
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: January 5, 2022
Time of Meeting: 6:30 p.m.
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The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale at 7:28 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 its issue of December 14, 2021; a copy was provided to the Record 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, Warren Gross, 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

December 8, 2021 Workshop and Regular Meeting Minutes
December 29, 2021 Special Meeting Minutes

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

Agenda No. IV

Meetings

January 19, 2022 Regular Meeting
February 2, 2022 Workshop Meeting
February 16, 2022 Regular Meeting & Board of Health Meeting

Agenda No. V

Proclamations

None.

Agenda No. VI

Presentations & Recognitions

None.

Agenda No. VII

Executive Session

None.

Agenda No. VIII

Discussion Items / Official Communications

1.	Ordinance: Repeal and Replace Chapter 420-8 Planning Board of the Code of the Township of West Milford Attorney Edward Pasternak indicated that it appeared that the town code was not changed in accordance with the law. Planning Board composition can be nine members or perhaps seven, consisting of Class I, the Mayor; Class II, a Township Official; Class III, a member of the Township Council; Class IV six, or perhaps four citizens of the Township plus two other citizens
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	acting as alternates. The proposal would be to eliminate the Board of Adjustment member, the second would be to eliminate the Historical Preservation Member. This will not change the nature of the quorum. Whatever is decided would be written and presented at the next meeting as a first reading. The changes would be effective at the completion of a term. According to the State Statute the members are appointed by the Mayor and not the Council.
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Agenda No. IX

Unfinished Business, Final Passage of Ordinances

None

Agenda No. X

Public Comments

Richard Randazzo – 278 Wooley Road, has watched the Council for years and has witnessed some bad behavior. This Council is much better, but he feels that they buckled under the Federal Government regarding the Tennessee Gas Pipeline compressor station. He feels like the Council is not always listening and that they asked for facts and facts were presented concerning the gas pipeline. This Council did not pass the noise ordinance, but rather let the state do it. The state guidelines are just guidelines, and the Council could have done what it wanted for the town. Mr. Randazzo mentioned the well ordinance and questioned the Council’s qualifications for making certain decisions rather than making a recommendation and then handing the ordinances off to the Planning Board or the Zoning Board for the professionals to handle. There are no qualifications to be on the Council and while the job is getting done he is disappointed with the Council because he feels they have lost focus. Mr. Randazzo questioned the cannabis ordinance, the licensing fees and the Council’s ability to write the ordinances. In the past, as with the well ordinance, professionals had been brought in and research had been done.

Robert Nicholson - Stockholm, requested that when the representatives from the County Board of Health speak at the meetings, they introduce themselves for the purpose of the viewing audience.

Seeing no one else wanted to speak, Councilwoman Erik moved to close the public portion. Seconded by Councilwoman Lichtenberg. All were in favor.

Agenda No. XI

Council Comments

Councilwoman Erik – Stated that she does research and reads a lot, and also looks at what is being done in other towns. Regarding the noise ordinance, we had the noise ordinance that the state had and then they changed it and we no longer had an ordinance. The bottom line is that you can make the ordinance tougher than what the state law is but you cannot make it less tough.

Councilman Chazukow – Addressed Mr. Randazzo and his noise ordinance comments by telling him that a lot of times ordinances do not come to fruition in the way one would want or expect, whether it is a noise ordinance, a bulk standards ordinance or an ordinance for cutting down trees. Councilman Chazukow was insistent that the Council did listen to the people complaining about the gas compressor and they disagreed with them and that is not the same as not listening.

Councilman Goodsir – Indicated that it was not that the Council was not listening to the public, but rather had heard the same thing week after week and that a lot of what was being presented by the public was not factual.

Mayor Dale – Stated that the ordinances are written by the Attorney and that research is done. Then they are presented for a first reading and there is discussion and then the ordinances go to the Planning Board and their role is to review the ordinances and decide if they conform to the master plan of the township. The Planning Board doesn’t get to chop it up and tell the Council how they think it should read. Perhaps that aspect makes things a little confusing. Suggestions are welcome but the Planning Board does not dictate to the Council or vice versa. Also, the state comes into play with deadlines and had the governing body had more time for instance with the cannabis ordinance, they could have taken more time and done a better job.

