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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 1 of 20  
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

**Adequate Notice Statement**

Mayor Dale read the following statement:

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

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

January 2, 2022 Executive Session Meeting Minutes  
January 2, 2022 Workshop Meeting Minutes

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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**

March 2, 2022 Workshop Meeting  
March 16, 2022 Regular Meeting  
April 6, 2022 Workshop Meeting

Agenda No. V

**Proclamations**

None.

Agenda No. VI

**Presentations & Recognitions**

None.

Agenda No. VII

**Executive Session**

None.

Agenda No. VIII

**Discussion Items / Official Communications**

1.	Ordinance: Township Zoning Ordinance Request. Mr. Senande received a letter from a resident requesting that the Planning Board take a look at Zoning and try to make some changes to the Master Plan in order to stimulate construction and new housing in the Township. Councilwoman Erik said it should go to the Planning Board. Councilman Chazukow said that it's unfortunate that someone could
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

Governing Body Regular Meeting  
February 16, 2022  
6:30 p.m.  
Page 2 of 20  
-----

	possibly grow up here and then have to move away if unable to buy a home because of the lack of rental properties. Mayor Dale said that it is very limited currently and that this would not mean that it would apply to the whole town. There is a costly well water recovery test that no other town has that West Milford has currently. The same square footage is allowed presently but in some zones you need to have a store or something underneath, on the first floor. The consensus was to move forward. Mr. Senande said he would put a resolution on for the next meeting officially referring it to the Planning Board.
2.	Ordinance: Fees & Costs – Alcoholic Beverage Licenses Mr. Senande explained that this was designed to adjust the consumption license fees over the next three years to put them more in line with distribution licenses as well as put them more in line with neighboring towns. There has been no increase in several years. Councilman Gross had questions about pocket licenses. The fee is raised like any other license. After ten years the municipality can ask a state agency to revoke the license, so it is basically a ten year window where they can keep it as a pocket license. The consensus was to move forward.
3.	Ordinance: Health Advisory Board Mr. Senande stated that this ordinance will make the Health Officer decisions able to be appealed by the Council since the Council serves as the Health Board to the Township. Currently appeals go to the Advisory Board. Mayor Dale gave the example that the Council could override the closing of a lake or whatever decisions were made. Mr. Semrau indicated that this way we don't have to go through the State and subsequently wait for answers. The consensus was to move forward.

Agenda No. IX

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IX 1

~ Ordinance 2022 – 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 420-8 PLANNING BOARD OF THE TOWNSHIP CODE**

**WHEREAS**, the Township Council wishes to update the Township Code to comply with State Law; and

**WHEREAS**, N.J.S.A. 40:55D-23—Planning Board Membership, directs that as to Class IV membership, such members be “other citizens of the municipality, to be appointed by the Mayor” and in accord with the Township of West Milford’s form of government; and

**WHEREAS**, the Township Council further desires to establish the Township Planning Board as composed of seven (7) members and as permitted pursuant to N.J.S.A. 40:55D-23 and to remove certain office-holder designations as previously reflected within Class IV membership.

**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 repealed and replaced and as to Chapter 420-8 Planning Board, Paragraph A “Establishment, composition” only, to read as follows:

**SECTION 1.** Chapter 420-8 Planning Board

§420-8 Planning Board

- A. Establishment; composition. A Planning Board is hereby established consisting of seven (7) members of the following four classes:
- (1) Class I: The Mayor.
  - (2) Class II: One of the officials of the Township other than a member of the Township Council, appointed by the Mayor.
  - (3) Class III: A member of the Township Council to be appointed by the Township Council.
  - (4) Class IV: Four (4) citizens of the Township plus two other citizens to act as alternate members, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, with the exception that a member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member.

**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.

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 3 of 20  
-----

**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 on January 1, 2023, upon final passage, approval, and publication as required by law.

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

Introduced: January 19, 2022  
Adopted: February 16, 2022  
Effective Date: March 7, 2022

This Ordinance was introduced on January 19, 2022 and the Notice of Public Hearing was published in the Herald News on January on January 26, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one Councilwoman Erik moved to close the public portion. Seconded by Councilwoman Lichtenberg.

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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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It was not time to be able to open the public portion of the meeting so Mayor Dale continued with new business.

