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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: January 20, 2021  
Time of Meeting: 6:30 pm  
Minute Page No: Page 1 of 22  
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale.

**Adequate Notice Statement**

Mayor Dale read the following statement:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8(b), which authorizes the use of communications equipment to hold public meetings and in consideration of Executive Order 107 issued by Governor Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Township of West Milford does hereby notify the public that to protect the health, safety and welfare of our citizens, while ensuring the continued functioning of government, a telephonic Regular Meeting along with the public meeting in the Main Meeting Room of the West Milford Township Council will be held on January 20, 2021 at 6:30 p.m. Any member of the public who wishes to participate in the telephonic meeting, which will include a public comment portion, may do so by calling into the service number: 1 (978) 990-5000 Access Code: 424062# at the designated meeting time.

Instructions to access the meeting will be available on the Township of West Milford website at [www.westmilford.org](http://www.westmilford.org). Members of the public who are unable to utilize the access system due to a disability may submit written comments/questions by contacting the Clerk via email at [clerksoffice@westmilford.org](mailto:clerksoffice@westmilford.org) prior to the meeting, deadline to submit is January 20, 2021 at 2:30 p.m. Email Subject MUST READ – PUBLIC COMMENTS/QUESTIONS which MUST INCLUDE the individual's name and address, in order to be considered and will be read into the record during the public comment portion of the meeting.

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 27, 2020 and January 11, 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, Mayor Michele Dale  
Absent: None  
Also Present: Township Administrator/Clerk William Senande, Township Attorney Fred Semrau

Mayor Dale asked for a moment of silence for the passing of Councilman Goodsir's brother Raymond Goodsir.

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

January 6, 2021 Reorganization Meeting  
January 6, 2021 Workshop Meeting  
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Moved: Erik                      Seconded: Marsden  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. IV

**Meetings**

Mayor Dale noted the future meeting schedule:

February 3, 2021 Workshop Meeting  
February 17, 2021 Regular Meeting  
March 3, 2021 Workshop Meeting

Agenda No. V

**Proclamations**

None

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. VI

**Presentations**

None

Agenda No. VII

**Executive Session**

~ Resolution 2021 – 054 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 20<sup>th</sup> day of January, 2021 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
    - Attorney-Client Privilege - Open litigation
    - Attorney-Client Privilege - Hillcrest
  - ( ) b. (8) Personnel matters
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: January 20, 2021  
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Moved: Erik                      Seconded: Goodsir  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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The Governing Body went into executive session at 6:36 p.m.  
The Governing Body returned to the public meeting at 8:12 p.m. with all present as before

Agenda No. VIII

**Discussion Items / Official Communication**

None

Agenda No. IX

**Unfinished Business, Final Passage of Ordinances**

None

Agenda No. X

**Public Comments**

Mayor Dale opened the meeting to the public after advising that there is a five-minute limit for each speaker.

There being no one wishing to be heard, Councilwoman Erik moved to close the public portion of the meeting.

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Moved: Erik                      Seconded: Goodsir  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XI

**Council Comments**

None

Agenda No. XII

**New Business, Introduction of Ordinance, Resolutions**

Agenda No. XII 1

~ Ordinance 2021 – 005 ~

**ORDINANCE TO REPEAL ARTICLE XV “STORMWATER MANAGEMENT” IN CHAPTER 470  
“SUBDIVISION OF LAND AND SITE PLAN REVIEW” OF THE CODE OF THE TOWNSHIP OF WEST  
MILFORD AND REPLACE WITH A NEW ARTICLE XV IN ACCORDANCE WITH REVISED NEW  
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS**

**WHEREAS**, the Township Code contains a section regarding stormwater management in accordance with regulations promulgated by the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, in 2020 the NJDEP issued amendments to update the regulations pertaining to stormwater management, specifically N.J.A.C. 7:8; and

**WHEREAS**, the West Milford Township Engineer has reviewed the Code and recommended changes in accordance with the amendments to the stormwater management regulations; and

**WHEREAS**, the Township Council has reviewed the current Code, the amendments issued by NJDEP and the recommendations of the Township Engineer and determined that it is necessary to amend the Code to ensure that the Township’s Code is in compliance with the NJDEP regulations; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Article XV entitled “Stormwater Management” of Chapter 470 of the Code of the Township of West Milford be and is hereby repealed in its entirety.

**NOW THEREFORE BE IT FURTHER ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that a new Article XV entitled “Stormwater Management” of the Code of the Township of West Milford be and is hereby adopted to read as follows:

**SECTION 1. Chapter 470. Subdivision of Land and Site Plan Review**

**Article XV. Stormwater Management**

**§ 470-73 Definitions.**

All terms in this section shall be defined in the NJDEP Stormwater Rule (N.J.A.C. 7:8, et seq.). The following additional terms are defined for this chapter only.

