60 days from the submittal of the application which is a testament to our Zoning Board and its professionals, and staff in the Building/Planning Department. He read a poem submitted by the staff from the Olde School Pub. This is the last month that West Milford will be in the 26th District. We will be moving to the 25th District. He thanked the representatives that served West Milford.

Councilman Marsden – Has noticed that there are more lights around this year and hopes the trend continues and wishes everyone happy holidays.

Councilwoman Erik – Shared some photos that were passed around at the Economic Development Commission meeting. The pictures were murals located on buildings taken in Maine by a resident and have inspired the committee to do something like this in West Milford. Businesses will be asked for donations so that we can continue to add more lights outside Town Hall.

Councilman Chazukow – Wished everyone happy holidays and asked that people keep in mind that the season is not about the stuff and people should reach out to someone they haven't talked to in a while, do a good deed for a stranger, and remember that no matter how you feel, you are loved.

Councilwoman Lichtenberg – Reminded everyone that the Wallisch will be presenting Christmas Past at the creamery at 65 Lincoln Avenue. It is lit from 5 to 9 p.m. The Library will be showing the Barbie movie at 1 p.m. on December 18th. The Remax located across from Town Hall is accepting donations of non-perishable food items as well as gently used hats, gloves and coats for the local food pantries. Happy Holidays to everyone.

Councilman Goodsir – Registration is open for the Art Club for Grades K-6 is now open for registration. It is an 8 week art class where your child will enjoy learning basic art techniques. Registration is now open for Soccer Squirts Programs for children 2-6 years old. This is a great way to introduce your child to the sport of soccer. Registration is now open for the WM Field Hockey Gold Winter Academy. This program is designed to get Field Hockey high school athletes working together as a team in the off season. The Recreation Center is serving as drop off location for West Milford Township Food Pantries. Food can be

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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dropped off at the Recreation Center, 66 Cahill Cross Road. The drop box is located in the foyer at the Recreation Center. Please no expired food products, fresh food or any food that needs to be frozen or refrigerated or that has been previously frozen. This Saturday he will be doing Wreaths Across America. It is a worthwhile event. The Elks will be having their annual toy drive, donations can be dropped off at the Elks. Happy and healthy holidays to everyone. Special thanks to Dan Kochajki for his efforts with the Recreation Department and the lighting ceremonies. Great job, Dan.

Mayor Dale – Thanked everyone for a great year. We were able to work together and get a lot done and she is grateful for all the support and for the municipal staff who works so hard to support the needs of the residents. Merry Christmas and Happy Holidays and New Year to all and we have a lot of great things planned for 2024.

Administrator Senande – No report.

Attorney Pasternak – No report.

Mayor Dale opened the meeting to the public comment portion.

Agenda No. IX

Public Comments

Tom Napiorski commented on the road improvement project on Alpine Court, Beverly Court, Hanover Road, Lyons and Princeton Roads partial. Approximately 7 years ago there were meetings with Eric Miller from the Engineering Department to discuss the scope of the work for the improvement project. The projected time frame was originally 2 to 3 years. Part of the scope of work was removal of existing road bedding, regrading and minor straightening and paving of the roads. In February it will be 7 years and he still has no idea if and when the roads will be paved. There have been recent discussions with Robert Reider from the Engineering Department and the scope of the work has been greatly diminished to the point where only 5 inches of black top will be placed on existing roads. The reduction in the scope of work will reduce the cost of the project by hundreds of thousands of dollars. The Township will be saving a great deal of money and he wants the homeowners that were originally going to be responsible for paying a portion of the remaining fees, with 44 residents each paying \$10,000 over 10 years (\$440,000) to also have their burden of the costs reduced. It is a sad state of affairs when an environmental issue can cancel an improvement project that will benefit the residents.

John Vanderstad has property that neighbors the former West Milford Equestrian Center. He has an issue with the glare that is coming from the Equestrian Center since they have installed new lighting. He has PTSD and the lights shine at night into his bedroom, the dining room and kitchen. It is problematic. He spoke to the Zoning Officer, Michael Gerst and actually produced pictures of the lights and the glare they were giving off showed what they looked like after the lights had been adjusted. The Zoning Ordinance 500-77 states that there should be no glare extended beyond the lot lines. It is not supposed to be a nuisance to surrounding neighbors. Exterior lighting shall be shielded and reflected so that it does not affect neighbors. He is aware that there is a time frame for abatement but hopes that the Council can help.

Seeing no one else wishing to speak, Councilman Conlon made a motion to close the public portion. Seconded by Councilman Chazukow. All were in favor.

Agenda No. X

Council Comments

Councilman Goodsir indicated that Council should help Mr. Vanderstad.

Mayor Dale clarified in regard to Mr. Napiorski's comments, that as soon as that project was approved, the State put additional requirements on the road project. While the Township isn't responsible for State requirements she understands his frustration. The Township has continued to monitor the project and stay on top of it from an engineering standpoint and will continue to do so but the costs have gone up extremely. The costs to pave a Township road went up one year by 16%. The new calculations would be opened to the residents if it is decided to go that route, but she would like to see the project done the right way. She sees no appetite for delaying the project another year coming from the residents. Mayor Dale indicated that perhaps the residents involved can be asked what their preference would be, because dealing with all the drainage and DEP permits would cost more and take more time than just paving the roads. Mayor Dale is aware of the issue John Vanderstad spoke about. She clarified that any time a zoning violation is issued there are 20 days allowed for the violation to be abated. Mayor Dale would like to follow up with Mr. Vanderstad after the meeting.

Councilwoman Erik indicated that the Post Office had an issue with their new lights shining into the Pinecliff Lake area a few years ago and they had to put shields up. It is the same thing.

Mayor Dale did not disagree, but clarified that the law and the process would need to be followed and if they did not abate the violation a court date would be set and the matter would progress from there.