Agenda No. XII

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

Agenda No. XII 1

~ Ordinance 2022 – 008 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES & COSTS” SECTION 135-2 COMMUNITY SERVICES AND RECREATION “ WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**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**

		<b>Resident Rate</b>	<b>Non Resident Rate</b>
1.	Family Membership Consists of parents(s) & all children up to & including full-time students living at home	\$275.00	\$375.00
2.	Parent/Child Membership (One adult & One Child under the age of 18 living in the same residence)	\$235.00	\$335.00
3.	Individual Membership (Ages 13 to 61)	\$135.00	\$185.00
4.	Senior Individual Member (Aged 62+)	\$30.00	\$40.00
5.	Senior Couple Membership	\$45.00	\$65.00
6.	Swim Team - First child \$150.00. Each additional child \$100.00		

**B. Bubbling Springs Guest Membership and Daily Pass (per person/per day) (prepaid):**

1.	Person under 2 years of age	No charge	
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
 Date of Meeting: February 16, 2022  
 Time of Meeting: 6:30 p.m.  
 Minute Page No: Page 4 of 20

-----

2.	Person from 2 years to 17 years of age	\$5.00	
3.	Person from 18 to 61 years of age	\$15.00	\$20.00 Non-resident
4.	Family Pass (up to 4 guests)	\$25.00	\$5.00 each additional guest regardless of age
5.	Seniors (Ages 62+)	\$3.00	

**C. Day Camp Children (Kindergarten through Eighth Grade)**

<b>Fees 10% Off Regular Price when all 8 weeks are paid in full by April 15, 2022</b>				
	<b>Full 8 Weeks</b>	<b>Weekly</b>	<b>Before Care</b>	<b>After Care</b>
Through May 31	\$1,365	\$175.00	\$40.00/week	\$40.00/week
As of June 1	\$1,521	\$195.00	\$45.00/week	\$45.00/week
Camp Hours - 9:00 am to 4:00 pm			7:00 am to 9:00 am	4:00 pm to 6:00 pm

**D. Swim Lessons**

	<b>Lake Member</b>	<b>Non Member</b>
All Children		
One Session	\$65	\$75
Two Sessions	\$115	\$135
Three Sessions	\$165	\$190

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

Introduced: February 16, 2022  
 Adopted:  
 Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 16, 2022. Notice of this public hearing shall be published in the Herald News on or about February 22, 2022.

Motion to move.

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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 2022 – 009 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING SECTION 135 “FEES AND COSTS” SECTION 135-18 “FOOD ESTABLISHMENTS” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Governing Body of the Township of West Milford seeks to update the annual fee for mobile retail food establishments, and specifically set forth and permit “food trucks” as a form of mobile retail food establishment within the Township; and

**WHEREAS**, such food truck operation shall be permitted as a mobile retail food establishment upon payment of an annual fee in the amount of \$500.00.

**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 repeal and replace Part II, General Legislation, Section 135-18, Food establishments only, to read as follows:

**SECTION 1.** § 135-18 Food establishments.

The following fees shall apply for licenses required under Chapter **163** Food Establishments, Retail:

- A. Temporary retail food establishment and agricultural markets: \$40.
- B. Mobile retail food establishments, including but not limited to food truck: \$500.00 annually.
- C. All other retail food establishments shall be \$150 annually, except that for establishments which only offer prepackaged food for sale (for a period of seven days), the fee shall be \$40 annually.
- D. There shall be an additional fee of \$25 for each re-inspection of any license.
- E. Community residence and bed-and-breakfast retail food establishments: \$100 per year.
- F. Nonprofit food license: \$40 per year.
- G. Risk Type 1: \$105.

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 5 of 20  
-----

- H. Risk Type 2: \$160.
- I. Risk Type 3: \$250.
- J. Risk Type 4: \$250.

**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 16, 2022  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 16, 2022. Notice of this public hearing shall be published in the Herald News on or about February 22, 2022.

Motion to move.

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Moved: Lichtenberg                                 Seconded: Erik  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XII 3

~ Ordinance 2022 – 010 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING SECTION 163 "FOOD ESTABLISHMENTS, RETAIL" TO ADD FOOD TRUCKS, WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Governing Body of the Township of West Milford seeks to allow food trucks to operate within the Township of West Milford; and

**WHEREAS**, other municipalities permit food trucks, especially but not limited to special events where such services are enjoyed by the public; and

**WHEREAS**, the Township in allowing food trucks to operate, seeks to regulate the licensing and such operation for the public's health, welfare and benefit; and

**WHEREAS**, the Township Committee wishes to establish such licensing and operating standards for food trucks, to ensure efficient, safe and successful operations within the Township; and

**WHEREAS**, the Township Health Officer and Board of Health shall remain responsible for ensuring food trucks, like any other food establishment in the Township, meets all health requirements and operating standards.

**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 repeal and replace Part II, General Legislation, Section 163, Food Establishments, Retail, to read as follows:

**SECTION 1.** Chapter 163, **Food Establishments, Retail**

§ 163-1 **License required.**

It shall be unlawful for any person to conduct a retail food establishment as defined in N.J.A.C. 8:24 without obtaining a license from the Health Department and displaying that license in a conspicuous place within the establishment.

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 6 of 20  
-----

**§ 163-2 Compliance with retail food establishment provisions of State Sanitary Code.**

It shall be unlawful for any person to conduct a retail food establishment without complying with all the provisions of the retail food establishment provisions of the State Sanitary Code as set forth in N.J.A.C. 8:24-1.1 et seq.