- A. **EXEMPT DEVELOPMENT** – Shall mean any development that creates an increase of less than 500 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."
- B. **MINOR DEVELOPMENT** – Shall mean any development that results in the creation of an increase of 500 square feet or more of impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development".
- C. **MAJOR DEVELOPMENT** – Shall mean any individual “development,” as well as multiple developments that individually or collectively result in:
  - 1. The disturbance of one or more acres of land since February 2, 2004;
  - 2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
  - 3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
  - 4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one quarter acre or more.Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of conditions 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development”.

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**§ 470-74 Design Standards.**

- A. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- B. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
  - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
  - 2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. Major Developments. All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rule (N.J.A.C. 7:8). These standards shall apply to all projects, residential and nonresidential as well as projects by the Township, Board of Education and other agencies subject to review by the Township.

**§ 470-75 Waivers and Exceptions.**

- A. Standards for Relief. Waivers from strict compliance with the major development design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh ANY detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.
- B. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan. All mitigation projects are subject to the approval of the Township Engineer.
- C. Reviewing Agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.
- D. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

**§ 470-76 Application and Review Fees.**

There shall be no additional fees for stormwater review for applications to the Land Use Board. Minor Development applications to the Township Engineer shall be accompanied by a review fee in the amount of \$250. Major Development applications shall be accompanied by a review fee in the amount of \$1,000. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

**§ 470-77 Maintenance and repair.**

- A. Applicability. Projects subject to review as in § 470A-1 of this chapter shall comply with the requirements of § 470A-5B and C.
- B. General maintenance.
  - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
  - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
  - (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

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- (4) If the person responsible for maintenance identified under § 470A-5B(2) above is not a public agency, the maintenance plan and any future revisions based on § 470A-5B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
  - (5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
  - (6) The person responsible for maintenance identified under § 470A-5B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
  - (7) The person responsible for maintenance identified under § 470A-5B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
  - (8) The person responsible for maintenance identified under § 470A-5B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 470A-5B(6) and B(7) above.
  - (9) The requirements of § 470A-5B(3) and B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
  - (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

**§ 470-78 Violations and penalties.**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to one or more of the following penalties: Imprisonment for a term not exceeding 90 days; a fine not exceeding \$2,000; and a period of community service not to exceed 90 days.

**§ 470-79 Effective date.**

This chapter shall take effect March 2, 2021.

**§ 470-80 through § 470-83**

These sections left intentionally blank.

**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: January 20, 2021  
Adopted:  
Effective Date:

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for February 17, 2021. Notice of this public hearing shall be published in the Herald News on or about January 25, 2021.  
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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XII 2

~ Ordinance 2021 – 006 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 “ZONING” TO ADD A NEW ARTICLE XVI ENTITLED “OUTDOOR PERFORMANCE PERMITS” AND AMENDING CHAPTER 135 “FEES AND COSTS” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Township Council has determined that outdoor performances within the Township are beneficial and entertaining for the Township residents; and

**WHEREAS**, a review of the Township Code demonstrates that there are currently no provisions for the presentation of outdoor performances; and

**WHEREAS**, the Township Council has determined that it is necessary to amend the Code to establish a method for the provision of outdoor performances to the public; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapter 500 “Zoning” shall be amended to add a new Article XVI entitled “Outdoor Performance Permits” to read as follows:

**SECTION 1.** Article XVI. Outdoor Performance Permits.

**§ 500-177 Outdoor Performances Temporary Permit**

Purpose. The purpose of this Article is to permit and regulate outdoor performances as a temporary use permit within the Township of West Milford in such a manner as to protect the public’s health and safety and to ensure the integrity of the Township’s land use plan and zoning regulations.

**§ 500-178 Definitions.**

As used in this Article, the following terms shall have meaning indicated:

Permitted Zone – Outdoor Movies and Live Performances shall be a permitted accessory use to a permitted commercial use in the Community Commercial (CC), Village Commercial (VC), Neighborhood Commercial (NC), Highway Commercial (HC) and Lake Commercial (LC) Zones as defined in §500 “Zoning” and as shown on the Zoning Map of the Township of West Milford.

Outdoor Performances – includes outdoor movies and live performances including any live play, show, skit, dance, concert or other exhibition performed or presented to or before an audience of one or more people. Outdoor movies generally include a large outdoor movie screen, a projector, and a corresponding parking area for automobiles or outdoor seating area for viewers. Customers can view the outdoor performances from an outdoor seating area or their cars.

**§ 500-179 Designated zones.**

Outdoor performances shall be permitted on any property in the CC, VC, NC, HC and LC Zone Districts. Said activities shall also be permitted in any zone district upon lands owned by the Township of West Milford and the West Milford Board of Education.

**§ 500-180 Term of permit.**

- (1) A temporary outdoor performance permit shall be required annually, with a maximum of one event per week for any property within West Milford Township.
- (2) An outdoor performance permit shall be required annually. The sponsor of the event shall be responsible to secure said permit, which shall cover any and all vendors participating in the event.

**§ 500-181 Hours of operation.**

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Functions authorized by a temporary outdoor performance permit shall be limited to hours between 9:00 a.m. and 10:00 p.m.

