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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: February 2, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 1 of 14

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

**Adequate Notice Statement**

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News and the Record in its issue of January 11, 2022 and 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 Dawn Sullivan

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

January 19, 2022 Executive Session Minutes  
January 19, 2022 Regular Meeting Minutes

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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. IV

**Meetings**

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

Agenda No. V

**Proclamations**

None.

Agenda No. VI

**Presentations & Recognitions**

Eagle Scout Award – Mayor Dale presented the Eagle Scout Award to Bryan Szolusha and congratulated him. His project was the cleanup for Cedar Heights Cemetery on Ridge Road. It took over 280 hours of work and family and friends were helpful. Mayor Dale thanked him for his contribution to the township.

Agenda No. VII

**Executive Session**

~ Resolution 2022 – 083 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 2<sup>nd</sup> day of February, 2022 that:

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1. Prior to the conclusion of this **Workshop 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.
  - (X) 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.
    - Public Safety - Allegiant Wireless – Radio Study
  - ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
  - ( ) 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: February 2, 2022

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

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The Governing Body went into executive session at 6:35 p.m.  
 The Governing Body returned to the public meeting at 7:35 p.m.

Agenda No. VIII

**Discussion Items / Official Communications**

1.	Ordinance: Amend Chapter 135 Fees at Bubbling Springs Councilman Chazukow thought the day pass fee seemed like a lot. Mr. Senande indicated that he had spoken to the Recreation Director and the idea behind the fee was to promote memberships. The number of \$15 also makes it easier to make change quickly and keep the line moving. There was discussion about various fees and perhaps a family pass for up to four people for \$25. Councilman Chazukow stated it is a family park and should be treated like one. The suggestion was made to add \$5 for additional people. Mr. Senande will amend it. The volunteer discount remains across the board for any recreation program. The consensus was to move forward.
2.	Ordinance: Amend Chapter 163 Add Food Trucks & Chapter 135 Fees Mr. Senande indicated that this would add an annual fee for a food truck, \$500 per truck. Mayor Dale confirmed the fee goes with the truck not the land. The consensus was to move forward.
3.	Ordinance: Amend Chapter 15-23 Custodian of Records Mr. Senande asked the Council to approve the Police Chief as a deputy custodian of records in the police department to help handle the uptick in OPRA requests for police records now that body cameras are going to be worn. The consensus was to move forward.
4.	Expansion of Neighborhood Commercial Zone on the western side of Upper Greenwood Lake along Warwick Turnpike Mr. Senande indicated this would be an amendment to the Master Plan and the proposal is to have the Planning Board look at this and do a review, asking whether a neighborhood commercial district should be expanded into the lake residential district to cover businesses along Warwick Turnpike. The consensus was to move forward.
5.	Ordinance: Zoning Update as to Cannabis Mr. Senande indicated this was a separate cannabis ordinance. The purpose of this discussion item is to determine if the Council has interest in making cannabis businesses a permitted use rather than a conditional use that way it would bypass the Planning Board and businesses would only have to get zoning approval. The other requirements would remain the same. Councilman Gross indicated that the goal is to streamline things. Councilman Marsden reminded everyone that the Planning Board had already made the decision where cannabis businesses would be allowed. The consensus was to move forward.

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

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Agenda No. IX

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IX 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”**

**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: February 2, 2022  
Effective Date: February 22, 2022

This Ordinance was introduced on January 5, 2022 and the Notice of Public Hearing was published in the Herald News on January 11, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

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There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Marsden and carried by unanimous voice vote to close the public comment period.  
Motion to adopt Ordinance 2022-001

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

Agenda No. IX 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**

**BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007 the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

**TEMPORARY, PART TIME AND SEASONAL EMPLOYEES**

<b>JOB TITLE</b>	<b>WAGE RATE</b>
Recreation Attendant (includes coffeehouse monitors, volley ball referees, program assistants)	\$11.90 - \$25.00 per hour
Substitute Lake Director	\$15.00 - \$30.00 per hour
Recreation Aide (includes, concession/gate monitors, seasonal maintenance workers, program specialist)	\$11.90 - \$20.00 per hour
Swim Instructor	\$11.90 - \$20.00 per hour
Head Swim Instructor/Swim Team Coordinator	\$15.00 - \$30.00 per hour
Lifeguard/Head Lifeguard	\$11.90 - \$20.00 per hour
Day Camp Director	\$12.00 - \$25.00 per hour
Day Camp Counselor	\$11.90 - \$20.00 per hour
Day Camp Nurse	\$28.75 - \$35.00 per hour
Seasonal Omni Bus	\$12.00 - \$28.00 per hour
Programs for the Disabled:	
Summer Aide	\$8.50 - \$12.00 per hour
Aide	\$9.50 - \$17.00 per hour
Teacher	\$15.00 - \$20.00 per hour
Recreation Program Instructor	\$20.00 - \$75.00 per hour
Building Service Worker (Monitor)	\$13.00 - \$20.00 per hour

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistency.

This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: January 5, 2022  
Adopted: February 2, 2022  
Effective Date: February 22, 2022

This Ordinance was introduced on January 5, 2022 and the Notice of Public Hearing was published in the Herald News on January 11, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Marsden and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2022-002

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

Agenda No. X

**Public Comments**

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

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There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period  
Agenda No. XI

**Council Comments**

None

Agenda No. XII

**New Business, Introduction of Ordinances, Resolutions**

Agenda No. XII 1

~ Ordinance 2022 – 004 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CREATING A NEW SECTION 300-10.1, ENTITLED ESCROW REQUIREMENTS FOR TREATMENT WORKS APPROVAL PERMITS, WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, when a Treatment Works Approval (hereinafter “TWA”) Permit Application is associated with a land use application, Township of West Milford engineering review costs are paid from an associated land use escrow account; and

**WHEREAS**, not all TWA Permit Applications are associated with a land use, and as a result, do not have a land use escrow account and such applications may result in engineering costs to the Township of West Milford; and

**WHEREAS**, the Township of West Milford desires to require TWA escrow accounts to always satisfy such engineering review costs, including but not limited to include when a TWA permit does not have an associated land use escrow account.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that the Code of the Township of West Milford shall be amended to create a new section within Article II, Sewer Systems, hereinafter codified at §300-10.1, and to be entitled “Escrow Requirements for Treatment Works Approval Permits” to read as follows:

**SECTION 1. Chapter 300-10.1, Escrow Requirements for Treatment Works Approval Permits**

Any application for a Treatment Works Approval Permit not already associated with a land use application shall also be required to create, in an amount approved by the Township Engineer, an escrow account to satisfy any costs of engineering review and approval. The applicant shall remain responsible for any costs in excess of the predetermined escrow account. Any unused escrow monies shall be returned to the applicant upon the approval of the Township Engineer and/or the Township Administrator.

**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: February 2, 2022  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for March 2, 2022. Notice of this public hearing shall be published in the Herald News on or about February 8, 2022.

Motion to move forward.

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

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Motion carried:

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Mr. Senande reminded the Mayor and Council that currently taxpayers are paying the engineering review fee. The consensus was that the burden should fall on the applicant and not on the taxpayer. Councilman Gross felt that the fee should be known up front but the point was made that not all projects are the same size or have the same scope. The fee would be paid from an escrow account with any remaining funds returned after the project is completed.

Agenda No. XII 2

**~ Ordinance 2022 – 005 ~**

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

**SECTION 1.** Chapter 135 “Fees and Costs”, §135-3. G. Recycling fees are amended as follows:

**§ 135-3 Department of Public Works and Engineering.**

Recycling is authorized to charge the following fees:

- G. Recycling fees:
  - (1) Resident noncommercial and commercial vehicles not engaged in lawn care, landscaping or tree removal services: no charge for compost site decal.
  - (2) Motorcycle and wheelbarrow tires, with or without rims: \$2.00 per tire.
  - (3) Passenger car tires, without rims: \$3.00 per tire.
  - (4) Passenger car tires, with rims: \$3.50 per tire.
  - (5) Truck tires, up to 23 inches, without rims: \$6.00 per tire; with rims: \$6.50
  - (6) Used motor oil: \$0.50 per gallon.