**§ 163-3 Fees.**

The fees for licenses required under this chapter are included in Chapter **135**, Fees and Costs.

**§ 163-4 License period; renewal; transferability.**

- A. Licenses issued under the provisions of this chapter shall expire annually on June 30 of each year, and application for renewal together with the required fee shall be submitted prior to June 30 of each year.
- B. A certificate or license issued by another health department is not transferable.

**§ 163-5 Food Trucks.**

Food trucks are herein defined as a mobile “retail food establishment” and subject to compliance with all applicable provisions for retail food establishments, pursuant to the State Sanitary Code and as set forth in N.J.A.C. 8:24-1.1 et seq. Food trucks shall be allowed to operate within the Township of West Milford only upon payment of the required annual fee.

Food truck operation shall be allowed on both private and public property, upon designation of specific dates, and only upon written approval of the property owner. For any Food truck operation seeking to occur on Township property, such written approval shall be by Township Administrator, and as delegated by the governing body.

**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 16, 2022  
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Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 16, 2022. Notice of this public hearing shall be published in the Herald News on or about February 22, 2022.

Councilman Gross questioned the State guidelines and it was confirmed that the State guidelines supersede any guidelines that the Township would have. Attorney Semrau said the State guidelines are required guidelines.

Motion to move.

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 7 of 20  
-----

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

**SECTION 1.** Chapter 15. Administration of Government. Article IV. Township Clerk. §15-23 Custodian of Records of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 15-23. Custodian of Records.  
The Clerk shall have custody of and shall safely keep all records, books and documents of the Township, except those committed by charter or ordinance to any other office or transferred thereto by the Mayor. The Clerk shall, upon request and upon the payment of the fees prescribed therefor by resolution of the Council for the use of the Township, furnish a certified copy of any such paper in his custody, under the corporate Seal of the Township.

- A. The Township Clerk shall serve as the Custodian of Records for all official books, papers and documents of the Township, including all of its departments and divisions, except for those books, papers, and documents created and maintained by the Police Department. The Custodian of Records shall receive all requests for inspection or copies of the Township’s public records and shall fulfill all duties required under the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. and the Common Law Right of Access.
- B. Chief of Police to serve as Deputy Custodian of Records.  
The Chief of Police, or his designee, shall serve as the Deputy Custodian of Records for all official books, papers, and documents of the Police Department, and shall receive all requests for inspection or copies of the Police Department’s records.
- C. Reports to the Custodian of Records.  
The Deputy Custodian of Records shall report to the Custodian of Records periodically, but not less than once per month, every request for inspection or copies of Police Department records received, fulfilled, or denied by him.
- D. Salary.  
Neither the Custodian of Records nor the Deputy Custodian or Records shall receive any annual salary for performing the duties set forth in the article.

**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 16, 2022  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 16, 2022. Notice of this public hearing shall be published in the Herald News on or about February 22, 2022.

Motion to move.

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

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Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 8 of 20

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**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP TO UPDATE AS A PERMITTED USE, ZONING AREAS FOR THE CULTIVATION, MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL AND DELIVERY OF CANNABIS WITH THE TOWNSHIP**

**WHEREAS**, in 2021 the Township of West Milford adopted an ordinance allowing for the cannabis business licenses as a conditional use within the township, limited to certain zones; and

**WHEREAS**, the governing body wishes to update the ordinance to reflect areas where such businesses shall be allowed to operate in the Township as a permitted use, and to include all zones, with the exception of residential zones.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows that the following code sections only are repealed and replaced as follows:

**SECTION 1.**

**Article XVII Cannabis Cultivation, Manufacturing, Wholesale, Distribution, Retail and Delivery**

**§ 500-192 Cannabis Cultivator, Manufacturer, Wholesaler and Distributor**

A. Cannabis Cultivator, Manufacturer, Wholesaler and Distributors shall be a permitted use in all zones of the Township of West Milford, with the exception that no such permitted use shall occur in any residential zone (LR, R-1, R-2, R-3, R-4, R-11, R-1PN, SHD/R-2 Zones), and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) 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 State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ and the Township of West Milford.

**§ 500-193 Cannabis retailer**

A. Cannabis retailer shall be a permitted use in all zones of the Township of West Milford, with the exception that no such permitted use shall occur in any residential zone (LR, R-1, R-2, R-3, R-4, R-11, R-1PN, SHD/R-2 Zones), and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Location: Cannabis retailers shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis 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 State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ and the Township of West Milford.



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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 9 of 20  
-----

**§ 500-194 Cannabis Delivery**

- A. Cannabis Delivery shall be a permitted use in all zones of the Township of West Milford, with the exception that no such permitted use shall occur in any residential zone (LR, R-1, R-2, R-3, R-4, R-11, R-1PN, SHD/R-2 Zones), and subject to the following:
- 1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
  - 2) Location: Cannabis 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.
  - 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 16, 2022  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 16, 2022. Notice of this public hearing shall be published in the Herald News on or about February 22, 2022.