**§ 500-182 Standards.**

All temporary outdoor performances shall adhere to the following standards:

- (1) Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a temporary outdoor commercial sales permit as determined by the Township, including, but not limited to, the Police, Health and Planning Departments.
- (2) No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
- (3) Temporary signage shall be subject to **§500-160** of this chapter.
- (4) Noise shall be kept at such a level as to comply with all aspects of the provisions of the NJ State Noise Control Act (N.J.A.C. 7:29-1 et seq.)

**§ 500-183 Permit fee.**

The fee for a temporary outdoor performance permit shall be as set forth in Chapter 135.

**§ 500-184 Appeals.**

Where there is a dispute regarding a decision by the Township's Administrative Officer or Zoning Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

**§ 500-185 Enforcement officer; notice of violation; failure to comply.**

The Zoning Officer of the Township of West Milford (or his or her designee) shall be charged with the responsibility for enforcing the provisions of this Article. Upon a determination by the Zoning Officer (or his or her designee) that a permit holder has violated one or more of such provisions, the Zoning Officer shall give written notice to the permit holder to correct such violation within a time specified by the Zoning Officer. In the event that the permit holder fails or refuses to correct such violation within such time period, the outdoor dining permit shall thereupon, and automatically, be revoked. Upon the revocation of such permit, the permit holder, upon written request, shall be entitled to a hearing before the Zoning Board of Adjustment.

**§ 500-186 Temporary Suspension of Township permit.**

Notwithstanding anything to the contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Township may temporarily suspend an outdoor performance permit in the event of emergency or for other reasons or purposes including, but not limited to, the facilitation of Township-sponsored events.

**SECTION 2.** Chapter 135 entitled "Fees and Costs" of the Code of the Township of West Milford shall be amended to read as follows:

Temporary Outdoor Performance Permit	\$500.00 per year
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**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, 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 5.** 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 6.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 7.** This Ordinance may be renumbered for codification purposes.

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Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for February 17, 2021. Notice of this public hearing shall be published in the Herald News on or about January 25, 2021.  
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Moved: Erik Seconded: Goodsir  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XII 3

Discussion:

Administrator Senande said before they move forward Mr. Semrau has comments on the Ordinance. Mr. Semrau said he thinks its best that they table the Ordinance and have a discussion to make sure we have all the comments and take intermediate steps before they get to the introduction stage. He noted that there are tax implications that need to be reviewed. Mayor Dale noted that she, Councilwoman Lichtenberg and Councilwoman Erik worked on this and it brings a lot of value to the Township and its residents. Mr. Semrau provided an explanation of the Ordinance. The Council gave consensus to table Ordinance 2021-007.

~ Ordinance 2021 – 007 ~

~ TABLED ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADDING A NEW CHAPTER ENTITLED “FIVE-YEAR TAX ABATEMENT PROGRAM FOR WEST MILFORD REHABILITATION AREAS” TO THE CODE OF THE TOWNSHIP OF WEST MILFORD**

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Moved: Erik Seconded: Goodsir  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XII 4

~ Ordinance 2021 – 008 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES,” OF THE REVISED GENERAL ORDINANCES AMENDED**

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

**§ 135-2 Department of Community Services & Recreation**

The Department of Community Services & Recreation is authorized to charge the following fees:

- A. **Bubbling Springs Membership and Badge:**
- |  | <u>Resident Rate</u> | <u>Non-Resident Rate</u>          |
|--|----------------------|-----------------------------------|
| (1) Family Membership<br>(Consists of parent(s) and all children,<br>up to and including full-time students<br>living at home) | \$275.00             | \$375.00                          |
| (2) Parent/Child Membership<br>(One adult and One Child under the<br>age of 18 living in the same residence)                   | \$235.00             | \$335.00                          |
| (3) Individual Membership<br>(Ages 13 to 61)   | \$135.00             | \$185.00                          |
| (4) Senior Individual Member<br>(Age 62+)  | \$30.00              | \$40.00                           |
| (5) Senior Couple Membership   | \$45.00              | \$65.00                           |
| (6) Swim Team  | First child \$150.00 | Each Additional Child<br>\$100.00 |
- B. **Bubbling Springs Park Guest Membership and Daily Pass (per person/per day) (prepaid):**
- |   |                              |
|---|------------------------------|
| (1) A person under 2 years of age:            | No charge                    |
| (2) A person from 2 years to 17 years of age: | \$5.00                       |
| (3) A person from 18 to 61 years of age:      | \$10.00 \$15.00 NON-RESIDENT |
| (4) Seniors (Ages 62+):                       | \$3.00                       |



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C. **Day Camp:** Children (Kindergarten through Eighth Grade).  
 (1) Fees: 10% Off Regular Price when all 7 weeks are paid in full by April 16, 2021

	<b>Full 7 Weeks</b>	<b>Weekly</b>	<b>Before Care</b>	<b>After Care</b>
(through May 31)	\$1,225.00	\$175.00	/week \$40.00	/week \$40.00
(After June 1)	\$1,365.00	\$195.00	/week \$45.00	/week \$45.00

Camp Hours:  
 9:00 am-4:00 pm 4:00 pm-6:00 pm  
 Before Care: After Care

- D. Swim Lessons:
- (1) Lake member;
- (a) All children
- [1] One session: \$65.
- [2] Two sessions: \$115.
- [3] Three sessions: \$165.
- (2) Nonmember:
- (a) All children
- [1] One session: \$75.
- [2] Two sessions: \$135.
- [3] Three sessions: \$190

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

Introduced: January 20, 2021  
 Adopted:  
 Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for February 17, 2021. Notice of this public hearing shall be published in the Herald News on or about January 25, 2021.