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

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

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

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

Introduced: February 2, 2022

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for March 2, 2022. Notice of this public hearing shall be published in the Herald News on or about February 8, 2022.

Motion to move forward.

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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 3

**~ Ordinance 2022 – 006 ~**

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 239 “OPEN SPACE, RECREATION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND” OF THE REVISED GENERAL ORDINANCES AS AMENDED**

**SECTION 1.** § 239-2 Funding; utilization of funds.

- A. The Open Space, Recreation, and Farmland and Historic Preservation Trust Fund shall be funded through the dedication to the fund of an amount of \$0.02 per \$100 of assessed valuation of each annual tax levy commencing with the year 2022. The fund shall also be permitted to



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

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- A. Cannabis Cultivator, Manufacturer, Wholesaler and Distributors shall be a conditional use in all zones of the Township of West Milford, with the exception that no such conditional use shall occur in any residential zone, and subject to the following:
- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
  - (2) Lot Area: The minimum lot area shall be one (1) acre.
  - (3) Setback: The minimum front yard setback shall be 50 feet or the minimum zone standard, whichever is greater.
  - (4) Buildings: All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors.
  - (5) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township. All monitoring costs shall be incurred by the business.
  - (6) Signage: Signs shall be limited to the address, name of the company and emergency contact information located on one (1) ground sign not to exceed 24 square feet
  - (7) State License: The facility must have a valid license to operate from the State of New Jersey.
  - (8) Any cannabis facility is subject to compliance with all laws, regulations and guidelines with respect to cannabis licenses issued by the State of New Jersey and the Township of West Milford.

**§ 500-193 Cannabis Retailer**

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

**§ 500-194 Cannabis Delivery**

- A. Cannabis Delivery shall be a conditional use in all zones of the Township of West Milford, with the exception that no such conditional use shall occur in any residential zone, and subject to the following:
- 1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
  - 2) Location: Cannabis Delivery shall be separate and distinct from growing operations.
  - 3) Buildings: All Cannabis Delivery services shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
  - 4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
  - 5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Delivery services shall submit a safety and security plan and emergency services access plan.
  - 6) Interior Security: Cannabis Delivery services interiors shall provide a secure location for storage of products.
  - 7) Exterior Loitering and Security: Customers shall not be permitted to pick up products from a Cannabis Delivery service.
  - 8) Product Consumption. No products shall be permitted to be consumed on-site.
  - 9) State License: The facility must have a valid license to operate from the State of New Jersey.

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- 10) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

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

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

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

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

Introduced: February 2, 2022

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for March 2, 2022. Notice of this public hearing shall be published in the Herald News on or about February 8, 2022.

Councilman Chazukow indicated that we were on a bit of a time crunch, in order to pass the ordinance in time for applicants to get their approvals to be able to get their state licenses. There was discussion regarding the minimum lot size, because micro-licenses were going to be issued as well. Councilman Marsden clarified that they would not be allowed in residential areas.

Councilwoman Lichtenberg questioned #5, page one, regarding odor control. The fee should be paid for by the owner, this would apply to the annual inspection. Regarding any nuisance calls, equipment exists to measure particulates. Councilwoman Lichtenberg questioned page two, 500 – 192 and 193, number 10 and number 12 of the previous section should state that they should also comply with West Milford Township, not just the state. Councilwoman Lichtenberg would like it to be put in writing that there will be no gifting of any kind buy two get one free means no taxes on that gifted amount. Mayor Dale said that we are unable to do that because it is not illegal and the state may crack down on it. Councilman Marsden indicated that social media was problematic as well. Councilman Goodsir has concerns with gifting to children. Attorney Sullivan indicated that it is illegal for minors to be in possession.

Councilman Marsden pointed out that the purpose of allowing cannabis was to be able to regulate it, and if it is being gifted it isn't being tested and you have no idea what is in it. Mayor Dale indicated that whenever there is a concern of that nature, especially where minors are concerned, Mr. Senande should be contacted and he can go directly to the Police Chief with that information. Mayor Dale believes it is a temporary issue that will correct itself. Councilman Chazukow agreed and fully expects that once the licenses are issued, the rules will be enforced. He is a consumer advocate and is not in favor of gifting entities.

Councilwoman Lichtenberg would like to see tax funds go to law enforcement and education through the Municipal Alliance fund. There was discussion about the allocation of funds as the state may be putting some of the taxes toward things that may be redundant. Mayor Dale indicated that the general feedback from residents was that they do not want it here but, if it is here than there should at least be the fiscal responsibility of working with the community on drug prevention programs and education. Councilman Chazukow suggested we could put our funds other places than where the state is spending their money. He also has concern about the slowdown of the industry regarding page two, number 10 where it says for retailers that products won't be consumed on the premises.

In conclusion, Mr. Senande indicated that he wanted to hold off on the one acre lot requirement in order to have the planner review that first. Attorney Sullivan indicated that changing that one acre requirement would be substantial. Changes in section 192, item number 5 language will be added stating that the business owner will pay the fee for the annual inspection. In sections 192 number 8 and 193 number 12 language will be changed to add West Milford Township and not just the state regulations and guidelines.

Motion to move forward.

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

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

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: February 2, 2022  
Time of Meeting: 6:30 p.m.  
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Motion carried:  
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Mayor Dale asked to move resolutions 2022-084 through 2022-087.

Agenda No. XII 5

~ Resolution 2022 – 084 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE WAIVER OF ZONING PERMIT AND FIRE PREVENTION FEES FOR COMMUNITY EVENTS HELD BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE 2022 CALENDAR YEAR**

**WHEREAS**, the Friends of Wallisch Homestead has asked the Township to waive any and all Zoning Permit and Fire Prevention fees for events held by them at the Wallisch Homestead; and

**WHEREAS**, the Friends of Wallisch Homestead hold approximately six community events annually at Wallisch Homestead; and

**WHEREAS**, the Wallisch Homestead is jointly owned by the Township and the West Milford Board of Education; and

**WHEREAS**, the Friends of Wallisch Homestead is a registered 501(c)(3) corporation; and

**WHEREAS**, the Township has entered into an agreement that designates the Friends of Wallisch Homestead as the caretaker of the Wallisch Homestead.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council that all Zoning Permit and Fire Prevention fees for community events held by the Friends of Wallisch Homestead at the Wallisch Homestead are waived for the 2022 calendar year.

**BE IT FURTHER RESOLVED** that the Friends of Wallisch Homestead are welcome to request the waiver of Zoning Permit and Fire Prevention fees in subsequent years.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Friends of Wallisch Homestead.

Adopted: February 2, 2022

Agenda No. XII 6

~ Resolution 2022 – 085 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING TO ACCEPT A SUB GRANT AWARD OF THE FEDERAL FISCAL YEAR 2021 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, the West Milford Township Office of Emergency Management has been awarded State Homeland Security Grant Program Sub Grant AFN #97.042, Sub Grant Award #FY21-EMPG-EMAA-1615 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The sub grant consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Townships ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the Township of West Milford Office of Emergency Management will use these funds to enhance its Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the application for the sub grant award calls for a match in the amount of \$0.

**WHEREAS**, the award period is from July 1, 2021 to June 30, 2022; and

**WHEREAS**, the sub grant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the West Milford Township Office of Emergency Management designated by the New Jersey State Police Office of Emergency Management has submitted an application for sub grant award that has been required by the said New Jersey State Office of Emergency Management.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does authorize the Office of Emergency Management to apply and accept the award of the FFY21

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Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Sub Grant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.

**BE IT FURTHER RESOLVED** that the West Milford Township Administrator, the Township Chief Fiscal Officer, the Township Emergency Management Coordinator, and the Township Deputy Emergency Management Coordinator are authorized to sign the appropriate sub grant award documents; and

**BE IT FURTHER RESOLVED** that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: February 2, 2022

Agenda No. XII 7

~ Resolution 2022 – 086 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PAYMENT TO FIRST ENVIRONMENT FOR ENVIRONMENTAL TESTING ON TOWNSHIP PROPERTY KNOWN AS BLOCK 6002 LOTS 18.02 AND 28.03**