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2022 – 001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING ARTICLE II GENERAL LEGISLATION, TO CREATE CHAPTER 349 OF THE TOWNSHIP CODE ENTITLED “100% DISABLED VETERAN TAX REFUNDS”

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WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% Totally and Permanently Disabled, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Governing Body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the Governing Body of every municipality has been affirmed by court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Township Council desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-30.

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. Article II, General Legislation, of the Code of the Township of West Milford is hereby amended and supplemented to establish Chapter 349, entitled "100% Disabled Veteran Tax Refunds," which shall read in its entirety as follows:

Chapter 349, 100% Disabled Veteran Tax Refunds

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30, and shall also be applicable as to surviving spouses of Civil Unions or Domestic Partnerships. A retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the date of the submission of a proper claim to the Tax Assessor, as required.

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

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

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: January 5, 2022
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for February 2, 2022. Notice of this public hearing shall be published in the Herald News on or about January 11, 2022.

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

Agenda No. XII 2

~ Ordinance 2022 – 002~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR PART TIME AND SEASONAL EMPLOYEES

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WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

WHEREAS, the proposed settlements provide: “the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states’ and subdivisions’ lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;” and

WHEREAS, participation by a significant number of states, county, and municipal governments nationwide must agree to the proposed terms in order for the settlements to take effect; and

WHEREAS, provided enough states opt to participate in the settlements, their subdivisions had until January 2, 2022 to join; and

WHEREAS, the Township’s share in the settlement funds will ultimately depend on the number of counties and municipalities that opt-in, population of each participating county and municipality, and effects of the opioid epidemic on each participating community; and

WHEREAS, it is in the best interests of the Township and its residents to participate and join in the settlement agreements in order to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again in the near future.

WHEREAS, the Township Administrator acted in accordance with the recommendation of the Township Attorney to ensure that the Township opted into the settlement prior to the deadline; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford authorizes the Township to join the settlement agreements with Johnson & Johnson, McKesson, Cardinal Health and AmerisourceBergen to resolve claims involving their participation in the opioid crisis.

BE IT FURTHER RESOLVED that the Clerk shall forward a copy of this Resolution to the Office of the Attorney General of New Jersey and the County Administrator for Passaic County.

Adopted: January 5, 2022

Agenda No. XII 4

~ Resolution 2022 – 051 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION 2021-435 IN ITS ENTIRETY “AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP”

WHEREAS, Resolution 2021-435 adopted December 8, 2021 authorized the sale of certain lands and properties which are no longer needed for public use by the Township; and

WHEREAS, the specific date and time stated in the resolution needs to be changed; and

WHEREAS, the Township of West Milford desires to add a property to Schedule A to make it available for public sale.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that Resolution 2021-435 is rescinded in its entirety.

Adopted: January 5, 2022

Agenda No. XII 5

~ Resolution 2022 – 052 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

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WHEREAS, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on **February 16, 2022 at 10:00 am** or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
9. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
10. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
11. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
12. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.

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13. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
14. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.

The resolution shall take effect immediately.

Adopted: January 5, 2022

Agenda No. XII 6

~ Resolution 2022 – 053 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AS TO "100% DISABLED VETERAN TAX REFUNDS" AND LIMITING SUCH REFUNDS TO THE DATE OF SUBMISSION

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Township Council desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-30.

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 it does hereby establishes the below:

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. A retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the date of the submission of a proper claim to the Tax Assessor as required by N.J.S.A. 54:4-3.30.

This Resolution shall take effect immediately.

Adopted: January 5, 2022

Agenda No. XII 7

~ Resolution 2022 – 054 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF MUNICIPALITY-OWNED PROPERTY THROUGH SOURCEWELL NATIONAL COOPERATIVE THROUGH GOVDEALS.COM CONTRACT #012821-GDI

WHEREAS, the Township Council of the Township of West Milford has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative being the Sourcewell National Cooperative; and

WHEREAS GovDeals.com has contract #012821-GDI with the corresponding Sourcewell National Cooperative that provides on-line auction services; and

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WHEREAS, pursuant to the provisions of N.J.S.A. 40A:14-157 and N.J.S.A. 40A:11-6, the Township of West Milford may sell any municipality-owned personal property at a public auction that is no longer needed for public use; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notices 2008-9 and 2008-21R; and

WHEREAS, N.J.S.A. 40A:14-157 and the Division of Local Government Services' Local Finance Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

WHEREAS, prior to the commencement of such sale, GovDeals.com shall confirm that the Township Clerk is appraised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned property as indicated on Attachment A – Property Auction Manifest, on file in the office of the Township Clerk, on an online auction website entitled www.GovDeals.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals.com and the Township of West Milford are available at www.GovDeals.com and in the Office of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice will be published in the official newspaper in accordance with N.J.S.A. 40A:11-36.

Adopted: January 5, 2022

Agenda No. XII 8

~ Resolution 2022 – 055 ~

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

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

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

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

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

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the Governing Body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the West Milford Township Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

NOW, THEREFORE, BE IT FURTHER RESOLVED that West Milford Township Police Department is hereby authorized to acquire items of Non Controlled and/or Controlled Equipment property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials,

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lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the West Milford Township Police Department, without restriction.

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

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

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request, authorization terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

Adopted: January 5, 2022

Agenda No. XII 9

~ Resolution 2022 – 056 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO JUDGE PETER E. DOYNE, A.J.S.C. (RET.) TO PROVIDE MEDIATION SERVICES

WHEREAS, the Township of West Milford has a need to engage the legal services of a New Jersey mediator in the matter of the Township of West Milford v. B&B Organic Recycling et al., PAS-C-101-20; and

WHEREAS, the Honorable Peter Doyne, A.J.S.C. (Ret), of the law firm of Ferro, Labella & Weiss, LLC has the qualifications and experience necessary to provide such services; and

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

WHEREAS, the plaintiff and defendant in the litigated matter shall equally split the costs of mediation; and

WHEREAS, the total amount of the contract shall not exceed \$7,500.00; and

WHEREAS, Peter E. Doyne, A.J.S.C. (Ret) has submitted a Mediation Retainer Agreement setting forth the rates and terms of such mediation, that is on file in the Clerk's Office; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purpose from account #01-201-20-161-450; and

WHEREAS, Peter Doyne, A.J.S.C.(Ret) has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that his 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 Peter E. Doyne, A.J.S.C. (Ret) or his firm from making any reportable contributions through the term of the contract, and

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

NOW, THEREFORE, BE IT RESOLVED by the 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 of West Milford agrees to pay Peter E. Doyne, A.J.S.C. (Ret), of the law firm Ferro, Labella & Weiss, LLC and located at The Landmark Building, 27 Warren

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- Street, Suite 201, Hackensack, NJ 07601 an hourly rate at in accord with the terms as set forth in Agreement for services provided in an amount not to exceed \$7,500.00.
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. 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: January 5, 2022

Agenda No. XII 10

~ Resolution 2022 – 057 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES OF HYPOCHLORITE SOLUTION FROM BUCKMAN'S INC OVER \$17,500 AND UNDER THE BID THRESHOLD 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 hypochlorite solution for treating the water at Bubbling Springs Lake for the calendar year; as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township of West Milford Council has requested that any purchase over \$17,500 be approved by Council; and

WHEREAS, Buckman's, Inc. will comply with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that Buckman's, Inc. will not make any reportable contributions through the remainder of the year; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds to be encumbered form account number 01-201-28-371-686; and

WHEREAS, the hypochlorite solution will exceed the \$17,500 and should not exceed the bid threshold of \$40,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that hypochlorite solution is hereby authorized and approved provided that the required 3 quotes per request be obtained and total purchases not to exceed \$40,000.

Adopted: January 5, 2022

Agenda No. XII 11

~ Resolution 2022 – 058 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT FOR MARKETING OF RECYCLABLES TO ATLANTIC COAST FIBERS, LLC

WHEREAS, the Township of West Milford requested proposals for the Marketing of Recyclables which included a methodology to reduce the processing costs to the Township based upon market variation in the value of the recyclables being transported to the vendor; and

WHEREAS, two firms responded Recycle City and Atlantic Coast Fibers, LLC, both bidders provided the required bid, administrative information and sufficient information to compare pricing; and

WHEREAS, the Township Administrator has reviewed the bids; and

WHEREAS, Atlantic Coast Fibers has agreed to pay the township 85% of the low monthly market price for curbside paper and cardboard collection, including the cardboard and paper container at the recycling center. Price will vary from month to month per market value. Atlantic Coast also will be receiving all curbside commingle at a price of \$85.00 per ton to be paid to the contractor; and

WHEREAS, Recycle City has agreed to give us 62% of the market value for our curbside paper and cardboard, with a processing fee of \$20.00 per ton and with an end number of \$20.00 per ton. Recycle City did not bid on the curbside commingle; and

WHEREAS, the Township Administrator recommends that the bid of Atlantic Coast Fibers, LLC using the 12-month calculation be accepted with the provision that plastic recycling be limited to plastics identified as # 1, 2, 5 and all paper and cardboard products, excluding pizza boxes.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

1. The Township Council hereby awards a contract to Atlantic Coast Fibers, LLC, located at 101 7th Street, Passaic, NJ 07055 for the Marketing of Recyclables for a 12-month period effective January 1, 2022 and expiring December 31, 2022 with a 12-month option.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Atlantic Coast Fibers LLC in accordance with its bid for Marketing of Recyclables.
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: January 5, 2022

Agenda No. XII 12

~ Resolution 2022 – 059 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING LEASING OF TWO (2) 2022 FORD RANGERS THROUGH SOURCEWELL NATIONAL COOPERATIVE CONTRACT #060618-EFM FROM ENTERPRISE FLEET MANAGEMENT

WHEREAS, the Township is in need of procuring Two (2) 2022 Ford Rangers with caps and storage systems through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the leasing of such vehicles may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM from Enterprise Fleet Management; and

WHEREAS, the Township will take delivery in 2022, with the first lease payment of \$700.70 for both vehicles being made 1 month after commencement of the lease; and

WHEREAS, the annual total for two (2) lease payments is \$8,408.40, to be encumbered from account 01-201-20-165-230; and

WHEREAS, funds will be budgeted in the next 3-5 years based on the terms of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease Two (2) 2022 Ford Rangers as described above through Sourcewell National Cooperative Contract #060618-EFM through Enterprise Fleet Management, 1550 Route 23 North, Suite 101, Wayne, NJ 07470.

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: January 5, 2022

There was discussion about Resolution 2022-053. Administrator Senande indicated that the resolution is for this year and that the Ordinance 2022-001 will make it permanent. Councilman Chazukow is recusing himself from 2022-051 and 2021-052.

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

Agenda No. XIII

Consent Agenda

~ Resolution 2022 – 060 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
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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) **2022-061** – Refund Recreation Fees
- b) **2022-062** – Dedication By Rider Municipal Alliance
- c) **2022-063** – Refund Street Excavation Bond Fee
- d) **2022-064** – Various 2022 Licenses

Adopted: January 5, 2022

Agenda No. XIII a

~ Resolution 2022 – 061 ~

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:

SENIOR HOLIDAY LUNCHEON			
\$35.00	Sabina May 30 Sweetman Lane West Milford, NJ 07480	\$35.00	Carol Chesney 5319 Richmond Road West Milford, NJ 07480
\$35.00	Marge Dooley 41 Red Barn Lane West Milford, NJ 07480		
BOB ROSS ADULT ART – DEC			
\$70.00	Jeryl Spencer 67 McEwan St. Warwick, NY 10990	\$35.00	Carol Agnoli 1103 Richmond Road West Milford, NJ 07480
\$50.00	Katherine Addas 13 Quince Tree Lane West Milford, NJ 07480		
REC BASKETBALL			
\$90.00	Kathleen Burghoffer 14 Capstan Rd. West Milford, NJ 07480		

Adopted: January 5, 2022

Agenda No. XIII b

~ Resolution 2022 – 062 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE ESTABLISHMENT OF A “DEDICATION BY RIDER” TO THE BUDGET OF THE TOWNSHIP OF WEST MILFORD FOR MUNICIPAL ALLIANCE ON ALCOHOLISM AND DRUG ABUSE PURSUANT TO N.J.S.A. 40A:5-29

WHEREAS, N.J.S.A. 40A:4-39 provides for the insertions of a “Dedication by Rider” in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, N.J.S.A. 40A:5-29 states any local unit is authorized and empowered to accept bequests, legacies and gifts to be utilized in the manner set forth in the condition of the bequest, legacy or gift; and

WHEREAS, such dedicated revenues shall be appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that all Municipal Alliance on Alcoholism and Drug Abuse revenue received by the Township of West Milford, be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S.A. 40A:5--29 for the purposes stated above.

Adopted: January 5, 2022

Agenda No. XIII c

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2022 – 063 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF STREET EXCAVATION BOND FEE

BE IT RESOLVED, that the following street opening bond fee upon the recommendation of the Township Engineering Department be refunded:

Receipt No.	Refund Amount	Refund to	Street Excavation Project Permit No.
761790	\$400.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-31
761791	\$400.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-32
761792	\$400.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-33
761793	\$400.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-34
763465	\$400.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-35

Adopted: January 5, 2022

Agenda No. XIII d

~ Resolution 2022 – 064 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2022

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2022 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 2022 Licenses as listed below:

License No.	2022 FIREARMS RANGE LICENSE
2022-01	2022 FIREARMS RANGE Meadowbrook Rifle & Pistol Club – Jason Rudert
License No.	2022 CLOTHING BINS
2022-01, 02, 03 2022-04, 05, 06 2022-07, 08	OGS Recycling LLC dba Helpsy - NJ Amvets Foundation 1618 Union Valley Road (3) West Milford Shopping Plaza LLC (3) West Milford DPW (2)
2022-09,10,11,12 2022-13, 14 2022-15, 16	NJ/NY Volunteer Fire Fighters Association H&M Leasing Corporation 1632 Union Valley Road (4) Newfoundland First Aid Squad (2) West Milford First Aid Squad (2)

Adopted: January 5, 2022

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

Agenda No. XIV

Approval of Expenditures

~ Resolution 2022 – 065 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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:

Table with 3 columns: Acct #, Account Name, Amount. Rows include Current Account, Reserve Account, Grants, Refunds, General Ledger, Refuse, Capital, Animal Control, Heritage Trust, Open Space Trust, Trust, Scala Trust, Development Escrow, Tax Sale Trust, Assessment Trust, Special Reserve, Total, Less Refund Resolution, Actual Bills List, Other Payments, Payroll, Enterprise Lease, First Environmental, Treasurer, State of NJ, Dog report, Village on Ridge, Admin Petty Cash, Police Petty Cash, West Milford Postmaster, Total Expenditures.

Adopted: January 5, 2022

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

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Mayor Dale - We are off to a bit of a rough start, but stay safe everyone, hopefully things will improve. Happy New Year.

Councilman Chazukow - Happy New Year everyone.

Councilwoman Lichtenberg - Have a healthy and happy new year, follow the golden rule and she is at the town hall on every Friday from ten to twelve for anyone who would like to talk.

Councilman Goodsir - Happy New Year. Applications for sponsorships are available on line for the Veteran brackets. 50 have been purchased. Make checks payable to West Milford Township and in the memo please note it is for Veteran brackets/banners. It will be placed on the front page of the website and also under Recreation Department.

