

## **TOWNSHIP OF WEST MILFORD**

THE FOLLOWING COMPRISES THOSE DOCUMENTS  
SUBMITTED TO THE TOWNSHIP COUNCIL FOR  
CONSIDERATION AND ACTION AT THE  
JANUARY 20, 2021  
REGULARLY SCHEDULED REGULAR GOVERNING BODY  
MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND  
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN  
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON  
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON  
AS PRACTICABLE AFTER THE MEETING AT WHICH  
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A  
COPY OF THAT WHICH WAS ADOPTED BY THE  
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE  
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO  
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP  
COUNCIL PRIOR TO ADOPTION.

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 054 ~**

#### **MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 20<sup>th</sup> day of January, 2021 that:

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

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

# **Township of West Milford**

**Passaic County, New Jersey**

## **~ Ordinance 2021 – 005 ~**

### **ORDINANCE TO REPEAL ARTICLE XV "STORMWATER MANAGEMENT" IN CHAPTER 470 "SUBDIVISION OF LAND AND SITE PLAN REVIEW" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD AND REPLACE WITH A NEW ARTICLE XV IN ACCORDANCE WITH REVISED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS**

**WHEREAS**, the Township Code contains a section regarding stormwater management in accordance with regulations promulgated by the New Jersey Department of Environmental Protection ("NJDEP"); and

**WHEREAS**, in 2020 the NJDEP issued amendments to update the regulations pertaining to stormwater management, specifically N.J.A.C. 7:8; and

**WHEREAS**, the West Milford Township Engineer has reviewed the Code and recommended changes in accordance with the amendments to the stormwater management regulations; and

**WHEREAS**, the Township Council has reviewed the current Code, the amendments issued by NJDEP and the recommendations of the Township Engineer and determined that it is necessary to amend the Code to ensure that the Township's Code is in compliance with the NJDEP regulations; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Article XV entitled "Stormwater Management" of Chapter 470 of the Code of the Township of West Milford be and is hereby repealed in its entirety.

**NOW THEREFORE BE IT FURTHER ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that a new Article XV entitled "Stormwater Management" of the Code of the Township of West Milford be and is hereby adopted to read as follows:

#### **SECTION 1. Chapter 470. Subdivision of Land and Site Plan Review**

##### **Article XV. Stormwater Management**

##### **§ 470-73 Definitions.**

All terms in this section shall be defined in the NJDEP Stormwater Rule (N.J.A.C. 7:8, et seq.). The following additional terms are defined for this chapter only.

- A. **EXEMPT DEVELOPMENT** – Shall mean any development that creates an increase of less than 500 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."
- B. **MINOR DEVELOPMENT** – Shall mean any development that results in the creation of an increase of 500 square feet or more of impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development".
- C. **MAJOR DEVELOPMENT** – Shall mean any individual "development," as well as multiple developments that individually or collectively result in:
  - 1. The disturbance of one or more acres of land since February 2, 2004;
  - 2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
  - 3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or

4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one quarter acre or more.  
Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of conditions 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development".

#### **§ 470-74 Design Standards.**

- A. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- B. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
  1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
  2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. Major Developments. All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rule (N.J.A.C. 7:8). These standards shall apply to all projects, residential and nonresidential as well as projects by the Township, Board of Education and other agencies subject to review by the Township.

#### **§ 470-75 Waivers and Exceptions.**

- A. Standards for Relief. Waivers from strict compliance with the major development design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh ANY detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.
- B. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan. All mitigation projects are subject to the approval of the Township Engineer.
- C. Reviewing Agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.
- D. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

#### **§ 470-76 Application and Review Fees.**

There shall be no additional fees for stormwater review for applications to the Land Use Board. Minor Development applications to the Township Engineer shall be accompanied by a review fee in the amount of \$250. Major Development applications shall be accompanied by a review fee in the amount of \$1,000.

If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

**§ 470-77 Maintenance and repair.**

**A.** Applicability. Projects subject to review as in § 470A-1 of this chapter shall comply with the requirements of § 470A-5B and C.

**B.** General maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- (4) If the person responsible for maintenance identified under § 470A-5B(2) above is not a public agency, the maintenance plan and any future revisions based on § 470A-5B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
- (6) The person responsible for maintenance identified under § 470A-5B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
- (7) The person responsible for maintenance identified under § 470A-5B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (8) The person responsible for maintenance identified under § 470A-5B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 470A-5B(6) and B(7) above.
- (9) The requirements of § 470A-5B(3) and B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

**§ 470-78 Violations and penalties.**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to one or more of the following penalties: Imprisonment for a term not exceeding 90 days; a fine not exceeding \$2,000; and a period of community service not to exceed 90 days.

**§ 470-79 Effective date.**

This chapter shall take effect March 2, 2021.

**§ 470-80 through § 470-83**

These sections left intentionally blank.

**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, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** 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.

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

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced:  
Adopted:  
Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

# **Township of West Milford**

Passaic County, New Jersey

## **~ Ordinance 2021 – 006 ~**

### **ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 "ZONING" TO ADD A NEW ARTICLE XVI ENTITLED "OUTDOOR PERFORMANCE PERMITS" AND AMENDING CHAPTER 135 "FEES AND COSTS" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Township Council has determined that outdoor performances within the Township are beneficial and entertaining for the Township residents; and

**WHEREAS**, a review of the Township Code demonstrates that there are currently no provisions for the presentation of outdoor performances; and

**WHEREAS**, the Township Council has determined that it is necessary to amend the Code to establish a method for the provision of outdoor performances to the public; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapter 500 "Zoning" shall be amended to add a new Article XVI entitled "Outdoor Performance Permits" to read as follows:

#### **SECTION 1. Article XVI. Outdoor Performance Permits.**

##### **§ 500-177 Outdoor Performances Temporary Permit**

**Purpose.** The purpose of this Article is to permit and regulate outdoor performances as a temporary use permit within the Township of West Milford in such a manner as to protect the public's health and safety and to ensure the integrity of the Township's land use plan and zoning regulations.