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

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Agenda No. XII 5

Discussion:

Councilman Gross feels that they should think about this carefully. He asked who is going to enforce the Ordinance. He's been on the lake for 30 years and never heard of any problems. Mayor Dale said if anyone feels this is a public safety issue she understands. This is the Council's decision. Mr. Semrau said only Greenwood Lake asked for this. He suggested sending a letter to the Greenwood Lake Commission addressing Councilman Gross's questions and concerns. Mayor Dale said she feels they are utilizing too much time on this and there is a cost to all of this. Councilwoman Lichtenberg asked to take a vote. Councilman Chazukow asked if there has been any issues associated with the unregulated use. Mayor Dale said she is not aware of any issues. Mayor Dale asked for a roll call vote.

~ Ordinance 2021 – 009 ~

~ DEFEATED ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND REGULATING THE USE OF ICE RETARDANT SYSTEMS AT GREENWOOD LAKE**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: None  
Voted Nay: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Motion denied:  
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Mayor Dale asked to move resolutions 2021-055 through 2021-058.

Agenda No. XII 6

~ Resolution 2021 – 055 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY DECLARING WEST MILFORD A SECOND AMENDMENT TOWNSHIP**

**WHEREAS**, the Second Amendment to the United States Constitution provides: “A well regulated militia necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed”; and

**WHEREAS**, in District of Columbia v. Heller, 554 U.S. 570 (2008) the United States Supreme Court affirmed that the Second Amendment protects an individual right of law-abiding citizens to keep and bear arms, and is unconnected to militia or military service; and

**WHEREAS**, in Heller, the United States Supreme Court further explained that the “Second Amendment does not protect those weapons [which are] not typically possessed by law-abiding citizens for lawful purposes ...” Id. at 625; and

**WHEREAS**, abridging the rights of law-abiding gun owners that possess and use firearms for lawful purposes does not reduce the criminal use of firearms by violent offenders for unlawful purposes; and

**WHEREAS**, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and

**WHEREAS**, New Jersey gun control laws are “highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences” Burton v. Stills, 53 N.J. 86 (1968); and

**WHEREAS**, after a law-abiding citizen has completed an application to purchase a handgun and for N.J. Firearms Purchaser Identification Card, and the Chief of Police of the Township of West Milford has thoroughly reviewed and approved such applications in accordance with applicable laws of this State, upon issuance of a permit to purchase a handgun and/or a N.J. Firearms Purchaser Identification Card that citizen has established that they are of good character, fitness and lawfully qualified to purchase and possess a firearm unless and until they otherwise become unqualified.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby declared a “Second Amendment Lawful Gun Owner Township” as further described in detail as follows:

- i. The Township supports the rights of lawful gun owners to lawfully use firearms for self-defense, to lawfully hunt, and to lawfully participate in shooting sports up to and including Olympic sports in accordance with Federal and State laws;
- ii. The Township opposes interference with, or infringement of, the rights of law-abiding citizens to legally purchase and lawfully own, possess, and use firearms in accordance with Federal and State laws;
- iii. The Township espouses to hold accountable and protect against violent criminal offenders and those who are unqualified and/or unfit to purchase, own, possess, and use firearms instead of irrational and/or disproven attempts to control lawful use of firearms for self-defense, hunting and sport;
- iv. The Township recognizes that it and its residents must at all times comply with all applicable Federal and State laws and regulations, and this resolution shall in no way be interpreted or construed as supporting the illegal purchase, ownership, possession and/or use of a firearm;
- v. Nothing in this Resolution shall be deemed to be the law of the Township of West Milford, nor shall it change, infringe upon or enhance any rights; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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- vi. This Resolution is a statement of opinion of the Mayor and Counsel of the Township of West Milford, and it is not binding upon any citizen.

Adopted: January 20, 2021

Agenda No. XII 7

~ Resolution 2021 – 056 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING CANNABIS BUSINESSES IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the State of New Jersey will soon legalize the sale of recreational marijuana; and

**WHEREAS**, the legalization of marijuana for recreation use will likely spawn a significant industry throughout the State of New Jersey; and

**WHEREAS**, the newly created industry can provide substantial financial benefits to the Township of West Milford; and

**WHEREAS**, the new industry will create new employment opportunities through its four sectors of growers, processors, wholesalers and retailers; and

**WHEREAS**, the Township of West Milford is in a position to benefit from all four sectors of the industry.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of West Milford welcomes the new industry.

**BE IT FURTHER RESOLVED** that the Township Administrator shall take steps to promote the Township of West Milford as a welcoming location for such new businesses.

**BE IT FURTHER RESOLVED** that the Township Administrator shall work collaboratively with those in the industry seeking to operate as a grower, processor, wholesaler and retailer within the Township.

**BE IT FURTHER RESOLVED** that the Township Administrator shall take the necessary steps to ensure that the Township's Zoning Ordinance accounts for the needs of the new industry.

Adopted: January 20, 2021

Agenda No. XII 8

~ Resolution 2021 – 057 ~

**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; and

**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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2021 to December 31, 2021.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that West Milford Township Police Department is hereby authorized to acquire items of non-controlled 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, 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; and

**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; and

**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 1st, 2021 to December 31, 2021.

Adopted: January 20, 2021

Agenda No. XII 9

~ Resolution 2021 – 058 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE RENAMING OF APSHAWA PRESERVE IN MEMORIAM OF KATHLEEN CAREN BY THE PASSAIC COUNTY COMMISSIONERS**

**WHEREAS**, there exists in the Township of West Milford, Passaic County, New Jersey an area owned by Passaic County known as Apshawa Preserve; and

**WHEREAS**, the Township Council supports the family and friends online petition and requests that the Passaic County Commissioners consider renaming this area in memoriam of Kathleen Caren; and

**WHEREAS**, Kathleen Caren was a long time resident of the Township of West Milford who worked as the Open Space Coordinator for Passaic County and obtained funding for land acquisitions, the community gardens, the Wallisch Homestead, and recreation fields and parks within West Milford; and

**WHEREAS**, Kathleen Caren was instrumental in preserving the now County-owned Apshawa Preserve which would make it fitting to rename in her memory.

**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 they do support the family and friends petition and invite the Passaic County Commissioners consideration in renaming the County-owned Apshawa Preserve in West Milford to "The Kathleen Caren Memorial Apshawa Preserve".

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to the Passaic County Commissioners for their approval in renaming Apshawa Preserve to "The Kathleen Caren Memorial Apshawa Preserve."

Adopted: January 20, 2021

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Moved: Erik Seconded: Chazukow  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Councilman Chazukow applauded Councilman Gross for reintroducing the second amendment resolution. He expressed that he supports both resolutions and he feels they are necessary in the Governing Body's roll. He thanked everyone for putting the cannabis and second amendment resolutions back on the agenda.

Agenda No. XIII

**Consent Agenda**

~ Resolution 2021 – 059 ~

**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) **2021-060** - Amending Resolutions for the 2020 and 2021 lease contract with Enterprise Fleet Management
- b) **2021-061** – Amending Resolution 2020-397 Reinstatement of Taxes deleting duplicate Block 10808 Lot 042
- c) **2021-062** – Authorizing cancellation of taxes
- d) **2021-063** – Authorizing cancellation of tax lien premium
- e) **2021-064** – Authorizing refund of overpayment
- f) **2021-065** – Authorizing refund of other liens
- g) **2021-066** – Authorizing reinstatement of taxes
- h) **2021-067** – Authorizing to void and refund an invalid tax sale certificate
- i) **2021-068** – Authorizing cancellation of outstanding checks over six months old
- j) **2021-069** – Authorizing refund of recreation fees

Adopted: January 20, 2021  
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Moved: Erik                      Seconded: Goodsir  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XIII a

~ Resolution 2021 – 060 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE RESOLUTIONS FOR THE 2020 AND 2021 LEASE CONTRACT WITH ENTERPRISE FLEET MANAGEMENT**

**WHEREAS**, by virtue of Resolution 2020-230 adopted on July 8, 2020 and Resolution 2020-351 adopted on December 2, 2020 the Township Council did authorize a lease agreement with Enterprise Fleet Management to lease township vehicles; and

**WHEREAS**, the lease agreements shall be for a maximum of 48 months from the month the Township takes possession of the vehicles; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for these purposes said funds to be encumbered from the following accounts each year for the duration of the leases: 01-201-20-165-230 - \$11,214.00, 01-201-22-195-230 - \$5,607.00, 01-201-25-240-230 - \$113,228.55, 01-201-26-290-230 - \$8,280.60, 01-201-27-330-230 - \$11,214.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the amending of the resolutions to include the length of lease and CFO certification.

This Resolution shall take effect immediately.

Adopted: January 20, 2021

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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~ Resolution 2021 – 061 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2020-397 “REINSTATEMENT OF TAXES” ADOPTED DECEMBER 16, 2020 DELETING THE DUPLICATE BLOCK 10808 LOT 042**

**WHEREAS**, Resolution 2020-397 “Reinstatement of Taxes” adopted December 16, 2020 had a duplicate record on Block 10808 Lot 042; and

**WHEREAS**, upon the recommendation of the Collector of Taxes that Resolution 2020-397 be amended to delete the duplication of Block 10808 Lot 042 as listed below.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and they are hereby authorized to delete the duplicate record to reflect the total amount that was collected from the homeowners as listed below:

**REASON: INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
4901-26	Shifman, Anatoly	\$4,412.44	2020
8901-14	Murphy, Patricia	\$2,600.51	2020
13201-24	Tabeling, Julia Mary	\$2,790.29	2020
3509-005	Romeo, Caryl	\$2,941.81	2020
10808-042	Wm & Ruth Snyder	\$3,195.00	2020
2512-3	220 Dom Inc	\$2,385.48	2020
3510-2	Romeo, Caryl	\$74.47	2020
3509-5	Romeo, Caryl	\$2,969.96	2020
<del>10808-042</del>	<del>Wm &amp; Ruth Synder</del>	<del>\$3,195.00</del>	<del>2020</del>
2509-3	Beal, Michael	\$1,144.00	2020
13102-25	Carpenter, Pamela Lee	\$2,491.00	2020
202-34	Dezhang Zheng	\$37.20	2020
4201-29	Chritie Andrew	\$5,575.67	2020
<b>Total</b>		<b>\$30,617.83</b>	

This resolution shall take effect immediately.

Adopted: January 20, 2021

Agenda No. XIII c

~ Resolution 2021 – 062 ~

**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:

**REASONS:**  
 1. 100% Disabled Veteran  
 2. Township Owned Property

Block/Lot	Name	Amount	Year	Reason
05003-003	Richard Stephenson 24 Rockburn Pass West Milford, NJ 07480	\$4,271.20	2020	1
		\$11,606.00	2021	1
03007-010	Schneider, Charles & Regina 1 Kushaqua Tr N Hewitt, NJ 07421	\$527.02	2020	1
		\$3,572.00	2021	1
00603-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$76.00	2021	2
00801-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,008.00	2021	2

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<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
00901-005	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$786.00	2021	2
01001-019	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$158.00	2021	2
01005-014	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$154.00	2021	2
01005-015	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$174.00	2021	2
01006-005	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$180.00	2021	2
01804-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$150.00	2021	2
02703-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$802.00	2021	2
03506-015	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,332.00	2021	2
03701-001.02	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$788.00	2021	2
07903-003	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$2,402.00	2021	2
07903-021	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$770.00	2021	2
10703-023	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$782.00	2021	2
11106-016	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$78.00	2021	2
11601-007.02	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$162.00	2021	2
13808-001	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$74.00	2021	2
14301-014.05	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$1,238.00	2021	2
15804-021	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$152.00	2021	2
16504-004	Township Of West Milford 1480 Union Valley Rd West Milford, NJ 07480	\$2,256.00	2021	2

Adopted: January 20, 2021

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~ Resolution 2021 – 063 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX LIEN PREMIUM**

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

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

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

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Block / Lot	Lien Certificate No.	Premium Amount
02706-005	15-0028	\$ 5,000.00
06504-014	15-0053	\$37,200.00
<b>TOTAL</b>		<b>\$42,200.00</b>

Adopted: January 20, 2021

Agenda No. XIII e

~ Resolution 2021 – 064 ~

**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
07508-012	Marjory & David Yacco 9 Bushwick Ln West Milford, NJ 07480	\$1,462.46	2020	2
07304-007	Corelogic Inc 3001 Hackbery Drive Irving, TX 75063 Attn: (Nationstar Mtg Mr. Cooper)	157.20	2020	1
14301-008	Estate Of Kevin Michael Gillen 39 Sweetbriar Rd West Milford, NJ 07480	\$2,336.98	2020	2
06303-007	Township of West Milford Municipal Court 1480 Union Valley Rd West Milford, NJ 07480	\$2,500.00	2020	1
04601-018.01	Paolazzi, Gary & Vannostrand, J 1519 Greenwood Lake Tpk Hewitt, NJ 07421	\$2,207.50	2020	2
02512-019	Empire Title Agency Llc 464 Boulevard Hasbrouck Heights, NJ 07604	\$2,487.18	2020	2
03007-010	Schneider, Charles & Regina 1 Kushaqua Tr N Hewitt, NJ 07421	\$527.02	2020	8
09711-015	Ramirez Jesus & Johanna 42 Morris Ave West Milford, NJ 07480	\$2,416.46	2020	2
15201-014	Robert & Lisa Terramoccia 40 Hopley Place Newfoundland, NJ 07435	\$247.11	2020	6
01811-001	Title Lines 15 Mendham Road Gladstone, NJ 07394	\$1,773.35	2020	2
12802-011	Charles & Susan Gervase 92 High Crest Lake Dr West Milford, NJ 07480	\$250.00	2020	4
09704-021	ATCF II NJ LLC Tax Serv Custodian P.O. Box 54292 New Orleans, LA 70154	\$244.86	2020	1
05611-003	Florence Masucci 105 Center St West Milford, NJ 07480	\$250.00	2020	3



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02407-003	Patricia Coulahan 12 Audabon Rd Hewitt, NJ 07421	\$250.00	2020	4
05611-003	Florence Masucci 105 Center St West Milford, NJ 07480	\$250.00	2020	4
10901-005	Roxanne Hammett 676 Otterhole Rd West Milford, NJ 07480	\$250.00	2020	4
<b>TOTAL</b>		<b>\$17,610.12</b>		

Adopted: January 20, 2021

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~ Resolution 2021 – 065 ~

**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
18-0007	10/09/2018	00905-016	\$48,949.47	US BANK CUST FOR TOWER DB VIII TRUS 50 SOUTH 16TH STREET SUITE 2050 PHILADELPHIA, PA 19102
18-0024	10/09/2018	03605-008	\$26,788.38	US BANK CUST FOR TOWER DB VIII TRUS 50 SOUTH 16TH STREET SUITE 2050 PHILADELPHIA, PA 19102
19-0020	10/15/2019	02607-004	\$40,233.40	FNA DZ; LLC 120 N LASALLE ST; SUITE 1 CHICAGO, IL 60602
19-0025	10/15/2019	03505-003	\$38,750.30	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
19-0068	10/15/2019	08903-007	\$66,275.55	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
20-0046	10/13/2020	07304-007	\$5,857.30	CHRISTIANA T C/F CE1/FIRSTTRUST PO BOX 5021 PHILADELPHIA, PA 19111
20-0055	10/13/2020	09601-007.03	\$46,781.35	CHRISTIANA TRUST AS CUSTODIAN PO BOX 71276 PHILADELPHIA, PA 19176
<b>TOTAL</b>			<b>\$273,635.75</b>	

Adopted: January 20, 2021

Agenda No. XIII g

~ Resolution 2021 – 066 ~

**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.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

**REASON:                      INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
15401-029	R. Antanaitis/S. Caldera	\$2,210.76	2020
15201-002	Patricia A Van Kirk	\$3,308.14	2020
03001-006	Deborah Lynn Maixner	\$2,591.39	2020
06713-007	Cecile Picioccio	\$2,127.56	2020
00301-006	Muriel Van Offeren	\$1,603.59	2020
12208-015	Justin Gabriele	\$37.34	2020
12203-016	Justin Gabriele	\$1,606.92	2020
05205-001	Village On Ridge LLC	\$42.74	2020
04301-033	Donna J Connor	\$2,866.99	2020
00409-015	Carl Garate	\$1,809.68	2020
09103-008.02	Andrea Murray	\$5,886.09	2020
03903-007	James Dykstra	\$636.20	2020
<b>Total</b>		<b>\$24,727.40</b>	

Adopted:            January 20, 2021

Agenda No. XIII h

~ Resolution 2021 – 067 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING TO VOID AND REFUND AN INVALID TAX SALE CERTIFICATE**

**WHEREAS**, the Collector of Taxes of the Township of West Milford had an online tax sale on October 13, 2020; and

**WHEREAS**, Certificate # 20-0038 known as block 5609 lot 4, 90 Center Street, West Milford, NJ 07480 was sold to Christiana T C/F CE1/FIRSTRUST, P.O. Box 5021, Philadelphia, PA 19111; and

**WHEREAS**, the tax sale certificate should be null and void. The tax sale certificate is invalid as a tax payment was applied to this account and never removed from the tax sale list, therefore, the amount of the tax sale certificate was invalid at the time of the sale; and

**WHEREAS**, the collector of taxes of the Township of West Milford to note the fact on her records and cancel the tax sale certificate.

**NOW, THEREFORE, BE IT RESOLVED**, refund the lien holder Christiana T C/F CE1/FIRSTRUST, P.O. Box 5021, Philadelphia, PA 19111; and the amount they paid for the tax sale certificate of \$7,135.07 plus the premium of \$17,000.00 and the legal rate of interest of 2.5% on amount of the certificate (excluding the premium) of \$13.37.

Adopted:            January 20, 2021

Agenda No. XIII i

~ Resolution 2021 – 068 ~

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

**WHEREAS**, the Chief Financial Officer has determined that the following Township of West Milford Claims account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
4/23/20	24158	1,125.00
5/20/20	24302	30.00
	<b>TOTAL</b>	<b>\$1,155.00</b>

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

Adopted:            January 20, 2021

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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~ Resolution 2021 – 069 ~

**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:

<b>Night Vinyasa Yoga</b>	
\$65.00	Dorothy Barr 105 Alpine Ridge Road West Milford, NJ 07480
<b>Sr Combo class</b>	
\$15.00	Ofelia Callioni 121 Richmond Road West Milford, NJ 07480
<b>Travel Basketball</b>	
\$190.00	Katherine Adams 1480 Macopin Road West Milford, NJ 07480

Adopted: January 20, 2021

Agenda No. XIV

**Approval of Expenditures**

~ Resolution 2021 – 070 ~

**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	\$330,152.41
3	Reserve Account	125,357.25
2	Grants	8,339.00
6	Refunds	291,515.87
1	General Ledger	7,157.00
26	Refuse	1,050.00
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	37,444.20
19	Scala Trust	0.00
16	Development Escrow	4,652.20
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	80.00
Total		\$805,747.93
	Less Refund Resolution	-291,515.87
	<b>Actual Bills List</b>	<b>\$514,232.06</b>
	Other Payments	
	Payroll	426,455.36
	Petty Cash	900.00
	Morris County Municipal Insurance	243,139.00
	BOE	4,817,964.00
	Enterprise Fleet Management	4,249.03
	<b>Total Expenditures</b>	<b>\$6,006,939.45</b>

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XV

**Reports of Administrator, Mayor and Council Members**

Mayor Dale – Said she intends on having Dr. Gungil provide an update on the status of Covid-19. Mayor Dale mentioned that there was inquires about the Township not having a Health Officer. She said the Township does have a Health Officer who is assigned to West Milford and the town also has two nurses.

Councilman Chazukow – Provided an update on the Heritage Committee meeting. They are currently discussing renovating the museum. He shared his favorite quote from Martin Luther King Jr. He encouraged residents to fill out a Citizen Leadership Form and volunteer for a committee. Government is only as good as the people who participate in it.

Councilwoman Lichtenberg – Provided an update on the Municipal Alliance Committee.

Councilman Goodsir – Mentioned that tomorrow night is the first Community Services and Recreation Committee meeting.

Councilman Gross – Provided an update on the Economic Development Commission meeting. He proposed that the Township map be revised. He explained his ideas. He expressed that we are the heart of the Highlands and we need a brochure with the map enclosed to attract people. The Council gave consensus to have the Township map revised. Councilman Gross said the Commission will actively be working on updating the map and they are in need of volunteers.

Councilman Marsden – No report.

Councilwoman Erik – Said that the Beautification and Recycling Committee is really starting to push for Adopt a Road or Adopt a Spot. She expressed that if anyone wants to adopt a place even near their home and keep it clean they should contact the committee. She feels that once the signs are put up everyone is going to want to get involved and that's investing in West Milford.

Administrator Senande – No report.

Mr. Semrau – No report.

Agenda No. XVI

**Appointments and Resignations**

Agenda No. XVI 1

~ Resolution 2021 – 071 ~

**MAYOR'S APPOINTMENT OF ANDREA HUGHES AS TOWNSHIP REGISTRAR OF VITAL STATISTICS IN ACCORDANCE WITH SECTION §15-54 OF THE TOWNSHIP CODE**

**Mayor's Appointment**

In accordance with Section §15-54 Division of Vital Statistics of the Code of the Township of West Milford, Mayor Michele Dale hereby appoints Andrea Hughes to serve as the Registrar of Vital Statistics.

**This resolution does not require action from the Council. It shall serve to memorialize an appointment made by Mayor Michele Dale.**

Adopted: January 20, 2021

Agenda No. XVI 2

~ Resolution 2021 – 072 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPOINTING CERTAIN INDIVIDUALS AS PART-TIME DEPUTY ZONING OFFICERS**

**WHEREAS**, the Township of West Milford seeks to enhance its service to residents and businesses by engaging qualified personnel to provide zoning responsibilities and responsiveness to the residents and businesses of the Township; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, Paul Ferriero, PE Jessica Caldwell, PP, Owen Bonnet and Justin Singleton are individuals who have planning and zoning backgrounds and experience to assist the Administration and serve as Deputy Zoning Officials.

**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 Mayor and Council hereby appoint Paul Ferriero, PE, Jessica Caldwell, PP, Owen Bonnet and Justin Singleton as Deputy Zoning Officers for the Township of West Milford.

**BE IT FURTHER RESOLVED** that as Deputy Zoning Officers, they shall have the authority under the Township Code as a Zoning Officer to administer and enforce the provisions of the Township Land Use Code pursuant to §470-41, et al of the Township Code.

This Resolution shall take effect immediately.

Adopted: January 20, 2021  
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Moved: Erik                      Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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The Mayor may wish to make appointments to the Environmental Commission and Planning Board. Mayor Dale said she will move the slate as is.

Environmental Commission – *Stephen Sangle & Donald Weise*

Planning Board – *Glenn Wenzel*

Planning Board – Class IV Alternate # 2

Councilwoman Erik nominated Joann Blom, seconded by Councilwoman Lichtenberg. Councilman Marsden nominated Matt Conlon.

*Joann Blom*  
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Voted Aye: Erik, Chazukow, Lichtenberg, Gross  
Voted Nay: Goodsir, Marsden  
Motion carried.  
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*Matt Conlon*  
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Voted Aye: Goodsir, Marsden  
Voted Nay: Erik, Lichtenberg, Gross  
Abstain: Chazukow  
Motion defeated.  
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Health Board Advisory

Councilwoman Lichtenberg nominated Daniel Sperry, seconded by Councilwoman Erik. Councilwoman Erik made a motion to close and confirm, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote.

Moved: Lichtenberg                      Seconded: Erik  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XVII

**Adjournment**

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:00 p.m.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Erik Seconded: Gross  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Approved: February 3, 2021

Respectfully submitted:

\_\_\_\_\_  
Sherry Zbrzeski, Keyboarding Clerk II

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MICHELE DALE, MAYOR

\_\_\_\_\_  
WILLIAM SENANDE, TOWNSHIP CLERK