There was discussion about delivery and that is regulated by the State. The Township cannot prohibit it nor regulate it.

Motion to move.

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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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Mayor Dale asked to move Resolutions 2022-091 through 2022-098, excluding Resolutions 2022-099 through 2022-104, and including Resolutions 2022-105 and 2022-106.

Agenda No. XII 6

~ Resolution 2022 – 091 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO GARDEN STATE FIREWORKS, INC. FOR THE TOWNSHIP'S FOURTH OF JULY CELEBRATION IN AN AMOUNT NOT TO EXCEED \$12,000**

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 10 of 20  
-----

**WHEREAS**, the Township is in need of professional pyrotechnics handler services for the 2022 Fourth of July celebration; and

**WHEREAS**, Garden State Fireworks, Inc. has vast experience and expertise in providing such services in New Jersey, and to the Township; and

**WHEREAS**, the Township wishes to retain the services of Garden State Fireworks, Inc. to assist the Township of West Milford in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition; and

**WHEREAS**, the total amount of the contract shall not exceed \$12,000 and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for these services and shall come from the Fireworks Trust Account 19-295-56-120-202 and account 01-201-30-420-582; and

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

**WHEREAS**, Garden State Fireworks, Inc. has received the Township's Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Garden State Fireworks, Inc. from making any reportable contributions through the term of the contract, and

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

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

1. The Mayor and Township Clerk be and are hereby authorized to execute an agreement with Garden State Fireworks, Inc. PO Box 403 Millington, NJ 07946 for professional pyrotechnics fireworks display in an amount not to exceed \$12,000.
2. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$12,000 without the prior written approval of the Township Council.
4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: February 16, 2022

Agenda No. XII 7

~ Resolution 2022 – 092 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO A COOPERATIVE CONTRACTING AGREEMENT WITH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION (HCESC)**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing Systems and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services"; and

**WHEREAS**, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

**WHEREAS**, the Cooperative Pricing Systems is authorized by N.J.S.A. 40A:11-11 and has been approved by the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.A.C. 5:34-7.1 et seq., and

**WHEREAS**, the Township of West Milford desires to be a Participating Member hereinafter referred to as the "Member" in a "recognized cooperative purchasing organization" known as Hunterdon County Educational Services Commission (HCESC); and

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 11 of 20  
-----

**WHEREAS**, on March 1, 2022 the governing body of the Township of West Milford, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

**NOW, THEREFORE, BE IT RESOLVED** this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of West Milford; and

**NOW, THEREFORE, BE IT RESOLVED** the Township Council pursuant to the provisions of N.J.A.C. 5:34-7.1 et seq. and N.J.S.A. 40A:11-11(5) hereby authorizes the Mayor and Clerk to execute a Cooperative Pricing Agreement with the "Lead Agency" Hunterdon County Educational Services Commission for the purchase of work, materials and supplies on behalf of the Township of West Milford.

**BE IT FURTHER RESOLVED**, the Township of West Milford does hereby stipulate and agree that it desires to be a Registered Member of HCESC with contract purchasing benefits in accordance with terms and conditions of the applicable agreement, and that HCESC hereby grants said Membership to the Township of West Milford.

This Resolution shall take effect immediately upon final passage.

Adopted: February 16, 2022

Agenda No. XII 8

~ Resolution 2022 – 093 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING ACCEPTANCE OF A GRANT AND TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF GERMANTOWN ROAD BETWEEN MACOPIN ROAD AND 0.8-MILES SOUTH**

**WHEREAS**, on June 9, 2021, the Township Council of the Township of West Milford approved the submission of an NJDOT grant application to fund a portion of the milling and resurfacing of Germantown Road – Section 1 between Macopin Road and 0.8-miles south (0.8 miles) under the 2022 Municipal Aid Program; and

**WHEREAS**, the requested \$332,000 application resulted in a \$332,000 award approved by the NJDOT Commissioner; and

**WHEREAS**, a local capital budget request, for \$163,000, has been submitted by the Engineering Division to fund the balance of the preliminary construction cost estimate; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford formally accept the grant received for the above stated project; and

**BE IT FURTHER RESOLVED** that the Township of West Milford acknowledges that a contract for construction must be executed no later than October 21, 2023, as per the grant term requirements established by the New Jersey Department of Transportation.