**WHEREAS**, the Township of West Milford owns Block 6002 Lots 18.02 and 28.03; and

**WHEREAS**, Block 6002 Lots 18.02 and 28.03 is utilized by a third party; and

**WHEREAS**, the materials being stored on the property raised environmental concerns; and

**WHEREAS**, the Township participates in an Environmental Joint Insurance Fund; and

**WHEREAS**, the Environmental Joint Insurance Fund recommended undertaking environmental testing of the property at their expense; and

**WHEREAS**, the Township employed First Environment to conduct such testing; and

**WHEREAS**, the preliminary testing revealed concerning contaminant on the property; and

**WHEREAS**, the Township requested that First Environment conduct a second round of testing to better understand the source of the contaminants; and

**WHEREAS**, the total cost to date of the testing is \$50,471.08; and

**WHEREAS**, the Township has paid First Environment \$20,142.07 for invoices 41647, 41777; and 42129; and

**WHEREAS**, \$30,319.01 remains outstanding for invoices 42273, 42375 and 42636; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds in budgetary line item 01-201-20-161-450; and

**WHEREAS**, the Administration recommends payment to First Environment in the amount of \$30,319.01.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford that the Chief Financial Officer is hereby authorized to make payment in the amount of \$30,319.01 to First Environment, 10 Park Place Bldg. 1A Suite 504, Butler, NJ 07405.

Adopted: February 2, 2022

Agenda No. XII 8

~ Resolution 2022 – 087 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING LEASING OF TWO (2) 2022 FORD F350 PICKUP TRUCKS THROUGH SOURCEWELL NATIONAL COOPERATIVE CONTRACT #060618-EFM FROM ENTERPRISE FLEET MANAGEMENT**

**WHEREAS**, the Township is in need of procuring Two (2) 2022 Ford F350 Pickup Trucks with plows through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

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**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 Sourcewell National Cooperative, a recognized and compliant national cooperative; and

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

**WHEREAS**, the annual total for two (2) lease payments is \$15,292.92, to be encumbered from account 01-201-26-290-230; and

**WHEREAS**, funds will be budgeted for 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 F350 Pickup Trucks 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: February 2, 2022

Motion to move Resolutions 2022-084 through 2022-087

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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. XIII

**Consent Agenda**

**~ Resolution 2022 – 088 ~**

**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) **2022-089** – Refund Recreation Fees

Adopted: February 2, 2022

Agenda No. XIII a

**~ Resolution 2022 – 089 ~**

**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>FIELD HOCKEY GOLD</b>			
\$125.00	Lisa Alessio 18A Quincy Lane West Milford, NJ 07480		
<b>SR BOB ROSS PAINTING-JAN</b>			
\$35.00	Melissa O'Callaghan 1 Post Brook North West Milford, NJ 07480		
<b>SR CHI-YOGA</b>			
\$30.00	Lil Franetovich 19 Lookover Drive Hewitt, NJ 07421		

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

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Adopted: February 2, 2022

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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. XIV

**Approval of Expenditures**

~ Resolution 2022 – 090 ~

**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	\$143,096.41
3	Reserve Account	125,054.44
2	Grants	30,297.25
6	Refunds	190.00
1	General Ledger	5,246,142.43
26	Refuse	257,018.06
4	Capital	521,730.29
19	Animal Control	450.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	1,421.71
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	62.00
Total		\$6,325,462.59
Less Refund Resolution		-190.00
<b>Actual Bills List</b>		<b>\$6,325,272.59</b>
Other Payments		
Payroll		537,033.32
<b>Total Expenditures</b>		<b>\$6,862,305.91</b>

Adopted: February 2, 2022

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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 – Passaic County will be performing Covid testing at Passaic County Community College Tuesdays February 8th & 15th, from 10 a.m. – 4 p.m. and Fridays February 4th, 11th, 18th, 25th from 10 a.m. – 4 p.m. and at Town Hall on Tuesday February 22nd, from 12 p.m.-3:30 p.m. There will also be a Covid vaccine clinic at Hands 4 Youth, 256 Macopin Road, February 18<sup>th</sup> from 10 a.m. to 6 p.m.