##### **§ 500-178 Definitions.**

As used in this Article, the following terms shall have meaning indicated:

**Permitted Zone** – Outdoor Movies and Live Performances shall be a permitted accessory use to a permitted commercial use in the Community Commercial (CC), Village Commercial (VC), Neighborhood Commercial (NC), Highway Commercial (HC) and Lake Commercial (LC) Zones as defined in §500 "Zoning" and as shown on the Zoning Map of the Township of West Milford.

**Outdoor Performances** – includes outdoor movies and live performances including any live play, show, skit, dance, concert or other exhibition performed or presented to or before an audience of one or more people. Outdoor movies generally include a large outdoor movie screen, a projector, and a corresponding parking area for automobiles or outdoor seating area for viewers. Customers can view the outdoor performances from an outdoor seating area or their cars.

##### **§ 500-179 Designated zones.**

Outdoor performances shall be permitted on any property in the CC, VC, NC, HC and LC Zone Districts. Said activities shall also be permitted in any zone district upon lands owned by the Township of West Milford and the West Milford Board of Education.

##### **§ 500-180 Term of permit.**

- (1) A temporary outdoor performance permit shall be required annually, with a maximum of one event per week for any property within West Milford Township.
- (2) An outdoor performance permit shall be required annually. The sponsor of the event shall be responsible to secure said permit, which shall cover any and all vendors participating in the event.

**§ 500-181 Hours of operation.**

Functions authorized by a temporary outdoor performance permit shall be limited to hours between 9:00 a.m. and 10:00 p.m.

**§ 500-182 Standards.**

All temporary outdoor performances shall adhere to the following standards:

- (1) Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a temporary outdoor commercial sales permit as determined by the Township, including, but not limited to, the Police, Health and Planning Departments.
- (2) No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
- (3) Temporary signage shall be subject to §500-160 of this chapter.
- (4) Noise shall be kept at such a level as to comply with all aspects of the provisions of the NJ State Noise Control Act (N.J.A.C. 7:29-1 et seq.)

**§ 500-183 Permit fee.**

The fee for a temporary outdoor performance permit shall be as set forth in Chapter 135.

**§ 500-184 Appeals.**

Where there is a dispute regarding a decision by the Township's Administrative Officer or Zoning Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

**§ 500-185 Enforcement officer; notice of violation; failure to comply.**

The Zoning Officer of the Township of West Milford (or his or her designee) shall be charged with the responsibility for enforcing the provisions of this Article. Upon a determination by the Zoning Officer (or his or her designee) that a permit holder has violated one or more of such provisions, the Zoning Officer shall give written notice to the permit holder to correct such violation within a time specified by the Zoning Officer. In the event that the permit holder fails or refuses to correct such violation within such time period, the outdoor dining permit shall thereupon, and automatically, be revoked. Upon the revocation of such permit, the permit holder, upon written request, shall be entitled to a hearing before the Zoning Board of Adjustment.

**§ 500-186 Temporary Suspension of Township permit.**

Notwithstanding anything to the contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Township may temporarily suspend an outdoor performance permit in the event of emergency or for other reasons or purposes including, but not limited to, the facilitation of Township-sponsored events.

**§ 500-187 Providing bulk standards for residential development on existing lots of less than one (1) acre in all residential zone districts.**



In all residential districts including R-1, R-2, R-3, R-4 and LR, the following bulk standards shall apply for single family residential development of existing lots of less than one (1) acre. Lot area, lot frontage, lot width and lot depth shall be permitted as existing provided that the following bulk standards can be met:

Principal Structure:  
Front Yard: 20 feet  
Side Yard: 5 feet (each)  
Rear Yard: 20 feet  
Building Coverage: 25%

Accessory Structure:  
Front: Not permitted in front yard.  
Side Yard: 5 feet  
Rear Yard: 5 feet  
Distance to other building: 10 feet  
Maximum Building Size: 1,000 square feet

The remainder of this Chapter shall remain unchanged.

**SECTION 2.** Chapter 135 entitled "Fees and Costs" of the Code of the Township of West Milford shall be amended to read as follows:

Temporary Outdoor Performance Permit	\$500.00 per year
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**SECTION 3.** 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 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** 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.

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

**SECTION 7.** This Ordinance may be renumbered for codification purposes.

Introduced:  
Adopted:  
Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

**Township of West Milford**  
**Passaic County, New Jersey**

**~ Ordinance 2021 – 007 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADDING A NEW CHAPTER ENTITLED “FIVE-YEAR TAX ABATEMENT PROGRAM FOR WEST MILFORD REHABILITATION AREAS” TO THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Township Council has determined that tax abatement programs permitted by statute are beneficial to developers and could encourage development within the Township; and

**WHEREAS**, a review of the Township Code demonstrates that there are currently no provisions for such abatement programs to be available to developers in the Township; and

**WHEREAS**, the Township Council has determined that it is necessary to amend the Code to establish provisions and procedures for a five-year tax abatement program for renovations within West Milford's rehabilitation areas; 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 amended to add a new Chapter entitled “Five-Year Tax Abatement Program for West Milford Rehabilitation Areas” to read as follows:

**SECTION 1.** New Chapter entitled Five-Year Tax Abatement Program for West Milford Rehabilitation Areas

**§ XXX-1 Definitions.**

All terms utilized in this Chapter not specifically defined herein shall conform to the meanings set forth in the Five Year Exemption and Abatement Law (“Act”). For ease of reference, the definitions set forth in the Act as of the date of the adoption of this Chapter are attached hereto as Exhibit A. However, if the definitions set forth in the Act shall be subsequently amended, then the Act, and not Exhibit A, shall control.

**§ XXX-2 Statement of Purpose.**

The Township hereby determines to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to establish the eligibility of certain dwellings, commercial structures and industrial structures for exemptions, as provided in this Chapter and as permitted by the Act, throughout West Milford's Rehabilitation Areas.

**§ XXX-3 Exemptions Authorized to be Implemented by Tax Assessor.**

The Township hereby determines to provide for the exemption from taxation of certain improvements and certain new construction occurring within Rehabilitation Areas throughout the Township. To the extent that a property owner shall apply to the Tax Assessor within the time period prescribed by the New Jersey Department of Treasury in accordance with the Act, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought, and shall provide documentation to the Tax Assessor, in a form and manner acceptable to the Tax Assessor and consistent with the Act, of compliance with this section, such property owner shall be entitled to the relevant exemption enumerated herein without any need for action by the Township Council.