Approved: February 16, 2022

Agenda No. XII 9

~ Resolution 2022 – 094 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR TECHNICAL ASSISTANCE FROM THE NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY'S FY2022 COMPLETE STREETS TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING A BICYCLE CORRIDOR PLAN IN THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the North Jersey Transportation Planning Authority (NJTPA) has instituted a Complete Streets Technical Assistance (CSTA) program to address specific municipal complete streets implementation and technical assistance needs; and

**WHEREAS**, technical assistance for developing a bicycle corridor or network plan with maps and narrative is an eligible project type; and

**WHEREAS**, the Township's Engineering Division has recommended the submission of an application for technical assistance from the NJTPA for developing a bicycle corridor or network plan in the area of Bubbling Springs Park, Westbrook Park and the existing bikeway; and

**WHEREAS**, the application requires submission of Governing Body support, by resolution, by March 4, 2022; and

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 12 of 20  
-----

**WHEREAS**, the Township will receive free direct technical assistance services to complete planning-level technical assistance services for the chosen initiative

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford and County of Passaic that the Township Administrator is hereby authorized to submit an application to the North Jersey Transportation Planning Authority's FY2022 Complete Streets Technical Assistance Program to receive free direct technical assistance to complete the chosen initiative of developing a bicycle corridor or network plan in the area of Bubbling Springs Park, Westbrook Park and the existing bikeway.

Adopted: February 16, 2022

Agenda No. XII 10

~ Resolution 2022 – 095 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2022 DISTRACTED DRIVING CRACKDOWN GRANT**

**WHEREAS**, distracted driving is a dangerous epidemic on America's roadways; and

**WHEREAS**, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes; and

**WHEREAS**, to aid municipalities in addressing this increased volume and to help offset the increased cost of police enforcement during these periods, the federal government offers grant funds to certain municipalities; and

**WHEREAS**, the National Highway Traffic Safety Administration has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased special enforcement patrols targeting distracted drivers; and

**WHEREAS**, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the states distracting driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on cell phone use (hand held or hands free) by novice drivers; and

**WHEREAS**, the West Milford Police Department has an obligation to keep our roadways safe.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submission of a 2022 Distracted Driving Crackdown Grant, "You Drive, You Text, You Pay", from April 1, 2022 through April 30, 2022 to reduce the number of motor vehicle fatalities in the state.

Adopted: February 16, 2022

Agenda No. XII 11

~ Resolution 2022 – 096 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ENDORSING THE SUBMITTAL OF A LOAN APPLICATION TO BE MADE BY FARM CREST ACRES ASSOCIATION, INC. TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN AND AUTHORIZING THE EXECUTION OF SAID LOAN AGREEMENT AS CO-BORROWER WITH FARM CREST ACRES ASSOCIATION, INC.**

**WHEREAS**, Farm Crest Acres Association, Inc. ("Association") is a private lake association in West Milford; and

**WHEREAS**, the Association is the operator of two dams located on Farm Crest Acres Lake (Upper Crest Lake Dam and Lower Crest Lake Dam) which dams have been determined, based upon engineering investigations to be in need of repair, improvement and rehabilitation; and

**WHEREAS**, the State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan offers loans to private entities to effectuate such dam repairs with the condition that the municipality within which the dam is located signs a loan agreement as Co-Borrower; and

**WHEREAS**, the Association has secured initial State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loans in the amount of \$600,000.00 for the Upper Crest Lake Dam and the amount of \$480,000 for the Lower Crest Lake Dam, which the Township has signed loan agreements as Co-Borrower; and

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 13 of 20  
-----

**WHEREAS**, the initial loan of doesn't fully cover the expected cost of the required dam repairs and while an additional \$100,000 was approved by way of recent resolution, the actual additional funds needed is estimated to be an additional \$350,000, as required in order to fully cover the expected costs; and

**WHEREAS**, the Association still wishes to make this second application to the DEP loan funding program to effectuate the full scope of the required dam repairs; and

**WHEREAS**, the Township determines that the repair, improvement and rehabilitation of the Upper Crest Lake Dam and Lower Crest Lake Dam and execution of the DEP Loans, and including these increased estimated costs remain in the best interests of the residents of the Township; and

**WHEREAS**, the Township has conditioned the Township's agreement to sign the Loan as Co-Borrower upon the Association's successful application and execution of a satisfactory Dam Rehabilitation Co-Borrower Agreement, and the application of which is currently in progress; and

**WHEREAS**, the Township Council desires to grant the Mayor and Township Clerk the authority to execute the DEP Loan Agreement in the event that the Association executes a Co-Borrower Agreement acceptable to the Township.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of West Milford that the Township does hereby endorse the application by Farm Crest Acres Association, Inc, for a DEP loan to effectuate dam repairs at the Upper Crest Lake Dam and Lower Crest Lake Dam in the Township of West Milford.

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

1. Upon DEP approval and upon the Association's agreement to, and execution of, an acceptable Co-Borrower Agreement, the Mayor and Township Clerk are authorized to execute the DEP Loan Agreement as the Co-Borrower for a loan in an amount of not more than \$350,000.00 and to execute any amendments thereto.
2. In the event the Township executes the DEP Loan as a Co-Borrower, the Township of West Milford agrees to certify and assess the costs of the dam restoration project as set forth in the DEP Loan against the properties benefited thereby and to repay the loan to the State in accordance with the terms and conditions of the DEP Loan.
3. The Township of West Milford agrees to comply with all applicable deferral, State, and municipal laws, rules and regulations in its performance pursuant to the DEP Loan.

