
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 3, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 1 of 23

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,
Matthew Conlon
Absent: Kevin Goodsir, David Marsden
Also Present: Mayor Michele Dale, Township Administrator William Senande,
Township Attorney Ed Pasternak

Agenda No. III

Reading of or Approval of Unapproved Minutes

None

Agenda No. IV

Meetings

April 17, 2024 Regular Meeting
May 1, 2024 Regular Meeting
May 15, 2024 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations and Recognitions

Volunteer Appreciation Night – Mayor Dale presented the Mary B. Haase Lifetime Volunteer Award to Arthur McQuaid and read a brief bio about Arthur. He served in the U.S. Navy beginning in 1965 on an aircraft carrier, the U.S.S. Wasp. Upon separation he began to volunteer at church where he taught Sunday school, served as a trustee and for a short time as treasurer. He was also a member of the Board of the non-profit organization known as the Good Shepard mission, an inner city mission providing shelter for homeless men and a program for addiction recovery. He volunteered in West Milford becoming a certified PAL soccer coach and also coached several little league teams. He served on the West Milford Insurance Advisory Committee for several years. He is currently Vice Chairman of the Zoning Board of Adjustment where he has been a citizen member since June of 1996. Mr. McQuaid indicated that he loves West Milford and has been here for about 40 years and he is humbled and honored to receive the award.

Mayor Dale presented the 2023 Volunteer of the Year Award to Donna Petronchak. Ms. Petronchak gives her time to many of the Saint Joseph parish ministries. She runs and coordinates the Saint Joseph's Cares Food pantry. She spends over 40 hours a week stocking the pantry and dispersing food. She packs and delivers food to those in need and even monitors a hotline for those who have an urgent need. She receives no pay. Ms. Petronchak is also the Ministry Leader for all Lectors at Saint Joseph's Church and is a member of the Liturgical Committee which coordinates the special functions of all special masses at the church. Donna handles all these functions with patience, grace and professionalism. Ms. Petronchak said when she got the call from the Township, she initially thought she forgot to pay her taxes and it took a while for the news to sink in. She is grateful to be able to help the people in this Town who are food insecure. There are many, and the number is growing. She would like to share the award with her wonderful team, with ages ranging from 6 to 76. She also thanked the Townspeople for their generosity in helping them to do what they do.

Mayor Dale requested a quick break so the honorees could take pictures. The meeting reconvened at 6:53 p.m. and volunteers from various organizations did brief presentations explaining what their groups were about.

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Debbie O'Brien spoke about the West Milford Municipal Alliance helping those who have substance misuse issues or mental illness. The group meets the second Monday of every month at the West Milford Library.

Kerry O'Brien spoke about the West Milford Heritage Committee and thanked the Town for their continued support of the West Milford Museum. They are hoping to do some work on the historic building this year. It was constructed and served as a church in 1862. The museum is open from 1-4 p.m. on Saturdays.

Hans Niederstrasser presented for Friends of the Longpond Ironworks which is dedicated to the preservation of the historic site. The area encompasses 170 acres. It was the first self-sufficient industrial community established in 1766.

Erika Crocco is the President of the West Milford players, a local theatre group. She congratulated the volunteers that received awards. The goals of the group are to educate and entertain people of all ages. The shows they do support various charities.

Steven Sangle is a commissioner on the Environmental Commission. Some of the duties of the Commission include but are not limited to reviewing applications for the Planning Board and Board of Adjustment and advising them on any potential environmental impact of the projects. The main concerns are contaminations, water run-off, erosion issues and negative lighting impacts on adjacent property owners. They have been working on a tree ordinance and it has been provided to Administration and hopefully will be adopted soon. The Commission has also been actively pursuing grants in order to save the Township money. They meet the first Monday of the month in the main meeting room at 7 p.m.

Don Weiss indicated that the goal of the Greenway Trail study is to determine the feasibility of a multiuse trail system to create better non-motorized connections for people to support businesses and the local community. The trail system is also a blue-way trail system as well because it involves a water corridor, this may help broaden the types of grants and funding to be used. The progress is continuing and he will keep everyone informed.

Richard Adamonis spoke about the West Milford Animal Shelter. West Milford is a generous community and he thanked everyone for their support. They have dogs, cats, rabbits, guinea pigs and even had a rooster this year. None of the volunteers are paid. There are opportunities for students. They also welcome fostering opportunities. They are looking for donations and volunteers.

Co-Presidents Courtney Stephenson and Marisa Gough spoke on behalf of the Highlander Education Foundation. They are a newly formed charity that works together with the Board of Education, district administration and the community to bring positive change to the students of West Milford. The purpose is to raise funding for education programs. Interested volunteers can join, or attend a meeting. When the school system is doing well so is the community.

Carol Heinz is the President of the Friends of the West Milford Township Library. The group has been around for the last 25 years and they have many fundraising events throughout the year to support the library. One program provides museum passes to various museums. They will be hosting a murder mystery dinner at the library this year. There will be a petting zoo event to get people of all ages involved with what the library has to offer as well.

Bob Nicholson from West Milford Channel 77 TV Commission said it has been 15 years since Channel 77 began. He enjoys live streaming the Council meetings because it allows people to see the meetings and find out how government works. Videos can be viewed on demand. Channel 77 broadcasts the garage sales that the residents have and they welcome any PDF document of events that are taking place in the community, but do not do press releases. They are willing to train people that are interested. He would like to showcase more talent and have more people know what is going on and be able to get more people involved.

Vice President Tina Ree spoke regarding the West Milford Womans Club. They are a service organization dedicated to the enrichment of the community. They serve Veterans and other organizations and charities. They had a Victorian Christmas to raise money and the event was attended by more than 4,500 people. Proceeds went toward student scholarships. They give to the First Aid Squad, the American Legion, Fire Departments, Search and Rescue and many other organizations. Donations and goods were also provided to the Animal Shelter and others in need. The group also contributes on the State level with organizations that supplement insurance, utilities and transportations.

Mayor Dale thanked all of the organizations for their great work. The Town is large and we wouldn't be able to do what we do for the Town without the many volunteers and all of their hard work and commitment. Councilmembers also thanked all the volunteers.

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Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

None

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2024 – 012 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY REVOKING AND REPEALING A SECTION WITHIN CHAPTER 300
SEWER SYSTEMS SECTION 300-18 STANDARDS, RULES AND REGULATIONS OF THE
TOWNSHIP CODE**

WHEREAS, Chapter 300 of the Township Code was originally adopted on or around September 19, 1961; and

WHEREAS, since that time, all statutory sections as referenced in Section 300-18, Standards, Rules and Regulations, have since been repealed by operation of the New Jersey Water Pollution Control Act N.J.S.A 58:10A-1 et seq. and the New Jersey Safe Drinking Water Act N.J.S.A. 58:12A-1 et seq.; and

WHEREAS, the operative rules and regulations originally contemplated by Section 300-18 have since been transferred to the New Jersey Department of Environmental Protection N.J.S.A 13:1D-7; and

WHEREAS, the Township of West Milford has also since adopted the provisions of the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. and specifically adopted and incorporated into the Township Code a Land Development Ordinance appearing at Chapter 420 entitled Land Use Procedures; and

WHEREAS, it appears that Section 300-18 was simply overlooked and never amended to reflect the updates made to both state statutes and the Township Code, and as referenced above.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that the Township of West Milford Code shall be amended and updated, only as follows:

To Revoke and Repeal Township Code Section 300-18, Standards. Rules and Regulations in it's entirety:

- SECTION 1.** Within the Township Code, Township of West Milford Part II General Legislation Chapter 300-18 Standards, Rules and Regulations shall herein be revoked and repealed in its entirety.
- SECTION 2.** All ordinances or parts of ordinances of the Township of West Milford 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 upon final passage, approval, and publication as required by law.

Introduced: March 6, 2024
Adopted: April 3, 2024
Effective Date: April 23, 2024

This Ordinance was introduced on March 6, 2024 and Notice of the public hearing was published in the Herald News on March 12, 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.

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Motion to move Ordinance 2024-012.

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

Agenda No. IX 2

~ Ordinance 2024 – 013 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES – PUBLIC SAFETY DIRECTOR

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Chief of Police	\$45,000.00	\$180,000.00
Director of Public Safety	\$10,000.00	\$20,000.00

1. The aforelisted Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: March 6, 2024
Adopted: April 3, 2024
Effective Date: April 23, 2024

This Ordinance was introduced on March 6, 2024 and Notice of the public hearing was published in the Herald News on March 12, 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 2024-013.

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

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Agenda No. X

Public Comments

James Foody – Indicated he was disgusted with responses given by the Council and the Mayor at the last meeting and made a reference to Mayor Putin. He indicated that Councilman Conlon and Councilwoman Erik do not pay taxes but tell the rest of the taxpayers what to do. Mr. Foody indicated that Mayor Dale misrepresented what had transpired in the conversation he had with Mayor Bieri and went into more detail regarding the actual correspondence. He referred to a comment Mayor Dale made at the last meeting where she indicated that she represents everyone, but he is blocked from her web page and so are other people. He indicated that was hypocritical.

Bob Nicholson – Channel 77 meets the last Wednesday of every month at Town Hall and anyone interested is welcome to attend. He indicated that people are very upset about the Mayor having a salary but don't seem to care about a tax increase from the Board of Education, \$200,000.00. He wonders why people aren't going to the Board of Ed meetings and complaining there, as that is what will be impacting your taxes and your life.

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

Agenda No. XI

Council Comments

None

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2024 – 014 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC AMENDING
CHAPTER 135 FEES & COSTS SECTION 135-7 FINANCE OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST MILFORD**

WHEREAS, the Township Council wishes to amend the Township Code to the following;

§ 135-7 Finance.

- A. Nonsufficient funds (returned checks): \$20.
- B. Redemption certificate: \$25.
- C. Tax assessment:
 - (1) Duplicate bills: \$5.
- D. There is hereby established a fee for the use of credit cards for the payment of taxes, interest, penalties and municipal charges or other fees and charged by the Township of West Milford, which shall equal a percentage fee on the amount of payment charged as set by a financial institution chosen by the Township to process said credit card payments. Said percentage fee shall not exceed, in any event, ~~2.5%~~ 3% of the total amount of the payment.
- E. Request for redemption calculation; third and subsequent request in a calendar year: \$50 per request.
- F. Lien redemption calculation: \$50.

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.

Introduced: April 3, 2024
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Effective Date:

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Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 1, 2024. Notice of this public hearing shall be published in the Herald News on or about April 9, 2024.

Motion to move Ordinance 2024-014.

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

Agenda No. XII 2

~ Ordinance 2024 – 015 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP AMENDING SECTION 500-12 AREA AND YARD REQUIREMENTS TO CLARIFY REQUIREMENTS

WHEREAS, the Mayor and Township Council determined that the provisions relating to area and bulk requirements for properties with or without central sewerage or water facilities is unclear because the regulations only apply to properties that have both central water and central sewer or individual septic and individual well, not properties that have central sewer and individual well or central water and individual septic; and

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for properties that have central sewerage and/or water facilities versus those that have individual sewerage and water facilities; and

WHEREAS, the Mayor and Township Council have determined that clarifying the ordinance 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 500 “Zoning” Section 12 “Area and yard requirements” is amended to read as follows:

§ 500-12 Area and yard requirements.

- A. **Properties with both individual septic system and individual well facilities or substantially similar facilities as determined by the Township Zoning Officer.**
- B. **Properties serviced by central sewerage facilities, central water facilities, properties located within a wastewater management service area or substantially similar facilities as determined by the Township Zoning Officer.**

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

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

Introduced: April 3, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 1, 2024. Notice of this public hearing shall be published in the Herald News on or about April 9, 2024.

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Minutes of: Governing Body Regular Meeting
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Motion to move Ordinance 2024-015.

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

Agenda No. XII 3

~ Ordinance 2024 – 016 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 371 TREE REMOVAL WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford is located entirely within the Highlands Preservation Area and considered an existing Tier A municipality under the enhanced regulations of the Tier A Municipal Stormwater General Permit (R9) by the New Jersey Department of Environmental Protection according to N.J.A.C. – 7:14A, Municipal Stormwater General Permit; and

WHEREAS, the enhanced regulations require municipal review and update to certain existing ordinances to maintain compliance, including regulations for tree removal; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in the public interest and required by the NJDEP regulations.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 371 Tree Removal of the Township of West Milford shall be amended as follows:

SECTION 1. Chapter 371 “Tree Removal” is amended to read as follows:

§ 371-1 Findings; purpose.

The purpose of this chapter is to protect and preserve the forests and neighborhood trees of West Milford from indiscriminate destruction, disturbance or removal, to provide protection of the streams and lakes from damage caused by tree loss, and to provide for the protection of water quality. The Township Council does herein decide and find that the uncontrolled destruction, removal and cutting of trees upon lots and tracts within the Township has resulted in creating increased municipal costs for drainage control and has further caused increased soil erosion and stream pollution, decreased the fertility of soil, increased dust which has further deteriorated property values and has further rendered land unfit and unsuitable for its most appropriate uses and has caused deterioration in the value of improved and unimproved real estate within the Township with a resulting adverse effect upon the health, safety and general well-being of the inhabitants. The aforesaid findings have caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the Township.

§ 371-2 Regulation of tree removal; compliance required.

It has been determined, therefore, that no person shall cut or remove any tree upon any lands within the Township, unless such action accomplishes a useful purpose and is done in accordance with the regulations and provisions of this chapter.

§ 371-3 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this ordinance demonstrates a different meaning. All definitions herein contained shall be considered in conformance with those set forth in the Zoning Ordinance of the Township of West Milford, N.J., 1969, and as amended, and as in Chapter 500 of the Code of the Township of West Milford, with the following additions:

- A. Applicant - refers to any person, organization or entity who applies for approval to remove trees regulated under this ordinance.
- B. Diameter – means the diameter of the trunk of a tree measured at a point four and a half feet above ground level from the uphill side of the tree (Diameter Breast Height, “DBH”). If there is uncertainty as to the measurement of the diameter of a tree, the diameter shall be conclusively presumed to be the circumference of the tree in inches divided by 3.1416 and rounded to the nearest inch. In the event a tree is removed, the diameter shall be that of the remaining stump if less than four and one-half feet remain. In the event a tree contains more than one trunk at less than four and one-half feet above the ground, the diameter of each trunk shall be summed together to determine the diameter of the tree.
- C. Immature Tree – Shall mean any tree having a diameter less than six inches. Further, an immature tree shall not meet the definition of “Tree”.

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- D. Forest Management Plan – means a plan which establishes best conservation and management practices and has been reviewed and approved by the NJDEP New Jersey Forest Service. Nothing in this chapter is intended to conflict with or supersede the provisions of an approved Forest Management Plan if work is within compliance of the approved plan.
- E. Nuisance Tree – refers to any tree, or limb thereof, that has an infectious or insect- inflicted disease; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures or threatens public health, safety and welfare; negatively impacts municipal, private or semi-private infrastructure systems; or negatively impacts municipal, private or semi-private stormwater systems.
- F. Rare, Historic or Tree of Significance – any tree that is recognized by the municipal governing body, the State, or a local historical organization as being of significance due to its age, size, unique value, rarity, or its aesthetic, ecological or historic value.
- G. Replacement Tree – A tree proposed as a replacement for a qualified tree removed under a permit.
- H. Township Forester – ~~(The duly appointed officer of the Township given the authority to enforce the provisions of this chapter.)~~ The duly designated representative or duly appointed officer of the Township given the authority to enforce the provisions of this chapter. If absent, the Zoning Officer, Township Engineer, Construction Official, Director of Planning or their authorized agent(s) may perform the administrative duties as it pertains for permit processing.
- I. Tree – Any living **coniferous** or deciduous tree having a trunk of a diameter greater than ~~(four) or equal to six (6) inches~~ ~~for any living coniferous tree having a trunk of a diameter greater than four inches~~. Nothing in this chapter is intended to conflict with or supersede the provisions of the Soil Erosion and Sediment Control Act of the State of New Jersey, Chapter 251 of the Public Laws of New Jersey.^[1]
- J. Tree Removal – means to kill or cause irreparable damage that leads to the decline and/or death of a tree. Removal does not include responsible pruning and tree maintenance. When applicable, removal of trees shall be governed by a variety of New Jersey Department of Environmental Protection regulations, including those that are promulgated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38).

[1]

Editor's Note: See N.J.S.A. 4:24-39 et seq.

§ 371-4 Permit required.

- A. Application. Any person desiring to destroy, cut or remove any such tree which is not excepted under terms of subsection ~~(5-10-3)~~ 371-3 and 371-8 shall apply to the Township forester for a permit to remove such tree(s). Permits shall be required for removal of more than five (5) trees per acre per calendar year, not to exceed fifteen (15) trees per lot annually. Lot area shall be rounded up to one (1) acre for lots less than 1.000 acre and subsequently rounded up to the nearest one-fifth (0.2) acre for the purposes of calculating tree removal quantity at a rate of one (1) tree per one-fifth (0.2) acre thereafter. A separate application shall be required for each lot.
- B. Information.
 - 1. The applicant shall identify by block and lot the land upon which the tree(s) is located and shall disclose the name and address of the owner, tenant or duly authorized agent of such owner or tenant, the entity performing tree removal with contact information, and the applicant shall also identify by copy of a survey or other means ~~(the species and generally designate)~~ the location of the tree(s) sought to be cut, removed or destroyed. At the discretion of the Township Forester, an inspection of the site where a removal of trees is proposed may be conducted prior to and/or after the removal is completed. Prior to an inspection, the Township Forester shall have the right to request the trees proposed for removal be marked in a temporary manner for identification.
 - 2. A tree removal permit, if required, shall be obtained prior to the approval of all minor and major subdivisions, site plans, building applications and certificates of occupancy on a map which shall include the following:
 - a. Area of tract or parcel of land.
 - b. ~~(General)~~ location of wooded areas and trees to be removed.
 - c. Exact location of rare or historic trees as ~~defined (required)~~ by Section 371-3 ~~(the Township forester)~~.
 - d. General topographic conditions of site as derived from USGS map of the West Milford area ~~or current topographic survey~~.
 - e. Manner or method of tree removal
 - f. Person(s) to perform the removal, with contact information when applicable
 - g. Reason for removal
 - h. Total quantity of trees on the property, if required by the Township Forester
 - i. Estimated start and completion date
 - 3. When applicable per Section 371-9, a tree remediation or restoration plan, to identify the specific location where trees will be planted to mitigate the proposed removal of trees in accordance with the requirements of this chapter. Species of replacement trees shall be noted on the plan.

§ 371-5 Fees.

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[Amended 4-16-1986 by Ord. No. 1986-6; 6-6-1990 by Ord. No. 1990-19^[1]]

Upon application for a permit, the applicant shall pay to the Township the fees set forth in Chapter 135, Fees and Costs.

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. J).

§ 371-6 Criteria for determination of permitted tree removal.

As a basis for determining permitted tree removal, the duly appointed officer shall give due consideration to the following:

- A. ~~(For purposes other than commercial lumbering.)~~ For purposes of tree removal on a lot with an approved, single-family residential dwelling. The lands covered by each application shall be inspected by the Township Forester who shall review the application and land and consider issuance of a permit. Considerations of permit issuance include but are not limited to future land development, existing and resultant drainage patterns, and governance of other regulatory agents. ~~(issue a permit upon a finding that the destruction or removal to be permitted would not impair the growth and development of the remaining trees on the applicant's property or adjacent properties, would not cause soil erosion, would not impair existing drainage patterns, would not lessen property values in the neighborhood and would not impair substantially the aesthetic values of the area.)~~ The Township Forester shall have the authority to affix reasonable conditions to the approval of a permit required by this chapter.
- B. For the purposes of commercial ~~and/or silviculture~~ lumbering in accordance with the following restrictions:
1. The lumbering company or individual owner of the property in question shall file with the ~~(duly appointed officer)~~ Township a forest management plan approved by the New Jersey Department of Environmental Protection, Bureau of Forestry, or other professional forester. ~~(Such plan shall be subject to the approval of or disapproval of the Township Forester.)~~ Any deviation taken from this plan shall be considered a violation of this chapter.
 2. In no case shall more than 30% of the total number of trees be removed from the entire tract.
 3. No fee(s) shall be incurred for work in accordance with an approved plan.
- C. For purposes of tree removal on a lot other than with an approved, single-family residential dwelling or for commercial and/or silviculture lumbering. The applicant shall confirm no violation of prior land development approvals, if any. The Township Forester shall review an application, inspect the lands covered by said application and consider issuance of a permit with coordination with other municipal officials, if warranted. The Township Forester shall have the authority to affix reasonable conditions of approval of a permit required by this chapter, including but not limited to municipal board approval and/or exceptions.
- D. No permit shall be issued for any of the following conditions, except with prior documented approval from the governing regulatory agent(s) if applicable:
1. Trees located on any portion of a lot having a slope greater than 20%, excluding when approved, permitted provisions are constructed to prevent uncontrolled erosion and provide soil stabilization as much as practical. Slope shall be determined by available topographic survey records or on-site slope averaging of the area.
 2. Trees located in an environmentally regulated area as defined and identified by NJDEP, including but not limited to wetlands, wetland transition areas, flood zones, and riparian zones.
 3. Trees located on a vacant lot without an approved forest management plan, approved future land improvement plan / permit(s), or similar approval permitting the removal of specified tree(s).
 4. Where removal of said trees would exceed fifteen (15) trees per lot annually, excluding those excepted as defined in §371-8.

§ 371-7 Issuance of permit.

- A. If the applicant as defined in § 371-4 discloses that no more than five trees per acre per calendar year in excess of the size referred to aforesaid in this chapter are to be removed, cut or destroyed, or have been cut, removed or destroyed from the lot or tract of land identified in the application, then no permit shall be required ~~(the Township Forester may waive any or all of the items listed in § 371-4 and may issue a permit for the removal of such trees).~~
- B. If the applicant as defined in §371-4 satisfies the conditions listed aforesaid in this chapter, the Township Forester may issue a permit for the removal of identified tree(s).

§ 371-8 Exceptions.

Excepted from this chapter shall be:

- A. ~~(Any tree located on a tract or parcel of land 1 1/2 acres or less in size on which a residential dwelling is located.)~~
- B. Any tree growing on property ~~(actually)~~ being used as a nursery, garden center, Christmas tree plantation or orchard.
- C. Any tree growing on land actually being used for a sanitary landfill operation or for surface mining, or on land approved for such use by the Township or applicable agencies.

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- D. Any tree growing in a public right-of-way, private right-of-way, drainage or utility easement, as designated on the West Milford Township Tax Map ~~or property survey performed by a New Jersey professional land surveyor.~~
- E. Any tree located on a tract or parcel of land ~~(in excess of 1 1/2 acres)~~ with an existing and approved, single-family residential dwelling to be cut for personal use as firewood by the owner of such property. Not more than five trees per acre shall be cut in any one calendar year as calculated in §371-4, and in no case shall more than 30% of the total number of trees located on such property be removed.
- F. Any tree ~~infected~~, dead or diseased as a result of natural causes, or other tree that is ~~deemed a nuisance tree (likely to endanger life or property).~~
- G. Any tree cut or removed in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, or other professional forester, and filed with and approved by the Township Forester duly appointed by the Township.
- H. Any tree located on or within ~~(20)~~ 50 feet of a proposed ~~or existing~~ residential structure, ~~(its well, septic system or other accessory structures).~~
- I. Any tree located on or within 20 feet of a proposed or existing well, septic system and associated components, groundwater recharge provision or permitted and approved accessory structure.
- J. Any tree located within 15 feet of an approved existing or proposed residential driveway.
- K. Any tree located within ~~(10)~~ 15 feet of ~~(the planned)~~ an approved existing or proposed paved area(s), or equivalent impervious surface ~~(provided that the alignment of the driveway is planned to save as many trees as possible).~~
- L. Any tree located within 15 feet of an approved existing or approved proposed off-street parking area.
- M. Any tree located near utility lines or substations, provided that the reason for the tree removal is related to public safety purposes.

§ 371-9 Tree Replacement and Remediation.

- A. For the purposes of permitted tree removal. Tree(s) requiring permit issuance shall be replaced at a rate of one (1) tree per removed tree as defined in this chapter.
 - 1. The species shall be of non-invasive type and suitable as per the current United States Department of Agriculture Plant Hardiness Zone Map. Alternatives, as recommended by a licensed tree expert, approved forester or NJ licensed engineer, can be considered by the Township Forester.
 - 2. Tree planting location shall be shown on the provided copy of a lot survey as part of the application.
 - 3. Replacement trees shall be planted with the wire basket, burlap and twine removed and be located in an area to promote optimal tree growth.
 - 4. Replacement trees shall be planted within six (6) months of the date of removal and/or completion of proposed work.
 - 5. Replacement trees shall be monitored for a period of no less than two years to ensure their survival and be replaced as needed.
 - 6. Replacement trees shall have a diameter no less than 2.5".
- B. For the purposes of remediation as a result of unapproved removal. Any person who damages, removes or destroys trees without complying with this chapter shall be required to remediate said noncompliance by replacement of such tree(s).
 - 1. Tree(s) shall be replaced at a rate of one (1) replacement tree per each twelve (12) inches of diameter of determined removed tree, rounded up to the nearest twelve-inch increment.
 - 2. Replacement trees shall be of nursery grade quality, balled and burlapped and planted on the site where the violation occurred in locations and with species approved by the Township Forester and shall have a diameter no less than 2.5".
 - 3. Replacement species include: red maple, sugar maple, red oak, white oak, chestnut oak, scarlet oak, pin oak, black oak, hickory, American birch, yellow birch, black birch, dogwood, yellow poplar, black locust, red cherry, sweet gum and weeping willow. Alternatives may be considered at the discretion of the Township Forester.
 - 4. In the event that the Township Forester determines all or some of the replacement trees are inappropriate where the violation occurred, the Township Forester may approve an alternate location either on the subject property or off of the site on property owned by the Township of West Milford.
 - 5. The obligation of this section may be enforced by a civil action in any court of competent jurisdiction and shall not affect the liability of the violator for the fines and penalties set forth in subsection §371-13.
 - 6. The violator will be subject to a two-year cash bond amount, in an amount determined by the Township Forester or other municipal official, to ensure the restoration and remediation of the violation as set forth in subsection §371-5. The base amount shall be \$500 plus applicable cost estimates for remediation action.

§ 371-~~(9)~~10 Unique and irreplaceable trees.

No person shall cut, remove or destroy upon any lands within the Township any tree considered to be unique and irreplaceable by reason of age, historical associations, or botanical rarity as determined by the Township Forester.

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§ 371-~~(10)~~ 11 Right of appeal.

[Amended 9-1-2004 by Ord. No. 2004-6]

The applicant shall have the right to appeal the decision of the Township Forester to the Township Administrator within 10 days of receipt of such decision. The appeal shall be by written notice to appeal. The Township Administrator shall proceed to hear such appeal upon notice to the applicant within 30 days after the filing of such notice of appeal. The Township Administrator may, in his discretion and upon complete review of the application, and after hearing the testimony of the Township Forester and the applicant, reverse, modify or affirm the aforesaid decision.

§ 371-12 Enforcing officer and enforcement.

- A. **Enforcing Officer.** The enforcement of the provisions of this chapter shall be designated to the Township Forester or other duly designated individual(s) as directed by the Township Administrator. The Township Forester, Township Engineer, Zoning Officer, Construction Official, Director of Planning or their authorized agent(s) may enter upon lands for the purpose of examination, inspection or similar without advance notice.
- B. **Enforcement.** The Township Forester shall have the right to enter upon lands to ensure compliance of lands for which a permit has been granted and enforce the provisions of this chapter. Violations for which permits have been previously issued shall be enforced by the Township Forester or other duly designated individual(s) as directed by the Township Administrator.
- C. **In addition to the penalties set forth in §371-14, the Township shall have the right, but not the obligation, to pursue injunctive relief in the Superior Court of New Jersey, Passaic County, including but not limited to requiring the remediation and restoration of the site.**

§ 371-~~(11)~~ 13 Interpretation.

All trees protected by this chapter shall be protected against construction damage, soil deposits or other activities to the satisfaction of the Township Forester.

§ 371-~~(12)~~ 14 Violations and penalties.

Any person violating any provisions of this chapter shall be, upon conviction, subject to the penalty as provided in Chapter 1, Article III, General Penalty, of the Township Code **in addition to the Township Forester's cost estimate for remediation, if applicable.**

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

SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

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

Introduced: April 3, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 1, 2024. Notice of this public hearing shall be published in the Herald News on or about April 9, 2024.

Motion to move Ordinance 2024-016.

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

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Agenda No. XII 4

~ Ordinance 2024 – 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 135 “FEES AND COSTS” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford is located entirely within the Highlands Preservation Area and considered an existing Tier A municipality under the enhanced regulations of the Tier A Municipal Stormwater General Permit (R9) by the New Jersey Department of Environmental Protection according to N.J.A.C. – 7:14A, Municipal Stormwater General Permit; and

WHEREAS, the enhanced regulations require municipal review and update to certain existing ordinances to maintain compliance, including regulations for tree removal; and

WHEREAS, the existing Chapter 135 Fees and Costs Section 38 Tree Removal requires amendment in coordination with the amendment to the Tree Removal ordinance; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in association with the proposed amendment of the Tree Removal chapter of the Code and in the public interest and required by the NJDEP regulations.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 135 Fees and Costs Section 38 Tree Removal of the Township of West Milford shall be amended as follows:

SECTION 1. Chapter 135 “Tree Removal”, Section 38 “Tree Removal” is amended to read as follows:

§ 135-38 Tree removal.

In accordance with Chapter 371, Tree Removal, upon application for a permit, the applicant shall pay to the Township the following fees:

- A. Filing Fee: \$25
- B. Inspection Fee:
 - a. Applications consisting of one acre or less: \$50
 - b. Applications consisting of greater than one acre but less than five acres: \$100
 - c. Applications consisting of five acres or greater: \$100 plus \$20 for each additional acre beyond five acres, rounded to the nearest acre
 - d. There is no maximum inspection fee
- C. Replacement Plan Review Fee:
 - a. For any application consisting of one acre or less: \$25
 - b. For each additional acre: \$25

~~A. For any application consisting of five acres or less: \$25.~~

~~B. For each additional acre: \$5.~~

~~C. There is no maximum permit fee.)~~

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

SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

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

Introduced: April 3, 2024

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 1, 2024. Notice of this public hearing shall be published in the Herald News on or about April 9, 2024.

Motion to move Ordinance 2024-017.

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

Mayor Dale asked to move Resolutions 2024-156 through Resolution 2024-170.

Agenda No. XII 5

~ Resolution 2024 – 156 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ESTABLISHMENT OF THE WEST MILFORD TOWNSHIP COMMUNITY ANIMAL RESPONSE TEAM

WHEREAS, many communities are establishing Community Animal Response Teams (“CART”) in order to educate residents about disaster preparation involving animals and responding to the needs of animals during a disaster. This training provides CART members with the ability to assist their families, co-workers and communities in the event of a disaster; and

WHEREAS, a successful Community Animal Response Team program involves commitment by the residents, local government, emergency management and response agencies such as police, fire and first aid squad personnel; and

WHEREAS, the Township of West Milford intends to establish an Community Animal Emergency Response Team; and

WHEREAS, the Emergency Management Coordinator has met to discuss the advantages and procedures for forming a “Community Animal Response Team” for West Milford Township; and

WHEREAS, the Emergency Management Coordinator has also met with other local communities who have an established Community Animal Response Team program to review the formation process; and

WHEREAS, the West Milford Township Governing Body supports the establishment of a local Community Animal Response Team “West Milford CART” program within the township; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Governing Body of the Township of West Milford hereby agree to establish the West Milford Township Community Animal Response Team “West Milford CART” under the direction of the West Milford Township Office of Emergency Management.

BE IT FURTHER RESOLVED as part of the initial actions necessary to form the West Milford Township Community Animal Response Team “West Milford CART,” the Office of Emergency Management shall develop a management and operations plan as well as a budget including proposed funding sources which will be subject to review and approval by the Township Governing Body to the extent that any funds are to be expended by the Township. This resolution shall take effect immediately.

Adopted: April 3, 2024

Agenda No. XII 6

~ Resolution 2024 – 157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF SECURITY CAMERA SYSTEM EQUIPMENT FOR THE RIDGE ROAD BUILDING IN ACCORDANCE WITH THE TOWNSHIP’S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the ongoing renovation work of the municipal Ridge Road Building requires security camera system equipment equivalent to the existing systems utilized throughout various Township properties; and

WHEREAS, the three quotes were sought from vendors to provide the required materials, labor and supplies to complete the work in coordination with the ongoing renovation project; and

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WHEREAS, two bidders were responsive and provided quotes within the quote receipt period;
and

WHEREAS, the lowest quote was received from UltraSafe Security Systems, Inc. totaling \$13,500.00; and

WHEREAS, the above referenced vendor shall comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, the Township Council has received a recommendation from the Principal Engineering Aide indicating the anticipated need to purchase the security camera system which expenses would exceed the aggregate quote threshold of \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this equipment, said funds to be encumbered from account 01-270-55-000-001 in the amount not to exceed \$13,500.00.

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 purchase security camera system equipment from UltraSafe Security Systems, Inc. in an amount of \$13,500.00.

Adopted: April 3, 2024

Agenda No. XII 7

~ Resolution 2024 – 158 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO TMP OF NEW YORK INC. d/b/a TEPLITZ METAL PROCESSING FOR THE MARKETING OF RECYCLABLE SCRAP METAL

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on March 22, 2024 at 10:00a.m. for the Marketing of Recyclable Scrap Metal as per the bid specifications; and

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

WHEREAS, said bids have been thoroughly reviewed and analyzed by the Director of Public Works and Coordinator of Recycling and Solid Waste and the Township Attorney; and

WHEREAS, the bid received from Teplitz Metal Processing was complete and is a responsive qualified bidder and has satisfactorily worked with the Township as the scrap metal vendor for over (16) sixteen years; and

WHEREAS, the Director of Public Works and the Coordinator of Recycling and Solid Waste do recommend the award of a contract to TMP of New York, Inc. d/b/a Teplitz Metal Processing;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with TMP of New York, Inc. d/b/a Teplitz Metal Processing, 108 West Nyack Road, Nanuet, NY 10954 for the Marketing of Recyclable Scrap Metal for the period of May 1, 2024 through April 30, 2025 for the Township of West Milford.

Adopted: April 3, 2024

Agenda No. XII 8

~ Resolution 2024 – 159 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS THROUGH BERGEN COUNTY CO-OP CONTRACT #BC BID 21-60 AND EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CO-OP CONTRACT #ESCNJ 23/24-04 FROM AT NORTHERN NJ LLC d/b/a ALLEGIANCE TRUCKS

WHEREAS, the Township of West Milford is a member of the Bergen County Co-Op; and

WHEREAS, Bergen County Co-Op has awarded Contract #BC Bid 21-60 Class 4-8 truck repair parts to AT Northern NJ LLC d/b/a Allegiance Trucks; and

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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 Class 4-8 truck parts to AT Northern NJ LLC d/b/a Allegiance Trucks; 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 AT Northern NJ LLC d/b/a Allegiance Trucks, which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, AT Northern NJ LLC d/b/a Allegiance Trucks 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: April 3, 2024

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~ Resolution 2024 – 160 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS THROUGH STATE CONTRACT BERGEN COUNTY CO-OP CONTRACT #BC BID 21-60 AND EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CO-OP CONTRACT #ESCNJ 23/24-04 AND CONTRACT #ESCNJ 22/23-12 FROM CLIFFSIDE BODY

WHEREAS, the Township of West Milford is a member of the Bergen County Co-Op; and

WHEREAS, Bergen County Co-Op has awarded Contract #BC Bid 21-60 Parts & Accessories: Automotive and Heavy Duty Equipment; Diesel engine repair parts to Cliffside Body; and

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 Class 4-8 truck parts and Contract #ESCNJ 22/23-12 Grounds Equipment: Snow plow parts, Grader & Loader blades to Cliffside Body; 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 Cliffside Body, which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, Cliffside Body 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.

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS THROUGH SOURCEWELL CONTRACT # CC-011723-JDC OR EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CO-OP CONTRACT #ESCNJ 22/23-12 FROM JOHN DEERE d/b/a JESCO, INC.

WHEREAS, the Township of West Milford is a member of the ESCNJ and Sourcewell Co-Op; and

WHEREAS, Sourcewell Co-Op has awarded Contract # 011723-JDC for heavy construction equipment parts and service to John Deere d/b/a Jesco, Inc.; and

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 22/23-12 for Grounds Equipment to John Deere d/b/a Jesco, Inc.; 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 John Deere d/b/a Jesco, Inc., which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, John Deere d/b/a Jesco, Inc. 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: April 3, 2024

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~ Resolution 2024 – 162 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS AND SERVICE THROUGH STATE CONTRACT OR EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CO-OP CONTRACT #ESCNJ 23/24-04 FROM NIELSEN OF MORRISTOWN INC AND NIELSON FORD OF MORRISTOWN INC.

WHEREAS, the Township of West Milford is a municipality in the State of New Jersey and a member of the ESCNJ Co-Op; and

WHEREAS, the State of New Jersey has awarded contracts #23-FLEET-34928, 23-FLEET-34932, 23-FLEET-34925 and 23-FLEET-34919 for service and parts and Educational Services Commission of New Jersey (ESCNJ) Co-Op has awarded Contract #ESCNJ 23/24-04 for Class 4-8 vehicle parts to Nielsen of Morristown Inc and Nielsen Ford of Morristown Inc.; 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 Nielsen of Morristown Inc and Nielsen Ford of Morristown Inc., which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, Nielsen of Morristown Inc and Nielsen Ford of Morristown Inc. have 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

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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: April 3, 2024

Agenda No. XII 12

~ Resolution 2024 – 163 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REPAIR PARTS AND SERVICE THROUGH STATE CONTRACT OR SOURCEWELL CONTRACT # CC-101520-FMC FROM ROUTE 23 AUTOMALL LLC

WHEREAS, the Township of West Milford is a municipality in the State of New Jersey and a member of the Sourcewell Co-Op; and

WHEREAS, the State of New Jersey has awarded contracts #40812 for service and parts and Sourcewell Co-Op has awarded Contract #101520-FMC for OEM/Omnicaft aftermarket parts vehicle parts to Route 23 Automall LLC 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 Route 23 Automall LLC which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, Route 23 Automall LLC 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: April 3, 2024

Agenda No. XII 13

~ Resolution 2024 – 164 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TIRES AND TIRE REPAIRS THROUGH STATE CONTRACT FROM CUSTOM BANDAG

WHEREAS, the Township of West Milford is a municipality in the State of New Jersey; and

WHEREAS, the State of New Jersey has awarded Blanket Contract # 20-Fleet-00948 and Blanket Contract # 20-Fleet-00708 for the purchase of tires and tire repairs to Custom Bandag; and

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

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the above contract awarded to Custom Bandag, which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, Custom Bandag 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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: April 3, 2024

Agenda No. XII 14

~ Resolution 2024 – 165 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR DISPOSAL/RECYCLING OF RESIDENTIAL YARD WASTE FROM THE RECYCLING CENTER AND AUTHORIZING THE INTENT TO PURCHASE MATERIALS FROM RVH MULCH SUPPLY, LLC IN ACCORDANCE WITH PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford has a need on a timely basis to dispose of (recycle) residential yard waste (grass/leaves) from the recycling center and to purchase materials (mulch/top soil) for various projects throughout the Township from RVH Mulch Supply, LLC., which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor will comply with State pay-to-play regulations 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 material 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 Township Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from and expenditures to RVH Mulch Supply, LLC is hereby authorized and approved provided that purchases/expenditures are made through a State contract, cooperative pricing contract or a minimum of three (3) quotations when the purchases/expenditures are not covered by State or cooperative contract and the total purchases/expenditures are within the budgeted appropriation established for this purpose for the remainder of the 2024 calendar year.

Adopted: April 3, 2024

Agenda No. XII 15

~ Resolution 2024 – 166 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE FROM SHI INTERNATIONAL AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford pursuant to N.J.S.A. 40A:11-12 (a) and N.J.A.C. 5:34-7.29 (c) may, by this resolution and a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property or Cooperative Pricing contract; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract and Co-Op contracts for computer equipment, including toner cartridges, software updates, yearly maintenance contracts and more awarded to SHI International which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor has complied with State pay-to-play regulations 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 material 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: April 3, 2024

Agenda No. XII 16

~ Resolution 2024 – 167 ~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY ENDORSEMENT IN SUPPORT OF THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 23 HIGH CREST DRIVE TO MACOPIN RIVER PROJECT IMPROVEMENTS

WHEREAS, a Local Officials briefing was held on May 4, 2022 between the New Jersey Department of Transportation (“NJDOT”) and representatives of the Township of West Milford concerning the Route 23 High Crest Drive to Macopin River project ; and

WHEREAS, representatives of the Township of West Milford were in agreement with the NJDOT Route 23 High Crest Drive to Macopin River project improvements as presented in the project plans at the Local Officials briefing meeting held on May 4, 2022; and

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

1. The Township Council authorizes and directs the Township Clerk to forward a letter to the NJDOT indicating support for the proposed improvements to the Route 23 High Crest Drive to Macopin River project.
2. The Township Clerk is further directed to forward such a letter with this resolution expressing its support for this project.

Adopted: April 3, 2024

Agenda No. XII 17

~ Resolution 2024 – 168 ~

RESOLUTION RATIFYING A SIDEBAR AGREEMENT BETWEEN THE TOWNSHIP AND AFSCME NJ COUNCIL 63, LOCAL NO. 2275 CHANGING THE SALARY OF GRADE 7

WHEREAS, certain Township employees are members of a Collective Bargaining Unit, AFSCME NJ Council Local No. 2275 (“AFSCME 2275”); and

WHEREAS, the Township and AFSCME 2275 have negotiated a sidebar agreement to the current contract that changes the salary of Grade 7 of the AFSCME 2275 agreement from \$76,521.89 to \$82,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, in the County of Passaic, hereby ratify the sidebar agreement as described above with a retroactive date of January 1, 2024.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized to execute the sidebar agreement with AFSCME 2275 to increase the salary of Grade 7 to \$82,000.00.

Adopted: April 3, 2024

Agenda No. XII 18

~ Resolution 2024 – 169 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO THE ADOPTION OF THE 2024 BUDGET PER N.J.S.A. 40A:4-20

WHEREAS, Local Budget Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

WHEREAS, the Township of West Milford has received the Drunk Driving Enforcement Funds in the amount of \$61,919.87; and

WHEREAS, the amount of the grant should be added to the 2024 temporary budget; and,

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

1. The Township Council hereby authorizes the amendment of the 2024 temporary budget with an addition of emergency temporary appropriations in the amount of \$61,919.87 by a 2/3 vote of the Governing Body.
2. The Township's 2024 adopted budget shall include these receivables and appropriations.

Adopted: April 3, 2024

Agenda No. XII 19

~ Resolution 2024 – 170 ~

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

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

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

WHEREAS, Nicholas Soltesz accepted employment at the West Milford Police Department with an effective hire date of April 7, 2024.

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

Adopted: April 3, 2024

Motion by Councilman Conlon to move Resolutions 2024-156 through 2024-170. Seconded by Councilwoman Erik. Councilman Conlon indicated that he would abstain on Resolution 2024-170.

Moved: Conlon Seconded: Erik
Voted Aye: Erik, Chazukow, Lichtenberg, Conlon
Abstain: Conlon on 2024-170
Voted Nay:
Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2024 – 171 ~

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) **2024-172** – Refund Recreation Fee
 - b) **2024-173** – Cancel Outstanding Checks

Adopted: April 3, 2024

Agenda No. XIII a

~ Resolution 2024 – 172 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

BE IT RESOLVED that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

SPRING SOCCER			
\$80.00	24 Post Brook Road South West Milford, NJ 07480		
FAMILY WINTER BIRDING			
\$20.00	27 Pierce Ave. Oak Ridge, NJ 07438	\$20.00	69 Rabbit Run Road Newfoundland, NJ 07435

Adopted: April 3, 2024

Agenda No. XIII b

~ Resolution 2024 – 173 ~

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

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford claims warrant check has been outstanding for a period in excess of three months.

DATE	CHECK #	AMOUNT
4/20/23	32517	\$125.00
4/20/23	32518	\$40.00
4/20/23	32622	\$35.00
9/14/23	33480	\$50.00
	TOTAL	\$250.00

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

Adopted: April 3, 2024

Motion by Councilman Erik to move Resolutions 2024-171 through 2024-173. Seconded by Councilwoman Lichtenberg.

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

Agenda No. XIV

Approval of Expenditures

~ Resolution No. 2024 – 174 ~

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	\$94,705.45
3	Reserve Account	53,948.62

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2	Grants	2,992.00
6	Refunds	120.00
1	General Ledger	4,450.00
26	Refuse	200,160.00
4	Capital	361,209.53
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	4,177.46
19	Scala Trust	0.00
16	Development Escrow	3,952.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	62.00
Total		\$725,777.56
Less Refund Resolution		-120.00
Actual Bills List		\$725,657.56
Other Payments:		
Payroll		\$608,705.09
Enterprise Lease payment		22,494.50
Depository Trust Co.		1,214,100.00
Total Expenditures		\$2,570,957.15

Adopted: April 3, 2024

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

Agenda No. XV

Reports of Mayor, Council Members, Administrator, and Attorney

Mayor Dale – Indicated that the file on her social media page is very large, so it may have to be posted in sections and it will be posted as soon as possible. Social media has some limitations. It has been shared with people who reached out to her. She hopes everyone had a great Easter.

Councilwoman Erik – No report.

Councilman Chazukow – Thanked all the volunteer groups that came out. The volunteers at the Museum work very hard. The EDC is still working on the map and he wanted to thank them all, as the map is coming to fruition. He agreed with the comments Mr. Nicholson had regarding the Board of Education. He is going to do his best to try and be a better elected official.

Councilwoman Lichtenberg – Thanked the different volunteer groups that were here tonight and also congratulations to Donna and Art. She read a poem about the pleasure of a well done job and how it exceeds pay. The Friends of Wallisch are having the annual big barn sale April 26, 27 and 28. The Mobile Motor Vehicle Commission will be here on May 1 and May 2, at Town Hall and anyone interested in an appointment should call 908-955-7228.

Councilman Conlon – Indicated that the members of the Governing Body were elected by the residents and have never misrepresented our qualifications or personal situations. The ones who voted for the Councilmembers outweigh the numbers who did not. Thank you to all the volunteers who make our Town such a great place to live. Congratulations to Arthur McQuaid and also to Donna Petrochak. There are other volunteers who may not have been nominated, but their contributions should be recognized as well and they are appreciated. The annual ALF – Autumn Lights Festival will be held September 27, 28, 29 at the Jungle Habitat property. For information contact www.autumnlightsfestival.com. Welcome to the new School superintendent Brian Kitchin, he starts July 1st. Registration is now open for Spring Soccer at the Recreation Center. The registration deadline is April 7th. 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 open for Bubbling Springs Day camp. There are a few spots open for the Floor Hockey Club. Join former West Milford High School hockey players for four Friday nights of fun