**§XXX-4 Residential - Improvements.**

The Township hereby determines to provide for the exemption from taxation of certain improvements made to dwellings, on the following terms and conditions:

- (1) The term "dwelling", for purposes of this Section shall include condominium residential units but not cooperative type residential properties.
- (2) The term "dwelling", for purposes of this Section shall not include "multiple dwellings", as defined by the Act.
- (3) Only dwellings that are more than twenty (20) years old shall be eligible for exemption.
- (4) The term "improvements", for purposes of this subsection, shall mean a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the structure as a place for human habitation, and which does not change its permitted use.
- (5) To the extent that a dwelling shall comply with the requirements set forth at subsections (1) through (4), above, in determining the value of real property for each dwelling unit, the Township shall regard the first \$15,000 in the Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on any property pursuant to this paragraph shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

**§XXX-5 Residential New Construction.**

The Township hereby determines to provide for an exemption of 30% of the Assessor's full and true value for a period of five years following construction of new dwellings. The term "dwelling", for purposes of this Section, shall include condominium residential units but not cooperative type residential units, and shall not include multiple dwellings. This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby.

**§XXX-6 Residential - Multiple Dwellings - Improvements.**

- (1) The Township hereby determines to provide for an exemption of 100% of the Assessor's full and true value for a period of five years following the construction of improvements to multiple dwellings. The term "multiple dwelling" shall have that meaning ascribed to it by the Act. The definition of "multiple dwelling" set forth in the Act as of the date of adoption of this Chapter is set forth at Exhibit A, attached hereto.
- (2) This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby. During the exemption period, the assessment on any property pursuant to this Section shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

**§XXX-7 Commercial - Improvements.**

The Township hereby determines to provide for the exemption from taxation of certain improvements made to commercial structures, on the following terms and conditions:

- (1) For purposes of this Chapter, the term commercial structure relates to office, retail and like uses, but does not include multiple dwellings.

- (2) For purposes of this Chapter, the term commercial structure shall include a structure which contains both residential units and some other commercial use (for example, retail), provided that the structure is not part of a condominium or cooperative regime and further provided that the structure does not qualify as a multiple dwelling under the Act.
- (3) To the extent that improvements to a commercial structure shall comply with the requirements set forth at subsections (1) and (2), above, the Township hereby determines to provide for an exemption of 100% of the Assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.

**§XXX-8 Industrial - Improvements.**

The Township hereby determines to provide for the exemption from taxation of certain improvements made to industrial structures, on the following terms and conditions:

- (1) Improvements must be made to both the interior and exterior of a structure in order to qualify for exemption under this section.
- (2) Only improvements with a cost of less than \$1,000,000 shall be eligible for exemption under this section.
- (3) No less than twenty-five percent of the improvement cost shall be attributable to the exterior improvements.
- (4) To the extent that improvements to an industrial structure shall comply with the requirements set forth at subsections (1) through (3), above, the Township hereby determines to provide for an exemption of 100% of the Assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.
- (5) To the extent that improvements to a commercial structure do not comply with one or more of subsections (1) through (3), above, a property owner is not eligible for exemption under this section but may apply to the Township for consideration of the proposed exemption in accordance with Section 5 hereof.

**§XXX-9 Exemptions Requiring Application to the Township Council.**

- A. Exemptions for Which Application is Required. The Township hereby determines that any property owner seeking exemption from taxation with respect to industrial improvements which do not meet the requirements of Section (1) through Section (3), respectively, shall make application to the Township Council in accordance with this section, within the time period prescribed by the New Jersey Department of Treasury in accordance with the Act, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought. However, nothing in this ordinance shall prohibit a property owner who has made more than \$1,000,000 in industrial improvements which otherwise comply with the applicable requirements from foregoing exemption of the improvements in excess of \$1,000,000 and seeking instead an as of right exemption from the Assessor to the limits permitted by the Section above.
- B. Contents of Application. Applicants for an exemption under this Section shall provide the Township Council and the Assessor with the following information:
  - (1) A general description of the project for which exemption is sought, and an estimated schedule of completion for the project;
  - (2) A legal description of all real estate necessary for the project;
  - (3) Plans, drawings and other documents as may be required by the Township Council to demonstrate the structure and design of the project;
  - (4) A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;

- (5) A statement of the reasons for seeking an exemption on the project, and a description of the benefits to be realized by the Township and the property owner if an exemption is granted;
  - (6) Estimates of the cost of completing the project;
  - (7) A statement showing (i) the real property taxes currently being assessed at the project site; (ii) estimated tax payments that would be made annually by the property owner with respect to the project during the period of the exemption, and (iii) estimated tax payments that would be made by the property owner with respect to the project during the first full year following the termination of the exemption;
  - (8) A description of any lease agreements between the property owners and proposed users of the project, and a history and description of the users' businesses;
  - (9) A certification by the property owner listing (i) all properties within the Township owned by the property owner or in which the property owner has an interest and (ii) all agreements with the Township to which the property owner is a party; and
  - (10) Such other pertinent information as the Township may require.
- C. Review and Recommendation by Assessor. Within thirty (30) days of receipt of the information set forth at Section 5(b), above, the Assessor shall review the information provided and shall provide written recommendations to the Township Council with respect to same.
- D. Action by Township Council. Within sixty (60) days of receipt of the Assessor's recommendations, the Township Council shall consider the application for exemption, and shall by resolution either: disapprove the exemption; or approve an exemption of 100% of the value of the improvements for a five-year period following the completion of construction.
- E. Additional Exemptions When Property Already Subject to Exemption. The Township hereby determines that an additional improvement or construction completed on a property already granted a previous exemption pursuant to this Ordinance during the period in which the previous exemption is in effect, shall be eligible to qualify for an additional exemption under the standards identified in this Ordinance. The additional improvement or construction shall be considered as separate for purposes of calculating the exemption, except that the assessed value of any previous improvement or construction shall be added to the assessed valuation as it was prior to that improvement or construction for the purpose of determining the assessed value of the property for which any additional exemption is to be subtracted.
- F. Tax Delinquency. No exemption shall be granted pursuant to this Ordinance with respect to any property for which real estate taxes or other municipal charges are delinquent or remain unpaid, or for which penalties and interest for non-payment of taxes are due.
- G. Revaluation During Exemption Period. In the event that the Township implements a revaluation or reassessment during the exemption period for any property, any exemptions granted hereunder shall continue to apply but at a valuation level consistent with the revaluation or reassessment.
- H. Revision of Base Assessment During Exemption Period. The granting of an exemption for a particular property shall not prejudice the right of the Township to appropriately examine and revise the assessment during the five-year exemption period in the event the base assessment is found to be improperly valued and assessed.

**§XXX-10 Effective Date; Sunset Provision.**

Upon final passage and publication as provided by law, this Ordinance shall take effect upon final passage, approval and publication as required by law and shall authorize the Township to grant exemptions up to a 5-year period.

**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, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** 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.

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

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

Introduced:  
Adopted:  
Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

**EXHIBIT A**  
**DEFINITIONS SET FORTH IN THE ACT AS OF THE DATE OF ADOPTION**

N.J.S.A. 40A:21-3. Definitions as used in this act: (L.1991, c. 441 (N.J.S.A. §40A:21-1 et seq.)

- a. "Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.
- b. "Area in need of rehabilitation" means a portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L.1949, c. 187 (C.40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L.1975, c. 104 (C.54:4-3.72 et seq.), P.L.1977, c. 12 (C.54:4-3.95 et seq.), or P.L.1979, c. 233 (C.54:4-3.121 et al.).
- c. "Assessor" means the officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.
- d. "Commercial or industrial structure" means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. It shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of \$250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L.1970, c.33 (C.13:ID-1 et al.), the "Water Pollution Control Act," P.L. 1977, c. 74 (C.58:10A-1 et seq.), the "Solid Waste Management Act," P.L.1970, c. 39 (C.13:IE-1 et seq.), and the "Spill Compensation and Control Act," P.L.1976, c. 141 (C.58:10-23.11 et seq.).
- e. "Completion" means substantially ready for the intended use for which a building or structure is constructed, improved or converted.
- f. "Condominium" means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.).
- g. "Construction" means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.
- h. "Conversion" or "conversion alteration" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.
- i. "Cooperative" means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

**EXHIBIT A – cont'd**

- j. "Cost" means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling, including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the governing body by an independent and qualified architect, following the completion of the project.
- k. "Dwelling" means a building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.), or the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.
- l. "Exemption" means that portion of the assessor's full and true value of any improvement, conversion, alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.
- m. "Horizontal property regime" means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.).
- n. "Improvement" means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three-year period immediately preceding the filing of an application pursuant to this act.
- o. "Multiple dwelling" means a building or structure meeting the definition of "multiple dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.) [which is set forth below], and means for the purpose of improvement or construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.
- p. "Project" means the construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to P.L.1991, c. 441 (C.40A:21-1 et seq.).
- q. "Annual period" means a duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date that an exemption or abatement for a project becomes effective pursuant to section 16 of P.L.1991, c. 441 (C.40A:21-16).



**EXHIBIT A – cont'd**  
**DEFINITION OF MULTIPLE DWELLING SET FORTH IN THE HOTEL AND MULTIPLE DWELLING**  
**LAW AS OF THE DATE OF ADOPTION**

N.J.S.A. 55:13A-3. Definitions.

- (k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:
  - (1) any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;
  - (2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L.1967, c. 76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or
  - (3) any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L.1969, c. 215 (C.45:22A-1 et seq.), provided that the corporation meets the requirements of section 2 of P.L.1983, c. 154 (C.55:13A-13.1).

# Township of West Milford

Passaic County, New Jersey

## ~ Ordinance ~~2019-2021~~ – 022- 008 ~

### ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES," OF THE REVISED GENERAL ORDINANCES AMENDED

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

#### § 135-2 Department of Community Services & Recreation

The Department of Community Services & Recreation is authorized to charge the following fees:

##### A. Bubbling Springs Membership and Badge:

	<u>Resident Rate</u>	<u>Non-Resident Rate</u>
(1) Family Membership (Consists of parent(s) and all children, up to and including full-time students living at home)	<del>\$ 265.00</del> <u>\$275.00</u>	<del>\$365.00</del> <u>\$375.00</u>
(2) Parent/Child Membership (One adult and One Child under the age of 18 living in the same residence)	<del>\$225.00</del> <u>\$235.00</u>	<del>\$325.00</del> <u>\$335.00</u>
(3) Individual Membership (Ages 13 to 61)	<del>\$425.00</del> <u>\$135.00</u>	<del>\$475.00</del> <u>\$185.00</u>
(4) Senior Individual Member (Age 62+)	<del>\$25.00</del> <u>\$30.00</u>	<del>\$35.00</del> <u>\$40.00</u>
(5) Senior Couple Membership	<del>\$40.00</del> <u>\$45.00</u>	<del>\$60.00</del> <u>\$65.00</u>
(6) Swim Team Child <del>\$90.00</del> <u>\$100.00</u>	First child <del>\$100.00</del> , <u>\$150.00</u> Each Additional	

##### B. Bubbling Springs Park Guest Membership and Daily Pass (per person/per day) (prepaid):

(1) A person under 2 years of age:	No charge
(2) A person from 2 years to 17 years of age:	\$5.00
(3) A person from 18 to 61 years of age:	<del>\$10.00</del> <u>\$15.00</u> NON-RESIDENT
(4) Seniors (Ages 62+):	\$3.00

##### C. Day Camp: Children (Kindergarten through Eighth Grade).

(1) Fees: 10% Off Regular Price when all 7 weeks are paid in full by April 15- 16, 2021

	<u>Full</u>		<u>Before</u>	<u>After</u>
	<u>7 Weeks</u>	<u>Weekly</u>	<u>Care</u>	<u>Care</u>
(through May 31)	<del>\$1,155.00</del>	<del>\$165.00</del>	<del>\$35.00/week</del>	<del>\$35.00/week</del>
	<u>\$1,225.00</u>	<u>\$175.00</u>	<u>\$40.00</u>	<u>\$40.00</u>
(After June 1)	<del>\$1,225.00</del>	<del>\$175.00</del>	<del>\$35.00/week</del>	<del>\$35.00/week</del>
	<u>\$1,365.00</u>	<u>\$195.00</u>	<u>\$45.00</u>	<u>\$45.00</u>

Camp Hours:

9:00 am-4:00 pm

7:00 am-9:00 am 4:00 pm-6:00 pm

Before Care:

After Care

##### D. Swim Lessons:

(1) Lake member:

(a) All children

[1] One session: \$65.

[2] Two sessions: \$115.

[3] Three sessions: \$165.

(2) Nonmember:

(a) All children

[1] One session: \$75.

[2] Two sessions: \$135.

[3] Three sessions: \$190

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

Introduced: November 6, 2019

Adopted: December 18, 2019

Effective Date: January 7, 2020

ATTEST

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

Diane Curcio, Acting Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor

# **Township of West Milford**

Passaic County, New Jersey

## **~ Ordinance 2021 – 009 ~**

### **ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND REGULATING THE USE OF ICE RETARDANT SYSTEMS AT GREENWOOD LAKE**

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

**SECTION 1.** The Revised General Ordinances of the Township of West Milford are hereby amended and supplemented with a new Chapter 159 entitled "Use of Ice Retardant Systems at Greenwood Lake", which shall read in its entirety as follows:

#### **Chapter 159: Use of Ice Retardant Systems at Greenwood Lake**

##### **§159.1. Purpose.**

It is the intent of this Chapter to regulate the installation and use of the ice retardant systems on Greenwood Lake properties within the Township of West Milford for the protection of persons and property and to provide for the public health, safety and welfare of the Township of West Milford and its inhabitants.

##### **§159.2. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

##### **AFFECTED AREA OF ICE:**

The area of water body or ice surface disturbed by the operation of an ice retardant system. Said disturbed or affected area includes open water, weakened ice (excessively cracked), thin ice (less than four inches in depth) and area where adjacent ice is covered by a film of water.

##### **ICE RETARDANT SYSTEM:**

A mechanical devise(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

##### **OWNER or OPERATOR:**

The owner of record of a tract of land according to the tax rolls of the Township of West Milford or any person occupying said premises or utilizing the property.

##### **PERSON:**

Any individual, association or individuals, corporation or partnership.

##### **PIERHEAD LINE:**

A line running parallel to the bulkhead line and extending not more than 40 feet from said bulkhead line beyond which no dock, pier, marina, or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

**PROTECTED STRUCTURE:**

Any lakefront or within-lake structure which the ice retardant system is designed to protect. Such protected structures include but are not limited to docks, piers, bulkheads, catwalks, seawalls and boathouses.

**§159.3. Authorization for Use; compliance required.**

- A. Utilization of ice retardant systems is hereby authorized within the municipal limits of the Township of West Milford from November 1 of each year through April 15 of the following year.
- B. No person shall operate an ice retardant system within the municipal limits unless said operation is located on a property in Greenwood Lake and is in conformance with this Chapter.

**§159.4 Operation Requirements.**

- A. The affected area of ice, under normal operating conditions, shall not extend to within 10 feet of a side property line. Said requirements may be waived if the owner and/or operator of the ice retardant system obtains written permission from the adjacent property owner.
- B. Unless the ice retardant system has been designed and approved in accordance with this Chapter, no system shall be designed or operated in such a way as to prevent ingress or egress to any portion of the water body or to foreclose the formation of ice across a channel.

**§159.5. Waiver of requirement.**

The Township Council may, by resolution, waive the requirements of this Chapter in situations of hardship or exceptional public necessity. "Exceptional public necessity" shall include but not be limited to a necessity to maintain an open channel of water for access to island lakefront homes. In adopting the resolution, the Township Council may specify requirements as to markings and lighting. Such requirements can include but are not limited to requiring buoys to be placed in the frozen water body to clearly mark the approach, requiring nighttime illumination or fishing lights to indicate that open water is present, limiting the size of the affected ice area to the minimal levels of insurance requirements.

**§159.6. Enforcement, violations and penalties.**

- A. The Construction Official and/or another municipal official designated by the Township Administrator are hereby designated as the enforcement officers under the terms of this Chapter for the use of an ice retardant system that is inconsistent with the provisions set forth in this Chapter.
- B. A violation of the terms of this Chapter, including the operational requirements, shall be punishable by a fine not to exceed \$50 for the first offense, \$100 for the second offense and \$250 for the third and subsequent offenses. Each day that a violation of this Chapter continues may be deemed to be a separate offense,

**§159.7. Liability.**

Compliance and/or noncompliance with the requirements of this Chapter shall not preclude any civil action for damages arising from injuries incurred through the operation of an ice retardant system.

**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:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande,  
Township Administrator

By: \_\_\_\_\_  
Michele Dale, Mayor

# **Township of West Milford**

Passaic County, New Jersey

## **~ Resolution 2021 – 055 ~**

### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY DECLARING WEST MILFORD A SECOND AMENDMENT TOWNSHIP**

**WHEREAS**, the Second Amendment to the United States Constitution provides: "A well regulated militia necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"; and

**WHEREAS**, in District of Columbia v. Heller, 554 U.S. 570 (2008) the United States Supreme Court affirmed that the Second Amendment protects an individual right of law-abiding citizens to keep and bear arms, and is unconnected to militia or military service; and

**WHEREAS**, in Heller, the United States Supreme Court further explained that the "Second Amendment does not protect those weapons [which are] not typically possessed by law-abiding citizens for lawful purposes ..." Id. at 625; and

**WHEREAS**, abridging the rights of law-abiding gun owners that possess and use firearms for lawful purposes does not reduce the criminal use of firearms by violent offenders for unlawful purposes; and

**WHEREAS**, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and

**WHEREAS**, New Jersey gun control laws are "highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences" Burton v. Stills, 53 N.J. 86 (1968); and

**WHEREAS**, after a law-abiding citizen has completed an application to purchase a handgun and for N.J. Firearms Purchaser Identification Card, and the Chief of Police of the Township of West Milford has thoroughly reviewed and approved such applications in accordance with applicable laws of this State, upon issuance of a permit to purchase a handgun and/or a N.J. Firearms Purchaser Identification Card that citizen has established that they are of good character, fitness and lawfully qualified to purchase and possess a firearm unless and until they otherwise become unqualified.

**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 Township is hereby declared a "Second Amendment Lawful Gun Owner Township" as further described in detail as follows:

- i. The Township supports the rights of lawful gun owners to lawfully use firearms for self-defense, to lawfully hunt, and to lawfully participate in shooting sports up to and including Olympic sports in accordance with Federal and State laws;
- ii. The Township opposes interference with, or infringement of, the rights of law-abiding citizens to legally purchase and lawfully own, possess, and use firearms in accordance with Federal and State laws;
- iii. The Township espouses to hold accountable and protect against violent criminal offenders and those who are unqualified and/or unfit to purchase, own, possess, and use firearms instead of irrational and/or disproven attempts to control lawful use of firearms for self-defense, hunting and sport;

- iv. The Township recognizes that it and its residents must at all times comply with all applicable Federal and State laws and regulations, and this resolution shall in no way be interpreted or construed as supporting the illegal purchase, ownership, possession and/or use of a firearm;
- v. Nothing in this Resolution shall be deemed to be the law of the Township of West Milford, nor shall it change, infringe upon or enhance any rights; and
- vi. This Resolution is a statement of opinion of the Mayor and Counsel of the Township of West Milford, and it is not binding upon any citizen.

Adopted: January 20, 2021

Adopted the 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk



## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 056 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING CANNABIS BUSINESSES IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the State of New Jersey will soon legalize the sale of recreational marijuana; and

**WHEREAS**, the legalization of marijuana for recreation use will likely spawn a significant industry throughout the State of New Jersey; and

**WHEREAS**, the newly created industry can provide substantial financial benefits to the Township of West Milford; and

**WHEREAS**, the new industry will create new employment opportunities through its four sectors of growers, processors, wholesalers and retailers; and

**WHEREAS**, the Township of West Milford is in a position to benefit from all four sectors of the industry.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of West Milford welcomes the new industry.

**BE IT FURTHER RESOLVED** that the Township Administrator shall take steps to promote the Township of West Milford as a welcoming location for such new businesses.

**BE IT FURTHER RESOLVED** that the Township Administrator shall work collaboratively with those in the industry seeking to operate as a grower, processor, wholesaler and retailer within the Township.

**BE IT FURTHER RESOLVED** that the Township Administrator shall take the necessary steps to ensure that the Township's Zoning Ordinance accounts for the needs of the new industry.

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

# **Township of West Milford**

Passaic County, New Jersey

## **~ Resolution 2021 – 057 ~**

### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PARTICIPATION IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WEST MILFORD TOWNSHIP POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to Municipal, County and State Law Enforcement Agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS**, participation in the 1033 Program allows Municipal and County LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to Municipal and County LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the Municipality or County approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

**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 enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2020 to December 31, 2020.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that West Milford Township Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the West Milford Township Police Department, without restriction.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that West Milford Township Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes (1) utility truck, (1) 5.56 millimeter rifles, (1) 308 cal. Rifle.

**BE IT FURTHER RESOLVED** that the West Milford Township Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the West Milford Township Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1st, 2020 to December 31, 2020.

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 058 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE RENAMING OF APSHAWA PRESERVE IN MEMORIAM OF KATHLEEN CAREN BY THE PASSAIC COUNTY COMMISSIONERS**

**WHEREAS**, there exists in the Township of West Milford, Passaic County, New Jersey an area owned by Passaic County known as Apshawa Preserve; and

**WHEREAS**, the Township Council supports the family and friends online petition and requests that the Passaic County Commissioners consider renaming this area in memoriam of Kathleen Caren; and

**WHEREAS**, Kathleen Caren was a long time resident of the Township of West Milford who worked as the Open Space Coordinator for Passaic County and obtained funding for land acquisitions, the community gardens, the Wallisch Homestead, and recreation fields and parks within West Milford; and

**WHEREAS**, Kathleen Caren was instrumental in preserving the now County-owned Apshawa Preserve which would make it fitting to rename in her memory.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do support the family and friends petition and invite the Passaic County Commissioners consideration in renaming the County-owned Apshawa Preserve in West Milford to "The Kathleen Caren Memorial Apshawa Preserve".

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to the Passaic County Commissioners for their approval in renaming Apshawa Preserve to "The Kathleen Caren Memorial Apshawa Preserve."

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

---

William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 059 ~**

#### **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) **2021-060** - Amending Resolutions for the 2020 and 2021 lease contract with Enterprise Fleet Management
- b) **2021-061** – Amending Resolution 2020-397 Reinstatement of Taxes deleting duplicate Block 10808 Lot 042
- c) **2021-062** – Authorizing cancellation of taxes
- d) **2021-063** – Authorizing cancellation of tax lien premium
- e) **2021-064** – Authorizing refund of overpayment
- f) **2021-065** – Authorizing refund of other liens
- g) **2021-066** – Authorizing reinstatement of taxes
- h) **2021-067** – Authorizing to void and refund an invalid tax sale certificate
- i) **2021-068** – Authorizing cancellation of outstanding checks over six months old
- j) **2021-069** – Authorizing refund of recreation fees

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 060 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE RESOLUTIONS FOR THE 2020 AND 2021 LEASE CONTRACT WITH ENTERPRISE FLEET MANAGEMENT**

**WHEREAS**, by virtue of Resolution 2020-230 adopted on July 8, 2020 and Resolution 2020-351 adopted on December 2, 2020 the Township Council did authorize a lease agreement with Enterprise Fleet Management to lease township vehicles; and

**WHEREAS**, the lease agreements shall be for a maximum of 48 months from the month the Township takes possession of the vehicles; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for these purposes said funds to be encumbered from the following accounts each year for the duration of the leases: 01-201-20-165-230 - \$11,214.00, 01-201-22-195-230 - \$5,607.00, 01-201-25-240-230 - \$113,228.55, 01-201-26-290-230 - \$8,280.60, 01-201-27-330-230 - \$11,214.00.

**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 amending of the resolutions to include the length of lease and CFO certification.

This Resolution shall take effect immediately.

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 061 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2020-397 "REINSTATEMENT OF TAXES" ADOPTED DECEMBER 16, 2020 DELETING THE DUPLICATE BLOCK 10808 LOT 042

**WHEREAS**, Resolution 2020-397 "Reinstatement of Taxes" adopted December 16, 2020 had a duplicate record on Block 10808 Lot 042; and

**WHEREAS**, upon the recommendation of the Collector of Taxes that Resolution 2020-397 be amended to delete the duplication of Block 10808 Lot 042 as listed below.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and they are hereby authorized to delete the duplicate record to reflect the total amount that was collected from the homeowners as listed below:

**REASON:                      INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
4901-26	Shifman, Anatoly	\$4,412.44	2020
8901-14	Murphy, Patricia	\$2,600.51	2020
13201-24	Tabeling, Julia Mary	\$2,790.29	2020
3509-005	Romeo, Caryl	\$2,941.81	2020
10808-042	Wm & Ruth Snyder	\$3,195.00	2020
2512-3	220 Dom Inc	\$2,385.48	2020
3510-2	Romeo, Caryl	\$74.47	2020
3509-5	Romeo, Caryl	\$2,969.96	2020
<del>10808-042</del>	<del>Wm &amp; Ruth Synder</del>	<del>\$3,195.00</del>	<del>2020</del>
2509-3	Beal, Michael	\$1,144.00	2020
13102-25	Carpenter, Pamela Lee	\$2,491.00	2020
202-34	Dezhang Zheng	\$37.20	2020
4201-29	Chritie Andrew	\$5,575.67	2020
<b>Total</b>		<b>\$30,617.83</b>	

This resolution shall take effect immediately.

Adopted:            January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 062 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAXES

**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and are hereby authorized and directed to cancel as hereafter listed below:

**REASONS:**

1. 100% Disabled Veteran
2. Township Owned Property

Block/Lot	Name	Amount	Year	Reason
05003-003	Richard Stephenson 24 Rockburn Pass West Milford, NJ 07480	\$4,271.20	2020	1
		\$11,606.00	2021	1
03007-010	Schneider, Charles & Regina 1 Kushaqua Tr N Hewitt, NJ 07421	\$527.02	2020	1
		\$3,572.00	2021	1
00603-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$76.00	2021	2
00801-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,008.00	2021	2
00901-005	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$786.00	2021	2
01001-019	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$158.00	2021	2
01005-014	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$154.00	2021	2
01005-015	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$174.00	2021	2
01006-005	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$180.00	2021	2
01804-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$150.00	2021	2
02703-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$802.00	2021	2



Block/Lot	Name	Amount	Year	Reason
03506-015	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,332.00	2021	2
03701-001.02	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$788.00	2021	2
07903-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$2,402.00	2021	2
07903-021	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$770.00	2021	2
10703-023	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$782.00	2021	2
11106-016	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$78.00	2021	2
11601-007.02	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$162.00	2021	2
13808-001	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$74.00	2021	2
14301-014.05	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,238.00	2021	2
15804-021	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$152.00	2021	2
16504-004	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$2,256.00	2021	2

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 063 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX LIEN PREMIUM**

**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

<b>Block / Lot</b>	<b>Lien Certificate No.</b>	<b>Premium Amount</b>
02706-005	15-0028	\$ 5,000.00
06504-014	15-0053	\$37,200.00
<b>TOTAL</b>		<b>\$42,200.00</b>

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 064 ~

### 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:

- |                |  |   |
|----------------|--|---|
| <b>REASON:</b> | 1. Incorrect Payment<br>2. Duplicate Payment<br>3. Senior Citizen<br>4. Veteran Deduction<br>5. Homestead Rebate | 6. Tax Appeal County Board<br>7. Tax Appeal State Tax Court<br>8. 100% Disabled Veteran<br>9. Replacement Check |
|----------------|--|---|

Block/Lot	Name	Amount	Year	Reason
07508-012	Marjory & David Yacco 9 Bushwick Ln West Milford, NJ 07480	\$1,462.46	2020	2
07304-007	Corelogic Inc 3001 Hackbery Drive Irving, TX 75063 Attn: (Nationstar Mtg Mr. Cooper)	157.20	2020	1
14301-008	Estate Of Kevin Michael Gillen 39 Sweetbriar Rd West Milford, NJ 07480	\$2,336.98	2020	2
06303-007	Township of West Milford Municipal Court 1480 Union Valley Rd West Milford, NJ 07480	\$2,500.00	2020	1
04601-018.01	Paolazzi, Gary & Vannostrand, J 1519 Greenwood Lake Tpke Hewitt, NJ 07421	\$2,207.50	2020	2
02512-019	Empire Title Agency Llc 464 Boulevard Hasbrouck Heights, NJ 07604	\$2,487.18	2020	2
03007-010	Schneider, Charles & Regina 1 Kushaqua Tr N Hewitt, NJ 07421	\$527.02	2020	8
09711-015	Ramirez Jesus & Johanna 42 Morris Ave West Milford, NJ 07480	\$2,416.46	2020	2
15201-014	Robert & Lisa Terramoccia 40 Hopler Place Newfoundland, NJ 07435	\$247.11	2020	6
01811-001	Title Lines 15 Mendham Road Gladstone, NJ 07394	\$1,773.35	2020	2

12802-011	Charles & Susan Gervase 92 High Crest Lake Dr West Milford, NJ 07480	\$250.00	2020	4
09704-021	ATCF II NJ LLC Tax Serv Custodian P.O. Box 54292 New Orleans, LA 70154	\$244.86	2020	1
05611-003	Florence Masucci 105 Center St West Milford, NJ 07480	\$250.00	2020	3
02407-003	Patricia Coulahan 12 Audabon Rd Hewitt, NJ 07421	\$250.00	2020	4
05611-003	Florence Masucci 105 Center St West Milford, NJ 07480	\$250.00	2020	4
10901-005	Roxanne Hammett 676 Otterhole Rd West Milford, NJ 07480	\$250.00	2020	4
<b>TOTAL</b>		<b>\$17,610.12</b>		

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 065 ~

### 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	Pay to Lien Holder
18-0007	10/09/2018	00905-016	\$48,949.47	US BANK CUST FOR TOWER DB VIII TRUS 50 SOUTH 16TH STREET SUITE 2050 PHILADELPHIA, PA 19102
18-0024	10/09/2018	03605-008	\$26,788.38	US BANK CUST FOR TOWER DB VIII TRUS 50 SOUTH 16TH STREET SUITE 2050 PHILADELPHIA, PA 19102
19-0020	10/15/2019	02607-004	\$40,233.40	FNA DZ; LLC 120 N LASALLE ST; SUITE 1 CHICAGO, IL 60602
19-0025	10/15/2019	03505-003	\$38,750.30	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
19-0068	10/15/2019	08903-007	\$66,275.55	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
20-0046	10/13/2020	07304-007	\$5,857.30	CHRISTIANA T C/F CE1/FIRSTTRUST PO BOX 5021 PHILADELPHIA, PA 19111
20-0055	10/13/2020	09601-007.03	\$46,781.35	CHRISTIANA TRUST AS CUSTODIAN PO BOX 71276 PHILADELPHIA, PA 19176
<b>TOTAL</b>			<b>\$273,635.75</b>	

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 066 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

**WHEREAS**, there appears on the tax records receipt of payment of taxes; and

**WHEREAS**, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

**REASON: INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
15401-029	R. Antanaitis/S. Caldera	\$2,210.76	2020
15201-002	Patricia A Van Kirk	\$3,308.14	2020
03001-006	Deborah Lynn Maixner	\$2,591.39	2020
06713-007	Cecile Picioccio	\$2,127.56	2020
00301-006	Muriel Van Offeren	\$1,603.59	2020
12208-015	Justin Gabriele	\$37.34	2020
12203-016	Justin Gabriele	\$1,606.92	2020
05205-001	Village On Ridge LLC	\$42.74	2020
04301-033	Donna J Connor	\$2,866.99	2020
00409-015	Carl Garate	\$1,809.68	2020
09103-008.02	Andrea Murray	\$5,886.09	2020
03903-007	James Dykstra	\$636.20	2020
<b>Total</b>		<b>\$24,727.40</b>	

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 067 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING TO VOID AND REFUND AN INVALID TAX SALE CERTIFICATE**

**WHEREAS**, the Collector of Taxes of the Township of West Milford had an online tax sale on October 13, 2020; and

**WHEREAS**, Certificate # 20-0038 known as block 5609 lot 4, 90 Center Street, West Milford, NJ 07480 was sold to Christiana T C/F CE1/FIRSTRUST, P.O. Box 5021, Philadelphia, PA 19111; and

**WHEREAS**, the tax sale certificate should be null and void. The tax sale certificate is invalid as a tax payment was applied to this account and never removed from the tax sale list, therefore, the amount of the tax sale certificate was invalid at the time of the sale; and

**WHEREAS**, the collector of taxes of the Township of West Milford to note the fact on her records and cancel the tax sale certificate.

**NOW, THEREFORE, BE IT RESOLVED**, refund the lien holder Christiana T C/F CE1/FIRSTRUST, P.O. Box 5021, Philadelphia, PA 19111; and the amount they paid for the tax sale certificate of \$7,135.07 plus the premium of \$17,700.00 and the legal rate of interest of 2.5% on amount of the certificate (excluding the premium) of \$13.37.

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 068 ~**

#### **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.

<b>DATE</b>	<b>CHECK #</b>	<b>AMOUNT</b>
4/23/20	24158	1,125.00
5/20/20	24302	30.00
	<b>TOTAL</b>	<b>\$1,155.00</b>

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

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk



## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 069 ~**

#### **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:

<b>Night Vinyasa Yoga</b>	
\$65.00	Dorothy Barr 105 Alpine Ridge Road West Milford, NJ 07480
<b>Sr Combo class</b>	
\$15.00	Ofelia Callioni 121 Richmond Road West Milford, NJ 07480
<b>Travel Basketball</b>	
\$190.00	Katherine Adams 1480 Macopin Road West Milford, NJ 07480

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2021 – 070 ~

### RESOLUTION APPROVING THE PAYMENT OF BILLS

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by the Treasurer's Office be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$330,152.41
3	Reserve Account	125,357.25
2	Grants	8,339.00
6	Refunds	291,515.87
1	General Ledger	7,157.00
26	Refuse	1,050.00
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	37,444.20
19	Scala Trust	0.00
16	Development Escrow	4,652.20
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	80.00
Total		\$805,747.93
Less Refund Resolution		-291,515.87
<b>Actual Bills List</b>		<b>\$514,232.06</b>
Other Payments		
Payroll		426,455.36
Petty Cash		900.00
Morris County Municipal Insurance		243,139.00
BOE		4,817,964.00
Enterprise Fleet Management		4,249.03
<b>Total Expenditures</b>		<b>\$6,006,939.45</b>

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original

\_\_\_\_\_  
William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 071 ~**

#### **MAYOR'S APPOINTMENT OF ANDREA HUGHES AS TOWNSHIP REGISTRAR OF VITAL STATISTICS IN ACCORDANCE WITH SECTION §15-54 OF THE TOWNSHIP CODE**

##### **Mayor's Appointment**

In accordance with Section §15-54 Division of Vital Statistics of the Code of the Township of West Milford, Mayor Michele Dale hereby appoints Andrea Hughes to serve as the Registrar of Vital Statistics.

**This resolution does not require action from the Council. It shall serve to memorialize an appointment made by Mayor Michele Dale.**

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original

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William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2021 – 072 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPOINTING CERTAIN INDIVIDUALS AS PART-TIME DEPUTY ZONING OFFICERS**

**WHEREAS**, the Township of West Milford seeks to enhance its service to residents and businesses by engaging qualified personnel to provide zoning responsibilities and responsiveness to the residents and businesses of the Township; and

**WHEREAS**, Paul Ferriero, PE Jessica Caldwell, PP, Owen Bonnet and Justin Singleton are individuals who have planning and zoning backgrounds and experience to assist the Administration and serve as Deputy Zoning Officials.

**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 Mayor and Council hereby appoint Paul Ferriero, PE, Jessica Caldwell, PP, Owen Bonnet and Justin Singleton as Deputy Zoning Officers for the Township of West Milford.

**BE IT FURTHER RESOLVED** that as Deputy Zoning Officers, they shall have the authority under the Township Code as a Zoning Officer to administer and enforce the provisions of the Township Land Use Code pursuant to §470-41, et al of the Township Code.

This Resolution shall take effect immediately.

Adopted: January 20, 2021

Adopted this 20<sup>th</sup> day of January, 2021  
and certified as a true copy of an original.

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William Senande, Township Clerk