Adopted: February 16, 2022

Agenda No. XII 12

~ Resolution 2022 – 097 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF A CANNABIS BUSINESS TO BE LOCATED AT BLOCK 7006 LOT 1 ALSO KNOWN AS 1612 UNION VALLEY ROAD**

**WHEREAS**, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

**WHEREAS**, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which established the adult use cannabis program in the State of New Jersey; and

**WHEREAS**, the Township of West Milford endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

**WHEREAS**, the Township of West Milford supports the safe and appropriate siting of a cannabis Class 5 Retailer license to be located 1612 Union Valley Road within the Township's LMI Zone, where

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 14 of 20  
-----

such licenses are permitted use pursuant to Chapter 500-193 "Cannabis Retailer", that 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; and

**WHEREAS**, 1612 Union Valley Road has expressed interest in siting such a cannabis Class 5 Retailer facility within the Township's LMI Zone; and

**WHEREAS**, the Township of West Milford has not imposed any limits on the number of cannabis Class 5 Cultivation facilities that may operate in the LMI Zone.

**NOW, THEREFORE, BE IT RESOLVED**, that the West Milford Township Council supports the safe and appropriate siting of a cannabis Class 5 Retailer facility within the Township's Cannabis LMI Zone as a conditional use located at 1612 Union Valley Road to the extent consistent with all applicable state and local statutes, rules, regulations and ordinances.

Adopted: February 16, 2022

Agenda No. XII 13

~ Resolution 2022 – 098 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REFERRING A MATTER TO THE TOWNSHIP OF WEST MILFORD PLANNING BOARD**

**WHEREAS**, the Township of West Milford Council recently discussed at a Township Regular Meeting the possibility of expanding a neighborhood commercial zone within the Township; and

**WHEREAS**, the Township Council wishes to specifically refer the question of expanding a Neighborhood Commercial Zone, on the western side of Upper Greenwood Lake along Warwick Turnpike, to the Township of West Milford Planning Board for its consideration and review as to the Township Master Plan; and

**WHEREAS**, the Township Council requests that the Township of West Milford Planning Board conduct a Master Plan reexamination, to review that specific area to allow such an expansion, and if not in conformity with the Master Plan, to make that update to the Master Plan; and

**WHEREAS**, assuming expansion is in conformity, either with the existing Master Plan or upon update, the Township of West Milford might introduce an ordinance that might allow such expansion and consistent with the Master Plan.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of West Milford that the Township does hereby refer the question below to the Township of West Milford Planning Board for its consideration and action:

Extending the Neighborhood Commercial (NC) zoning along Warwick Turnpike on the western side of Upper Greenwood Lake to Florence Road.

Adopted: February 16, 2022

Agenda No. XII 14

~ Resolution 2022 – 105 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO NEWMARK KNIGHT FRANK VALUATION & ADVISORY, LLC FOR APPRAISAL SERVICES AS TO THE NEWARK WATERSHED PROPERTIES**

**WHEREAS**, there exists a need for professional services to be rendered to the Township of West Milford (hereinafter also, "The Township") as to appraisal services as to the Newark Watershed properties; and

**WHEREAS**, the Township wishes to retain the services of Newmark Knight Frank Valuation & Advisory, LLC, located at 80 S. Jefferson Road, Whippany, NJ 07981, to secure such appraisal services for the Township; and

**WHEREAS**, in accordance with its proposal dated January 11, 2022, and on file in the Clerk's Office, the Township shall be subject to an appraisal fee of no more than \$25,000.00, inclusive of expenses, and with further details as set forth within the proposal; and

**WHEREAS**, the Township of West Milford has a need to appoint a Professional services Contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 r 20.5 as appropriate; and

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 15 of 20  
-----

**WHEREAS**, Newmark Knight Frank Valuation & Advisory, LLC will complete and submit a Business Entity Disclosure Certification which will certify that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year and that the contract will prohibit the firm of Newmark Knight Frank Valuation 7 Advisory LLC from making any reportable contribution through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for services said funds to be encumbered from 01-201-20-161-459 in an amount not to exceed \$25,000 without prior written consent from the Township Council; and

**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, as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Newmark Knight Frank Valuation & Advisory, LLC, located at 80 S. Jefferson Road, Whippany, NJ 07981, for professional services in accordance with its proposal of January 11, 2022 which is on file in the Clerk's Office.
2. This contract is awarded without competitive bidding as a professional service, in accordance with the provisions of the Local Public Contracts Law, and such services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract is subject to the terms of the proposal and agreement.
4. Notice of this action shall be published once in the Township's official newspaper, as required by law.
5. A copy of this resolution shall be provided to the Treasurer and/or Chief Financial Officer of the Township of West Milford, and to Newmark Knight Frank Valuation & Advisory, LLC, located at 80 S. Jefferson Road, Whippany, NJ 07981 for their information and guidance.

This Resolution shall take effect immediately.

Adopted: February 16, 2022

Agenda No. XII 15

**~ Resolution 2022 – 106 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2022 BUDGET PER N.J.S.A. 40A:4-20**

**WHEREAS**, Local Budge Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

**WHEREAS**, the Township of West Milford has a one year contract for animal control services that is paid on a monthly basis; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford by a 2/3 vote, that the following temporary budget receivable and appropriation be made and that a certified copy of the resolution be sent to DLGS:

<b>Appropriation</b>	<b>Acct Number</b>	<b>Amount</b>
Animal Control	01-201-27-340-450	\$19,000.00
	<b>Total</b>	<b>\$19,000.00</b>

Adopted: February 16, 2022

There was discussion regarding Resolution 2022-093 and the exact location of the milling and paving of Germantown Road. The exact Resolution numbers were clarified to exclude the Consent Agenda and it's items as well as the Approval of Expenditures. Councilwoman Erik amended her motion.

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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. XIII

**Consent Agenda**

**~ Resolution 2022 – 099 ~**

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 16 of 20  
-----

**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) **2022-100** – Refund Recreation Fees
- b) **2022-101** – Various 2022 Licenses
- c) **2022-102** – Reinstatement of Taxes
- d) **2022-103** – Cancellation of Taxes

Adopted: February 16, 2022

Agenda No. XIII a

~ Resolution 2022 – 100 ~

**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>SENIOR MAT YOGA JAN/FEB</b>	
\$35.00	Jeanette Keller 5 Orleans Lane West Milford, NJ 07480
<b>INDOOR SOCCER</b>	
\$20.00	Michelle Freire 68 Morsetown Road West Milford, NJ 07480
<b>APRIL BOATING CLASS</b>	
\$59.00	Jennifer Iwaszczuk 21 Delmont Road Hewitt, NJ 07421
<b>BEGINNER LINE DANCE FEB-APR</b>	
\$30.00	Shirley Parrello 667 Morsetown Road West Milford, NJ 07480
<b>PICKLEBALL CLINIC</b>	
\$60.00	Gail Graf 17 Cropsey Street Warwick, NY 10990
<b>SENIOR CHAIR YOGA JAN/FEB</b>	
\$20.00	Janice Halvorsen 17B Quincy Lane West Milford, NJ 07480
<b>NOT JUST COUNTRY LINE DANCING</b>	
\$15.00	Lil Franetovich 19 Overlook Drive Hewitt, NJ 07421

Adopted: February 16, 2022

Agenda No. XIII b

~ Resolution 2022 – 101 ~

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

**WHEREAS**, applications have been made for the new licenses and the renewal of various Licenses for the 2022 license year; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2022 Licenses as listed below:



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

Minutes of: Governing Body Regular Meeting  
 Date of Meeting: February 16, 2022  
 Time of Meeting: 6:30 p.m.  
 Minute Page No: Page 17 of 20

-----

<b>License No.</b>	<b>2022 CLOTHING BINS</b>
2022-17	<b>Turnkey Enterprises LLC / West Milford Elks Lodge</b> 1860 Union Valley Road (1)

Adopted: February 16, 2022

Agenda No. XIII c

~ Resolution 2022 – 102 ~

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

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

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

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

- REASON:**
- 1      **INSUFFICIENT FUNDS**
  - 2      **NO ACCOUNT/CANNOT LOCATE**
  - 3      **ACCOUNT CLOSED**
  - 4      **STOP PAYMENT**

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
07502-001	Dorrie Torpe	\$2,000.00	2021	2
04301-019	Forest Lake Property LLC	\$343.28	2021	2
04301-019	Forest Lake Property LLC	\$23,979.72	2022	2
08201-001	Scott Walker	\$1,880.00	2022	2
06709-003	Mary Mohrenweiser	\$2,152.00	2022	2
09501-038	Stuart Feldman	\$3,133.00	2022	2
13703-010	Cheryl Polglaze	\$2,166.00	2022	2
01802-003	Roger Carstens	\$2,283.00	2022	2
15201-013	Laura Ashtyani	\$2,106.00	2022	2

Adopted: February 16, 2022

Agenda No. XIII d

~ Resolution 2022 – 103 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, 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; 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 they are hereby authorized and directed to cancel as hereafter listed below:

- REASON:**
- 1 Deleted from 2022 Tax Duplicate
  - 2 Class code changed to 15F Exempt

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
03401-021	DUNSDON ENTERPRISES LLC	\$8,364.00	2022	2
03406-023	DUNSDON ENTERPRISES LLC	\$2,580.00	2022	1
<b>TOTAL</b>		<b>\$10,944.00</b>		

Adopted: February 16, 2022

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

Minutes of: Governing Body Regular Meeting  
 Date of Meeting: February 16, 2022  
 Time of Meeting: 6:30 p.m.  
 Minute Page No: Page 18 of 20  
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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 – 104 ~

**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	\$467,710.27
3	Reserve Account	135,426.13
2	Grants	5,137.80
6	Refunds	271,330.05
1	General Ledger	178.00
26	Refuse	243,823.00
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	14,958.86
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$1,138,564.11
	Less Refund Resolution	-271,330.05
	<b>Actual Bills List</b>	<b>\$867,234.06</b>
	Other Payments	
	Payroll	560,120.49
	Board of Education	4,913,376.00
	<b>Total Expenditures</b>	<b>\$6,340,730.55</b>

Adopted: February 16, 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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Mayor Dale opened the Public Portion of the meeting. Seeing no one, Councilwoman Erik moved to close the public portion. Seconded by Councilman Goodsir. All were in favor.

Agenda No. X

**Public Comments**

None

Agenda No. XI

**Council Comments**

None

Agenda No. XV

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 19 of 20  
-----

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

Mayor Dale – Confirmed that the advertising would happen soon and bids would be going out for engineering services for the new traffic light. Mayor Dale is looking forward to having that project move forward. There is going to be a winter festival this weekend in Greenwood Lake, with bands and activities for all with fireworks on Saturday. Hopefully next year West Milford will be able to partner with them. It was confirmed that final approval from Passaic County was the next step in the Dollar Tree Store project. Dunkin’ Donuts has an application before the Planning Board.

Councilman Gross – Has been unable to get in touch with the person that has the maps. No report.

Councilman Marsden – No report.

Councilwoman Erik – People are concerned with the dangerous one lane area where the trestle is on Canistear Road. People are asking for stop signs to be placed to force traffic to stop.

Councilman Chazukow – No report.

Councilwoman Lichtenberg – There are vacancies on the Senior Advisory Committee and the Municipal Alliance Committee and if anyone is interested they should fill out a Citizen Leadership form.

Councilman Goodsir – There are posters made up for the Military Banners that are going to be hung. There are about 30 banners so far and anyone wishing to sponsor a banner the cost is \$149.00 and they are looking for sponsors for the brackets as well. Checks are to be made out to the Township of West Milford and in the memo write “for Military Banner Brackets.” The Elks Club will resume sliced steak dinner next Friday and going forward the last Friday of each month.

Administrator Senande – Earlier today the Township held a property auction and 6 properties were sold and that will be presented to the Council at the next meeting.

Mr. Semrau – With respect to the Altice matter that is pending before the Board of Public Utilities, we are one of 12 towns that intervened and caused the BPU to look into the actions and services provided. There is a meeting coming up with the Attorney General and Rate Council. The matter is still pending and he will continue to keep the Mayor and Council updated. The matter has not been sitting dormant. Mr. Semrau is not clear which direction things will go but we have voiced our dissatisfaction with the services and the rates.

Agenda No. XVI

**Appointments and Resignations**

None.

Agenda No. XVII

**Adjournment**

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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The meeting adjourned to allow for the Board of Health Update.

Agenda No. XVIII

**Discussion Items/Official Communications**

1.	<p>Board of Health Passaic County Coordinator of Health Services Araceli Pintle of Clifton, gave an update for West Milford. Epidemiologist Patrick Anderson accompanied Ms. Pintle. Detailed handouts had been provided. Currently there are 4,241 Covid cases in West Milford. There have been 65 total deaths in West Milford and 18 new Covid deaths since December 8, 2021. The positivity rate has gone down from 9.40% to 3.65% currently. January 7, 2022 was a peak positivity date. The numbers for Passaic County were similar to the West Milford numbers, with the County positivity reaching peak on January 11, 2022.</p> <p>Patrick Anderson continued with the presentation stating that unfortunately Passaic County was lagging in numbers regarding the booster dose uptake. Only 42% have been boosted. The State is about 51%. Councilman Marsden questioned if there were any complications for the children being vaccinated. There is follow up for the children by the public health nurse and there have been no known negative effects. Pfizer is the only vaccine allowed for younger children at this time. Governor Murphy’s mask mandate will be lifted in schools and day care facilities on March 7, 2022. Free home testing kits are</p>
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 16, 2022  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 20 of 20  
-----

	available. There is no longer a recommended 90 day wait period to receive a vaccine for those who have received monoclonal antibodies. Passaic County has the lowest vaccination rates in the State so there is a push to work with other groups to try and get the numbers up. Covid was the second leading cause of death in the United States last year. There will also be monthly screenings for residents conducted measuring blood pressure, glucose and cholesterol levels.
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Agenda No. XIX

**Adjournment**

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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The meeting adjourned at 7:13 p.m.

Approved:

Respectfully submitted:

\_\_\_\_\_  
Deidre Ellis, Keyboarding Clerk II

\_\_\_\_\_  
MICHELE DALE, MAYOR

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