
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
Date of Meeting:
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Governing Body Regular Meeting
February 17, 2021
6:30 pm
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Agenda No. V

Proclamations

None

Agenda No. VI

Presentations

None

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communication

1.	Discussion: Assembly Bill #A-4843 – Forest Stewardship Plans: Donald Weise, 81 Pinecliff Lake Drive. He mentioned that he serves on the Environmental Commission. Expressed his concerns and asked the Council to consider opposing this and appointing a special person to look further into this matter before it gets too far. He knows enough to be concerned. Councilwoman Lichtenberg said she looked over the four bills. The Forest Stewardship Plans need to be renewed every so many years and it's an unfunded mandate. She expressed that its cost prohibitive for the Township and she does not see anything referring to the Highlands. Councilwoman Erik asked if anyone from the Environmental Commission stepped forward to be the person Mr. Weise is asking for. Mr. Weise said that Stephen Sangle has stepped forward. They would like to have a conversation with the Highlands Coalition. The Council could pass a resolution stating they are not in favor of the bill the way it is currently written and they want to see changes made to it. That would be a good first step. Councilman Marsden asked Mr. Weise if he had information from the New Jersey Audubon stating why this is a good idea. Mr. Weise said he does not have that information. Councilman Chazukow asked if the bill would apply to the private properties and Newark Watershed. Mr. Weise said it would not apply to private properties and he is not sure about the Newark Watershed. Councilwoman Erik said the Commission would like the Council to consider appointing Mr. Weise and Mr. Sangle and passing a resolution stating they are not in favor of the way the bill is written. Mr. Weise said they would like a Council Liaison as well. Councilman Marsden said he would be the Council Liaison. The Council gave consensus. Mr. Semrau noted the Council should work on the resolution with the Committee and the Highlands Coalition.
2.	Discussion: Chapter 135 – Community Services & Recreation – Updated Fees: No discussion. The Council gave consensus.
3.	Discussion: Article II – Mount Laurel Skate Park – Updates to Rules and Regulations: No discussion. The Council gave consensus.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 – 005 ~

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

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

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

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

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

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

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

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

Article XV. Stormwater Management

§ 470-73 Definitions.

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

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

§ 470-74 Design Standards.

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

§ 470-75 Waivers and Exceptions.

- A. Standards for Relief. Waivers from strict compliance with the major development design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh ANY detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.

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- B. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan. All mitigation projects are subject to the approval of the Township Engineer.
- C. Reviewing Agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.
- D. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

§ 470-76 Application and Review Fees.

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

§ 470-77 Maintenance and repair.

- A. Applicability. Projects subject to review as in § 470A-1 of this chapter shall comply with the requirements of § 470A-5B and C.
- B. General maintenance.
 - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
 - (4) If the person responsible for maintenance identified under § 470A-5B(2) above is not a public agency, the maintenance plan and any future revisions based on § 470A-5B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 - (5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
 - (6) The person responsible for maintenance identified under § 470A-5B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
 - (7) The person responsible for maintenance identified under § 470A-5B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
 - (8) The person responsible for maintenance identified under § 470A-5B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 470A-5B(6) and B(7) above.
 - (9) The requirements of § 470A-5B(3) and B(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
 - (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or

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

Discussion:

Councilman Gross noted that a few businesses have expressed interest in opening an outdoor theater. Councilman Marsden feels that they should do everything to encourage business. Administrator Senande said the idea was to give businesses an opportunity to expand like they did during the pandemic. He noted that the ordinance has a time restriction but not a daily restriction. Councilman Marsden said he would be in favor of not limiting weekly events. Councilwoman Lichtenberg expressed the ordinance needs restrictions regarding live outdoor music. Administrator Senande said they could further restrict the ordinance down the road if it becomes an issue.

Mr. Semrau said the outdoor dining was a success and this is temporary in nature. He said a business can't put up a permanent structure so this will not be done on a permanent basis. The business would have to get the appropriate site plan/variance approval. He explained that this is really structured for businesses that want to have a few isolated events to keep business going and not have to go the distance before the Planning Board. Councilman Marsden expressed that if someone wants to have live music weekly they would have to get a permit every week and that creates an unnecessary burden. There is no permanent structure and it would enhance the outdoor dining experience. Administrator Senande said they could table the ordinance and amend it to include small live musical performances. Mr. Semrau said the Council could table this to the next meeting. Based on the concerns raised by the Council, they can have a proposed amendment to the outdoor dining to compliment this. The Council gave consensus.

Motion to table Ordinance 2021-006

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

Agenda No. IX 3

~ Ordinance 2021 – 008 ~

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

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

§ 135-2 Department of Community Services & Recreation

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

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

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(1) Fees: 10% Off Regular Price when all 7 weeks are paid in full by April 16, 2021

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

Camp Hours:
 9:00 am-4:00 pm Before Care: After Care
 7:00 am-9:00 am 4:00 pm-6:00 pm

D. Swim Lessons:

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

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

Introduced: January 20, 2021
 Adopted: February 17, 2021
 Effective Date: March 9, 2021

This Ordinance was introduced on January 20, 2021 and the Notice of Public Hearing was published in the Herald News on January 25, 2021. 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 Lichtenberg made a motion, seconded by Councilman Marsden and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-008

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

Agenda No. X

Public Comments

Council President Erik opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Jose, JCP& L, External Liaison for West Milford – Said he wanted to introduce himself. He provided an update on the tree maintenance.

Edward Gallagher, 47 Shadowy Lane, West Milford – Opposed to the construction of a gas compressor and pipelines in West Milford.

Terry Milin, 25 Pawnee Terrace, West Milford – Opposed to the compressor station by Tennessee Gas Pipeline. She expressed her concerns.

Roger Agnoli, 1103 Richmond Road, West Milford – Objects to the Tennessee Gas Pipeline project.

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Councilman Marsden noted that he attended the virtual meeting regarding the compressor station. He expressed that they need to have our personnel trained on how to respond to an emergency. He wants to separate fear from facts and get the facts straight. The safety situations need to be addressed. He would like to gather statistics on what happened to the water supply in other municipalities. Councilman Gross said they need the facts regarding the compressor station because it can also be beneficial to the Township.

Councilman Chazukow asked if the Council meetings can be held via Zoom. Councilwoman Erik asked Administrator Senande to add that discussion to the next meeting agenda. Councilman Chazukow asked if the compressor station was to pollute the water supply would the municipality be held liable. Mr. Semrau said if there is any type of environmental issue, it will be the responsibility of the Township to make sure there is sufficient protection available. He expressed that the Township is in a unique position more than any other municipality. He noted that some of the regulations will provide protection. Councilman Chazukow expressed that the Highlands Council made the Township the steward of the area, protecting the State's water and creating an exception for the compressor station. If all the residents' concerns are founded that seems to go counter to their mission. The Highlands Council has given the Township an unfunded mandate. Is this the way they intend on funding the mandate with the compression station. He would like to see whatever records are available that got the Tennessee Gas Pipeline the exemptions and permits. He wants to know how he can find out what the Highlands Council scrutinized before granting permission. Mr. Semrau said the Mayor did ask him to reach out to the Executive Director of the Highlands Council to get more information regarding what was presented. Councilwoman Lichtenberg asked if there is a particular type of lifetime performance bond and a carry over for any other entity if they change ownership. Mr. Semrau said the challenge is this is a federal project and the Federal Government has that jurisdiction.

Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Ordinance 2021 – 014 ~

BOND ORDINANCE APPROPRIATING \$3,617,500, AND AUTHORIZING THE ISSUANCE OF \$3,169,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$3,617,500 including the aggregate sum of \$158,500 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$290,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

SECTION 2. For the financing of said improvements or purposes and to meet the part of said \$3,617,500 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,169,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,169,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

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(a) Improvement of Clinton Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$410,600 appropriation hereby made therefor being inclusive of the amount of \$290,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	\$410,600	\$115,000
(b) Improvement of the High Crest Drive bridge in and by the Township by the upgrade thereof and the rehabilitation of the spillway training wall, together with all structures, appurtenances, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	451,200	429,700
(c) Initial costs associated with the installation of a new traffic signal at the intersection of Greenwood Lake Turnpike and Lakeside Road, together with all studies, surveys, planning and designs, engineering, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	101,400	96,500
(d) Improvement of various roads in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), including, without limitation, Edgewood Road, Alpine Lane, Continental Road, Windsor Road, Camelot Drive, Hemlock Lane, Oxbow Lane, Elizabeth Road, Sanders Court, Lancelot Lane, King Arthur Court, Beaver Avenue, Cedar Lane, Vineland Road, Yardville Road, Larchmont Drive, Club Place, Tyler Place, Commanche Lane, Ivan Road, Dunkirk Court, Clover Road, Upper Mt. Glen Lake Drive, Hilltop Road, Morsetown Road, Canistear Road and Gould Road, together with all sidewalks, curbing, crack sealing, guide rail installation, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	1,657,900	1,579,000
(e) Acquisition by purchase of new and additional vehicular equipment, including one (1) dump truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	194,900	185,600
(f) Acquisition by purchase and installation, as necessary, of new and additional equipment, including without limitation, self-contained breathing apparatus for use by the fire companies of the Township, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	126,800	120,700

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(g) Acquisition by purchase of new and additional firefighting equipment for the preservation of life and property in the Township, including one (1) fire truck for use by Fire Company #2 of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	633,700	603,500
(h) Initial costs associated with the acquisition and installation of a new radio system for use by the Office of Emergency Management of the Township, together with all studies, planning and designs necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	41,000	39,000
Totals	<u>\$3,617,500</u>	<u>\$3,169,000</u>

Except as otherwise stated in paragraph (a) above with respect to the said grant-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

SECTION 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.82 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,169,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$250,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, such costs have been included in the improvement described in Section 3(c) of this bond ordinance).

SECTION 5. The funds from time to time received by the Township on account of the \$290,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (a) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

SECTION 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at no less than par from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

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SECTION 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

SECTION 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

SECTION 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law

Introduced: February 17, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 17, 2021. Notice of this public hearing shall be published in the Herald News on or about February 23, 2021.

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

Agenda No. XII 2

~ Ordinance 2021 – 015 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR SPECIAL POLICE OFFICERS

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:

1. TEMPORARY, PART TIME AND SEASONAL EMPLOYEES

	Effective January 1, 2021
Special Police Officer Class I	\$23.00
Special Police Officer Class II	\$24.00
*Night Rate 11pm - 7am (Additional per hour)	\$2.00
Municipal Court Attendant Class I	\$23.00
Municipal Court Attendant Class II	\$24.00
Clothing Allowance	\$410.00

2. CLOTHING ALLOWANCE – Special Officers qualify for a clothing and maintenance allowance annually. Half the annual amount payable on or about December 1st of each year for those officers working a minimal of 35 hours since January 1st of that year, with an additional payment of \$2.50 each hour worked in addition to the minimum 35, with the total allowance not exceeding the maximum amount for that year regardless of the number of all hours worked. Special Officers qualifying for a clothing and maintenance allowance upon the submission for receipts for actual purchases of up to:
\$410.00 in 2021
3. HOLIDAY PAY – Officers shall be entitled to time and one-half pay for all hours worked on New Year's Day, Easter, Memorial Day, July 4th and December 25.
4. CALL-OUTS – All callouts are payable for time worked, with a minimum of two hours pay including mandatory training.
5. Township Road Work - Callouts payable by normal hourly wage.
6. Contractor Road Work - Callouts payable at \$30.00 per hour.

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7. GENERAL PROVISIONS – 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 inconsistent.
8. EFFECTIVE DATE – This ordinance shall take effect upon final passage and approval and publication as required by law.

Introduced: February 17, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for March 17, 2021. Notice of this public hearing shall be published in the Herald News on or about February 23, 2021.

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

Council President Erik asked to move resolutions 2021-082 through 2021-084.

Agenda No. XII 3

~ Resolution 2021 – 082 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE GENERATOR THROUGH STATE CONTRACT G4014 THROUGH WARSHAUER GENERATOR, LLC

WHEREAS, Warshauer Generator, LLC was awarded State Contract # G4014 which provides the goods and services needed; and

WHEREAS, Community Services & Recreation would like to purchase one Stationary Emergency Generator under State Contract # G4014 from Warshauer Generator, LLC in the amount of \$49,725.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 04-215-55-831-004.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute the purchase order issued to Warshauer Generator, 800 Shrewsbury Avenue, Tinton Falls, NJ 07724 for one EPA Stationary Generator for Community Services & Recreation at a cost of \$49,725.00.

Adopted: February 17, 2021

Agenda No. XII 4

~ Resolution 2021 – 083 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2020-052 TO INCREASE THE CONTRACT VALUE WITH PIAZZA ASSOCIATES, INC. FOR AFFORDABLE HOUSING COMPLIANCE AND MONITORING SERVICES TO INCREASE THE NOT TO EXCEED AMOUNT BY \$600.00

WHEREAS, by virtue of Resolution 2020-052 adopted January 6, 2020 the Township Council did authorize the engagement of Affordable Housing Compliance and Monitoring Services to be provided by Piazza Associates, Inc.; and

WHEREAS, Resolution 2020-052 and the related Professional Services Contract did authorize services in an amount not to exceed \$4,800.00; and

WHEREAS, the Township Administrator has been advised that the Township's needs, necessitates an amendment in an additional amount not to exceed \$1,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-201-203-21-180-403 for \$600.00; and

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WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded Professional Services Contract, and this resolution serving as the Addendum to the Contract are available for public inspection in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$600.00 to Piazza Associates, Inc. for Affordable Housing Compliance and Monitoring Services which amount is in excess of the approved contract amount of \$4,800.00 bringing the contract total to an amount not to exceed \$5,400.00.

This Resolution shall take effect immediately.

Adopted: February 17, 2021
Agenda No. XII 5

~ Resolution 2021 – 084 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2021

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2021 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 2021 Licenses as listed below:

License No.	2021 CLOTHING BIN LICENSE
2021-21	Turnkey Enterprises LLC West Milford Elks Lodge (1)

Adopted: February 17, 2021

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

Agenda No. XIII

Consent Agenda

~ Resolution 2021 – 085 ~

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

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions on the Consent Agenda are hereby approved:

- Resolutions:**
- a) **2021-086** – Authorizing Cancellation of Taxes
 - b) **2021-087** – Authorizing Refund of Overpayment
 - c) **2021-088** – Authorizing Refund of Other Liens
 - d) **2021-089** – Authorizing Reinstatement of Taxes
 - e) **2021-090** – Authorizing Refund of Recreation Fees
 - f) **2021-091** – Authorizing Personnel Health Insurance Premium

Adopted: February 17, 2021

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

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~ Resolution 2021 – 086 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAXES

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
05003-003	Richard Stephenson 24 Rockburn Pass West Milford, NJ 07480	\$1,210.63	2020	1
10403-001	Sek Kazimierz 103 Green Terr Way West Milford, NJ 07480	\$21,323.30	2020	1

Adopted: February 17, 2021

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~ Resolution 2021 – 087 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
05315-002.19	Franzetti, Isabell & Glenn 7219 Richmond Rd West Milford, NJ 07480	\$250.00	2020	4
05505-002.17	Owens, Anna J 5217 Richmond Rd West Milford, NJ 07480	\$250.00	2020	4
10101-001	Smenierio, Brian & Karlie 103 Gould Rd Newfoundland, NJ 07435	\$250.00	2020	4
13203-002	Township Of West Milford Fire Prevention 1480 Union Valley Rd West Milford, NJ 07480	\$265.00	2021	1
10403-001	Sek Kazimierz 103 Green Terr Way West Milford, NJ 07480	\$21,323.30	2020	8
05621-001	Richard & Margaret Donnelly 39 Hickory Ave West Milford, NJ 07480	\$2,072.00	2021	2
03007-010	Charles & Regina Schneider 1 Kushaqua Tr N Hewitt, NJ 07421	\$1,786.00	2021	1

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08901-013	First Jersey Title Services Inc. P.O. Box 2525 25-00 Broadway Fair Lawn, NJ 07410	\$2,998.00	2021	2
14113-039	Loan Servicing Specialist III Tax Operation Wells Fargo N.A. 4101 Wisemen Blvd Bldg 203 San Antonio, TX 78251	\$3,936.00	2021	2
05315-001.10	Mary Ann Terracino 7110 Richmond Rd West Milford, NJ 07480	\$250.00	2020	4
TOTAL		\$33,380.30		

Adopted: February 17, 2021

Agenda No. XIII c

~ Resolution 2021 – 088 ~

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

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
18-0031	10/09/2018	05505-002.09	\$17,423.07	SUNSHINE STATE CERTIFICATES VII; LL 7900 MIAMI LAKES DRIVE WE MIAMI LAKES, FL 33016
20-0024	10/13/2020	03005-008	\$30,768.95	CHRISTIANA TRUST AS CUSTODIAN PO BOX 71276 PHILADELPHIA, PA 19176
20-0042	10/13/2020	06605-010	\$37,345.79	US BANK CUST FOR PRO CAP 8 50 SOUTH 16TH ST; STE 205 PHILADELPHIA, PA 19102
20-0057	10/13/2020	09707-011	\$74,374.24	ATCF II NJ; LLC TAX SERV CUSTODIAN PO BOX 54292 NEW ORLEANS, LA 70154-4292
20-0064	10/13/2020	12304-010	\$27,834.19	NJSL 301 LLC 650 E PALISADES AVE STE 2 ENGLEWOOD CLIFFS, NJ 07632
TOTAL			\$187,746.24	

Adopted: February 17, 2021

Agenda No. XIII d

~ Resolution 2021 – 089 ~

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: INSUFFICIENT FUNDS

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Block/Lot	Name	Amount	Year
5317-001.15	Sandra E. Barrowclough	\$1,070.52	2020
15401-006	Carol Weber	\$2,670.00	2020
13102-025	Pamala Lee Carpenter	\$2,573.00	2020
13906-018	John Waligora	\$2,546.00	2021
05705-006	Robert Anglesea	\$1,748.16	2021
15502-027	Mc Call-Bramley Juliann	\$2,387.00	2021
7212-4.01 QFARM	John Schiano	\$55.00	2021
16305-009	Marion & John Carbone	\$2,310.00	2020
11701-013	Jordan Minnema	\$2,873.00	2021
11002-003	Gregory Keating	\$1,153.00	2021
Total		\$19,385.68	

Adopted: February 17, 2021

Agenda No. XIII e

~ Resolution 2021 – 090 ~

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:

GENTLE YOGA ON THE MAT		REC BASKETBALL	
\$20.00	Dorothy Quinn 2311 Richmond Road West Milford, NJ 07480	\$90.00	Jeffrey Papienuk 468 Ridge Road West Milford, NJ 07480
VINYASA YOGA – SATURDAY		TRAVEL BASKETBALL	
\$65.00	Antoinette Moralishvili 14 Crawford Street West Milford, NJ 07480	\$200.00	Mallory Biss 932 Ringwood Ave. Haskell, NJ 07420
REC BASKETBALL - BOYS			
\$85.00	Michael Alvarado 35 Delmont Road Hewitt, NJ 07421		

Adopted: February 17, 2021

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~ Resolution 2021 – 091 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERSONNEL HEALTH INSURANCE PREMIUM

BE IT RESOLVED that the following Health Insurance Premium fee be refunded upon the report of the Personnel Administrator:

REASON: Overpayment

PARTICIPANT	AMOUNT TO BE REFUNDED
Anthony Adragna 11 Alps Road Hewitt, NJ 07421	\$111.00

Adopted: February 17, 2021

Agenda No. XIV

Approval of Expenditures

~ Resolution 2021 – 092 ~

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:

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Acct #	Account Name	Amount
1	Current Account	\$568,139.76
3	Reserve Account	82,287.09
2	Grants	820.60
6	Refunds	221,586.54
1	General Ledger	0.00
26	Refuse	67,437.49
4	Capital	405.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	19,084.32
19	Scala Trust	0.00
16	Development Escrow	3,639.88
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$963,400.68
Less Refund Resolution		-221,586.54
Actual Bills List		\$741,814.14
Other Payments		
Payroll		\$492,195.66
Christiana c/f CE1		24,848.44
BOE		4,817,963.00
Total Expenditures		\$6,076,821.24

Adopted: February 17, 2021

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

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Councilman Goodsir – No report.

Councilman Gross – Provided an update on the Township map. He said that he is still speaking with the State about parking areas.

Councilman Marsden – Mentioned that he attended the virtual meeting regarding the Tennessee Gas Pipeline project. He expressed that it was informative and they will get the facts.

Councilman Chazukow – No report.

Councilwoman Lichtenberg – Noted various events and the dates and times.

Administrator Senande – Mentioned next month they will introduce the budget at the public meeting.

Mr. Semrau – Said the only notification from FERC regarding the Tennessee Gas Pipeline was the intervention between Sustainable West Milford and the DEP. He noted that FERC was in favor of the intervention and there is no approval at this point in time.

Agenda No. XVI

Appointments and Resignations

Health Board Advisory
Citizen Member

Councilwoman Lichtenberg nominated Jaclyn Becker, seconded by Councilwoman Erik. Councilwoman Erik made a motion to close and confirm, seconded by Councilman Goodsir and carried by unanimous voice vote.

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Jaclyn Becker

Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

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Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:16 p.m.

Moved: Lichtenberg Seconded: Chazukow
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Approved: March 3, 2021

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK