

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE OCTOBER 7, 2020
REGULARLY SCHEDULED WORKSHOP MEETING.

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

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

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

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

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2020 – 018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 226 "NOISE" TO CORRECT OMISSIONS FROM THE STATE'S MODEL NOISE ORDINANCE

WHEREAS, the Township Council adopted the Model Noise Ordinance on September 16, 2020; and

WHEREAS, the Ordinance was submitted to the DEP for approval and certain changes were requested by the DEP in order for the Ordinance to be in compliance with the Model Noise Ordinance; and

WHEREAS, the Mayor and Township Council have reviewed and approved the requested changes.

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 226 "Noise" is hereby amended to read as follows:

§226-1. Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 *et seq.*) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a

commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§226-2. Applicability.

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. ~~Public service facilities;~~
43. Community service facilities;
54. Residential properties;
65. Multi-use properties;
76. Public and private right-of-ways;
87. Public spaces; and
98. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§226-3. Declaration of findings and Policy.

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This Chapter shall apply to the control of sound originating from sources within the Township of West Milford.

§226-4. Exemptions

(A) Except as provided in Section 226-8, below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in Section 226-8, below.

§226.5 Noise control officers.

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

(D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in §226-45(E) of this Chapter and to the definition of "real property line" as contained herein.

(E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§226-56. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in §226-2(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in §226-65(BE).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

§226-67. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in §226-5(BE) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

§226-78. Restricted uses and activities.

The following standards shall apply to the activities or sources of sound set forth below:

(A) Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

(B) Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

(C) All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

(D) Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

(E) All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

(F) Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

(G) It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

1. Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
2. Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

(H) Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

1. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
2. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
3. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
4. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§226-89. Enforcement; violations and penalties.

(A) Violation of any provision of this Chapter shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this Chapter shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Chapter the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Chapter that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 226-1 of this Chapter) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide

them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 *et seq.* where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

All tables annexed to the original Ordinance remain unchanged.

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

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

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

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande,
Township Administrator

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 304 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE INSTALLATION OF A SODIUM VAPOR FLOOD LIGHT WITH 46,000 NOMINAL LUMENS FOR THE UTILITY POLE AT BUBBLING SPRINGS

WHEREAS, illuminating the flags that are flying at Bubbling Springs is deemed appropriate; and

WHEREAS, illuminating the flags will permit the flags to be displayed throughout the night; and

WHEREAS, the flags can be illuminated with a single sodium vapor flood light with 46,000 nominal lumens from an existing utility pole; and

WHEREAS, Rockland Electrical Company owns the utility pole at Bubbling Springs identified as 48549/39718; and

WHEREAS, Rockland Electrical Company would install the flood light upon request; and

WHEREAS, the current annual cost to the Township for the light is approximately \$550.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council that the Township Administrator is authorized to request the installation of a sodium vapor flood light with 46,000 nominal lumens for the utility pole at Bubbling Springs identified as 48549/39718.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 305 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A SIDEWALK SALE AS ONE FACET OF THE CHANGE IN FORMAT TO THE OCTOBER 10, 2020 AUTUMN LIGHTS FESTIVAL

WHEREAS, the annual Autumn Lights Festival has become a proud tradition in the Township of West Milford; and

WHEREAS, the current pandemic requires the format of the event to change; and

WHEREAS, the Autumn Lights Festival would like to host a Township-wide event to promote local businesses on October 10, 2020; and

WHEREAS, some of our local businesses would like to display merchandise and distribute informational material outside of their businesses on the day of the event; and

WHEREAS, businesses that utilize outdoor spaces will not hinder access for individuals with disabilities; and

WHEREAS, business will need to comply with all other requirements, including but not limited to obtaining any necessary health or fire safety permits.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council hereby authorizes business to display merchandise and informational materials outside of their businesses as long as all other necessary permits are obtained and access for individuals with disabilities is not hindered.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 306 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A MEMORANDUM OF AGREEMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE PBA LOCAL No. 162 AND SOA LOCAL No. 162

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

WHEREAS, the Mayor and Township Council desire to approve the terms of a Memorandum of Agreement which shall cover a five-year period retroactive to January 1, 2019 and expiring on December 31, 2023; and

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

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

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

1. The Parties have reached an agreement; and
2. The members of the PBA and SOA bargaining units have ratified the terms of the Memorandum of Agreement which shall modify the terms of the existing bargaining unit agreement and extend the terms thereof to December 31, 2023; and
3. The Township desires to ratify the terms of the Memorandum of Agreement.

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

Adopted: October 7, 2020

Adopted this 7th day of October 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 307 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A MEMORANDUM OF AGREEMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH AFSCME NJ COUNCIL 63 LOCAL No. 2275

WHEREAS, the Township of West Milford ("Township") and the AFSCME NJ Council 63 (formerly AFSCME Council 52) Local No. 2275 have been conducting negotiations for successor Collective Bargaining Agreement; and

WHEREAS, the Mayor and Council desire to approve the terms of a Memorandum of Agreement which shall cover a three-year period expiring on December 31, 2022; and

WHEREAS, the Parties have ratified the terms of the Memorandum of Agreement as recommended by the Township's Labor Counsel and the Township Administrator.

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

1. The Parties have reached an agreement; and
2. AFSCME NJ Council 63 Local 2275 ratifies the terms of the Memorandum of Agreement which shall modify the terms of the existing Collective Bargaining unit Agreement and extend the terms thereof to December 31, 2022; and
3. The Township desires to ratify the terms of the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, ratifies the terms contained in the Memorandum of Agreement with AFSCME Council 63 Local 2275 for inclusion in successor Collective Bargaining Agreement and directs the Township's Labor Counsel to incorporate said terms into the parties' Collective Bargaining Agreement and authorizes the appropriate Township Officials to execute said Memorandum of Agreement.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 308 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE CANNING GROUP LLC FOR 2020 BUDGET PREPARATION

WHEREAS, the Governing Body retained the services of Robert Casey through The Canning Group for assistance with the 2016, 2017, 2018 and 2019 municipal budgets; and

WHEREAS, The Canning Group LLC has submitted a proposal for the 2020 Budget preparation at \$80 per hour which is the same rate charged for the 2016, 2017, 2018 and 2019 budget preparation; and

WHEREAS, the Township Administrator recommends the award of a Professional Services Contract, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 to The Canning Group for the assignment of Mr. Robert Casey as budget consultant for the 2020 municipal and solid waste budgets; and

WHEREAS, The Canning Group, LLC will complete and submit a Business Entity Disclosure Certification which will certify that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of The Canning Group 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.

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 Mayor and Township Clerk be and are hereby authorized to execute a contract with The Canning Group, LLC, 45 S. Park Place 183, Morristown, NJ 07960 for professional services for the 2020 budget process in an amount not to exceed \$4,000.00.
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 \$4,000.00 without the prior written approval of the Township Council.
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 resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 309 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE AND/OR TRADE/EXCHANGE OF FIRE APPARATUS TO THE BRINDLEE MOUNTAIN FIRE APPRATUS

WHEREAS, according to N.J.S.A. 40A:11-36, *Sale or Other Disposition of Personal Property*, any contracting unit by resolution of its Governing Body may authorize by sealed bid or public auction the sale of its personal property not needed for public use; and

WHEREAS, the contracting unit need not advertise for bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax raised funds, any foreign nation which has diplomatic relations with the United States, or any governmental unit in the United States; and

WHEREAS, the Township of West Milford did advertise a request for proposals and received one (1) bid for a trade of one (1) 2001 Pierce Dash 75ft Quint ; and

WHEREAS, the Township of West Milford did advertise for bids and received one (1) bid for a 2001 Pierce Dash 75ft Quint ; and

WHEREAS, the Township of West Milford Deputy Fire Commissioner recommends trading this 1999 E-One-105ft aerial platform and accepting a 2001 Pierce Dash 75ft Quint from Brindlee Mountain Fire Apparatus.

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

1. In accordance with the provisions of N.J.S.A. 40A:11-36, the *Sale or Other Disposition of Personal Property* of a 1999 E-One-105ft aerial platform to the Brindlee Mountain Fire Apparatus is hereby authorized.
2. Said sale shall be for a trade
3. The Brindlee Mountain Fire Apparatus shall execute an Agreement to hold the Township of West Milford harmless from the 1999 E-One-105ft aerial platform and any future owners or operators of the vehicle, and from any liability resulting from and out of the use or operation of said vehicle.
4. The Township Clerk is hereby authorized to execute any and all documents which may be necessary to facilitate the transfer of this vehicle including a Bill of Sale, Certificate of Title or any related documents which may be necessary in order to facilitate this transfer.

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized and directed to forward certified copies of this Resolution to the West Milford Fire Commissioner's Office, 1480 Union Valley Rd, West Milford Township NJ 07480, the Township Administrator and the Fire Department.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 310 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY RESCINDING RESOLUTION 2020-285 AND AUTHORIZING CORRECTED AWARD OF A LEASE/PURCHASE AGREEMENT TO ATLANTIC TOMORROWS OFFICE TECHNOLOGY

WHEREAS, Resolution 2020-285 contained an error in that the not to exceed amount was \$3,055.00 for a copier machine; and

WHEREAS, the Township of West Milford Community Service & Recreation needs to replace the existing copy machine and the correct not to exceed amount is \$3,720.00; and

WHEREAS, the Township of West Milford will take ownership of said equipment after the expiration of the sixty (60) month lease period for no additional cost; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease / Purchase agreement, said funds are to be encumbered from account number 01-201-28-372-431.

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 the Director of Community Services & Recreation to execute a Lease/Purchase Agreement not to exceed \$3,720.00 at a rate of \$62.00 per month for sixty months in an amount not to exceed \$744.00 annually and a \$.0060 per copy fee for maintenance and supplies with Atlantic Tomorrows Office Technolgy, 400 Broadacres Drive, Bloomfield, NJ 07003
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.

BE IT FURTHER RESOLVED by the Mayor and Township Council of the Township of West Milford upon report of the Community Services & Recreation Director Resolution 2020-285 adopted September 16, 2020 is hereby rescinded in its entirety.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 311 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN CUSTODIAN OF PETTY CASH FUND FOR VEHICLE REGISTRATION

WHEREAS, Judy Manning was custodian of the Motor Vehicle Registration Petty Cash Fund;
and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Council of the Township of West Milford is changing custodians to Allison J. Zeltner; and

WHEREAS, Allison J. Zeltner is bonded in the amount of \$50,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 312 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REFUND OF ENGINEERING DEPARTMENT PERFORMANCE GUARANTEES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded as follows:

Name & Address	Block & Lot	Amount Refunded	Amount Remaining
Anthony Veltri 86 Glendale Road Hewitt, NJ 07480	3004-7	\$175.00	\$0
Richard Jason Kernen 206 High Street Cranford, NJ 07016	7616-3	\$825.00	\$0
Your Home Team LLC 1465 Union Valley Road West Milford, NJ 07480	703-1	\$850.00	\$0

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 313 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
12301-006	Ruth May Hunt Bradley J Hunt 951 NE 27 th Ave Pompano Beach, FL 33062	\$1,660.00	2020	6
TOTAL		\$1,660.00		

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 314 ~

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

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

Rec Soccer		Senior Chair Exercise	
\$65.00	Alex Gannon 2 Deal Road Hewitt, NJ 07421	\$30.00	Liz Martinelli 7 Applegate Court West Milford, NJ 07480
Sport Squirts – Parent & Me		Young Hearts Bowling Sept/Oct	
\$284.00	Cristina Ataide 11 Yorkshire Ave. West Milford, NJ 07480	\$36.00	Margaret Dooley 41 Red Barn Lane West Milford, NJ 07480
Rec Soccer – Stopper Division		REC SOCCER – Keeper Division	
\$70.00	Christina Ataide 11 Yorkshire Ave. West Milford, NJ 07480	\$70.00	Ed DeRobertis 24 Cross Oak Lane West Milford, NJ 07480

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 315 ~

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	\$579,599.25
3	Reserve Account	2,617.33
2	Grants	7,193.85
6	Refunds	3,065.00
1	General Ledger	650.00
26	Refuse	68,693.94
4	Capital	54,405.67
19	Animal Control	3,252.38
19	Heritage Trust	98.00
19	Open Space Trust	0.00
19	Trust	48,276.47
19	Scala Trust	0.00
16	Development Escrow	2,552.50
19	Tax Sale Trust	0.00
21	Assessment Trust	20,182.93
	Special Reserve	0.00
Total		\$790,587.32
Less Refund Resolution		-3,065.00
Actual Bills List		\$787,522.32
Other Payments		
Payroll		\$605,078.06
NJLOM		330.00
Payroll		496,958.16
Total Expenditures		\$1,889,888.54

Adopted: October 7, 2020

Adopted this 7th day of October, 2020
and certified as a true copy of an original.

William Senande, Township Clerk