
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 1 of 33

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

Adequate Notice Statement

Mayor Dale read the following statement:

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

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

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

Absent:

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

Agenda No. III

Reading of or Approval of Unapproved Minutes

August 16, 2023 Regular Meeting Minutes

Motion to approve the minutes.

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

Agenda No. IV

Meetings

October 4, 2023 Regular Meeting
October 18, 2023 Regular Meeting
November 8, 2023 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations

None

Mayor Dale mentioned that she had been to a presentation recently in Farm Crest for the dedication of a flagpole. One of the Scouts is working toward becoming an Eagle Scout and it was a great community event.

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

1.	Ordinance –Lead-Based paint Hazard Inspection Requirements for Rental Dwellings- Administrator Senande indicated that we are required to inspect apartments from one to three units and that this outlines the process. We have to do a visual inspection where we look for cracked paint. Because it is a new law we have looked at other Towns to determine what the fee should be and are considering a fee of \$150 for inspectors to go and check for lead paint, it is a State requirement. We also received a \$ 13,000 grant this year to implement this program. If cracked paint is found a citation is issued and the matter would then need to be remediated.
----	---

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
September 13, 2023
6:30 p.m.
Page 2 of 33

Agenda No. XI

Unfinished Business, Final Passage of Ordinances

Agenda No. XI 1

~ Ordinance 2023 – 020 ~

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF STOWAWAY BRIDGE IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$488,200 THEREFOR, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$464,950 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE SAME.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a local improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$488,200, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$23,250 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$488,200 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$464,950 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$464,950 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of Stowaway Bridge by the reconstruction thereof, and being utilized by those properties identified on the official tax map of the Township as Lots 1 and 5 in Block 7702, Lots 1 and 2 in Block 7501, Lots 1 to 3 in Block 7502, Lots 2 to 6, 8 to 11, 13 and 14 in Block 7503, Lots 1, 3 and 4 in Block 7504, Lots 1 to 3 in Block 7505, Lots 1 to 4, 6 and 7 in Block 7506, Lots 1 to 3 in Block 7507, and Lots 19 to 29 in Block 7508, together with all structures, appurtenances, equipment, site work, studies, design, engineering, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$464,950.

(c) The estimated cost of said purpose is \$488,200, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$23,250 down payment for said purpose.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a local improvement.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is thirty (30) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$464,950, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

(e) Nothing will be contributed by the Township at large to payment of the cost of said improvement or purpose, the estimated maximum amount of the special assessments to be levied on property specially benefitted by said improvement is \$488,200, and the number of annual installments in which all such special assessments may be paid is twenty (20).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 3 of 33

Section 5. The cost of said local improvement shall be paid by special assessments which shall be levied in accordance with law on property specially benefited thereby, as nearly as may be in proportion to and not in excess of the peculiar benefit, advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of said local improvement. The owner of any land upon which any such assessment shall have been made may pay such assessment in the number of equal annual installments hereinabove determined, all as may be provided in accordance with law and with legal interest on the unpaid balance of the assessment.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

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

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

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

Introduced: August 16, 2023
Adopted: September 13, 2023
Effective Date: October 3, 2023

This Ordinance was introduced on August 16, 2023 and the Notice of Public Hearing was published in the Herald News on or about August 22, 2023. The Governing Body will open the meeting to the public to speak on this ordinance only.

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

Motion to Adopt Ordinance 2023-020.

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

Agenda No. XI 2

~ Ordinance 2023 – 021 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ENTITLED "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, TO REPEAL AND REPLACE § 500-200 CANNABIS TRANSFER USER TAX, IN ITS ENTIRETY

WHEREAS, in 2021 the Township of West Milford adopted an ordinance allowing for the cannabis business licenses within the township, and established a Cannabis Transfer User Tax within the Township; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 4 of 33

WHEREAS, the governing body wishes to update the ordinance, to further clarify terms as to the Cannabis Transfer and User Tax, including but not limited to payment dates and certifications of revenue.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that § 500-200 Cannabis Transfer and User Tax, only, is hereby repealed in its entirety, and herein replaced by the following:

SECTION 1.

§ 500-200 Cannabis Transfer and User Tax

- A.** Pursuant to N.J.S.A. 24A:61-10(i) of the Jake Honig Compassionate Use Medical Cannabis Act and N.J.S.A. 40:481-1(a)(1) of CREAMMA, there is hereby established a cannabis transfer tax in the Township of West Milford which shall be fixed at a uniform percentage rate of 2% on all sales or transfers of cannabis products from a cannabis establishment, except for sales or transfers of cannabis products from a cannabis wholesaler which shall be taxed at a percentage rate of 1% on all sales or transfers of cannabis products.
- B.** The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute, state and federal, or local ordinance or resolution by any government entity upon a cannabis establishment.
- C.** The tax imposed by this section shall be paid to the Township on a quarterly basis no later than the 15th day of the month following the last month of the quarter along with a report certified as true and accurate by the cannabis establishment's chief financial officer, controller or other similarly situated person showing the gross revenues for the cannabis establishment for each month of the quarter.
- D.** A cannabis establishment operating within the Township of West Milford shall be filed on an annual basis no later than February 1 of each year a financial report from an independent accountant certifying as to the annual revenues for the preceding year.
- E.** In the event of non-payment, an interest rate of 8% per annum shall be applied, and 18% per annum shall be applied for any amount over \$1,500.00.
- F.** In the event of any tax sale, any unpaid transfer tax shall be included.
- G.** A copy of this section shall be transmitted to the State Treasurer and to every cannabis establishment within the Township of West Milford.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Planning Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Passaic County Planning Board, as required by N.J.S.A. 40:55D-16

SECTION 5. This Ordinance shall take effect after publication and passage according to law.

Introduced: August 16, 2023
Adopted: September 13, 2023
Effective Date: October 3, 2023

This Ordinance was introduced on August 16, 2023 and the Notice of Public Hearing was published in the Herald News on or about August 22, 2023. The Governing Body will open the meeting to the public to speak on this ordinance only.

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

Motion to Adopt Ordinance 2023-021.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 5 of 33

Agenda No. XII 1

~ Ordinance 2023 – 022 ~

ORDINANCE AMENDING SECTION 300-42 REMOVAL OF SEPTIC TANK SLUDGE AND 300-46 FEES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

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

SECTION 1. Chapter 300 Sewers Section 42 Removal of Septic Tank Sludge is amended as follows:
§300-42 Removal of septic tank sludge

- A. Any person, partnership, firm or corporation who or which empties, relieves or pumps out all or a portion of an individual or non-individual sewage disposal system within the Township of West Milford shall first apply to the Department of Health to become a licensed septic sludge removal operator and submit a list of addresses of all sludge removal performed during the prior licensing term in the Township and the date of the removal. Any such license shall be for a term of one year from July 1st through June 30th and shall be subject to the payment of a fee as provided in §300-46.
- E. The Department of Health may suspend or refuse to renew the license of any septic sludge removal operator who fails to comply with this article. The license shall be revoked if the licensee fails to timely submit permits of more than 10% of the sludge removals performed during the prior three-month period and/or submitted with incomplete or inaccurate information. Renewal shall be denied if 5% of the sludge removals performed during the prior license term were not submitted in a timely manner and/or submitted with incomplete or inaccurate information.

SECTION 2. Chapter 300 Sewers Section 46 Fees is amended as follows:
§300-46 Fees – fees and changes are herewith established as set forth below:

- \$100 for up to 10 septic pumping permits;
- \$200 for up to 25;
- \$300 for up to 50;
- \$400 for up to 100; and
- \$500 for unlimited permits

If a licensee requires additional permits during the license term, they shall be credited with the amount previously paid.

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.

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: September 13, 2023

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-022.

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

Agenda No. XII 2

~ Ordinance 2023 – 023 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 195 JUNK, JUNKYARD AND MOTOR VEHICLE JUNKYARDS OF THE TOWNSHIP CODE

WHEREAS, the Township seeks to update its Code to remove redundant provisions within its Code; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 6 of 33

WHEREAS, within Chapter 195 Junk, Junkyards and Motor Vehicle Junkyards, the Township Code includes a section as to requiring "Monitoring Wells" at Section 195-8; and

WHEREAS, enforcement of this provision has never occurred, due in part to requiring identification of a multitude of specific environmental contaminants; and

WHEREAS, further amendment of the provision to set forth such prohibited environmental contaminants would be both costly and burdensome, but not otherwise further the ends of Chapter 195 as to licensure of junkyards; and

WHEREAS, Section 195 does set forth a number of other inspection criteria, to effectuate such licensure of junkyards and so as to protect the public's health, safety and welfare.

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 only Section 195-8, Monitoring Wells within Chapter 195, Junk, Junkyard and Motor Vehicle Junkyards of the Township Code.

- SECTION 1.** Within the Township Code, Township of West Milford, Part II, General Legislation, Chapter 195-8, 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: September 13, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-023.

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

Agenda No. XII 3

~ Ordinance 2023 – 024 ~

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 AND SECTION 500-72 NON-CONFORMING LOTS, STRUCTURES AND USES TO CHANGE THE PERMITTED MAXIMUM BUILDING COVERAGE

WHEREAS, the Mayor and Township Council determined that maximum building coverage for accessory structures was not consistent for residential zones and unnecessarily limited the maximum size of said structures; and

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for the maximum size and coverage for accessory structures in residential zones; 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 500-12 Area and Yard Requirements is amended to read as follows:

§ 500-12 Area and Yard Requirements

A. Individual sewerage and water facilities.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 September 13, 2023
 6:30 p.m.
 Page 7 of 33

		Detached Dwellings			
Minimum Requirements		R-4	R-3	R-2	R-1
Principal building					
Lot area (acres)		4	3	2	1
Lot frontage (feet)		300	250	200	150
Lot width (feet)		300	250	200	150
Lot depth (feet)		275	250	225	200
Side yard, each (feet)		60	50	40	30
Front yard (feet)		125	100	75	50
Rear yard (feet)		125	100	75	50
Accessory building					
Minimum distance to:					
Side line (feet)		50	50	30	15
Rear line (feet)		50	50	30	15
Other buildings (feet)		20	20	20	20
Maximum building coverage					
Principal building		10%	10%	10%	10%
Accessory building, maximum square feet footprint		3,000	3,000	3,000	3,000
Accessory structures, maximum coverage		3%	3%	3%	3%

B. With central sewerage and water facilities and located within a wastewater management service area.

		Detached Dwellings			
Minimum Requirements		R-3	R-2	R-1	R-1/I
Principal building					
Lot area (square feet)		25,000	20,000	15,000	15,000
Lot frontage (feet)		140	125	110	110
Lot width (feet)		140	125	110	110
Lot depth (feet)		175	150	125	125
Side yard, each (feet)		40	30	25	25
Front yard (feet)		50	40	35	35
Rear yard (feet)		70	60	45	45
Accessory building					
Minimum distance to:					
Side line (feet)		15	10	10	10
Rear line (feet)		15	10	10	10
Other building (feet)		20	15	15	15
Maximum building coverage					
Principal building		10%	10%	10%	10%
Accessory building, maximum square feet footprint		3,000	3,000	3,000	3,000
Accessory structures, maximum coverage		3%	3%	3%	3%

SECTION 2. Chapter 500 "Zoning" Section 500-72 Nonconforming lots, structures and uses is amended to read as follows:

§ 500-72 Nonconforming lots, structures and uses

A. Lots

(4) Any lot not conforming to the present zoning regulations and being developed pursuant to this chapter shall be subject to the May 7, 1969, zoning standards, including the standards for maximum lot coverage, except that the following building coverage limitations shall not be exceeded:

Present Zone	Accessory Building (square feet)
LR	3,000

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 8 of 33

R-1	3,000
R-2	3,000
R-3	3,000
R-4	3,000

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.

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: September 13, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-024.

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

Agenda No. XII 4

~ Ordinance 2023 – 025 ~

ORDINANCE AMENDING CHAPTER 500 “ZONING” ADDING A NEW SECTION 500-72B ENTITLED “STRUCTURES” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Mayor and Township Council determined that that there are no provisions with regards to non-Conforming structures that are specified within the zoning code.

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for non-conforming structures that are specified within the zoning code; and

WHEREAS, the Mayor and Township Council have determined that allowing the provision in 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 500-72 Nonconforming lots, structures and uses is amended to add Section 50-72.B as follows:

§ 500-72 Nonconforming lots, structures and uses.

- B.** Structures.
- (1) A pre-existing structure which is nonconforming with the standards of this code may be continued, maintained, remodeled, or reconstructed; provided, that the new construction does not further intrude into the required setbacks. Vertical construction within the existing setback encroachment is permitted. New construction or related activity shall not be considered further intruding into a required setback so long as the footprint of the structure lying within the setback is not increased by more than 500 square feet and meets the following standards:
 - (a) The addition is aligned parallel with the existing building footprint to connect at a perpendicular point with the intent of squaring off the structure.
 - (b) No portion of the structure is located closer to the property lines than the original footprint of the structure.

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 9 of 33

- 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: September 13, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-025.

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

Agenda No. XII 5

~ Ordinance 2023 – 026 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING TO PERMIT LICENSED CANNABIS RETAILERS TO HAVE A WALK-UP WINDOW AND AMENDING SECTION 500-193 CANNABIS RETAILER SECTION TO ESTABLISH WALK-UP WINDOW STANDARDS AND ADDING DEFINITIONS TO SECTION 500-195 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council determined that there may be a necessity for walk-up windows at cannabis retailers; and

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for cannabis retailers to permit walk-up windows and to provide standards for those 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 500-193 Cannabis Retailer is amended and supplemented to read as follows:

§ 500-193 Cannabis retailer.

- A. Cannabis retailer shall be a permitted use in all zones of the Township of West Milford, with the exception that no such permitted use shall occur in any residential zone (LR, R-1, R-2, R-3, R-4, R-11, R-1PN, SHD/R-2 Zones), and subject to the following:
 - (1) Eligible locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
 - (2) Location: Cannabis retailers shall be separate and distinct from growing operations.
 - (3) Buildings: All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
 - (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
 - (5) Site plan approval: When seeking site plan approval, the applicant for cannabis retailers’ services shall submit a safety and security plan and emergency services access plan.
 - (6) Accessibility: Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
 - (7) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
 - (8) Interior security: Cannabis retailers’ interiors shall provide a secure location for storage of products with minimum products in any customer service area.
 - (9) Exterior loitering and security: People shall not be permitted to congregate outside of a cannabis retailer, loiter or wait in line to access the cannabis retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 10 of 33

- (10) Product consumption: No products shall be permitted to be consumed on-site.
- (11) State license: The facility must have a valid license to operate from the State of New Jersey.
- (12) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of New Jersey and the Township of West Milford.
- (13) Walk-up or service windows (“curbside retail sales”): Licensed cannabis retailers are permitted to operate walk-up windows subject to the following regulations:
 - (a) Service windows must comply with N.J.A.C. 17:30-14.4 “Curbside retail sales.”
 - (b) Walk-up windows shall be used only for online pick-up orders placed prior to the customer arriving on site.
 - (c) An informational sign must be posted at each walk-up window, in a place visible to customers utilizing the service window, informing customers of the retailer’s procedures for walk-up windows and the legal age to purchase cannabis products.
 - (d) Walk-up windows must remain securely closed at all times except when opened to take an order or complete a transaction. The window must not be left open when unattended. When the service window is closed to the public, the window must be secured using security shutters.
 - (e) Procedure: the cannabis retailer shall establish a process for the utilization of the walk-up window, to include at least the following and in accordance with N.J.A.C. 17:30-14.4:
 - [1] Customers must have their government-issued identification and online order confirmed.
 - [2] As required by N.J.A.C. 17:30-14.3(d)1-5, the employee will confirm that the customer has not exceeded the daily allowed limit of cannabis products.
 - [3] A secure method to transfer payment and product(s) must be established.
 - (f) The receipt given to the customer must include the company’s name, address, license number, telephone number, the date of retail sale, and the cannabis items purchased and their prices, the customer’s ID, and all information as required by N.J.A.C. 17:30-14.3.
 - (g) The cannabis retailer shall have a process in place to avoid the formation of a queue of customers at the walk-up window.

SECTION 2. Chapter 500 “Zoning” Section 500-195 Medical and Recreation Cannabis Activity Definitions is amended and supplemented to read as follows:

§ 500-195 Definitions.

CURBSIDE RETAIL SALE

When a cannabis retailer sells a cannabis item to a consumer who is on the exterior of the facility on the cannabis retailer premises, which includes any parking lot and adjacent sidewalk that are located at the physical address listed on the cannabis business license, pursuant to N.J.A.C. 17:30-14.4.

SERVICE/WALK-UP WINDOW

A window where customers of a licensed retail cannabis establishment can walk up for the purpose of purchasing cannabis products. See also **CURBSIDE RETAIL SALE**.

SECURITY SHUTTERS

Interior or exterior accordion, rolling, or bi-fold shutters made of steel or aluminum.

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.

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: September 13, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 11 of 33

Councilman Conlon inquired as to the benefit for the businesses. Councilman Chazukow indicated that it allows for extended hours and for businesses to operate with fewer employees such a microbusinesses. It will enable pick-ups for orders placed in advance. Councilman Marsden said it would streamline things and help avoid loitering and Mayor Dale added it would benefit parking.

Motion to move Ordinance 2023-026.

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

Agenda No. XII 6

~ Ordinance 2023 – 027 ~

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 500-90 FARM ANIMALS TO PERMIT CERTAIN EXOTIC ANIMALS AND TO AMEND SECTION 500-66 ACCESSORY BUILDINGS WITH RESPECT TO REQUIREMENTS FOR POULTRY AND LIVESTOCK SHELTERS TO REMOVE INCONSISTENCIES WITH OTHER ORDINANCE SECTIONS

WHEREAS, the Mayor and Township Council determined that the keeping of certain exotic animals is in keeping with farming practices within the Township; and

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for Farm Animals in the Township and eliminate inconsistencies with other ordinance sections; 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 500-90 Farm Animals is amended to read as follows:

§ 500-90 Farm Animals.

- A. Notwithstanding any other provisions of this chapter, farm animals shall be housed and kept in a manner which will not constitute a public nuisance.
- B. A minimum tract for the keeping of farm animals shall be:
 - (1) One acre for the keeping of horses. The number of horses permitted shall be determined by the size of the accessory structure(s) housing the animals, using 100 square feet of roof area per animal as the criteria for determining the number of horses permitted on the property. A minimum of 32 square feet of roof area shall be required per animal.
 - (2) One acre for the keeping of cows, sheep, pigs, goats, llamas, alpacas, ostriches, rheas, and emus. No more than one animal shall be kept per acre of lot area.
 - (3) One acre for the keeping of poultry and fowl, except as provided in Subsection B(5) of this section except that there shall be allowed a maximum amount of 12 chicken hens allowed on lots of less than one acre. No more than 32 animals shall be kept per acre of lot area. Roosters are only permitted on lots of five acres or more.
 - (4) There shall be no minimum lot size for the keeping of rabbits. No more than 25 rabbits shall be kept on lots of one acre or less and no more than 75 rabbits shall be kept on lots of over one acre.
 - (5) The housing and keeping of all other farm animals, except those determined by the Zoning Officer to be substantially similar to one or more farm animals listed above, is prohibited.
 - (6) All poultry and livestock shelters shall be a minimum distance of 25 feet to any off-site residential structures.
- C. No farm animals shall be kept unless they can be contained on the property of their owner or the agent of their owner.
- D. Any use for the keeping of farm animals prior to the adoption of this chapter shall be considered nonconforming, provided that the owner registers the use with the Township Zoning Officer within 90 days of the passage of this chapter.
- E. The provisions of this section shall not apply to farms or commercial horse stables as defined in § 420-6, Definitions.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 12 of 33

SECTION 2. Chapter 500 "Zoning" Section 500-66 Accessory Buildings is amended to read as follows:

§ 500-66 Accessory buildings.

- C. Distance between adjacent buildings. The minimum distance between an accessory building and any other buildings on the same lot shall be as prescribed in §§ 500-12, 500-28, 500-40 and 500-48. Minimum distance between an outdoor wood burning furnace and any other buildings on the lot shall be as per manufacturer's specifications and zoning standards for the respective zone district.
- D. Location. An accessory building may be erected in side or rear yard areas only, and shall be set back from side and rear lot lines as prescribed in §§ 500-12, 500-23C(4)(b), 500-28, 500-40, and 500-48, except that, if erected on lots with more than one street frontage, the accessory building shall be set back from the secondary street to comply with the setback line applying to the principal building for that side street. Outdoor wood burning furnaces must meet accessory building setbacks in the respective zone district.
- F. Location. An accessory building may be erected anywhere on a lot within the principal building setbacks and in side or rear yard areas when meeting the accessory structure side or rear yard setbacks as prescribed herein. Except that, if erected on a lot with two or more street frontages, the accessory building shall be set back from any secondary street to comply with the setback line applying to the principal building for side yards. The secondary street shall be any street that the building does not front on or face with a front door and would otherwise be considered a side yard, if not for the street frontage. Also except that no poultry or livestock shelter shall be erected nearer than 25 feet to any adjacent -off-site residential structure.
- G. Accessory buildings not exceeding 100 square feet. All accessory buildings that do not exceed 100 square feet in total area and are not used to shelter livestock or poultry may be located within five feet of any side or rear lot line.

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.

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: September 13, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-027.

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

Agenda No. XII 7

~ Ordinance 2023 – 028 ~

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

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 Officer(s) and Employee(s) here below stated shall be classified by job title with the corresponding pay ranges:

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Deputy Emergency Management Coordinator	\$3,000.00	\$5,000.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 13 of 33

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: September 13, 2023

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 4, 2023. Notice of this public hearing shall be published in the Herald News on or about September 19, 2023.

Motion to move Ordinance 2023-028.

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

Mayor Dale asked to move Resolution 2023-331 through Resolution 2023-358 (excluding Resolutions 2023-340 and 2023-359, which were removed prior to the meeting) and Resolution 2023-370.

Agenda No. XII 8

~ Resolution 2023 – 331 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO TYCO ANIMAL CONTROL FOR PROFESSIONAL ANIMAL CONTROL SERVICES

WHEREAS, the Township of West Milford advertised on August 18, 2023 for the receipt of sealed competitive bids to be received on September 1, 2023 at 10:00 am for Professional Animal Control Services; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Township Attorney and Acting Chief of Police; and

WHEREAS, said bid is considered a reasonable cost and a contract recommendation was provided by the Township Administrator and Acting Chief of Police; and

WHEREAS, the bid received from the lowest bidder, Tyco Animal Control Services, has been found to be in proper form, in compliance with the provisions of N.J.S.A. 40A:11-23.5 and is a qualified bidder; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 01-201-27-340-450.

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 Mayor and Township Council hereby authorizes an Agreement with Tyco Animal

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 14 of 33

- Control Services, 1 Stouts Lane, Ho-Ho-Kus, NJ, 07423 from October 1, 2023 to September 30, 2025 in an amount not to exceed \$86,800.00 annually including emergency calls.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Tyco Animal Control Services, in accordance with its bid for said Professional Animal Control Services for 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: September 13, 2023

Agenda No. XII 9

~ Resolution 2023 – 332 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO ATLANTIC SALT, INC. FOR ROCK SALT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 25, 2023 for the purchase of rock salt as per bid specifications; and

WHEREAS, in response to the "Notice to Bidders" the Township received four (4) bids; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Attorney and the Interim Director of Public Works; and

WHEREAS, the bid received from the lowest bidder, Atlantic Salt, Inc. in the amount of \$912,500.00, does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus Atlantic Salt, Inc., is deemed to be the lowest responsible bidder in accordance with N.J.S.A. 40A:11-2(27); and

WHEREAS, the Interim Director of Public Works has submitted a written recommendation for the award of this contract to Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 08152; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account numbers: (2023) 01-201-26-294-363 (\$300,000.00) and (2024) 01-201-26-294-363 (\$612,500.00); 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, the following:

1. The Township Council hereby awards a contract to Atlantic Salt, Inc. for rock salt in an amount not to exceed \$912,500.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 08152 in accordance with its bid for rock salt.
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: September 13, 2023

Agenda No. XII 10

~ Resolution 2023 – 333 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PAVING MATERIALS FROM TILCON NEW YORK, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #5 (PAVING MATERIALS) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,000

WHEREAS, the Township of West Milford by virtue of Resolution 2023-082 awarded a contract to Tilcon New York, Inc. for the purchase of paving materials; and

WHEREAS, the Township of West Milford by virtue of Resolution 2023-220 increased the not to exceed amount to \$40,000.00 for the purchase of paving materials; and

WHEREAS, the Interim Director of Public Works has submitted a written recommendation for the purchase of additional paving materials; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 15 of 33

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase; said funds to be encumbered from account number: 01-201-26-290-361.

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

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #5 (Paving Materials) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of additional paving materials thereby increasing the not to exceed amount from \$40,000.00 to \$60,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2023

Agenda No. XII 11

~ Resolution 2023 – 334 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH NEW JERSEY STATE CONTRACT# 21-FLEET-01485 OF ONE (1) 2023 CHEVROLET TAHOE POLICE INTERCEPTOR UTILITY VEHICLE FROM GENTILINI MOTORS

WHEREAS, the current Chevrolet Tahoe Interceptor vehicle has surpassed its lifespan; and

WHEREAS, the Police Department has an obligation to maintain the safety of the police vehicle fleet; and

WHEREAS, the Township Police Department wishes to purchase one (1) 2023 Chevrolet Tahoe Police Interceptor Utility vehicle through New Jersey State Contract # 21-FLEET-01485; and

WHEREAS, the total amount of the purchase not including outfitting is \$52,285.04; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number #01-201-25-240-230.

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 Township Council hereby authorizes the Township Chief of Police to purchase one (1) 2023 Chevrolet Tahoe Police Interceptor Utility vehicle in an amount not to exceed \$52,285.04, from Gentilini Motors, 2703 Fire Road, Egg Harbor Township, NJ 08234.
2. The Township Chief Financial Officer has certified the availability of funds for same.
3. The equipment and changeover for one (1) 2023 Police Interceptor Utility Vehicle will be separate from the purchase price.

Adopted: September 13, 2023

Agenda No. XII 12

~ Resolution 2023 – 335 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE WATER COOLER RENTALS, BOTTLED WATER AND SERVICE FROM READY REFRESH IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICY AND 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 water coolers, purchase of bottled water and cooler cleaning services at various locations throughout the Township which expenses would exceed the Pay-to-Play threshold of \$17,500; and

WHEREAS, Ready Refresh 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 Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from Ready Refresh is hereby authorized and approved purchases are made through a Cooperative pricing contract, State contract or a minimum

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 16 of 33

of three quotations and the total purchases are not to exceed the budgeted appropriation established for this purpose for the 2023 calendar year.

Adopted: September 13, 2023

Agenda No. XII 13

~ Resolution 2023 – 336 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO AMERICAN ASPHALT & TRUCKING, LLC. FOR THE GERMANTOWN ROAD – SECTION 1 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 1, 2023 at 10:00 am for the resurfacing of Germantown Road as per the bid specifications; and

WHEREAS, the Township of West Milford received seven (7) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division and the Township Attorney; and

WHEREAS, the bid received from the low bidder, American Asphalt & Trucking, LLC., 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

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbered 04-215-55-837-001; and

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

1. The Township Council hereby awards a contract to American Asphalt & Trucking, LLC, 818 Summer Avenue, Newark NJ 07104 for the Germantown Road – Section 1 project subject to the review and approval of the New Jersey Department of Transportation in an amount not to exceed \$390,063.80.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid for said resurfacing of Germantown Road – Section 1 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: September 13, 2022

Agenda No. XII 14

~ Resolution 2023 – 337 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EQUIPMENT AND CHANGEOVERS FOR ONE (1) 2023 DODGE DURANGO PURSUIT AWD UTILITY VEHICLE

WHEREAS, the Township wishes to equip and changeover equipment for one 2023 Dodge Durango Pursuit AWD Utility vehicle; and

WHEREAS, the Township Fire Marshal has provided a recommendation to award this contract through the State Contract # 17-Fleet-00749 to Atlantic Communications; and

WHEREAS, the total amount of the contract shall not exceed \$20,700.50; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 19-295-56-120-520.

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 they do hereby authorize the Fire Marshal to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ to equip and changeover equipment one (1) 2023 Dodge Durango Pursuit AWD Utility vehicles, in an amount not to exceed \$20,700.50, through State Contract #17-Fleet-00749 and to execute a purchase order for same.

Adopted: September 13, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 17 of 33

Agenda No. XII 15

~ Resolution 2023 – 338 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR ACCEPTANCE OF FUNDING FROM THE NEW JERSEY HIGHLANDS COUNCIL FOR 2023 FUNDING OF COMPLIANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ENHANCED STORMWATER REGULATIONS

WHEREAS, on June 14, 2023, the Township Council of West Milford approved the submission of a formal funding request to the New Jersey Highlands Council for compliance with Tier 'A' Stormwater General Permit (R9) for 2023; and

WHEREAS, the requested \$85,250.00 application resulted in a full award approved by the New Jersey Highlands Council at the July 21, 2023 meeting as per Task #12 of the Amended Plan Conformance Grant #09-033-011-1615.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally accept the \$85,250.00 grant received for the above stated project.

Approved: September 13, 2023

Agenda No. XII 16

~ Resolution 2023 – 339 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO STORMWATER COMPLIANCE SOLUTIONS, LLC TO PROVIDE STORMWATER MANAGEMENT SERVICES – PHASE TWO

WHEREAS, the Township of West Milford has a need to appoint a stormwater management professional as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44A-20.4 et seq. or 20.5 as appropriate to comply with the Municipal Stormwater Permit under *N.J.A.C. 7:14*, Tier A Municipal Stormwater General Permit; and

WHEREAS, it is beneficial to retain assistance of appropriately registered experts in the field of stormwater management with knowledge and experience in these matters, to assist in assuring compliance with NJPDES Permit for stormwater discharge; and

WHEREAS, Stormwater Compliance Solutions LLC of Chester, NJ was awarded a contract, by resolution, on June 14, 2023 for Phase One of the required work for the 2023 year; and

WHEREAS, Stormwater Compliance Solutions LLC of Chester, NJ will provide stormwater management services as sought by the Township of West Milford and outlined in a contract for the Phase Two of the required work for 2023 in an amount not to exceed \$85,250.00; 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 bids and the contract itself must be available for public inspection; and

WHEREAS, Stormwater Compliance Solutions LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the business 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 Stormwater Compliance Solutions, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4 in an amount not to exceed \$85,250.00 from account #02-213-41-734-008.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract for Phase Two of stormwater management services with Stormwater Compliance Solutions, LLC., 180 Main Street, P.O. Box 572, Chester, NJ 07930 to assist the Township with compliance to the NJPDES Permit in an amount not to exceed \$85,250.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
3. The total fee authorized for this contract shall not exceed \$85,250.00 without the prior written approval of the Township Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 18 of 33

4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2023

Agenda No. XII 17

~ Resolution 2023 – 340 ~

NUMBER NOT USED

Agenda No. XII 18

~ Resolution 2023 – 341 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF PREMIUM PAY TO AFSCME LOCAL 3301 EMPLOYEES IN GOOD STANDING

WHEREAS, the American Rescue Plan Act allows for the use of funds for revenue loss to be used for support of municipal services; and

WHEREAS, workers were required to return to performing duties on a full-time basis in June and July of 2020 while municipal offices remained closed to the public; and

WHEREAS, the nature of such duties required close proximity to one another, sharing office space and dealing with the public which increased their potential exposure to COVID-19; and

WHEREAS, the work performed was essential to maintaining the health and safety of the Township.

NOW, THEREFORE, BE IT RESOLVED that workers that performed their duties in June and July of 2020 shall be provided up to \$700 in Premium Pay.

BE IT FURTHER RESOLVED that the amount of Premium Pay shall coincide with the amount of time each worker performed Public Works duties during that period of time.

BE IT FURTHER RESOLVED that workers must be employed by the Township in good standing and regularly performing their duties on the date of this resolution in order to receive Premium Pay.

BE IT FURTHER RESOLVED workers shall receive the Premium Pay as soon as practical.

Adopted: September 13, 2023

Agenda No. XII 19

~ Resolution 2023 – 342 ~

RESOLUTION CONCURREING WITH THE LETTER OF INTENT PROVIDED BY THE COUNTY OF PASSAIC CONCERNING CONTINUING SHARED SERVICES AGREEMENT FOR HEALTH SERVICES AND THE POTENTIAL LEASE OF THE JOHNER BUILDING

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

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

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

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

WHEREAS, the Johner Building is underutilized and suitable for the needs of Passaic County; and

WHEREAS, the County of Passaic has provided a Letter of Intent dated August, 2023 that expresses their interest in both continuing and possibly expanding our shared services agreement for Health Officer services and the leasing of the Johner Building to house County offices; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 19 of 33

WHEREAS, the residents of West Milford are best served by continuing the shared services agreement with the County of Passaic and providing them with greater access to other County services.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council concurs with the Letter of Intent provided by the County of Passaic and directs the Township Administrator to negotiate the terms of the shared services agreement and lease.

Adopted: September 13, 2023

Agenda No. XII 20

~ Resolution 2023 – 343 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the Township of West Milford is the owner of Fire Truck, Vehicle Identification Number 4S7AT 9D06T C0213 48 (See attached Title at Exhibit A), which is no longer needed for public use; and

WHEREAS, on behalf of the nation of El Salvador, the General Consul El Salvador wishes to accept the donation of this fire truck for the Municipality of Santa Ana in El Salvador, to open a new fire station (see attached as Exhibit B); and

WHEREAS, the Township of West Milford is desirous of donating this Fire Truck, as surplus property and in an “as is” condition, without any express or implied warranties; and

WHEREAS, pursuant to N.J.S.A. 40A:14-31, the Township of West Milford may donate this property.

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

1. Shall donate the above referenced Fire Truck, Vehicle Identification Number 4S7AT 9D06T C0213 48, to the Municipality of Santa Ana, El Salvador, and enter and adopt this resolution as a matter of record in accord with the above noted statute.
2. The Township of West Milford hereby authorizes the Township Administrator to take any other actions necessary to accomplish the purpose and intent of this donation.
3. The Township makes no representations as to the Fire Truck, and the donation shall be considered “as is” and without any express or implied warranties.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Adopted: September 13, 2023

Agenda No. XII 21

~ Resolution 2023 – 344 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ANNUAL CLOTHING ALLOWANCE FOR VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRST AID SQUADS, SEARCH & RESCUES AND FIRE DEPARTMENTS

WHEREAS, the Township of West Milford wishes to recompense its qualified, volunteer members of the Township of two (2) First Aid Squads transitioning into one, one (1) Search and Rescue and six (6) Fire Departments for damage to their clothing due to their active participation in selfless service to the Township; and

WHEREAS, the chiefs and/or senior official of the First Aid Squads, Search and Rescue and Fire Departments shall certify to the chief Financial Officer or her designee a list of the members of their respective companies and their allotted clothing allowance; and

WHEREAS, the payment of the annual clothing allowance for qualified, volunteer members of the First Aid Squads, Search and Rescue and Fire Departments shall be based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2023 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, approve the annual clothing allowance for qualified, volunteer members of the two (2) First Aid Squads transitioning into one, one (1) Search and Rescue and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 20 of 33

six (6) Fire Departments for the year 2023 based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2023 budget.

Adopted: September 13, 2023

Agenda No. XII 22

~ Resolution 2023 – 345 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF A VEHICLE FROM THE UPPER GREENWOOD LAKE AMBULANCE CORP

WHEREAS, the Upper Greenwood Lake Ambulance Corp is in possession and no longer is in need of a 1999 Ford E350 Horton Ambulance, VIN number ending in 14942; and

WHEREAS, the Upper Greenwood Lake Ambulance Corp Board of Trustees has approved to donate this vehicle to the Township of West Milford; and

WHEREAS, the Townships Acting Emergency Management Coordinator and Supervising Mechanic have recommended that the Township accept this donation and assume title to same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they hereby accept the donation of the used vehicle ending with Vin number 14942 from the Upper Greenwood Lake Ambulance Corp; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the Township Administrator to process all requisite motor vehicle paperwork to transfer title of a 1999 Ford E350 Horton Ambulance with VIN Number ending in 14942 and an odometer reading of 109996 miles from the Upper Greenwood Lake Ambulance Corp to the Township of West Milford; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Upper Greenwood Lake Ambulance Corp by the Governing Body for their appreciation for the donation of the used vehicle to the Township.

Adopted: September 13, 2023

Agenda No. XII 23

~ Resolution 2023 – 346 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO CANCEL A CONTRACT WITH MITCHELL HUMPRHEY & CO. FOR FASTTRACKGOV SOFTWARE

WHEREAS, the Township entered into an agreement with Mitchell Humphrey & Co. for Software Product License and Maintenance Service; and

WHEREAS, the Township has determined that the implementation of the new software has been unsuccessful and a failure, and

WHEREAS, the Township wishes to cancel the agreement; and

WHEREAS, the Township has instructed counsel to place Mitchell Humphrey & Co. on notice of breach and cancellation; and Mitchell Humphrey has replied and proposes that it be afforded an opportunity to cure during the cure period and the Township agreeing.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that Township Counsel be instructed to communicate to counsel for Mitchell Humphrey & Co. that pursuant to its written notice of breach and cancellation, the Township will afford Mitchell Humphrey & Co. an opportunity to cure noted deficiencies during the applicable cure period, as it has requested.

This Resolution shall take effect immediately upon adoption.

Adopted: September 13, 2023

Agenda No. XII 24

~ Resolution 2023 – 347 ~

RESOLUTION AUTHORIZING DEENA ROSENDAHL OF DECOTIS, FITZPATRICK, COLE & GIBLIN, LLP TO SERVE AS LABOR COUNSEL

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 21 of 33

WHEREAS, the Township of West Milford awarded a contract for Labor Counsel to Mark J. Semeraro, Esq. of DeCotis, Fitzpatrick, Cole & Giblin, LLP via Resolution 2023-039 at its Reorganization meeting on January 4, 2023; and

WHEREAS, Mark J. Semeraro, Esq. has since left the firm of DeCotis, Fitzpatrick, Cole & Giblin, LLP; and

WHEREAS, the Township of West Milford's primary contact at DeCotis, Fitzpatrick, Cole & Giblin, LLP was Deena Rosendahl; and

WHEREAS, Mayor Michele Dale and the Township Administrator have recommended that Deena Rosendahl continue to handle labor matters through the end of the year.

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 Deena Rosendahl of DeCotis, Fitzpatrick, Cole & Giblin LLP shall serve as Labor Counsel through the end of the year.

Adopted: September 13, 2023

Agenda No. XII 25

~ Resolution 2023 – 348 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 2 TO R.J. MICHAELS & CO. INC. FOR THE RENOVATIONS AND ALTERATIONS TO TOWN HALL ANNEX BUILDING FOR AN INCREASE NOT TO EXCEED \$30,351.81

WHEREAS, the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey authorized the award of a competitive bidding construction contract for the Renovations and Alterations to Town Hall Annex Building on February 8, 2023, by Resolution 2023-080; and

WHEREAS, Change Order No. 1 was required as a result of unforeseen conditions resulting in the replacement and installation of a new fire alarm system to include additional units in the basement and whole building system for a not to exceed \$17,907.00 contract increase to \$745,015.00; and

WHEREAS, additional unforeseen conditions of the building resulted in the Township requesting and receiving a proposal from the contractor, R.J. Michaels & Co., Inc. for Change Order No.2 for replacement of failing subflooring, installation of metal studs along an exterior wall, waterproof outlet replacement and installation of retro-type roof pipe flashings, including incidentals of the work; and

WHEREAS, the design architect has reviewed the proposal; and

WHEREAS, due to the unforeseen conditions of the building it is recommended to increase the contract amount to accommodate the Change Order No. 2 which total amount of increase for the project is \$30,351.81 or 4.1%; and

WHEREAS, based upon the aforementioned Change Order No 2 the total amount of the contract is now \$775,366.81; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this Change Order, said funds to be paid from account no. 01-270-55-000-001.

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 Township Council is hereby authorized to exceed the original contract award with prior approved Change Order No. 1 of \$745,015.00 to R.J. Michaels & Co., Inc., 333 Dodd Street, East Orange, NJ 07017 by an amount not to exceed \$30,351.81.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution Change Order and contract shall be available for public inspection in the Office of the Township Clerk.

Adopted: September 13, 2023

Agenda No. XII 26

~ Resolution 2023 – 349 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2023-108 and 2023-183 TO INCREASE THE CONTRACT VALUE NOT TO EXCEED \$37,915.00 WITH LAWRENCE COHEN, ESQ. OF LAVERY, SELVAGGI,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 22 of 33

ABROMITIS & COHEN P.C. TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD ON NEWARK WATERSHED TAX APPEAL

WHEREAS, by virtue of Resolution 2023-108 adopted March 1, 2023 and Resolution 2023-183 adopted May 3, 2023 the Township Council did authorize the engagement of Special Legal Counsel services to be provided by Lawrence Cohen, Esq. of Lavery, Selvaggi, Abromitis & Cohen P.C.; and

WHEREAS, Resolution 2023-108 and the related Professional Services Contract did authorize services in an amount not to exceed \$10,000; and

WHEREAS, Resolution 2023 -183 and the related Professional Services Contract did authorize services to be amended increasing not to exceed amount to \$30,000; and

WHEREAS, the Township Mayor and Council have been advised that the Township's needs related to the matter known as Newark Watershed Tax Appeal necessitates an amendment in an additional amount not to exceed \$7,915.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds pursuant to N.J.A.C. 5:30-5.4 from account 01-201-20-155-502 in an amount not to exceed \$7,915.00 without prior written consent from the Township Council; and

WHEREAS, a notice of this action shall be published in accordance with the law and said notice to provide that the originally awarded Professional Services Contract and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk and that the Professional Services offered by Lawrence Cohen, 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 Mayor and 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 \$7,915.00 to Lawrence Cohen, Esq. for Special Legal Services which amount is in excess of the approved contract amount of \$10,000, amended to \$30,000 bringing the contract total to an amount not to exceed \$37,915.00 and re-engaging the services of Lawrence Cohen, Esq. for an additional twelve month or until the conclusion of this legal matter whichever comes first.

Adopted: September 13, 2023

Agenda No. XII 27

~ Resolution 2023 – 350 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2023-184 AND 2023-214 TO INCREASE THE CONTRACT VALUE NOT TO EXCEED \$40,055 WITH NEWMARK VALUATION & ADVISORY LLC FOR APPRAISAL SERVICES AS TO THE NEWARK WATERSHED PROPERTIES TAX APPEAL

WHEREAS, by virtue of Resolution 2023-214 adopted May 17, 2023 and Resolution 2023-184 adopted May 3, 2023 the Township Council did authorize the engagement of Newmark Valuation & Advisory LLC to secure appraisal services.; and

WHEREAS, Resolution 2023-214 and the related Professional Services Contract did authorize services in an amount not to exceed \$15,000; and

WHEREAS, the Township Mayor and Council have been advised that the Township's needs related to the matter known as Newark Watershed Tax Appeal necessitates an amendment in an additional amount not to exceed \$29,055; and

WHEREAS, the Chief Financial Officer has certified the availability of funds pursuant to N.J.A.C. 5:30-5.4 from account 01-201-20-155-502 in an amount not to exceed \$44,055 without prior written consent from the Township Council; and

WHEREAS, a notice of this action shall be published in accordance with the 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 of Newmark Valuation & Advisory LLC are extended by an additional twelve months or until the conclusion of the matter, whichever comes first.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and 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 \$29,055.00 to Newmark Valuation & Advisory LLC which amount is in excess of the approved contract amount of \$15,000, bringing the contract total to an amount not to exceed \$44,055 and re-engaging the services of Newmark Valuation & Advisory LLC for an additional twelve month or until the conclusion of this matter whichever comes first.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 23 of 33

Adopted: September 13, 2023

Agenda No. XII 28

~ Resolution 2023 – 351 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DMHAS GRANT TERM TWO FOR THE WEST MILFORD MUNICIPAL ALLIANCE COMMITTEE FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, in coordination with GCADA, the New Jersey Department of Human Services/ Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, the West Milford Township Council of the Township of West Milford, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the West Milford Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the West Milford Township Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Passaic,

NOW, THEREFORE, BE IT RESOLVED by the Township of West Milford, County of Passaic, State of New Jersey hereby recognizes the following:

1. The West Milford Town Council does hereby accept a DMHAS Grant funding for the West Milford Municipal Alliance for Term Two Grant for the period of September 1, through September 30, 2025 in the amount of:

DMHAS Grant Funding \$ 5,302.55
2. The West Milford Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: September 13, 2023

Agenda No. XII 29

~ Resolution 2023 – 352 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2023 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2023 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written
consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
DMHAS Grant Funding; \$5,302.55

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 24 of 33

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
DMHAS Grant Funding; \$5,302.55

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: September 13, 2023

Agenda No. XII 30

~ Resolution 2023 – 353 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A 2024 COMMUNITY PROJECT FUNDING (CPF) GRANT

WHEREAS, West Milford Township Emergency Services (Police, Fire, OEM, etc.) rely on a radio communication system as a necessary component to everyday service. These organizations have an obligation to protect and serve residents, made possible by radio communication; and

WHEREAS, all state, local and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply; and

WHEREAS, funding is for the 2024 Fiscal Year, with a one-year funding limit.

NOW THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Milford hereby authorizes the acceptance of a 2024 Community Project Funding (CPF) Grant for \$2,893,000 in order to assist in paying for new radios for emergency communications.

Adopted: September 13, 2023

Agenda No. XII 31

~ Resolution 2023 – 354 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2023 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2023 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
2024 Community Project Funding (CPF) Grant; \$2,893,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
2024 Community Project Funding (CPF) Grant; \$2,893,000.00
Local Match \$ 0.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 25 of 33

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: September 13, 2023

Agenda No. XII 32

~ Resolution 2023 – 355 ~

MAYOR’S APPOINTMENT OF WILLIAM SENANDE AS INTERIM DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH §15-56 OF THE TOWNSHIP CODE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor’s appointment of William Senande to the position of Interim Director of Public Works in accordance with section §15-56 of the Township Code.

Adopted: September 13, 2023

Agenda No. XII 33

~ Resolution 2023 – 356 ~

MAYOR’S APPOINTMENT OF MICHAEL MOSCATELLO AS EMERGENCY MANAGEMENT COORDINATOR IN ACCORDANCE WITH CHAPTER §15-50 OF THE TOWNSHIP CODE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor’s appointment of Michael Moscatello to the position of Emergency Management Coordinator in accordance with the provisions of Article IX, Chapter §15-50, Section B(1) of the Township Code for a period of three years from September 13, 2023 through September 12, 2026.

Adopted: September 13, 2023

Agenda No. XII 34

~ Resolution 2023 – 357 ~

EMERGENCY MANAGEMENT COORDINATOR’S APPOINTMENT OF OFFICER MICHAEL WEBER AS DEPUTY EMERGENCY MANAGEMENT COORDINATOR IN ACCORDANCE WITH CHAPTER §15-50 OF THE TOWNSHIP CODE

WHEREAS, Article IX, Chapter §15-50, Section C of the Township Code allows the Emergency Management Coordinator (EMC) to appoint a Deputy Emergency Management Coordinator with the approval of the Mayor and the advice & consent of the Township Council; and

WHEREAS, EMC Michael Moscatello has recommended the appointment of Michael Weber to the position of Deputy Emergency Management Coordinator.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent along with the Mayor’s approval to the Emergency Management Coordinator’s appointment of Michael Weber to the position of Deputy Emergency Management Coordinator in accordance with the provisions of Article IX, Chapter §15-50, Section C of the Township Code for a period of three years from September 13, 2023 through September 12, 2026.

Adopted: September 13, 2023

Agenda No. XII 35

~ Resolution 2023 – 358 ~

MAYOR’S APPOINTMENT OF ACTING CHIEF SHANNON SOMMERVILLE AS INTERIM PUBLIC SAFETY DIRECTOR IN ACCORDANCE WITH §15-46 OF THE TOWNSHIP CODE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor’s appointment of Acting Chief Shannon Sommerville to the position of Interim Public Safety Director in accordance with section §15-46 of the Township Code.

Adopted: September 13, 2023

Agenda No. XII 36

~ Resolution 2023 – 359 ~

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 26 of 33

NUMBER NOT USED

Agenda No. XII 37

~ Resolution 2023 – 370 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE HIRING OF (1) ONE POLICE OFFICER FROM AN APPROVED 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, there was one retirement and internal promotions creating a vacancy; and

WHEREAS, the West Milford Police Department wishes to fill such position by hiring (1) police officer that has completed the Alternate Route Program through an approved Public Safety Training Academy.

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 1 (one) police officer qualified by an approved Public Safety Training Academy, Alternate Route Program.

Adopted: September 13, 2023

Councilwoman Lichtenberg was pleased to see Resolution 2023-342 on the agenda.

Councilman Chazukow questioned if the Board of Education was going to be contributing to the project regarding Resolution 2023-301. Administrator Senande indicated that we worked with the Friends of Wallisch and the funds are coming out of a Highlands grant.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, *Conlon, Marsden
Voted Nay: None
Abstain: *Conlon on Resolution 2023-358 and 2023-370 only
Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2023 – 360 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

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

- Resolutions:**
- a) **2023-361** – Recreation Fee Refunds
 - b) **2023-362** – Right of Way Bond Refund
 - c) **2023-363** – Various License Renewal
 - d) **2023-364** – Cancellation of Taxes
 - e) **2023-365** – Other Liens
 - f) **2023-366** – Overpayments
 - g) **2023-367** – Reinstatement of Taxes

Adopted: September 13, 2023

Agenda No. XIII a

~ Resolution 2023 – 361 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: September 13, 2023
 Time of Meeting: 6:30 p.m.
 Minute Page No: Page 27 of 33

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

FALL SOCCER			
\$100.00	35 Mountain Circle North West Milford, NJ 07480	\$180.00	37 Commanche Lane Hewitt, NJ 07421
\$100.00	37 Fremont Terrace Oak Ridge, NJ 07438	\$90.00	42B Lexington Lane West Milford, NJ 07480
DAY CAMP			
\$445.00	20 Alpine Lane West Milford, NJ 07480	\$420.00	24 Hancock Drive West Milford, NJ 07480
\$210.00	56 Virginia Lane West Milford, NJ 07480		
PICKLEBALL CLINIC			
\$50.00	220 Skyline Lakes Drive Ringwood, NJ 07456	\$50.00	69 Hewitt Road Hewitt, NJ 07421

Adopted: September 13, 2023

Agenda No. XIII b

~ Resolution 2023 – 362 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RIGHT OF WAY ENTRY BOND FEE

BE IT RESOLVED, that the following Right of Way Entry bond fee upon the recommendation of the Township Engineering Division be refunded:

Receipt No.	Refund Amount	Refund to	Street Excavation Project Permit No.
521461	\$1,230.00	Je [REDACTED] Lockenvitz West Milford, NJ 07480	139 High Crest Drive 2022-10

Adopted: September 13, 2023

Agenda No. XIII c

~ Resolution 2023 – 363 ~

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

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2023 license year; and

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

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

License No.	2023 SECONDHAND PRECIOUS METALS
2023-02	J. Alexander Fine Jewelers – 1935 Union Valley Road

Adopted: September 13, 2023

Agenda No. XIII d

~ Resolution 2023 – 364 ~

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

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 September 13, 2023
 6:30 p.m.
 Page 28 of 33

- REASONS:**
1. 100% Disabled Veteran
 2. Township Owned Property
 3. Veteran/Surviving Spouse of Veteran Deduction
 4. Senior Citizen/Disabled/Surviving Spouse Deduction
 5. Exempt-State of New Jersey

BLOCK/LOT	AMOUNT	YEAR	REASON
11501/026	\$2,480.18	2023	1
11501/026	\$1,984.00	2024	1
13203/037	\$12,656.95	2023	1
13203/037	\$6,328.00	2024	1
05402/002	\$6,628.68	2023	1
05402/002	\$4,978.00	2024	1
02202/001.03	\$18,490.23	2023	1
02202/001.03	\$104.00	2023A	1
02202/001.03	\$9,298.00	2024	1
02712/017	\$4,435.18	2023	1
02712/017	\$2,668.00	2024	1
05602/008	\$9,690.66	2023	1
05602/008	\$5,292.00	2024	1
05504/004.10	\$4,026.10	2023	1
05504/004.10	\$2,014.00	2024	1
06102/005	\$1,294.41	2023	1
Total	\$92,368.39	2023	

Adopted: September 13, 2023

Agenda No. XIII e

~ Resolution 2023 – 365 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
22-0029	10/11/2022	10802-042	\$141,453.18	US BANKCUST FOR ACT LIEN HOLDING INC. 50 SOUTH 16 ST STE 2050 PHILADELPHIA, PA 19102
18-0018	10/09/2018	02701-028	\$3,197.34	23 WESTPORT IRVINE, CA 92620
TOTAL			\$144,650.52	

Adopted: September 13, 2023

Agenda No. XIII f

~ Resolution 2023 – 366 ~

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

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 September 13, 2023
 6:30 p.m.
 Page 29 of 33

Block/Lot	Name	Amount	Year	Reason
01402-001	849 Warwick Tpke Hewitt, NJ 07421	\$606.23	2023	1
02101-006	38 Castle Rock Rd Hewitt, NJ 07421	\$71.93	2023	1
12311-027	Diesels Dawg Pound LLC 290 Otterhole Rd West Milford, NJ 07480	\$54.25	2023	1
17302-009	Pinecliff Lake Comm Club P.O. Box 246 West Milford, NJ 07480	\$4,356.07	2023	1
16703-015	40 Crest Lake Drive Oak Ridge, NJ 07438	\$250.00	2023	4
13203-037	39 Northwood Drive West Milford, NJ 07480	\$3,097.00	2023	8
05402-002	5 Lozier Court West Milford, NJ 07480	\$4,062.80	2023	8
02712-017	15 Elizabeth Rd Hewitt, NJ 07421	\$3,061.00	2023	8
05602-008	5 Carolyn Street West Milford, NJ 07480	\$6,965.88	2023	8
06102-005	22 George Street West Milford, NJ 07480	\$647.21	2023	8
02202-001.03	42 Castle Rock Rd Hewitt, NJ 07421	\$9,695.14	2023	8
14113-045	24 Apple Lane West Milford, NJ 07480	\$74.67	2023	6
06001-007	50 Whitenack Road Basking Ridge, NJ 07920	\$2,267.93	2023	6
06603-006	113 Clymer Street Brooklyn, NY 07920	\$495.77	2023	6
07006-001	1612 Union Valley Land Trust 528 Lafayette Ave. Hawthorne, NJ 07506	\$5,951.11	2023	6
01608-010	PO Box 925 Point Pleasant, NJ 08742	\$81.69	2023	2
TOTALS		\$41,738.68		

Adopted: September 13, 2023

Agenda No. XIII g

~ Resolution 2023 – 367 ~

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

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

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

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

- REASON:**
1. **INSUFFICIENT FUNDS**
 2. **NO ACCOUNT/CANNOT LOCATE**
 3. **ACCOUNT CLOSED**
 4. **STOP PAYMENT**
 5. **UNAUTHORIZED CORP DEBIT**
 6. **NO SIGNATURE**
 7. **UCF (Uncollectable Funds)**
 8. **NON-TRANSACTION ACCOUNT**

BLOCK/LOT	NAME	AMOUNT	INT	YEAR	REASON
05702-001		\$2,642.00		2023	1
12208-023		\$2,922.00		2023	1
08901-014		\$2,730.00		2023	2
06501-005		\$1,840.00		2023	2
03201-003		\$3,909.00		2023	2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 September 13, 2023
 6:30 p.m.
 Page 30 of 33

03101-006		\$275.00		2023	2
03101-008		\$3,842.00		2023	2
15301-008		\$2,897.00		2023	1
06002-010		\$2,679.00		2023	2
13102-022		\$5,385.32		2023	2
05204-010	JW Builders Inc.	\$1,628.31		2023	1
08101-040	FX Electric Inc.	\$2,605.10	\$17.90	2023	1

Adopted: September 13, 2023

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

Agenda No. XIV

Approval of Expenditures

~ Resolution 2023 – 368 ~

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	\$904,641.12
3	Reserve Account	36,336.35
2	Grants	19,476.77
6	Refunds	189,174.20
1	General Ledger	2,168.62
26	Refuse	277,258.43
4	Capital	6,542.06
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	9,313.80
19	Scala Trust	0.00
16	Development Escrow	1,237.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	2,407.88
Total		\$1,448,556.73
	Less Refund Resolution	-189,174.20
	Actual Bills List	\$1,259,382.53
	Other Payments:	
	Payroll	\$1,181,049.63
	BOE	5,223,074.00
	Recreation Refunds	775.00
	State of NJ, Dog	44.40
	Brian Murphy Architect	22,000.00
	Total Expenditures	\$7,686,325.56

Adopted: September 13, 2023

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
September 13, 2023
6:30 p.m.
Page 31 of 33

Agenda No. IX

Public Comments

Richard Randazzo – Commented on the West Milford Messenger article that was about the halting of the Tennessee Gas Pipeline Project. He is a member of the Highlands Coalition so that he can get news. They do a lot of good for the environment, the State and specifically for West Milford. He received an email from them indicating that TGP did not qualify for applicability determination for the new compressor station. He went on to summarize some of what the court ruled and read a statement. TGP must halt construction associated with the new compressor station and must continue with the process of getting Highlands Preservation Area approval. It is essential that the State should take action to delineate within the New Jersey Highlands, a preservation area where stringent protective policies should be implemented. It is in the public's interest that the preservation area be subject to stringent water and natural resource protections. Mr. Randazzo indicated that there is nothing to support this as a routine upgrade, they are building something new, and not even upgrading the portions that are falling apart. He feels this is a good first step in supporting our natural resources in West Milford. Mr. Randazzo would also like to revisit the noise ordinance.

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

Agenda No. X

Council Comments

None

Agenda No. XV

Reports of Mayor, Council Members, Administrator, and Attorney

Councilwoman Erik – No report.

Councilman Chazukow – The Heritage Committee Event at the West Milford Museum was well attended and thank you to all those who came and donated.

Councilwoman Lichtenberg – There will be a Medical Sharps Collection on Sunday September 17 from 10 a.m. to 3 p.m. at the DPW building at 30 Lycosky Drive. Needles can be dropped off by residents in sealed rigid containers. There will be a free Family Wellness Clinic at the Macopin Middle School on September 23 from 10-2 p.m. sponsored by the Municipal Alliance, Lion's Club and the Highlands Family Success Center. On Saturday September 23, PBA 286 will be having their first annual car show at the Wallisch Homestead. It is free to spectators and there will be food trucks and corn hole. On September 30th the Friends of Wallisch will be having a music festival from 11 to 7 p.m. There will be vendors there and the Elks will be serving food. The Autumn Lights Festival is coming up on October 7th and the Friends of Wallisch will be having square dancing and line dancing in the barn.

Councilman Goodsir – The Mountain Warriors Hiking Club, for kids ages 8 to 17 has a hike scheduled for September 30th and registration is now open. There is still availability for the Art Club grades K through 2 and 3 through 6. The class is perfect for kids that love to draw. Pickleball takes place every Wednesday night at the Recreation Center from 6:30 to 8:30 p.m. Those who wish to participate must pre-register. The applications for Military Tribute Banners will be available sometime in mid-October through the Recreation Department and there will be a limited number. The Recreation Department is looking for two building monitors for the upcoming winter season and information can be found on the West Milford Township website under employment. For the event at the Wallisch Homestead on September 30th there will also be a beer and wine garden as well as a band and the Elks will provide various foods. Thank you to the Elks for grilling at the memorial service for Ed Steines on September 2nd.

Councilman Conlon – The Autumn Lights Festival is scheduled for October 7, 2023 from 11 to 6 p.m. Thank you to all those who contributed and participated in the recent 9-11 Memorial Ceremony to pay respects to all of those from our community who perished on that day. Ed Ollearo, also known as "Pops" passed away at the age of 95 and he contributed to the community for many years and will be missed. Good luck to all the kids headed back to school.

Councilman Marsden – No report.

Mayor Dale – School is open and people should please be aware of the school buses. September 20th there will be a Lyme Disease Clinic at Town Hall. Sheriff Berdnik and the Passaic County Sheriff's Department will be doing a Harvest Festival on October 14, 2023 from 12 to 4 p.m. with a rain date scheduled for October 15th. Mayor Dale had the opportunity to speak at Dr. Oberer's retirement ceremony and thanked her for her 17 years of service with the library. The Children's room in the library has now been dedicated to Dr. Oberer. The Passaic County Mosquito Commissioner will also be speaking at the Lyme Clinic. The meeting time is 6:30 to 7:30 p.m. in the main meeting room.

Administrator Senande – We have been very aggressive trying to get grants. As part of that process an RFP went out for a grant consultant. There were five submissions and they are being reviewed. To summarize, in 2019 the Township received \$710,000; in 2020 \$2.5 million, largely due to Covid; 2021 was \$1.4 million; 2022 \$1.6 million and so far this year with the grant largely for the new radio equipment

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 32 of 33

it is around \$ 4 million. As a result of the recent wildfire the Township was approached by the Animal Control Officer and OEM Director because we were able to save 100 horses and relocate them. We are going to follow the model of Bergen County and implement an animal rescue team so that in disasters we will be able to rescue farm animals and pets and house these animals. These animals are not allowed in shelters usually because of allergies. Hopefully the team will be up and running and fully implemented in the spring.

Attorney Pasternak – No report.

Mayor Dale appointed Michael Moscatello as Fire Commissioner. A motion was made by Councilman Conlon and seconded by Councilman Goodsir

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

Agenda No. XVI

Appointments and Resignations

~ Resolution 2023 – 369 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Library Board of Trustees:

Name	Position	Date Tendered
Joan Oberer	Library Board of Trustees Citizen Member Term expires 12/31/23	August 28, 2023

Adopted: September 13, 2023

A motion was made by Councilwoman Erik and seconded by Councilman Conlon to accept the resignation tendered.

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

Mayor Dale wished to appoint Michele Hammell to the Library Board. A motion was made by Councilwoman Erik and seconded by Councilwoman Lichtenberg.

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

Mayor Dale invited the Counselor General of the government of El Salvador and representative for the States of New Jersey and Delaware to the podium where he wished to thank the Mayor and Council for donating a fire truck. The entire country has only 17 fire stations for 7 million people and is the size of the state of New Jersey. He was very grateful and said that it would help save lives. There will be a new fire station opening in Santa Anna because of this donation.

Agenda No. XVIII

Adjournment

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

The meeting adjourned at 7:07 p.m.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 13, 2023
Time of Meeting: 6:30 p.m.
Minute Page No: Page 33 of 33

Approved: October 4, 2023

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK