
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 1 of 26

The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

Adequate Notice Statement

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issues of January 9, 2024, and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

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

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande,
Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

March 6, 2024 Regular Meeting

Motion to approve the minutes.

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

Agenda No. IV

Meetings

April 3, 2024 Regular Meeting/Volunteer Night
April 17, 2024 Regular Meeting
May 1, 2024 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations and Recognitions

None

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

None

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 2 of 26

Agenda No. IX 1

~ Ordinance 2024 – 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 420 LAND USE PROCEDURES AND CHAPTER 500 ZONING TO PERMIT MICROBREWERIES AND SIMILAR ESTABLISHMENTS IN CERTAIN ZONES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council has received a request to review whether microbreweries, craft distilleries, brewpubs, and wineries in residential districts with large minimum lot sizes are an appropriate land use within the Township; and

WHEREAS, the Mayor and Township Council wish to encourage agritourism, farming, and related uses within the Township; and

WHEREAS, the Mayor and Township Council have determined that permitting microbreweries and similar establishments as defined herein in appropriate locations would be beneficial to the general welfare of the community; and

NOW THEREFORE, 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. Chapter 420 “Land Use Procedures” is amended to read as follows:

§ 420-6 **Definitions.**

BREW PUB

Microbreweries which are associated with a restaurant.

CRAFT DISTILLERY

A craft distillery is a distillery holding a craft distillery license issued by the State of New Jersey as defined by N.J.S.A. 33:1-10.3d producing up to 20,000 gallons of distilled alcoholic beverages per year. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the distillery, or for consumption off the premises in a quantity of not more than five liters per person, and to offer any person not more than three samples per calendar day for sampling purposes only. Sampling means the gratuitous offering of an open container not exceeding 1/2 ounce serving pursuant to licensure issued by the Director of the State Division of Alcoholic Beverage Control (ABC).

MICROBREWERY

A microbrewery is a brewery holding a limited brewery license issued by the State of New Jersey as defined by N.J.S.A. 33:1-10.1b, producing less than 15,000 barrels of 31 gallons of malt beverage per year. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to licensure issued by the Director of the State Division of Alcoholic Beverage Control (ABC).

WINERY

A winery is a business operating for consumption of wine on or off the winery's premises, and for sampling purposes for consumption on the premises, in order to showcase New Jersey viticulture when operated by one who holds a license permitting same issued by the Director of the State Division of Alcoholic Beverage Control (ABC) and who operates as permitted by the ABC regulations.”

SECTION 2. Chapter 500 “Zoning” is amended to include the following new section as follows:

Article III **Residential District**

§ 500-8 **Principal permitted uses on the land and in buildings.**

M. Microbreweries, craft distilleries, brewpubs, and wineries in the R-3 and R-4 Districts on lots greater than or equal to five (5) acres and in accordance with applicable State regulations.”

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, such decision shall not affect the remaining portions of this Ordinance.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 3 of 26

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: February 14, 2024
Adopted: March 20, 2024
Effective Date: April 9, 2024

This Ordinance was introduced on February 14, 2024 and Notice of the public hearing was published in the Herald News on February 20, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion. Seconded by Councilwoman Lichtenberg.

Motion to move Ordinance 2024-007.

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

Agenda No. IX 2

~ Ordinance 2024 – 008 ~

ORDINANCE AMENDING SECTION 15-37 PAY TO PLAY POLICY AWARDING CONTRACTS OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

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

SECTION 1. Chapter 15, Administration of Government, Article VII, Office of Administration, Section 15-37, "Pay to Play Policy; Awarding Contracts," Subsection C, "West Milford and county contribution limits affecting vendor eligibility and conflicts of interest," of the Code of the Township of West Milford is hereby amended as follows:

§ 15-37 Pay to play policy; awarding contracts.

- C. West Milford and county contribution limits affecting vendor eligibility and conflicts of interest. Campaign contribution limits affecting the eligibility of vendors, pursuant to Subsections **B** and **D**, to enter into or be paid pursuant to agreements for the purchase of goods or services are as follows:
 - (1) The maximum amount of West Milford campaign contributions that may be made by a vendor to each political organization or campaign committee or fund during any election cycle shall not exceed \$200.
 - (2) The maximum amount of county level campaign contributions that may be made by a vendor to each political organization or campaign committee or fund during any election cycle shall not exceed \$200.

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

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

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

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

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Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 4 of 26

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Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion.
Seconded by Councilwoman Lichtenberg.

Motion to move Ordinance 2024-008

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

Agenda No. IX 3

~ Ordinance 2024 – 009 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, REPEALING AND REPLACE § 15-7, TO ESTABLISH THE POWERS AND DUTIES OF THE MAYOR AND ESTABLISH TOWNSHIP COUNCIL’S AUTHORITY TO DETERMINE WHETHER THE MAYOR POSITION IS FULL-TIME OR PART-TIME, WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD AMENDED

WHEREAS, the Township Council wishes to amend the Township Code to specify the powers and duties of the Mayor and create a new section, which sets forth the Council’s authority to determine whether the Township Mayor position is full-time or part-time, at the beginning of any given calendar year; and

WHEREAS, the Township Council further wishes to set forth and specify the duties and responsibilities of a full-time Mayor should that be desired by Township Council; and

WHEREAS, Township Council herein recognizes the need for the Mayor to serve in various capacities and positions, on behalf of the Township and beyond a part-time role.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that only Section 15-7, Powers and duties of Mayor, shall be repealed in its entirety and replaced as follows:

SECTION 1. §15-7 Powers and duties of Mayor

- A. The executive power of the municipality shall be exercised by the Mayor. The Mayor shall enforce the Charter and ordinances of the municipality and all general laws applicable thereto, and shall recommend such actions to the Council as the Mayor may deem in the public interest. All bonds, notes, deeds, contracts and written obligations of the Township shall be executed on its behalf by the Mayor or, in the event of any inability to act, the Council President.
- B. Should a full-time Mayor be appointed by a majority of Township Council members, the full-time Mayoral duties and responsibilities shall include, but not be limited to:
 - 1. Serving as Township liaison to the State and County on public works and health matters;
 - 2. Managing grants;
 - 3. Overseeing major projects and Township initiatives;
 - 4. Coordinating economic development initiatives;
 - 5. Managing all Township shared services agreements;
 - 6. Managing Township public relations, including social media; and
 - 7. Serving as Joint Insurance Fund and Health Insurance Fund Commissioner.

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 therefrom, of any person for injury or damage arising from any violation of this Ordinance or from other law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 5 of 26

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

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Melissa Brown-Blaeuer – Was appearing on behalf of 852 petition signers who were opposed to Ordinance 2024-009 and 2024-011. They feel it will have a negative impact, changing the authority of the Mayor on an annual basis and possibly would be an increase in salary of 550% to 900%, over 4 years that could be a half of a million dollars. People across the political spectrum are angry and they are unified in their opposition to having a full-time Mayor. She indicated that people were turned off from volunteering because of all the partisanship. We don't need a full-time Mayor doing administrative work and bloating our budget and no one voted for that in the last election. Ms. Brown-Blaeuer indicated that the full-time Mayor position came about because Mayor Dale recently lost her job. She read the petition. The people who signed it would like to have a referendum. Having a full-time Mayor would benefit the Mayor but not the Township. We do not need two full-time staff administrators. Having a full-time Mayor negates the principle of having a strong and independent executive branch. She indicated that those who signed the petition see no changes happening in Town that show need for a full-time Mayor. The population in West Milford has been declining since 2017 and currently is about 24,382 in 2022. While it is a large Township a lot of land is controlled by other entities. There are other alternatives.

Renee Allesio – Has been a resident for 46 years, volunteers, loves the Town and only speaks at a Council meeting out of concern, not because of any ulterior motive or agenda, as was indicated by someone else at a previous Council meeting about those who spoke against Ordinances 2024-009 and 2024-011. She indicated that she had made a mistake at a prior meeting about the median household income in West Milford being \$75,000 instead of being \$120,000 but added that would mean a two person household individual salary would average out to \$60,000 a person. She referred to Mayor Dale's statement that she and the Administrator are only two people for 80 square miles and feels that remark was disingenuous because the Administrator has two staff members, and the Clerk's office has a Deputy Clerk, two full-time and one part-time staff. She finds the staff knowledgeable and helpful. If only the Mayor and Administrator are doing the job, why are we spending over \$500,000 plus benefits for all of them? Three of these staff members make less than \$60,000 so you can imagine what the rest of them make. It is rare for a Township Administrator to also be the Clerk. He should only be dealing with the Administrative duties and not the duties of the Clerk. She quoted Al Gore. "We are the United States of Amnesia." The Mayor and Council positions used to be volunteer positions with stipends not salaries. Perhaps the Mayor should resign and apply to be the Administrator. Currently our Town government is not a non-partisan type of government. It became extremely partisan in 2002 when the form of government was changed. These two ordinances will have major consequences and should be voted on by the public and not just Council members.

Laura Ashtyani – Has nothing against the Mayor, and feels she is doing the Mayoral duties to the best of her abilities and isn't here to personally attack anyone. She indicated that the ordinance is way out of line because the Mayor has the executive power and the Council has the legislative. Having thousands of dollars in play subject to the Council makes the Mayor consciously or maybe even subconsciously want to please the Council. This is not a system of checks and balances. The position of Mayor is an elected one not an appointed one. She asked the Township Attorney how it is that the Council can legislate an elected position. She asked that they vote no on the ordinance.

Troy Oswald – Does not feel like this a political issue and has seen in Paterson where it worked with a full-time Mayor and a part-time Council. He indicated that he is pleased with the stewardship of the Mayor, and is looking forward to Mayor Dale holding the full-time Mayor position.

Karen Phelan – Mentioned the old saying, "the road to hell is paved with good intentions." Ms. Phelan indicated that there will be a lot of unintended consequences if the ordinance is passed. It will upset our system of checks and balances and we may end up with less qualified candidates and more turnover down the road. This will affect the administrator's job dramatically, essentially the equivalent of adding another full time person. She indicated that there would be impacts on our long term projects, causing delays, new people getting up to speed and wanting to put their own spin on things and the delays will negatively impact the budget. She asked that unintended consequences of these actions be considered.

James Foody – At the February 21, 2024 meeting he asked questions regarding the Wanaque Valley Sewerage Authority and did not get answers on record, but rather after the meeting. He indicated that the Mayor was told in August that she would lose her job in November, and that in December she told people

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
Time of Meeting:
Minute Page No:

Governing Body Regular Meeting
March 20, 2024
6:30 p.m.
Page 6 of 26

she would be going for a full-time Mayoral position. If this were based on consent of the governed the issue would be put out to a referendum. He read some passages from the Declaration of Independence. It is the right of the people to alter or abolish or institute a new government whenever any form of government become destructive. He indicated he is in favor of altering the government and getting rid of the Councilmembers. He quoted Thomas Jefferson, "When tyranny becomes law, rebellion becomes duty. When the people are afraid of the government that's tyranny. When the government is afraid of the people that is liberty." The Council should vote no and put a referendum to the people. It's not right to make the Mayor full-time because she lost her job, and if people do it's because somebody must think we are hicks and hillbillies.

Carl Richko – A former Mayor, indicated that he agrees with those who spoke at the last meeting and wanted the issue put to a referendum. There are a lot of people who showed up to this meeting tonight, probably 125 people, so think of that and also the number of people who signed the petition. The Council represents the people and should listen to them. He questioned the current need for a full-time Mayor. Mayor Dale has been a part-time Mayor for about 5 years. Why now do we need a full-time Mayor? What has happened in the last few months that makes it so very important that she become full-time? The job of the Mayor and Council is to govern and oversee. The Administrator's job is to handle the daily administration duties of the Town, including dealing with personnel, handling emergencies, working on a budget to present to the Council, overseeing projects and making sure that residents have services available to them. As pointed out in the last meeting, our Administrator has qualifications, so what has happened in the last few months to warrant the need for a full-time Mayor. With regard to a previous speaker comparing West Milford to Paterson, there is no comparison. Paterson has 140,000 people and West Milford has under 25,000. It is unheard of in the State of New Jersey, for a Town of our size to have both a full-time Mayor and a full-time Administrator. Their combined salaries with benefits would exceed \$300,000. As a 62 year resident who loves living in a Town where people care so much he wanted to thank everyone for coming out tonight.

Andrew Gargano – He was on the last Town Council before it went to this form of government. At that time the 5 Council members elected the Mayor annually and the position was always part-time. He was against the change 22 years ago because things occur when there is no bi-partisanship. They acted for the greater good back then and this is not for the greater good it is a grift. He takes issue with the matter having been taken up in executive session. The ordinance should have been taken up in a public meeting and maybe it would have been stopped before it got to this point. Former Mayor Betina Bieri set the bar as Mayor and got a lot of things done on less of a salary than Mayor Dale currently gets. He indicated that this is the dumbest ordinance that the Council has ever come up with and he cannot believe that it has even gotten to this point. It sets a bad precedent for other Towns as well. Mr. Gargano urged the Council to seriously think about this ordinance and vote no.

Robert Nolan – Is a 41 year resident and also a former Councilman. The Mayor of Fairlawn resigned and then became the Administrator for \$175,000, which is in line with what we are currently paying our Administrator, even though Fairlawn has an additional 10,000 residents. Even though a lot of people are here tonight there are also a lot of people who are unable to attend the meeting because we all have busy lives. Estimating a \$120,000 salary and adding the benefits would equal about \$170,000, and while that may be something that works this year, that \$170,000 after five years becomes \$850,000 and would buy a lot of stuff, an ambulance, equipment and a lot of other things. He read some excerpts from some executive session minutes. He asked that if the Council feels what they are trying to do is correct to let the peasants vote on it in November.

Mary Grace Lawson – Has been here since 1970. She indicated that back-door deals were made in the past, mentioning Jungle Habitat, and though she is fine with this newer form of government, she feels that having a full-time Mayor would encourage back-door deals. It should be voted on by the people.

Ted Porebski – Indicated that he views the situation in a simple form. The job of Mayor was taken as a volunteer position to the Township and to then make it a paid position doesn't seem right at this time. He has been listening to what the people have said and how hard the Mayor works and perhaps the Mayor should become the Administrator and then she could have that position for possibly 10 to 15 years. Passing the ordinance today would have a lifespan of 3 plus years and then the Mayor will be voted out. He's not in favor.

John Schaefer – Has been a resident since 2020 and disagrees with the ordinance. Mayor Dale seems like a wonderful person. He indicated he felt he should speak up having a young son at home, because he is not in support and urged the Council to vote no.

Laura Slott – Is here to ask the Council to vote no on Ordinance 2024-009 and 2024-011. The Mayor was elected to be a part-time Mayor with a \$16,000 salary, and there are no more projects now than there was before to justify the change. It would be unjust and unethical. The Town Council should not be voting on a significant matter such as this that benefits one of its own members at the detriment to the people of the Town. She indicated that it would be great if every elected leader had to take servant leadership training. Such an important position should have to be publicly advertised, applied for and not just handed over to the Mayor and she implores the Council to do what is right and vote no.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 7 of 26

Chris Garcia – Has heard that the defense of the matter is that it is a personal attack and it is a witch hunt against Mayor Dale. Public policy should be defined and established not based on any individuals. The people who ran for Mayor this past year ran under the expectation that it was a part-time position. At this point why are we changing that expectation because whether it is true or not, it appears that we are dealing from the bottom of the deck and that is upsetting a lot of people. He indicated that it was more of a moral or ethical issue than anything and shouldn't be about any individuals. We should not be basing public policies based on any individual or individual circumstances. It is not good public policy and is not well thought out and it appears to be underhanded. There is a lot of complexity involved with a lot of the projects we have and we need to hire professionals that are qualified and have the experience necessary. It has to do with personnel. People are upset because it is bad public policy, it sets a bad precedent, and it is unethical and immoral. It could have been voted on by the people last November but it wasn't imperative then and now it is. Please do the right thing.

Seeing no one else wishing to speak Councilwoman Erik made a motion to close the public portion. Seconded by Councilman Goodsir.

Councilman Chazukow - thanked everyone for their comments and likes to see this level of public participation. He indicated that he did not have the time to address all of the mistruths and misinformation that needs to be corrected. There is so much misconception and personal attack going on that he can't even begin to address it. Councilman Chazukow pointed out that actions toward Antoinette Battaglia were done by a previous Council not the one acting currently.

There was some back talk from the public and Mayor Dale asked that people be polite. The Council listened to them and if they want their questions answered they will listen respectfully to the Council comments.

Councilman Chazukow - indicated that comments made by the public said more about the individuals making the comments than the merits of the ordinance being discussed. The Council is there to discuss the ordinance and not anyone's personal life. His household income may be about half the average of those in the Township but he tries to relate it to the value of the property. He credited Mayor Dale's leadership with increasing the value of his home 400-500%. He has no doubt that there will be a guaranteed return on the Mayor being full-time. Mayor Dale has brought millions and millions of dollars in grant money into the Township. Every army needs a general and the Mayor's job isn't 9 to 5. It is a full-time job. Consider the area in Hewitt that was abandoned and a ghost town before Mayor Dale's leadership. He sees the improvements that the Mayor has made.

Attorney Semrau – Clarified that the approval of this ordinance does not automatically make the Mayor's position full-time. It makes a full-time position an option but it does not mean that it is approved. There has been a lot of questions about the language of the ordinance regarding that the Council shall determine, by the date of the re-organization meeting. In most forms of government it is the Council that legislates and sets the salaries. The Governing Body can do that at any time. To remove any confusion, Attorney Semrau suggested that the language about the re-organization meeting should be removed. He advised the public keep in mind that the ordinance would provide an opportunity, if it came, to change the structure but does not change the Mayor's position tonight.

Councilman Chazukow has no objection to advertising the job, if that is what Councilmembers want to do. He indicated that should Council go that route it would be based on what the public has expressed seeing rather than what they feel is best and practical for the municipality. Delays only cost more. He would be happy to discuss issues with anyone. The best tactic moving forward is to empower the local government. There is no making government smaller. New Jersey is too far gone.

Councilman Goodsir – Has lived here his entire life and is the volunteer coordinator and Exalted Ruler at the Elks Lodge. He indicated that there are a lot of things going on that the public doesn't know about, and Mayor Dale is the best Mayor the Town has ever had. The ordinance gives the Council options now and in the future to manage the administration of the day to day operations of the Township. The Administrator already serves the role as the Administrator and Clerk and we can utilize his financial background as a CFO to provide additional oversight to the CFO's Office which has a reduction of over \$30,000. If the Council ever determines that there is a need for additional staffing or resources, he wants to have the option to have someone that was elected by the people, who is vested as a resident, is a person that we can consider for those expanding responsibilities. If the Administrator were to leave this ordinance would give us options. We do not have a deputy administrator. People ask what changed. The CFO, a Department Head, is going part-time, and that will save us a lot of money, and Mr. Senande will pick up some of that responsibility. There are things that the Council can't talk about at this time, but in the near future it will become clear why a full-time Mayor is needed. Councilman Goodsir indicated that he isn't crooked or taking part in any back-door deals and as someone who volunteers in the Town he doesn't see a lot of familiar faces.

Councilman Conlon – Indicated that it is not because Councilmembers don't want to talk about certain matters, it's because legally they are not allowed to talk about certain things due to confidentiality constraints. The Mayor and Council are elected to preform fiduciary responsibilities and to ensure that the Township is running as well as it can, given all the factors that come into play. This ordinance doesn't give anyone anything, all it does is give the Governing Body the option to take more time and to access if it is the best way forward. There is no cost to put an ordinance in. There is no cost to the tax payers. There is no cost to the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 8 of 26

residents. There's no cost to the municipal corporation. This isn't something that is being rushed through so that the Mayor gets a full-time job in 30 days. He indicated that he also tabled a recent ordinance in order to leave the option it allowed open for future consideration. We have options, we could post a Deputy Administrator job opening and see what qualified applicants we get. There is too much going on and there are too many opportunities to keep kicking the can down the road. The list of projects is available and that list is fluid and it's growing. Councilman Conlon indicated that he would be amenable to having a full-time Mayor, rather than waiting, and posting a job, and seeing who applied, and training them for 3 to 6 months. He is also not opposed to having a referendum, but right now all Council is doing is creating an ordinance to give themselves the option to represent the residents and do the job that the residents elected them to do.

Councilman Marsden – Asked the Township Attorney if the ordinance was to be put through, what the effective date be. Attorney Semrau indicated that the adoption of the ordinance would have to be published and then it would be effective 20 days later. Councilman Marsden is not against having a referendum and appreciates the people who spoke respectfully tonight but not the ones who were disrespectful and threatening.

Mayor Dale – Indicated that she had gone on line to look at the petition, where there were 778 signatures, but it appears there is a discrepancy regarding how many signers are from West Milford zip codes. She is willing to discuss the matter later to be sure she is looking at the correct information.

Councilwoman Erik – Has been attending Council meetings since 1971. She indicated that what happened with Jungle Habitat was not a back-room deal but rather discussed in a public meeting by Committeemen, not Councilmen, and there were a lot of people from Mountain Rise who did not want the park, they voted no and Warner Brothers pulled out. It was not done in the back-room. She takes offense to the notion that this Council is doing deals in the back-room. In answer to the statement that partisan politics is why there is a lack of volunteers, politics has nothing to do with it and there is a shortage of volunteers everywhere. Councilwoman Erik volunteers for a lot and indicated that she doesn't see a lot of people from the audience volunteering. Councilwoman Erik indicated that Councilmembers have to take classes to sit on the dais and deciding to pay \$100,000 for a Mayor is not unethical because they approved \$1,000,000 for a fire truck, but that is because residents really need a fire truck.

Administrator Senande - Indicated when asked that in the four years since he has been here the larger scale projects have ramped up, one of them being the Ridge Road building that has been in the works for years. It would speed up a lot of the projects and they are major projects. The more time these large scale projects take they become more costly. Speeding up projects will significantly save money.

Councilman Goodsir – Indicated that we have received \$200,000 from the TGP compressor station and confirmed with the Township Attorney that the Township would be receiving \$250,000 to \$300,000 more this year from a rateable standpoint. Additionally we received a grant of \$75,000 for the Firefighters.

Councilman Conlon made a motion to move 2024-009. Councilman Goodsir seconded.

Attorney Semrau asked to amend the motion to include the elimination of one sentence in the first whereas paragraph that states that "the township Council shall determine from the date of the reorganization meeting whether a full-time Mayor will be approved for that calendar year" for the purposes of clarification.

Councilman Conlon amended his motion to accommodate the change. Councilman Chazukow seconded.

Motion to move Ordinance 2024-009.

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

Agenda No. IX

~ Ordinance 2024 – 011 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC REPEALING AND REPLACING § 15-5 COMPENSATION TO REFLECT THE SALARY OF A FULL-TIME MAYOR WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township Council wishes to amend the Township Code to specify annual salary of a full-time Mayor; and

WHEREAS, the current part-time Mayoral salary will not change; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 9 of 26

WHEREAS, the Township Council recognizes that the duties and responsibilities of a full-time Mayor warrant a commensurate full-time salary.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that only Section 15-5, Compensation, shall be repealed in its entirety and replaced as follows:

SECTION 1. §15-5 Compensation.

- C. The compensation of each member of the Council and Mayor shall be fixed from time to time by Salary Ordinance.
- D. The salary for a full-time Mayor if approved by Township Council shall be within the range of \$90,000.00 to \$135,000.00 per year and subject to the terms and conditions set forth in Township Code §15-7.

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 therefrom, 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: February 14, 2024
Adopted: March 20, 2024
Effective Date: April 9, 2024

This Ordinance was introduced on February 14, 2024 and Notice of the public hearing was published in the Herald News on February 20, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Township Attorney Semrau indicated that for the purposes of the record, the previous comments from the public and also Council comments that were made for Ordinance 2024-009 would apply to Ordinance 2024-011.

Councilman Conlon made a motion to apply the previous comments from the discussion of Ordinance 2024-009 to Ordinance 2024-011. Councilman Chazukow seconded.

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

Laura Ashtyani – Indicated that her comments are not a personal attack on anyone here. She is here because she likes the Town and feels the need to speak. She was offended by the “you people” comment from the Council. The 2022 census places the median income at \$56,631. That is far less than the proposed salary which is \$90,000 to \$135,000. Residents are struggling to make ends meet and they are looking to the Council to make fiscally responsible spending decisions. The current Mayor ran on the campaign of reducing tax burden to the residents and keeping taxes flat. Current staff is capable. She suggested if more help is needed get a part-time Deputy Administrator. At a previous meeting former Mayors and Councilmembers, who are familiar with the Town were in agreement against a full-time Mayor position. We should listen to them. She asked what has happened since the Mayor was elected to warrant the change. Perhaps a reasonable cost of living raise could be given 3.5 to 6.5%. It is not customary to raise someone’s pay by 550% and convert a part-time position to full-time. She questioned what would happen to these various projects if it were to be voted down.

John Lauritano – Asked for a referendum so that the correct process would be followed. He indicated that he wanted the people who elected the members of the Council to make the decision, and not the Councilmembers themselves.

Melissa Brown-Blauer – Would like to check the website Mayor Dale spoke about regarding the zip codes with Mayor Dale. She indicated that Councilwoman Erik is a good volunteer as well as others are but she has noticed, on the committees served on, that a lot of people are turned off by all the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 10 of 26

partisanship. The compensation expands the role of the Mayor and the whole purview. This is not the right way to change an elected office a few months after the election. It's very disturbing to everybody here to have such a change in the money and in the scope of power. If the ordinance isn't going to change anything then why is the Council doing it? We all believe it will come to pass very quickly. Residents feel that it is very unsound and destabilizing and short sighted.

James Foody – Stated he was baffled by the decision that was made. In regard to a comment that was made about what the Mayor has done for the old A&P parking lot. He explained that the building was done through a pilot program where taxes are reduced the County doesn't get any money and the school doesn't get any money and then they have to raise taxes. Mr. Foody indicated that the Town Council already had their minds made up, because a line item has already been placed in the budget for \$120,000 for the Mayor's position. There are no checks and balances because the Council is all of the same party. With regard to a comment Councilman Conlon made about Mayor Dale having the Township in good fiscal standing, \$38,000,000 in gross debt is not a great fiscal position. Under Democratic Mayor Bieri the debt was \$10,000,000 and that number ballooned up once the Republicans took over. The Council will see the repercussions of their actions.

Andrew Gargano – Indicated that he was volunteering in this Town a long time ago, and he built the PAL building. He served on the Council and then on the Library Board and things got done, a lot of it on a volunteer basis and under the oversight of Mayor Betina Bieri on a lower salary. It's a slight against people to say they don't volunteer and he agrees that what Ms. Brown-Blaeuer said about the partisanship being a factor. The passage of these ordinances appears to be a foregone conclusion. The full-time Mayor position is unwarranted and people will step up and get things done. He did it for no pay but rather, just for the betterment of the Town. The matter should have been addressed in public. It's fine that it was discussed in executive session but it should have been addressed in the public view as things were done in the past. It is an affront to the Township.

Susan inaudible – Questioned what a Mayor actually does and what Mayor Dale's additional responsibilities would be should she become a full-time Mayor.

Isaella Walczak – Is a three year resident of West Milford and understands that people are passionate, but reacting, discrediting, and dismissing the community is what she is hearing. She is on the fence with how she feels and sees both sides. We are all a community together and she would like to hear a little more grace from the Council because the reaction and aggression is offensive.

Seeing no one wishing to speak Councilwoman Erik made a motion to close the public portion. Seconded by Councilman Conlon.

Mayor Dale – Indicated that she was addressing the public not as a Mayor who was elected as a Republican, but as a representative of all of the people who have entrusted her with the responsibility to lead the Township. Mayor Dale resigned from her position as the leader of the Republican party when she was elected Mayor because she feels she represents everyone. She stated that her message pertains to any and all matters about which this or future Governing Bodies will make decisions. She indicated that it is with a heavy heart that she is addressing the public concerning propaganda that has been spread in our Township specifically the dissemination of misinformation and deliberate deception by some of our fellow citizens, particularly those from the opposite political party to how I was elected to serve. She is disheartened to witness the spreading of falsehoods and misrepresentations that aim to sow discord to confusion within the community. It undermines democracy and erodes the trust that form the foundation of our society. We cannot allow ourselves to be divided by deceit that has been presented on this matter or any matter, past, present, or future.

She implored those who have engaged in spreading misinformation to reflect on the consequences of their actions. We must hold ourselves to a higher standard, grounded in respect and based on accurate information. We must remember that we are all members of this community, with a shared responsibility to uphold the principles of democracy and work together towards the common good. We may have different opinions but there needs to be constructive dialogue and mutual respect. The opposition to this matter and any other is not the issue here, rather, the problem in this matter stems from the misinformation being dispersed and making personal attacks aimed to settle political scores and push a partisan agenda.

Mayor Dale indicated that she had comments transcribed from prior meetings, using her own funds, so that she can answer each one factually. "Where did the money from the TGP Compressor station, why they didn't fight for the people against polluting an entirely clean community". We have gone over that. "The people of West Milford voted in 2002 for a partisan form of government with a part-time Mayor." Mayor Dale told people to look at the Faulkner Act, which says nothing about a Mayor being full-time or part-time, but rather says what the duties of a Mayor, Administrator and Council are by definition of the statute.

"I am personally sick and tired of local partisan politics and would love someone who represents me and my district." Mayor Dale indicated that both the Democratic and Republican parties have 2 elected committee members for each of the 13 voting districts who represent them in their district. These elected

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 11 of 26

party officials are on the ballot and are voted for just like any other candidate. To state that you don't have representation in your district is a completely false statement. You have elected party representation, more representation than you would have in a ward style of government. In the ward style of government we also saw much division. Each representative would work for their ward and not for the greater good of the entire Township. The Mayor and Council work for the whole Township not just their districts, which ensures that decisions are made with the entire Township in mind. There is direct accountability to all the residents.

"My main reason for coming tonight is the restructuring of the health department. You are getting rid of one of the most consummate professionals in the state of New Jersey." Which was basically alluding to the fact that the Council was restructuring the Health Department to pay for a full-time Mayor. The fact is the shared services agreement for the Health Department was entered into in 2019. It is a matter of public record should anyone wish to see it. The final piece of it was entered into in July of 2023.

"We don't need a full-time Mayor." Mayor Dale is not advocating for or against it. The Faulkner Act actually states that the Mayor is the CEO of the municipality. It is up to each municipality to decide if the Mayor is full-time or part-time.

Mayor Dale gave other examples and indicated that she will be posting all of the examples on her web page for anyone interested but continued by saying that a resident at the last meeting said the position "to benefit an elected official who may be having known financial problems." Mayor Dale disclosed that she has over \$600,000 available to her tomorrow. There were screen shots of her bank accounts and the numbers do not include her real estate holdings.

Mayor Dale reached out to former Mayor Bieri regarding what was said in public regarding what she thought about a full-time Mayor position and she indicated she had been misrepresented. The person that claimed to have spoken to the previous Mayor did not tell the whole story. Mayor Dale had many such examples that she will post and make available.

Mayor Dale indicated that we cannot replace or hire a full-time Clerk because our Administrator who serves in both capacities is tenured as the Clerk. The point is that options have been thought about but that one can't happen. Currently the form of government is not a "Mayor strong" form of government. Mayor Dale cannot appoint a department head without the advice and consent of the Council. She can't move a dime without the Council's consent. Saying that the Mayor will be stripped of her power, doesn't make any sense. If you are against an issue, base the reasons in fact.

In response to a Democratic web page, the powers of the Mayor and the powers of the Council will remain the same. The fox is not guarding the hen house. Attorney Semrau confirmed that the powers would remain the same. There is no bait and switch. Council can change the Mayor's salary tomorrow. Council can change the salary of any uncontracted employee tomorrow. There is no form of government where the public votes on what the Mayor's salary should be. Since 2015 the prior Clerk also served as Administrator in a dual role on and off.

Mayor Dale listed a number of statistics about West Milford and read portions of the Faulkner Act. Mayor Dale listed a number of "Mayor Dale Said..." quotes. Stop wasting tax dollars, in regard to delays that we have experienced that have already cost us a million dollars; Address the long overdue need to improve our sports facilities in order to create a community that attracts families, drives our home values, and provides the community with a home town to be proud of; Get our employees out of the basement of Town Hall; Get a message board in the Newfoundland area so that our residents across the vast 81 square miles can get the same notification as those who pass or live within Town center; Follow the traffic study that had been ousted because of previous politics that identified Lakeside and Greenwood Lake Turnpike as the #1 area in need of a light done, and reduce accidents and near accidents; Take care of our Senior population and provide them with a center so that they are not bounced around Town to participate in the nutrition program and other services; Address the flooding of Bradrick Lane, something that should have been addressed 20 years ago. Mayor Dale indicated that the pilot program previously discussed contained misinformation. It is false that no money goes to the County. We do not educate people with funds from commercial space. The program was a way to attract business and revitalize an entire section of Town. It also allowed the Township to retain 95% of the tax dollars instead of sending them everywhere else. The list went on and was extensive and is available through Mayor Dale's web page.

Mayor Dale explained that she has had to deal with many operational issues that were not even started by the current Council. Many more hours were dedicated, more than what would be expected of a full-time Mayor, let alone a part-time Mayor. Due to confidentiality constraints, the nature of the matters cannot be elaborated upon. Administrator Senande and Township Attorney Semrau confirmed Mayor Dale's statement was factual. The Township Attorney indicated that Mayor Dale walked into these matters and has been dealing with the ongoing circumstances and the matters are dealt with during the day and have required travel.

Mayor Dale read a post from James Foody, that said that people should check out who the Mayor has appointed. The Recreation Director was related to her son's father, she gave another job to a relative of her child's father in the Planning Department. She gave one of her good friends a job in the Building Department.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 12 of 26

Did you know she got rid of Mr. Lupo in the Zoning Department, and said we only needed part-timers and then fired them and gave the job to former Councilwoman Gerst's husband who got his certificate while the part-timers were here. She handed former Councilman McGuinness's daughter's boyfriend a job to replace the parks and rec director's secretary who just retired. She has turned the employee roster of West Milford into her own friends and family plan. This crap has to stop. Shouldn't it be the most qualified person for the job not her friends or politically connected. Check out what the parks and rec director is making and he came here with no experience.

Councilman Goodsir – Is the liaison to the Recreation Department, and he indicated that Dan Kochakji is one of the greatest human beings he has ever met. He cares about the Town. He recalled when they went out and measured spots 6' apart around Westbrook Park on a Sunday for the trout derby.

Mayor Dale continued with her response to Mr. Foody stating that the employee that was hired as the Zoning officer had volunteered on the Board of Adjustment for 12 years and became certified using his own funds. He is a West Milford resident and although the Township advertised the job, no one else applied. Prior to that the Town had entered into a shared services agreement at an annual cost of \$98,516.25. The head of the Building Department said that wasn't working and requested the Township hire another full-time permanent Zoning Officer. This employee was hired at \$79,595 a savings to the Township of \$18,920.97. He also didn't need benefits so that saved an additional \$25,000. Total savings for the Township \$43,920.97.

The Recreation Director is another lifelong West Milford resident. He has a Masters Degree in Education. His starting salary was \$80,000 which saved the Township \$19,000. The Township has received numerous accolades about his leadership and performance.

The Planning Department employee job was not created. Another employee was promoted to another department. The Planning Department employee had worked extensively in the private sector and was familiar with planning boards and zoning boards and the application process. The employee was offered \$42,050 and then the Township combined what used to be two employees performing the same functions for both the Planning and Zoning Boards to one role and this individual now serves as the secretary to both boards saving \$44,074.72.

The Building Department keyboard clerk started off as a floater and at the request of the Building Department head was made a part-time permanent employee due to the work load in the department, at an annual salary of \$24,122.28 and later due to work load and the Department Head request, this employee was made a full-time employee at a rate of \$24.90 an hour or annual salary of \$45,324.81. The Department Head specifically requested this individual. There's no need for benefits, saving an additional \$25,000, a total annual savings of \$132,895.69.

We have had 8 years of no additional tax increase. The breakdown of what taxpayer money is spent on is included with your tax bill every year in the form of a colorful pamphlet.

Mayor Dale thanked the previous Mayors for being at the meetings. Those Mayors were not elected by the public but were placed as Mayors by Council because that was the form of government at the time. A great deal has changed since the former Mayors served. Mayor Dale asked Attorney Semrau if this governing body can change our form of government without a public referendum and he answered no. Attorney Semrau confirmed that the Council sets the Mayor's salary now and only the Council is allowed to set it in the future. The Council is not doing anything illegal, the Council has the right to adopt ordinances, salary ranges, and descriptions of responsibilities. The Mayor the CEO of the Township and responsible 24 x 7 throughout the entire term. The Council cannot decide if the Mayor will be the Mayor from year to year. It does not change the powers of the Mayor or the Council. Council has always had the power regarding salaries and legislation. Attorney Semrau indicated that one possible change for example might be that if the Council voted to change the Mayor's salary, the Mayor may have a conflict were she may try to veto the motion, due to it having a direct impact upon the Mayor.

For the record Mayor Dale listed the current projects: The traffic light; Address all current and outdated ordinances; Rt 23 communications board; Relocating Parks and OEM from Johner; Senior Building redevelopment; Dygos Field redevelopment; Completing the Ridge Road building; Online permitting/payment; Replacing the septic system for the municipal complex; Relocating staff and records to the Ridge Road building in Town Hall; Greenway Trail/Connecting business district; State bear-proof trash can pilot program; Redeveloping 301 Marshall Hill Road; Replacement of directional signage; Rt 23 Bridge; Address legislation

Mayor Dale indicated that if you don't like something, or don't feel that we need it that is fine, but don't put out propaganda that divides us. Mayor Dale indicated that she will continue to do the job she was elected to do in a non-partisan way.

Councilman Conlon indicated that Mayor Dale was very thorough with her explanation and the public is better informed now than they were, regardless if they are for or against the ordinance. Councilman Conlon indicated that the salary range was comparable to a Deputy Administrator position and Administrator Senande indicated that it was comparable to a Department Head position.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 13 of 26

Councilman Marsden indicated that sometimes you get what you pay for and after hearing her explanation, that is why you want someone who knows what they are doing running things. If it came to a referendum that would be fine.

Councilman Chazukow indicated that when he used the term you people he did not mean it in a derogatory way. He thanked the Mayor for taking the time to explain everything, because that will serve the people who put forth honest objections and concerns. When he said before about not making the time to talk, he meant that no amount of facts or explanation is going to clarify anything for someone who is committed to misunderstanding opposing us. He is available to anyone who has any questions.

Councilwoman Erik made a motion to move 2024-011. Councilman Goodsir seconded.

Motion to move Ordinance 2024-011.

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

Mayor Dale opened the meeting to the public comment portion.

Agenda No. X

Public Comments

Laura Ashtyani – Indicated that in the Faulkner Act it says that the Council has no administrative duties and no appointive power. She questioned that if the Council were to choose every year if the Mayor was to be part-time or full-time actually be considered an appointive power. Township Attorney Semrau indicated that it is not giving the Governing Body any appointive authority per law. It still stays within the Governing Body's legislative and spending authority. With respect to appointments as indicated, all appointments are either by the Mayor's appointment with advice and consent of the Council or through administration. It is still not considered an appointment it is salaries and legislative.

Carl Richko – A former Mayor, spoke in defense of the older Mayors. Times have changed, but there are always issues to deal with. Perhaps times haven't changed all that much in West Milford. We were made a watershed Town about 130 years ago. He indicated that he felt bad about all the misinformation that is out there. He indicated that when he met with the former Mayors recently they came up with two main reasons why they didn't think that West Milford needed a full-time Mayor. One reason is that the population has decreased over the last 20 years. The second reason is that there is no threat that major development is going to happen in West Milford so there is no need for a full-time Mayor. There are only 45 out of 565 municipalities that have a full-time Mayor. For Towns with a populations under 50,000 there is no such thing as a full-time Mayor. We have less than 25,000 so that was the concern of the prior Mayors.

Melissa Brown-Blaeuer – The partisan form of government that we have here is the fundamental problem. Everyone on the dais is a republican and that innately invokes the national rhetoric and people just vote the party line. It has gotten extreme. Our form of government is becoming authoritarian. The grass roots level is where we can restore the we in "we the people". Please pass an ordinance to initiate the process to return to non-partisan ward based government because that is in the best interest for all of us. We need to restore the integrity and the accountability of all our elected. There needs to be more inclusion and that will encourage more volunteers.

Robert Nolan – Has been to a lot of Council meetings and doesn't appreciate being lectured to. There are a couple of resolutions regarding non-profits regarding block grants on the agenda and he questioned if the addresses of the group homes should be in the resolutions. He used to be a CFO for a non-profit and that is why he questioned it. He referred to the meeting schedule again and how for 6 months of the year there will only be one meeting a month. Mayor Dale had indicated that the Governing Body is efficient and they only need to meet once a month. By law the Governing Body has to meet once a month. He questioned that if the Mayor and Council only need to meet once a month, do we really need a full-time Mayor. Mayor Dale previously indicated that there were also five meetings in a five week time period recently and he indicated that one meeting was about three minutes long so he didn't think that one should count.

John Trojanowski – Indicated that while people should defend their positions, not even 5% of the people signed the petition. He votes every year and sees democratic and republican candidates and he asked why a democratic candidate cannot get elected in this Town.

Seeing no one else wishing to speak Councilman Conlon made a motion to close the public comment portion. Councilwoman Lichtenberg seconded. All were in favor.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 14 of 26

Agenda No. XI

Council Comments

Mayor Dale – Insisted that nothing that is done or the decisions being made on the dais have anything to do with partisanship. Ms. Brown-Blaeuer has been appointed to any position she has sought and Mayor Dale would like to discuss this issue with her one on one. Mayor Dale does not like that the population of the Town has diminished and feels it's an issue and not something to be proud of. Mayor Dale indicated that other people, non-republicans, have approached her and asked her to go with them to the County and she went with them because she felt what they were trying to do was best for the Township.

Councilman Goodsir – Indicated that he doesn't care about what a person's political affiliation is, and is willing to work with anyone who wants to be a volunteer. Trump and some of these other topics don't apply here.

Councilwoman Erik – Pointed out that she worked to have Chris Garcia, a staunch democrat, remain on the Planning Board when he was going to quit and he is still on the Board today.

Councilman Chazukow – Indicated that people who feel that there is partisanship should be volunteering and participating so that they can have their voices heard and take part in shaping the Town. People can't say I'm not going to participate because they're not going to listen to me. Either show up or learn to like it.

Councilman Conlon – There are more unaffiliated voters in this Town than affiliated ones. There have been democratic Mayors and Councilmembers in the past. He doesn't understand what national issues are infiltrating down into our local West Milford politics. We may appear to be chummy up on the dais, but that is because we have been working in the trenches together for some time now, and when you do that you see the true character of people. It's not whether you have an R or a D next to your name. If the will of the residents is to have a referendum, then go through the steps and do it.

Councilman Marsden – Stressed the importance of time, and that we don't get it back. He tries to serve the community to make it a better place for his children and grandchildren. There are tough things coming up in the Country and we are going to have to work together to get things done.

Councilman Chazukow – Indicated that although the Mayor and Council have some meetings schedule for once a month, the work that gets done doesn't all happen during the meetings, it happens 24/7. From his perspective, he doesn't see a decline in the population. The once vacant properties around his neighborhood are filled. Also, the population is not the reason we need a full-time Mayor, it's all the projects the Mayor just listed and the amount of work that needs to be done.

Township Attorney Semrau – Indicated that in regard to a comment made that because of the lack of development that can be done, there isn't as much work to be done. However, working around these restrictions actually makes more work. There are more challenges and work involved when you are dealing with an area in the Highlands Preservation. He worked on the Library project, made numerous trips to Trenton, and it applies to all facets, whether it's environmental regulations, street sweeping, salt, clean-ups for properties, access issues, whatever it is it requires greater effort overall to maintain a Township within those boundaries. Attorney Semrau indicated that if you're going to speak about an employee's performance they have to have notice and that will take place in executive session unless the employee wants it public. If you want to speak about a full-time Mayor position, that may be done at any time. Employee evaluations are done on a regular basis, but not in a public meeting. Employees have certain processes and certain rights. In answer to a statement made earlier tonight, one example of a Town with a full-time Mayor and a lower population that comes to mind is Woodbridge with a population around 21,000.

Councilwoman Erik – Mentioned that when you kick the can down the road you end up paying more. Ten years ago, we bought a fire truck for \$500,000 and we just bought the same truck for a million.

Mayor Dale requested everyone take a five minute break. Motion by Councilman Conlon. Seconded by Councilwoman Erik. All were in favor.

The meeting resumed at 10:03 p.m.

A motion by Councilman Marsden TO TABLE Resolution 2024-155. Seconded by Councilman Goodsir.

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

Mayor Dale asked to move Resolutions 2024-138 through 2024-144 and Resolutions 2024-152 through 2024-154.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 15 of 26

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Resolution 2024 – 138 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO STARFIRE CORPORATION FOR THE TOWNSHIP'S FOURTH OF JULY CELEBRATION IN AN AMOUNT NOT TO EXCEED \$12,750

WHEREAS, the Township is in need of professional pyrotechnics handler services for the 2024 Fourth of July celebration; and

WHEREAS, Starfire Corporation has vast experience and expertise in providing such services in New Jersey; and

WHEREAS, the Township wishes to engage the services of Starfire Corporation to assist the Township of West Milford in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition; and

WHEREAS, the total amount of the contract shall not exceed \$12,750 and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services and shall come from the Fireworks Trust Account 19-295-56-120-202 and account 01-201-30-420-582; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Starfire Corporation has received the Township's Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Starfire Corporation from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute an agreement with Starfire Corporation, 566 Theater Road, PO Box 179, St. Benedict, PA 15773 for professional pyrotechnics fireworks display in an amount not to exceed \$12,750.
2. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$12,750 without the prior written approval of the Township Council.
4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: March 20, 2024

Agenda No. XII 2

~ Resolution 2024 – 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO D'ONOFRIO & SON INC. FOR THE MAINTENANCE OF BALLFIELDS AND OTHER SITES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 23, 2024 at 10:30 am for Maintenance of Ball Fields and Other Sites as per the Bid Specifications; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 16 of 26

WHEREAS, the Township of West Milford received one bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Director of Public Works and the Township Attorney; and

WHEREAS, the sole bid received from D’Onofrio & Son, Inc. is complete; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services in the amount of \$54,000 shall come from account number 01-201-26-291-450 and \$7,000 from account number 01-201-39-390-450.

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

1. The Township Council hereby awards a contract to D’Onofrio & Son, Inc., 47 Van Ness Terrace, Maplewood, NJ 07040 for Maintenance of Ballfields and Other Sites in an amount not to exceed \$61,000.00 for one year.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with D’Onofrio & Son, Inc. in accordance with its bid for said Maintenance of Ballfields and Other Sites in the Township of West Milford.
3. The Township’s Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: March 20, 2024

Agenda No. XII 3

~ Resolution 2024 – 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE PORTABLE TOILET RENTALS AND SERVICE FROM M&B SEPTIC dba NOAH’S ARK IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford has a need for rental of portable toilet equipment and maintenance at various locations throughout the Township which expenses would exceed the Pay-to-Play threshold of \$17,500; and

WHEREAS, M&B Septic dba Noah’s Ark has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(b), no orders of materials shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from M&B Septic dba Noah’s Ark is hereby authorized and approved purchases are made through a cooperative pricing contract, state contract or a minimum of three quotations and the total purchases are not to exceed the budgeted appropriation established for this purpose for the 2024 calendar year.

Adopted: March 20, 2024

Agenda No. XII 4

~ Resolution 2024 – 141 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTIONS 2023-039 AND 2023-268 WITH DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP FOR SPECIAL LABOR COUNSEL SERVICES TO INCREASE THE CONTRACT VALUE IN AN AMOUNT NOT TO EXCEED \$25,318.84

WHEREAS, by virtue of Resolution 2023-039 adopted January 4, 2023 the Township Council did authorize the engagement of Special Legal Counsel services to be provided by Decotiis, Fitzpatrick, Cole & Giblin, LLP; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 17 of 26

WHEREAS, Resolution 2023-039 and the related Professional Services Contract did authorize services in an amount not to exceed \$60,000; and

WHEREAS, Resolution 2023-268 increased the not to exceed amount by an additional \$40,000 to cover special labor counsel services; and

WHEREAS, Resolution 2023-347 changed the township's primary contact at Decotiis, Fitzpatrick, Cole & Giblin, LLP from Mark Semeraro, Esq. to Deena Rosendahl, Esq. due to Mark Semeraro's departure; and

WHEREAS, Resolution 2023-376 increased the not to exceed amount by an additional \$20,000 to cover special labor counsel services; and

WHEREAS, The Township Administrator has been advised that the township requires an additional amendment to include another \$25,318.84;

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-203-20-100-450 for \$18,583.67 and account 01-203-20-100-450 for \$6,735.17; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$25,318.84 to Deena Rosendahl, Esq. for Special Legal Services which amount is in excess of the approved contract amount of \$100,000 bringing the contract total to an amount not to exceed \$145,318.84 and engaging the services of Deena Rosendahl, Esq. for an additional twelve months or until the conclusion of this legal matter, whichever comes first.

This Resolution shall take effect immediately.

Adopted: March 20, 2024

Agenda No. XII 5

~ Resolution 2024 – 142 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY INDICATING INTENT TO ISSUE A NEW PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE IN ACCORDANCE WITH N.J.S.A. 33:1-19.3 THROUGH 19.6

WHEREAS, N.J.S.A. 33:1-19.3 through 19.6 authorizes a municipality to issue new liquor licenses under certain conditions; and

WHEREAS, on August 16, 2017 the Township Council adopted Ordinance 2017-008 which ordinance amends the Township Code to allow for retail distribution licenses in West Milford; and

WHEREAS, the Mayor and Township Council have ascertained that they have the authority to issue a plenary retail distribution liquor license under N.J.S.A. 33:1-12.14, the "Population Cap" Law; and

WHEREAS, N.J.S.A. 33:1-12.14 authorizes New Jersey municipalities to issue new plenary retail distribution licenses as long as the number of such licenses is fewer than one (1) for each 7,500 of its population based on the most recent Federal census; and

WHEREAS, the Mayor and Township Council created three (3) plenary retail distribution licenses, and has previously sold (1) license, but has not sold the remaining two (2) licenses; and

WHEREAS, the Township of West Milford hereby advises of its intent to sell one (1) of the remaining two (2) plenary retail distribution licenses created, and accept applications, bid deposits, and sealed bids to that end; and

WHEREAS, all bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder N.J.S.A. 33:1-1 et seq. and N.J.A.C. 13:2-1.1 et seq., the West Milford Township Code and all applicable local ordinances; and

WHEREAS, the Mayor and Township Council will award the license to the highest qualified bidder; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 18 of 26

WHEREAS, all bids must be submitted in a sealed envelope clearly marked "Distribution License Bid" and addressed to the Township Clerk, 1480 Union Valley Road, West Milford, NJ 07480; and

WHEREAS, all bidders must submit a non-refundable application fee in the amount of \$50.00 by check made payable to the "Township of West Milford" for the bid forms; and

WHEREAS, the minimum bid is hereby established as not less than \$250,000; and

WHEREAS, within five (5) days of the adoption of a resolution by the West Milford Governing Body accepting the highest qualified bid, the successful bidder must present a check to the Township Clerk, made payable to the "Township of West Milford" in an amount equal to fifty percent (50%) of the bid amount as a good faith deposit. The ultimate issuance of the license is subject to the payment of the balance of the bid price, payment of the annual State and municipal licensing fees and the outcome of an investigation of the source of funds and criminal background checks to be conducted by the West Milford Police Department, as well as compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2-2.1 et seq.; and

WHEREAS, the West Milford Governing Body reserves the right to reject all bids if the highest bid is not accepted.

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 the Township Clerk be and is hereby directed to take any and all steps necessary to effectuate the issuance of a new Retail Distribution Liquor License in accordance with N.J.S.A. 33:1-19.3 through 19.6; and

Adopted: March 20, 2024

Agenda No. XII 6

~ Resolution 2024 – 143 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING THE CDBG APPLICATION BEING SUBMITTED TO PASSAIC COUNTY BY CHILDREN'S AID AND FAMILY SERVICES INC. FOR THE GROUP HOME LOCATED AT 213 LARUE ROAD, NEWFOUNDLAND, NJ

WHEREAS, Children's Aid and Family Services Inc. is one of northern New Jersey's leading nonprofit providers of services that protect and support vulnerable children, adults and families; and

WHEREAS, a Passaic County Community Development grant of \$30,000.00 has been proposed by Children's Aid and Family Services Inc. for Replacement or 2 HVAC systems at their Group Home located at 213 La Rue Road, Newfoundland in the municipality of Township of West Milford; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Township of West Milford, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of West Milford, NJ hereby confirms endorsement of the aforesaid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, that Children's Aid and Family Services Inc. may submit its CDBG application to Passaic County with the endorsement of the Governing Body in the application and the project

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Deborah Hoffman, Director of Economic Development, County of Passaic, Division of Economic Development, Department of Planning and Economic Development, 401 Grand Street, Paterson, NJ 07505 so that implementation of the aforesaid project may be expedited.

Adopted: March 20, 2024

Agenda No. XII 7

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 19 of 26

~ Resolution 2024 – 144 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION BEING SUBMITTED TO PASSAIC COUNTY BY CHILDREN’S AID AND FAMILY SERVICES INC. FOR THE GROUP HOME LOCATED AT 2012 MACOPIN ROAD, WEST MILFORD, NJ

WHEREAS, Children’s Aid and Family Services Inc. is one of northern New Jersey’s leading nonprofit providers of services that protect and support vulnerable children, adults and families; and

WHEREAS, a Passaic County Community Development grant of \$30,150 has been proposed by Children’s Aid and Family Services Inc. or replacement of roof and installation of new gutters and leaders at their Group Home located at 2012 Macopin Road in the municipality of Township of West Milford; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of Township of West Milford; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of West Milford hereby confirms endorsement of the aforesaid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, that Children’s Aid and Family Services Inc. may submit its CDBG application to Passaic County with the endorsement of the Governing Body in the application and the project

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the County of Passaic, Division of Economic Development so that implementation of the aforesaid project may be expedited.

Adopted: March 20, 2024

Agenda No. XII 8

~ Resolution 2024 – 152 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ENTRANCE INTO A MUTUAL POLICE AID AGREEMENT WITH THE PASSAIC COUNTY POLICE CHIEFS’ ASSOCIATION

WHEREAS, the purpose is to provide a uniform procedure for the coordination or the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid on a larger scale, assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder in order to protect life and property as delineated in the Police County Police Chiefs’ Association Mutual Aid Agreement; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. authorizes any local unit of the State to enter into a contract with any other local unit within the State for the joint provision within their territorial jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40A:14-156 et seq. municipalities of the State of New Jersey are authorized, in the event of an emergency, to provide police assistance outside their territorial jurisdictions in order to protect life and property or to assist in suppressing a riot or disorder; and

WHEREAS, N.J.S.A. 40A:14-156.1 provides that municipalities may by reciprocal ordinances enter into an agreement for mutual police and fire aid in case of emergency; and

WHEREAS, several municipalities in the County of Passaic and in jurisdictions in County of Essex, County of Bergen, County of Hudson and County of Morris desire to enter into a Mutual Police Aid Agreement for the purpose of memorializing the terms and conditions by which the participating local public safety agencies may render mutual police aid to any other participating local public safety agency requesting assistance.

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 it is in the best interests of the safety of the residents of the Township of West Milford to enter into a Mutual Police Aid Agreement with the Passaic

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 20 of 26

County Police Chief's Association.

Adopted: March 20, 2024

Agenda No. XII 9

~ Resolution 2024 – 153 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO SOLGEN INC. FOR THE INTERSECTION IMPROVEMENTS FOR UNION VALLEY ROAD, LAKESIDE ROAD, GREENWOOD LAKE TURNPIKE, AND STAINSBY ROAD PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on March 15, 2024 at 10:00 a.m. for the Intersection Improvements for Union Valley Road, Lakeside Road, Greenwood Lake Turnpike, and Stainsby Road project per the bid specifications; and

WHEREAS, the Township of West Milford received three (3) bids for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Attorney, Supervising Engineering Aide and consultant Traffic Engineer; and

WHEREAS, the bid received from Solgen, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written and is a qualified bidder; and

WHEREAS, said bid is considered a reasonable cost and a contract recommendation was provided by the Township Attorney; and

WHEREAS, the Supervising Engineering Aide has submitted a written recommendation for the award of this contract to Solgen, Inc.; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 04-215-55-837-002.

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

1. The Township Council hereby awards a contract to Solgen Inc., P.O. Box 364, Saddle River, NJ 07458 for Intersection Improvements for Union Valley Road, Lakeside Road, Greenwood Lake Turnpike and Stainsby Road in an amount not to exceed \$411,979.60.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Solgen Inc., in accordance with its bid for said Intersection Improvements for Union Valley Road, Lakeside Road, Greenwood Lake Turnpike and Stainsby Road project.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: March 20, 2024

Agenda No. XII 10

~ Resolution 2024 – 154 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS THROUGH EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CO-OP CONTRACT #ESCNJ 23/24-04 FROM W. E. TIMMERMAN

WHEREAS, the Township of West Milford is a member of the Educational Services Commission of New Jersey (ESCNJ) Co-Op; and

WHEREAS, the Educational Services Commission of New Jersey (ESCNJ) Co-Op has awarded Contract #ESCNJ 23/24-04 Sweeper repairs/parts to W. E. Timmerman; and

WHEREAS, said contracts were awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the above contracts awarded to W. E. Timmerman, which expenses would exceed the threshold of \$17,500.00; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 21 of 26

WHEREAS, W. E. Timmerman has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(b), no orders of materials shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer; and

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 the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: March 20, 2024

Agenda No. XII 11

~ Resolution 2024 – 155 ~

TABLED

Motion by Councilwoman Erik to move Resolutions 2024-138 through 2024-144 and Resolutions 2024-152 through 2024-154. Seconded by Councilwoman Lichtenberg.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Abstain: Conlon only on Resolution 2024-152
Voted Nay:
Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2024 – 145 ~

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) **2024-146** – Reinstatement of Taxes
b) **2024-147** – Refund Other Liens
c) **2024-148** – Refund Overpayment
d) ~~**2024-149** – Cancellation of Taxes~~
e) **2024-150** – Tax Title Lien Sale

Adopted: March 20, 2024

Agenda No. XIII a

~ Resolution 2024 – 146 ~

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

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Governing Body Regular Meeting
 March 20, 2024
 6:30 p.m.
 Page 22 of 26

- REASON:**
- 1 INSUFFICIENT FUNDS
 - 2 NO ACCOUNT/CANNOT LOCATE
 - 3 ACCOUNT CLOSED
 - 4 STOP PAYMENT
 - 5 UN-AUTHORIZED PAYMENT

BLOCK/LOT	AMOUNT	INT	YEAR	REASON
15101-012	\$1,994.00		2024	5
16307-004	\$2,720.00		2024	2
05302-004 QFARM	\$101.68	\$2.99	2023	1
	\$65.33		2024	
12202-014	\$1,000.00		2024	2
00409-011	\$2,724.00		2024	3
02403-003	\$2,248.00		2024	2
12307-001	\$806.55		2024	2
05317-001.15	\$975.00		2024	2
13910-001	\$164.24	.24	2024	2
13911-001	\$158.23	.23	2024	2
13912-002	\$168.24	.24	2024	2
02002-007	\$2,189.05	\$14.87	2024	2
01404-005.02	\$1,692.00	\$12.02	2024	2

Adopted: March 20, 2024

Agenda No. XIII b

~ Resolution 2024 – 147 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Premium	Pay to Lien Holder
22-0034	10/11/2022	12403-001	\$40,530.89	\$50,400.00	PINE VALLEY ONE REAL ESTATE, LLC 100 N LASALLE ST, SUITE 710 CHICAGO, IL 60602
23-0035	10/10/2023	07212-005	\$690.17	\$300.00	PRO CAP 8, LLC PO BOX 774 FORT WASHINGTON, PA 19034-0774
20-0059	10/13/2020	10705-002	\$61,421.61	\$41,400.00	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
22-0021	10/11/2022	01704-009	\$19,885.54	\$58,900.00	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
22-0035	10/11/2022	13402-013	\$23,665.84	\$58,800.00	WSFS C/F ACTLIEN HOLDING INC. PO BOX 71539 PHILADELPHIA, PA 19176-1539
TOTAL			\$146,194.05	\$209,800.00	

Adopted: March 20, 2024

Agenda No. XIII c

~ Resolution 2024 – 148 ~

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Governing Body Regular Meeting
 March 20, 2024
 6:30 p.m.
 Page 23 of 26

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

- REASON:**
- | | |
|----------------------|-------------------------------|
| 1. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Replacement Check |
| 5. Homestead Rebate | 10. Bank/Mortgage Co. |

Block/Lot	Name	Amount	Interest	Year	Reason
09101-057	1286 Westbrook Road West Milford, NJ 07480	\$250.00		2023	4
15401-007	239 La Rue Road Newfoundland, NJ 07435	\$2,894.00		2024	2
02405-021	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,909.00		2024	2
03509-013.09	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$2,873.00		2024	2
03705-060	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,458.00		2024	2
04901-041	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$4,224.00		2024	2
05204-005	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,334.00		2024	2
06603-008	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,484.00		2024	2
07801-038.07	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,774.00		2024	2
09301-019	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$2,235.00		2024	2
09501-044	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$3,598.00		2024	2
13901-005	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,462.00		2024	2
01608-010	PO Box 925 Point Pleasant, NJ 08742	\$80.72		2024	2
15501-002	49 Circle Boulevard Newfoundland, NJ 07435	\$250.00		2023	4
12403-001	Pine Valley One Real Estate LLC 33 N. Lasalle St. Suite 1730 Chicago, IL 60602	\$3,240.00	\$30.78	2024	1
10202-001	ProCap 8, LLC 2500 McClellan Avenue Suite 200 Pennsauken, NJ 08109	\$320.68		2024	1
TOTAL:		\$29,386.40	\$30.78		

Adopted: March 20, 2024

Agenda No. XIII d

~ Resolution 2024 – 149 ~

REMOVED PRIOR TO MEETING - NUMBER NOT USED

Agenda No. XIII e

~ Resolution 2024 – 150 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: March 20, 2024
 Time of Meeting: 6:30 p.m.
 Minute Page No: Page 24 of 26

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZATION A 2024 TAX TITLE LIEN SALE

WHEREAS, the Collector of Taxes has requested that the Township conduct a 2024 Township Tax Title Lien Sale on Tuesday, October 15, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a 2024 Tax Title Lien Sale on-line at www.realauction.com on Tuesday, October 15, 2024; site opens on September 13, 2024.

Adopted: March 20, 2024

Motion to move Resolutions 2024-145 through 2024-150. Resolution 2024-149 REMOVED

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

Agenda No. XIV

Approval of Expenditures

~ Resolution No. 2024 – 151 ~

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	\$482,677.00
3	Reserve Account	59,981.54
2	Grants	113,419.00
6	Refunds	394,899.61
1	General Ledger	0.00
26	Refuse	561.50
4	Capital	5,033.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	39,000.00
19	Trust	11,822.87
19	Scala Trust	0.00
16	Development Escrow	9,683.75
19	Tax Sale Trust	0.00
21	Assessment Trust	21,638.83
	Special Reserve	0.00
Total		\$1,138,717.10
	Less Refund Resolution	-394,899.61
	Actual Bills List	\$743,817.49
	Other Payments:	
	Payroll	552,113.93
	WMBOE	5,223,074.00
	Total Expenditures	\$6,519,005.42

Adopted: March 20, 2024

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 25 of 26

Voted Nay: None
Motion carried:

Agenda No. XVI

Appointments and Resignations

Selection of the 2023 Volunteer of the Year

Councilwoman Lichtenberg wished to nominate #2 Donna Petronchak from the list. Seconded by Councilwoman Erik. Councilwoman Erik moved to close and confirm. Seconded by Councilwoman Lichtenberg.

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

The winner of the 2023 Mary B. Hasse Lifetime Volunteer of the Year will be announced after they have been notified.

Agenda No. XV

Reports of Mayor, Council Members, Administrator, and Attorney

Mayor Dale – No report.

Councilman Marsden – No report.

Councilwoman Erik – Indicated that no one went in the back room regarding Resolution 2024-155. Council agreed that they wanted a little more information in public, and agreed to table the resolution.

Councilman Chazukow – No report.

Councilwoman Lichtenberg – No report.

Councilman Goodsir – Registration is now open for Spring Soccer at the Recreation Center. The registration deadline is April 7th. There is a need for volunteer coaches. Registration is open for the 5th Annual Kids Trout Fishing Derby to be held on Saturday May 11th at Bubbling Springs lower lake. The lake is being stocked with over 200 trout. Registration is now open for Bubbling Springs Day camp. Registration is open for the Floor Hockey Club. Join former West Milford High School hockey players for four Friday nights of fun and hockey. This is co-ed pick up style hockey with minimal instruction for ages 4-12. The Elks will be cooking hot dogs on beautification day. The Elks will be having a fish fry with fried shrimp this Friday. March 29th, Good Friday, they will serve sliced steak and garlic shrimp. Saturday, April 13th there will be a Paddles for Prevention Pickleball Tournament at the Recreation Center.

Councilman Conlon – Thanked the public for attending and the Channel 77 crew. The Council received nine extremely qualified nominees for the Volunteer of the Year Award. Only one can be chosen but that doesn't lessen the contributions of anyone else. Please keep volunteering. We are looking forward to the next meeting when we will present the Volunteer of the Year Award and the Lifetime Volunteer Award. The annual ALF – Autumn Lights Festival will be held September 27, 28, 29 at the Jungle Habitat Property. For information contact www.autumnlightsfestival.com

Administrator Senande – No report.

Attorney Semrau – Indicated that the Appellate Division upheld the Governing Body's denial of Big Smokes cannabis license application. The Trial Court agreed with the Township after it was challenged. In the Appellate Division about 90% of the case was dismissed and finalized with a small portion that was sent back. This was a significant victory and it is one of the first reported cases regarding cannabis and cannabis licensing and the Governing Body turned every corner. The case was mostly handled by Attorney Ed Pasternak.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 20, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 26 of 26

Agenda No. XVIII

Adjournment

Moved: Conlon Seconded: Ada
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

The meeting adjourned at 10:15 p.m.

Approved: April 17, 2024

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK