
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: March 3, 2021
Time of Meeting: 6:30 pm
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The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale.

Adequate Notice Statement

Mayor Dale read the following statement:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8(b), which authorizes the use of communications equipment to hold public meetings and in consideration of Executive Order 107 issued by Governor Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Township of West Milford does hereby notify the public that to protect the health, safety and welfare of our citizens, while ensuring the continued functioning of government, a telephonic Workshop Meeting along with the public meeting in the Main Meeting Room of the West Milford Township Council will be held on March 3, 2021 at 6:30 p.m. Any member of the public who wishes to participate in the telephonic meeting, which will include a public comment portion, may do so by calling into the service number: 1 (978) 990-5000 Access Code: 424062# at the designated meeting time.

Instructions to access the meeting will be available on the Township of West Milford website at www.westmilford.org. Members of the public who are unable to utilize the access system due to a disability may submit written comments/questions by contacting the Clerk via email at clerksoffice@westmilford.org prior to the meeting, deadline to submit is March 3, 2021 at 2:30 p.m. Email Subject MUST READ – PUBLIC COMMENTS/QUESTIONS which MUST INCLUDE the individual's name and address, in order to be considered and will be read into the record during the public comment portion of the meeting.

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News in its issue of December 27, 2020 and January 11, 2021; a copy was provided to the Record and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right and rear of this room – for use in case of an emergency. Thank you.

Agenda No. I

Pledge of Allegiance

Mayor Dale led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir
Warren Gross, David Marsden, Mayor Michele Dale
Absent: None
Also Present: Township Administrator William Senande, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

February 17, 2021 Regular Meeting

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

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

March 24, 2021 Regular Meeting
April 7, 2021 Workshop Meeting
April 21, 2021 Regular Meeting/Volunteer Night

Mayor Dale read a biography about Ed Rodda; a long time employee of Town Hall who recently passed. She asked the Council for a moment of silence in his memory.

Mayor Dale recognized a resident at Bald Eagle Commons who turned 100 years old.

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Agenda No. V

Proclamations

None

Agenda No. VI

Presentations

2021 Municipal Budget – CFO, Ellen Mageean, expressed that she worked with Administrator Senande on the budget to help the departments reach their goals while keeping the same municipal levy as last year. She provided a budget summary for the past five years. Administrator Senande mentioned that they intend to introduce the budget at the next Council Meeting on March 24, 2021. Mrs. Mageean said in order to get down to the .968 % they could take \$150,000 from surplus. She explained that given the fund balance, she does not think \$150,000 will have an impact on their rating. The Council gave consensus to use the extra \$150,000.

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

1.	Discussion: March Regular Meeting: Reschedule from 3/17/21 to 3/24/21: The Council gave consensus.
2.	Discussion: Animal Protection League: Swan Signs at Brown's Point: Administrator Senande noted that the organization presented a sample of the sign to the Council. The Council gave consensus.
3.	Discussion: Governing Body Virtual Meeting Format: Councilwoman Erik noted that this was a request from a resident. Councilman Goodsir expressed that he is not in favor of using Zoom. Councilman Chazukow said he would be in favor of the Zoom because the technology is more effective. He said they can hardly hear the public speaking on the phone. Administrator Senande explained that with Zoom, everyone would have to be in front of a laptop. The Mayor and Council would be looking at laptops to see the people rather than looking into the camera. The reason they went with the conference call and live television is so the public can see the Council. He noted that WM77 TV does not tie into Zoom. Mayor Dale suggested opening the meeting room to the public and if they reach capacity people will either have to wait outside until someone leaves or call in on the conference line to join the meeting. They can advertise it properly and legally. The Council gave consensus to open the doors and allow a certain amount of people to attend the meetings. If they are overcapacity a resident would have to call in on the conference line.
4.	Discussion: Background Checks: Administrator Senande said they are amending the background check ordinance for recreation volunteers to allow the concussion test. The Council gave consensus.
5.	Discussion: Amendment to Outdoor Dining Ordinance: Administrator Senande said there were concerns at the last meeting regarding regulating restaurants and performances. He said Mr. Semrau amended the outdoor dining ordinance to allow performances at restaurants; concerts, movies and commercial performances. There will be one ordinance allowing larger commercial performances and the dining ordinance will also allow smaller venues to have music. The Council gave consensus.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 – 010 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND AMENDING CHAPTER 332 "STREETS AND SIDEWALKS" SECTION §332-3 (C)

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

WHEREAS, an omission of certain language to Chapter 332-3 paragraph (C) Right-of-way entry permit application requirements was inadvertently missed that should be deleted. The following amendment is hereby made:

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SECTION 1. Chapter 332 "Streets and Sidewalks" is amended to read as follows:

§332-3 Right-of-Way Entry Permit application requirements.

C. All applications for permits shall be accompanied with a public liability insurance policy or a certificate of insurance with statutory Workmen Compensation, contractor's liability of \$1,000,000 and Automobile Liability of \$1,000,000 liability policy to be issued by an insurance company authorized to do business in New Jersey, indemnifying and protecting the Township from all liability by reason of property damage or personal injuries or death which may result or may be claimed to result as a result of any accident occurring at the point of the opening. If work is to be performed by an independent contractor, other than by the applicant, then such certificate of insurance shall be required of the independent contractor.

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

Introduced: February 3, 2021
Adopted: March 3, 2021
Effective Date: March 23, 2021

This Ordinance was introduced on February 3, 2021 and the Notice of Public Hearing was published in the Herald News on February 9, 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 Erik made a motion, seconded by Councilman Gross and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-010

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

Agenda No. IX 2

~ Ordinance 2021 – 011 ~

TOWNSHIP OF WEST MILFORD CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$267,264.81 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$935,426.86, and that the CY 2021 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: February 3, 2021
Adopted: March 3, 2021
Effective Date: March 23, 2021

This Ordinance was introduced on February 3, 2021 and the Notice of Public Hearing was published in the Herald News on February 9, 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 Erik made a motion, seconded by Councilman Marsden and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-011

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

Agenda No. IX 3

~ Ordinance 2021 – 012 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 460 “SOIL REMOVAL AND SOIL FILL” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township Code currently contains requirements and restrictions regarding removal of soil and use of fill soil; and

WHEREAS, a review of the Township Code demonstrates that there are currently several issues that are not addressed by the provisions of the Code; and

WHEREAS, the Township Council has determined that it is necessary to amend the Code to address all aspects of the process of removing soil and importing fill soil; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapter 460 “Soil Removal and Soil Fill” shall be amended to read as follows:

SECTION 1. Chapter 460 Soil Removal and Soil Fill

§ 460-1 Purpose and findings.

The Township Council finds that the unregulated and uncontrolled excavation, removal, placement and movement of soil and other mineral deposits can result in conditions detrimental to the public safety, health and general welfare. Such conditions substantially hamper and deter the efforts of the Township to effectuate the general purposes of municipal planning. Soil removal, movement operations, and filling operations should relate to the overall physical development of the area within which the operation is located. It is essential that all soil removal, movement operations and filling operations be reviewed and approved by the Township Planning Board. All soil removal, movement operations, and filling operations must be conceived and operated in such a way that there will be no appreciable harmful effects to the environment. In order to best ensure that all soil removal, movement operations, and filling operations are an asset to the Township of West Milford, rather than a liability, all such operations shall adhere to the conditions, restrictions and provisions outlined in this chapter.

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§ 460-2 Definitions.

The words defined in this section shall mean and include the following when used in this Section:

APPROVED PLAN – A plan for the placement of soil fill approved by the Township Engineer (minor permit) or by the Township Planning Board (major permit) pursuant to the provisions of this Chapter.

FARM – Qualified commercial farms.

MAJOR SOIL FILL PERMIT – A permit for the fill of more than 500 cubic yards of soil.

MINOR SOIL FILL PERMIT – A permit for the fill of more than 100 cubic yards of soil but less than 500 cubic yards of soil. The volume of fill shall be cumulative for the property in the case of multiple permits in any 12 month period.

PERMIT – A soil fill permit.

PERSON – Includes an individual, a partnership, a corporation or any other legal entity.

PLANNING BOARD – The Planning Board of the Township of West Milford.

SOIL – Includes dirt, stone, gravel, sand, humus, clay, loam and mixtures of any of these, but this shall not include quarry process or rock products utilized in the construction of roads, driveways or similar types of construction.

TOPSOIL – The arable soil within eight (8) inches of the surface.

TOWNSHIP – The Township of West Milford.

§ 460-3 Permit required.

No person shall excavate, scrape, dig, quarry, fill or otherwise disturb the soil on any premises in the Township of West Milford for use on the premises from which it shall be taken or placed; nor shall any person remove or cause the removal of any soil from any premises in the Township of West Milford for use on other premises or fill or cause the placement of any soil on any premises in the Township of West Milford whether such removal or fill be for sale, gift or otherwise, unless a permit therefor is first secured from the Township Engineer or the Township Planning Board as hereinafter provided. A permit shall not be required for the removal, fill or moving of less than 100 cubic yards of soil.

§ 460-4 Exceptions and exemptions.

- A. The provisions of this chapter shall not apply to excavations for building foundations, septic tanks or sanitary installations, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Department of Health as required by law.
- B. Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the Soil Conservation Program of the Hudson, Essex and Passaic Soil Conservation District of the United States, Department of Agriculture Soil Conservation Service and for which lands an approved farm plan has been established by said agency, provided that all soil moving and removal operations and fill operations in and upon such lands are performed in accordance with said approved farm plan and provided further that a copy of said approved farm plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- C. A separate soil permit under this chapter shall not be required for subdivisions and/or site plans approved pursuant to Chapter **470**, Subdivision of Land and Site Plan Review, of the Land Development Ordinance:
 - (1) By the Planning Board;
 - (2) By the Board of Adjustment;
 - (3) By the Township Engineer; or
 - (4) Administrative review and approval.
- D. Nothing in this chapter shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- E. The provisions of this chapter shall not apply to the storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards

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provided that the outdoor storage of materials on said property has previously been established and does not require site plan approval pursuant to this chapter.

- F. This chapter does not regulate the movement and placement of soil fill directly related to agricultural uses on farm properties within the Township and does not supersede any rights granted under the Right to Farm Act.

§ 460-5 Application for permit.

- A. Application for a minor soil removal or soil fill permit shall be filed with the Township Engineer, who shall issue the permit based upon substantial compliance with the provisions of §§ **460-10** and **460-13** of this chapter; provided, however, that the Township Engineer shall have the authority to deny a permit if he determines that the removal or fill would be detrimental to the health, welfare or safety of the general public. The denial shall be in writing setting forth reasons for same.
- B. Application for a major soil removal or soil fill permit shall be filed with the Township Planning Board and shall be accompanied by a fee prescribed in § **460-8**. Five copies of the application shall be submitted on forms prescribed by the Township Planning Board and supplied by the Secretary to the Board. The application shall set forth the following:
- (1) Name and address of the applicant.
 - (2) Name and address of the owner, if other than the applicant.
 - (3) The description and location of the land in question, including the tax map block and lot numbers.
 - (4) The purpose or reason for moving, filling, or removal of the soil.
 - (5) The nature and quantity, in cubic yards, of soil to be removed or filled.
 - (6) The place to which the soil is to be removed or placed.
 - (7) The proposed date of completion of the soil removal or fill.
 - (8) The name and address of the person having direct charge or supervision over the soil removal, filling operation movement operation.
 - (9) Supporting documentation as required to adequately address and comply with the purpose and the provisions of this chapter.
 - (10) An approved soil conservation permit.
 - (11) Environmental and community impact statement in conformance with § **470-17**, Environmental and community impact statement, of the Land Development Ordinance.

§ 460-6 Referral.

Upon receipt of an application for a major soil removal or soil fill permit, the Planning Board Secretary shall forthwith send a copy of same to the Planning Director, Construction Official, Township Engineer, Township Health Officer and Environmental Commission who shall review the application, and they shall submit their reports and recommendations, and their reasons, to the Township Planning Board within 30 days of receipt of the application. Failure to file such a report within the required time period shall be deemed an approval of the application by such department, officials and commissions.

§ 460-7 Action by Planning Board; notice of hearing on major soil removal or fill applications.

- A. The Township Planning Board shall grant or deny the application within 45 days after receipt of the reports and recommendations of the Planning Director, Construction Official, Township Engineer, Township Health Officer, and Environmental Commission. On an application for a major soil removal or soil fill permit, the Planning Board shall schedule a public hearing and shall notify the applicant of the date of such hearing. The applicant shall notify in writing all property owners within 200 feet of the extreme limits of the property, as their names appear on the Township tax records, at least 10 days prior to the date of the hearing in the application. The notice shall be given in person or by registered mail and shall state the reason for the hearing; the time and place of the hearing as fixed by the Township Planning Board; a brief description of the property; and that a copy of the application and map has been filed with the Township Clerk for public inspection. The applicant shall also cause notice of the hearing to be published in the official newspaper of the Township, at least 10 days prior to the date of the hearing.
- B. At the hearing, the applicant shall present to the Township Planning Board the following:
- (1) Certification, in the form of an affidavit, signed and sworn by the applicant, affirming that he has notified all property owners, as required in Subsection **A** of this section.
 - (2) Proof of publication of the newspaper notice required in Subsection **A** of this section.

§ 460-8 Permit fees; inspections.

- A. The fees for a minor or major soil removal or soil fill permit are set forth in Chapter **414**, Fees, Land Development.
- B. Inspections. On an annual basis, the Township Engineer may require the submission of a

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topographic map and quantity estimates prepared by a professional engineer or land surveyor, or any other method approved by the Township Engineer, on behalf of the application and at the applicant's expense, in order to determine the quantity of soil removed, filled or moved for a major soil removal or soil permit. Should the original quantity estimates be exceeded at any time, the fee shall be increased accordingly and the matter will be reviewed by the Township Planning Board.

§ 460-9 Supporting documentation for major soil removal or fill permits.

- A. In addition to the application forms submitted to the Township Planning Board, the applicant shall submit reports and maps as required which will address the following points:
- (1) Procedures and measures that will be taken by the applicant to ensure that noise and dust problems will be held to a minimum.
 - (2) Procedures and measures that will be taken by the applicant to assure lateral support of remaining soil and the prevention of erosion, floods and siltation of watercourses during the active life of the operation and after the soil removal operation ceases.
 - (3) Procedures and measures that will be taken by the applicant that will protect adjoining and downstream properties from the affects of the soil removal or fill operation.
 - (4) The routes over which the material will be transported, the method of traffic control and the ability of the road network to handle the amount and type of traffic generated by the soil removal or fill operation.
 - (5) Procedures and measures that will be taken by the applicant to ensure that the land in question can be used as intended by the Land Development Ordinance of the Township.
 - (6) The type, capacity and description of each piece of equipment to be used during the soil removal, fill, and movement operation.
- B. The application for a major soil removal or soil fill permit shall be accompanied by a topographical map of the lands on question. Said map shall be prepared and certified by a professional engineer or land surveyor. Same shall be prepared at a scale of not smaller than 50 feet to the inch and shall show the following:
- (1) The present grades on a one-hundred-foot grid layout, using two-foot contour intervals.
 - (2) The proposed finished grades using ten-foot contour intervals.
 - (3) The quantity, in cubic yards, of soil to be moved.
 - (4) The grades of all streets and lots within 100 feet of the property in question.
 - (5) Proposed sloped and lateral supports.
 - (6) Present and proposed surface water drainage.
 - (7) A plan for the restoration of the site when soil removal or fill operations cease.
 - (8) Key map.
 - (9) All existing structures, all existing roads and drainage within 200 feet of the property.
 - (10) Location of all property lines.
 - (11) Location of any wetlands, streams, or other environmentally sensitive areas on the property.
 - (12) Location of any topsoil storage areas.

§ 460-10 Standards governing the issuance of permits.

In considering and reviewing applications for soil removal or fill permits, the Township Planning Board and Township Engineer shall be guided by the general purpose of municipal planning and shall take into consideration the following factors:

- A. Soil erosion by water, sand and wind.
- B. Surface water drainage (no sharp declivities to be formed) and water pollution.
- C. Soil fertility.
- D. Public health and safety.
- E. Lateral support slopes and grades of abutting streets and land.
- F. Land values and uses.
- G. Contours, both existing and proposed.
- H. Existing contours and topographic character of the land prior to the placement of any soil and proposed contours which will result subsequent to the placement of soil in accordance with the soil fill application.
- I. Whether the proposed placement of soil is necessary and incidental to the development of the property for its intended use or whether the proposed placement of fill constitutes primarily a commercial activity.
- J. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.

§ 460-11 Bond requirements.

Prior to the issuance of a major soil removal or soil fill permit, the applicant shall have posted with

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the Township a performance bond conditioned upon full compliance with all the terms and conditions of approval, including the provisions of this chapter. The amount of such bond shall be fixed by the Township Planning Board and shall be submitted in the form required by Chapter **470**, Article **IX**, Off-Tract Improvements, Guarantees and Inspections, of the Land Development Ordinance. The performance bond shall not be canceled or released until all conditions set forth in the permit have been met. The bond is to assure compliance with this chapter, restoration work, minor road repair and street cleanup. Neither the bond nor permit shall be transferable to another party without the prior approval of the Township Planning Board.

§ 460-12 Soil removal, fill and movement restrictions.

- A. The soil removal, fill operations, and movement operations shall be so conducted that there shall be no sharp declivities pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris and graded to conform to the finished contour lines and grades as required and shown on the approved plan.
- B. The developer or excavator shall not remove or move from the premises or take away the top layer of arable soil for a depth of four inches, but such top layer of soil shall be set aside on the premises and shall be respread over the premises when the rest of the soil has been removed in conformity with the contour lines approved by the Township Planning Board.
- C. The grading of slopes shall not exceed 45 degrees. Benching, as may be required by the Township Engineer, shall be provided for by the applicant. Grading of slopes in quarry operations shall not exceed the allowable grades permitted by the most current revised standards for soil erosion and sediment control in New Jersey.
- D. Hours of operation shall be restricted completely on Sundays. On weekdays, work shall commence no sooner than 7:00 a.m. and shall end no later than 7:00 p.m. except that on Saturday, work shall commence no sooner than 8:00 a.m. and shall end not later than 7:00 p.m.
- E. A one-hundred-foot buffer shall be retained from each property line wherein the soil operation is adjacent to developed residential uses. A fifty-foot buffer shall be retained from each property line in all other areas. When compliance with buffer requirements is impracticable because of the physical configuration of the property of preexisting uses, the distance requirements may be waived upon the recommendation of the Township Engineer if:
 - (1) Natural screening is to be preserved by the applicant.
 - (2) Additional screening of fencing as may be required by the Township Engineer shall be provided by the applicant.
- F. Dust is to be controlled by water or calcium chloride or as may be directed by the Township Engineer.
- G. Noise shall be controlled as per Chapter **226**, Noise, of the Township Code.
- H. Sedimentation ponds shall be installed and maintained as may be required by the Township Engineer.
- I. Restoration will include replacing topsoil, seeding, fertilizing, mulch and crown vetch on slopes as may be directed by the Township Engineer.
 - (1) The applicant shall file an as-built plan and restoration plan with the Township Engineer upon completion of soil removal, fill, and movement operations.
 - (2) The pit shall be left in a condition without holes and completely stabilized.
- J. Soil removal, fill operations and movement operations shall be allowed only in zoning districts where such an operation is a permitted use or on a site that has been the subject of a use variance approval.
- K. All new site plans and all new soil removal, fill operations or movement operations must show and install soil erosion controls, including:
 - (1) Stone blanket for wheel cleaning to be 30 feet in length and consist of 2 1/2 inches stone and be 12 inches in depth.
 - (2) Stockpile and land disturbance controls shall be installed and shown on all new site plans and consist of fabric fence or hay bales staked in place.
 - (3) For new site plans, soil erosion controls shall be in place prior to commencement of any soil removal, fill, or movement operations.
 - (4) With respect to open bed inspections, stone beds must be in place prior to any excavation of the site.
 - (5) All disturbed lands must be stabilized prior to a certificate of occupancy for new site plans or 30 days, whichever occurs first, unless an extension is approved in writing by the Township Engineer.

§ 460-13 Enforcing officer; duty to make inspections.

The Township Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of this chapter. He shall, from time to time, upon his own initiative, and whenever directed by the Township Administrator, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of this chapter. The Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the

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operation without advance notice.

§ 460-14 Enforcement

- A. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter and to issue summonses to any person importing soil without a permit.
- B. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter with respect to persons importing soil with a permit. The Township Engineer, or other designated official, shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and this chapter. The Township Engineer, or other designated official, shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.
- C. After notice and an opportunity to be heard before the Township Engineer, or other designated official, the permit of any person may be revoked or suspended for such period as may be determined for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a minimum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.
- D. In addition to the penalties set forth above, the Township shall have the right, but not the obligation, to pursue injunctive relief in the Superior Court of New Jersey, Passaic County, including but not limited to requiring the removal of any soil imported without a permit, testing to ensure no presence of contaminated soil, and site restoration.

§ 460-15 Use of streets for soil transportation.

In the removal of soil or fill operation, only such streets of the Township shall be used for transportation as may be designated for that purpose by the Township Planning Board upon the recommendation of the Township Engineer. The applicant shall cause such streets to be kept free from dirt and debris resulting from such soil removal or fill operation.

§ 460-16 Conformance with Land Development Ordinance; conflicts.

Nothing contained herein shall be deemed to modify or repeal any of the provisions of the Land Development Ordinance of the Township of West Milford. In the event of any inconsistency between the provisions of this chapter and the provisions of Chapter **500**, Zoning, of the Land Development Ordinance, such inconsistency shall be resolved in favor of the enforcement of Chapter **500**, Zoning.

§ 460-17 Violations and penalties.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine of not less than \$100, and not exceeding the maximum penalty as provided in Chapter **1**, Article **III**, General Penalty, as may be amended from time to time, in the discretion of the Judge before whom such conviction shall be had. Each and every violation and nonconformance of this chapter, or each day that any provision of this chapter shall have been violated, shall be construed as a separate and distinct violation thereof.
- B. In addition to the penalty set forth herein, the Township may institute an action to enjoin or take any other appropriate action or proceeding in order to enforce the provisions of this chapter.

§ 460-18 Other permits.

Nothing contained in this chapter shall be construed to affect the owner's application for a soil conservation service permit or a water policy permit (if necessary) or to affect any other state or federal regulations or permits as required.

§ 460-19 Preexisting soil removal and movement operations.

- A. Soil removal, fill and movement operations are of such public concern that its control is deemed necessary for the protection of the environment, public health, welfare and safety. The Township Council deems it necessary that all existing soil removal, fill and movement operations within the Township of West Milford must comply with the provisions of this chapter.
- B. Requirements of § **460-8A** for supporting documentation of applications for a soil removal or

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fill permit should be waived by the Township Planning Board for the review of existing soil removal, fill and movement operations.

- C. The Township Planning Board, in the interest of the protection of the health, safety or welfare of the public, may require that existing soil removal, fill and movement operations comply with all of the provisions of this chapter.

§ 460-20 Method of operation

If a permit is issued for the placement of soil as provided herein, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grades as required and shown on the approved plan.

§ 460-21 Regulation of operation

No soil shall be placed nor shall any operation be conducted so as to violate any of the regulations contained in this chapter after a permit is granted.

§ 460-22 Deposit of soil on adjoining property or public roads

Soil fill shall not be deposited or in any way thrown or placed upon adjoining property or public roads. Any soil or material resulting from any such operation accumulating on any adjoining property or public road shall be removed there from immediately upon notice to the permittee of such accumulation.

§ 460-23 Compliance with other standards and terms of permit

All operations shall be conducted in strict accordance with any state law, other ordinances of the Township, and the terms and conditions of any permit granted for such operations. Prior to the issuance of any permit, the applicant shall provide a copy of an approval or exemption by the Hudson-Essex-Passaic Soil Conservation District for any project that disturbs more than 5,000 square feet.

§ 460-24 Nuisances and unsafe conditions

The operation shall be so conducted as to not constitute a nuisance, and in no event shall said operation create any hazardous or unsafe condition with regard to any person or persons. Natural screening is to be preserved by the applicant.

§ 460-25 Restoration of area

- A. Upon completion of any operation delineated on the approved plan, said area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the Township Engineer. A final map for all major soil fill permits shall be submitted containing and complying with all requirements of this chapter.
- B. No trash, junk or debris may be stored in any area, and no safety hazards will be permitted, either during or after completion of operations.

§ 460-26 Storage limitations

The material stored shall not exceed a height of 20 feet, and the maximum storage slope shall be 45°.

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.

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Adopted: March 3, 2021
Effective Date: March 23, 2021

This Ordinance was introduced on February 3, 2021 and the Notice of Public Hearing was published in the Herald News on February 9, 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 Erik made a motion, seconded by Councilman Gross and carried by unanimous voice vote to close the public comment period.

Discussion:

Administrator Senande said that Mr. Semrau has some changes before adoption. Mr. Semrau said the Engineering Department and the Township Engineer made additional revisions. They want to make sure the appropriate regulations are in place regarding soil removal. Mr. Semrau read and explained the revisions. Councilman Gross said the ordinance should state that the origin and quality of the soil has to be identified. Mr. Semrau said Section 460 is the section of the code that talks about fill. He recommended revisiting the section for the particular verbiage. Mr. Semrau suggested the Council move forward with this ordinance and address the quality of soil under other ordinances. The Council gave consensus.

Motion to adopt Ordinance 2021-012 as amended.

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

Agenda No. IX 4

~ Ordinance 2021 – 013 ~

~ DEFEATED ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 “ZONING” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD TO ADD A NEW SECTION 500-17A ENTITLED “BULK STANDARDS FOR RESIDENTIAL DEVELOPMENT ON EXISTING LOTS OF LESS THAN ONE ACRE”

This Ordinance was introduced on February 3, 2021 and the Notice of Public Hearing was published in the Herald News on February 9, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Robert Nolan, 1 Winding Way – Read a comment submitted from Chris Garcia, 200 Lake Shore Drive in Hewitt. Mr. Garcia expressed his concerns on the ordinance and explained why the ordinance deserves a more detailed study. He urged the Governing Body to table the ordinance as proposed and engage in a reasoned and deliberate consideration of the implications that are being proposed.

There being no comments from the public, Councilwoman Erik made a motion, seconded by Councilman Goodsir and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-013

Moved: Chazukow Seconded: Marsden
Voted Aye: Chazukow
Voted Nay: Erik, Lichtenberg, Goodsir, Gross, Marsden
Motion defeated:

Agenda No. X

Public Comments

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

Robert Nolan, 1 Winding Way – Expressed that the phone conference to conduct Township meetings is difficult. He asked if he was being charge to use the conference call. He expressed that there should be pressure put on the Governor to stop the Tennessee Gas Pipeline project (TGP).

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Gail Stoughton, 49C Beacon Hill Road, West Milford – Said she is against the TGP compressor. TGP has a terrible reputation. They had a number of significant accidents and catastrophes. She expressed that they can come up with much better things to benefit the health and wellbeing of the community.

Matteus Thorsen, 19 Bobby Lane – Noted that he just purchased his home a few weeks ago. He is concerned about the TGP. He feels it will not be beneficial to the residents. He asked if there is anything they can do as a Township to stop this.

Gary Paolazzi, 1519 Greenwood Lake Turnpike – Mentioned that him and other people live near the location of the TGP proposed compressor station.

Melissa Brown Blaeuer, 67 Ramapo Road, Hewitt – Said she lives one mile away from the location of the proposed TGP compressor station and she is concerned about the value of her property. She expressed that the Governor does have the power to stop the project.

Laura Ashtyani, 32 Hopley Place, Newfoundland – Expressed that the Mayor and Council need to address the financial assurance in regards to the TGP project to protect the residents. She noted that this is not a government project it is a private gas company. She said the Council meetings should be held via Zoom.

Renee Alessio, 39 Hillcrest Drive – Spoke about her concerns regarding the TGP. She said the Governor can stop this, he is up for re-election and they need to put pressure on him and the legislators. She read a letter about fossil fuel.

Jeff Rappaport, Passaic County Resident, Wayne – Urged the Council to adopt the resolution opposing the TGP compressor station.

Luke Slott, 10 Ponderosa Place, Hewitt – Asked the Council to pass the resolution opposing the TGP compressor station.

Mayor Dale read public comments submitted to the Township via email.

Thomas Lamb, 90 Larsen Road, West Milford – Member of Local 472. Thinks it is a good idea and makes sense to take an old industrial site in town and build the proposed compressor station. The project will have the latest technology and with little emissions and/or impact on the environment. This site is not paying much in taxes and if the project is approved it can generate new taxes for West Milford every year. I support the TGP project.

Jason Knipp, 61 Cherry Ridge Road, Hewitt – Member of Laborers Local 472 and has many years of experience working in the energy sector. I support the TGP compressor station. Many members of his union will be working on the project and will insure that it is constructed safely. It will help the supply of energy in our region and not hurt our environment.

Daniel Ortega, 65 Springfield Ave, Springfield, NJ – Works for Engineers Labor-Employer Cooperative (ELEC 825). Spoke about why he supports the TGP proposed project. He urged the Council not to support the resolution and help move the project forward.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting.

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

Agenda No. XI

Council Comments

Mr. Semrau – Noted there is no charge from Free Conference Call.

Councilman Gross – Encouraged the public to get copies of the TGP proposed project. It might give solace to some of the people that are opposed of it.

Mayor Dale – Noted that TGP is not installing new pipeline. It is on the existing line.

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Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Ordinance 2021 – 016 ~

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 is authorized to charge the following fees:

- J. PRIDE: Fee for 2021: \$40.00/Day Fee for 2022: \$65.00/Day Fee for 2023: \$95.00/Day
- N. Use of West Milford Recreation Center.
- (1) \$25.00 per hour, per gym rental fees to local nonprofit organizations upon the issuance of permits and proof of proper insurance has been provided. Local nonprofit organizations are defined as registered organizations under §501c3 of the Federal Tax Code, with an established business address in West Milford Township.
- (2) \$100.00 per hour, per gym rental fees to nonlocal not-for-profit organizations based outside the Township of West Milford. Nonprofit organizations are defined as registered organizations under §501c3 of the Federal Tax Code.
- (3) \$100.00 per hour, per gym rental fees to local for-profit organizations upon the issuance of permits and proof of proper insurance has been provided.
- (4) Concession stand rental fee: \$75.00 for 3 hours and \$25.00 for each additional hour.
- (5) Exemptions:
- (a) Fees will not be assessed to local nonprofit organizations defined in Subsection N (1) if requested use occurs during regular operating hours of the West Milford Recreation Center, as established by the Township of West Milford, Department of Community Services.
- (b) Fees will not be assessed to the West Milford Police Athletic League so long as the agreement between the Township of West Milford and West Milford PAL, dated June 3, 2015, remains in full effect.

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

Introduced: March 3, 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 24, 2021. Notice of this public hearing shall be published in the Herald News on or about March 9, 2021.

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

Agenda No. XII 2

~ Ordinance 2021 – 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 84 “BICYCLES, SKATEBOARDS AND SCOOTERS” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD ARTICLE II, MT. LAUREL SKATE PARK

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

SECTION 1. Chapter 84 “Bicycles, Skateboards and Scooters” Article II Mt. Laurel Skate Park of the aforesaid Revised General Ordinances is hereby amended to read as follows:

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Article II Mt. Laurel Skate Park

§84-7 Skate Park registration required; fees.

- A. Limits of use; Skating in the Mt. Laurel Skate Park is limited to the operation of skateboards and in-line skates.

§84-8 Skate Park rules and regulations.

- A. The skate park is a skate-at-your-own-risk facility, designed for skateboarding only. Bicycles, scooters and any type of motorized vehicles are not permitted at any time.
- B. Skate park hours are daily 10:00 a.m. to dusk. The park will be open year round (weather permitting).
- C. The park may be closed without notice or due to inclement weather. Do not skate when the equipment and/or surfaces are wet, snowy or icy.
- D. Safety equipment must be worn at all times: shirt, shoes, helmet, elbow pads and kneepads. All safety equipment must be securely fastened and worn per manufacturer's specifications.
- E. Participants must provide their own equipment.
- F. There shall be no modifications to the individual skate park ramps and attractions. No outside objects except equipment are allowed within the confines of the park, including bags, knapsacks, backpacks, etc.
- G. Food, glass, beverages, gum, pets and smoking are strictly prohibited.
- H. Spectators are welcome outside the confines of the perimeter fence.
- I. Boom boxes, radios and personal music devices (iPod, MP3 players, headphones and earphones) are prohibited.
- J. No organized events or contests of any kind are allowed in the skate park.
- K. All persons using the skate park must abide by all other park rules and regulations.
- L. Use of this park is a privilege, not a right. The Township expects that all users, guests and spectators will be respectful of others and those in the surrounding area. Profanity, obscene gestures, rowdiness, fighting or intentional damage to the facility will not be tolerated. If an individual skater and/or group of skaters is identified as having not adhered to these rules, it will result in loss of privileges to the facility.
- M. Skating is limited to within the fenced skate park area only. There shall be no skating in the parking lots, street, and basketball courts.
- N. All skate park participants must be at least five years old to use the park. Children under age 10 must be accompanied by an adult.
- O. Smoking, drugs, alcohol, profanity, vandalism, reckless and/or disruptive behavior in the skate park are prohibited.
- P. Report emergencies or injuries immediately to the West Milford Police Department, (973) 728-2800 or 911.

§ 84-9 Additional rules and regulations.

The Township Council of the Township of West Milford shall have the power to establish, by resolution, additional rules and regulations for the use and control of the skate park. Any such rules and regulations shall be posted at the skate park and shall have the same force and effect as any other provision of this article, and the violation thereof shall constitute violation of this article.

§ 84-10 Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article, or any of the rules and regulations established pursuant hereto, shall be immediately ejected from the skate park and be subjected to a verbal warning for the first offense within the calendar year, a fine of \$25 for the second offense committed within the same calendar year, a fine of \$100 for the third offense committed within the same calendar year and a permanent forfeiture of the privilege to use the skate park for a fourth offense committed within the same calendar year. In the event the individual who has violated the terms of this article shall be a minor at the time of such violation(s), the individual's legal guardian shall be the individual who shall be responsible to respond to such violation(s) at the Township Municipal Court. In addition to or in lieu of the aforementioned fines, the Municipal Court may impose a period of community service.

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 by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

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

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Introduced: March 3, 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 24, 2021. Notice of this public hearing shall be published in the Herald News on or about March 9, 2021.

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

Mayor Dale asked to move resolutions 2021-093 through 2021-102 including resolution 2021-104. Councilman Marsden asked to vote on resolutions 2021-093 through 2021-098 only. The Council gave consensus. Mayor Dale asked to move resolutions 2021-093 through 2021-098. Councilman Marsden requested that resolution 2021-098 be sent to Assemblyman Webber.

Agenda No. XII 3

~ Resolution 2021 – 093 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF A VEHICLE FROM THE EAST HANOVER FIRE COMPANY

WHEREAS, the East Hanover Fire Department is in possession and no longer is in need of a 1991 Ford R82 Rescue Truck vehicle, VIN number 1FDXR82A9MVAC5307; and

WHEREAS, the Township of West Milford Fire Commissioner has reported all needed repairs and expenses to accept this vehicle to the Township of West Milford; and

WHEREAS, The Township’s Supervising Mechanic and the Director of Public Works have recommended that the Township accept this donation and assume title to same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they hereby accept the donation of the used vehicle ending with Vin number 5307 from the East Hanover Fire Department; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the Township Administrator to process all requisite motor vehicle paperwork to transfer title of a 1991 Ford R82 Rescue Truck with VIN Number ending in 5307 and an odometer reading of 5653 miles from the East Hanover Fire Department to the Township of West Milford; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the West Milford Fire Commissioner’s Office, Township Administrator and the Fire Department.

Adopted: March 3, 2021

Agenda No. XII 4

~ Resolution 2021 – 094 ~

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 2021 BUDGET PER N.J.S.A. 40A:4-20

WHEREAS, Local Budget 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 Police Department wishes to purchase bullet proof vests with grant money awarded.

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.

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Appropriation	Acct Number	Amount
Body Armor Grant – 2019	02-213-41-706-251	\$4,685.94
Body Armor Grant – 2020	02-213-41-706-252	\$2,955.31
Receivable		
Body Armor Grant – 2019	02-117-03-706-249	\$4,685.94
Body Armor Grant – 2020	02-117-03-706-250	\$2,955.31
	Total	\$7,641.25

Adopted: March 3, 2021

Agenda No. XII 5

~ Resolution 2021 – 095

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REGARDING MUNICIPAL COUNCIL FAIR HOUSING

WHEREAS, the Township of West Milford supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Township of West Milford to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Township of West Milford further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of the Township of West Milford do hereby approve the following resolution.

BE IT RESOLVED, that within available resources, the Township of West Milford will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Township of West Milford shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Adopted: March 3, 2021

Agenda No. XII 6

~ Resolution 2021 – 096 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR A BARRIER-FREE ACCESS RAMP WITH A.D.A. IMPROVEMENTS TO THE TOWNSHIP BUILDING #2 (ANNEX)

WHEREAS, the County of Passaic anticipates having \$700,000 available to twelve eligible municipalities of the County and to eligible non-profit agencies under the 2021 CDBG program; and

WHEREAS, the CDBG program funding is provided by the US Department of Housing and Urban Development and project selection is determined by the national objective to assist low and moderate income individuals; and

WHEREAS, barrier free access retrofits, in accordance with the Americans with Disabilities Act (A.D.A.), are a qualified exception to the low-mod requirement; and

WHEREAS, the Township Building #2 (Annex) is anticipated to be utilized as an office for multiple Township agencies for public interaction; and

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WHEREAS, the entrance is not compliant with A.D.A. Guidelines and Design Standards; and

WHEREAS, the Township anticipates retrofitting the Annex for municipal and public use and an A.D.A. compliant entrance is a desirable project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Council of the Township of West Milford hereby authorize the submission of an application entitled 2021 Community Development Block Grant for \$60,000 for A.D.A. improvements to a Township Building #2 (Annex) entrance.

Adopted: March 3, 2021

Agenda No. XII 7

~ Resolution 2021 – 097 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2021 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 2021 Distracted Driving Crackdown, U Drive, U Text, U Pay from April 1 – 21, 2021 to reduce the number of motor vehicle fatalities in the state.

Adopted: March 3, 2021

Agenda No. XII 8

~ Resolution 2021 – 098 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING NEW JERSEY STATE ASSEMBLY BILL A4843 AS WRITTEN

WHEREAS, the New Jersey State Assembly has introduced Bill A4843, which would require local governments to write Forest Stewardship Plans for all forests in their ownership that had been acquired for conservation or recreation; and

WHEREAS, the Forest Stewardship Plans would need to be researched, developed and submitted by a trained Forester and the Township at the Township's cost; and

WHEREAS, the Township of West Milford is already under financial pressure due to the Highlands Act; and

WHEREAS, Assembly Bill A4843 amounts to an unfunded mandate; and

WHEREAS, the financial pressure caused by this unfunded mandate would force the Township to engage heavily in the logging industry and exposing our forest ecosystems to invasive plant and insect species and risking degradation of our soil and water quality; and

WHEREAS, logging would compromise the recreational experiences in our forests, which we rely on for ecotourism; and

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WHEREAS, tourists of West Milford can easily opt to visit neighboring parks across the NY State line, where aggressive logging is not practiced.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby opposes this bill, as it is written, and further opposes the imposition of any unfunded mandate, especially one such as A4843, which would adversely affect the fiscal and environmental health of the Township of West Milford.

Adopted: March 3, 2021

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

The Council requested to vote on resolution 2021-099 separately. Councilwoman Erik made a motion to table resolution 2021-099, seconded by Councilman Chazukow.

Agenda No. XII 9

~ Resolution 2021 – 099 ~

~ TABLED~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING THE CONSTRUCTION OF COMPRESSION TURBINES ON THE TENNESSEE GAS PIPELINE RUNNING THROUGH NORTHERN NEW JERSEY

Moved: Erik Seconded: Chazukow
Voted Aye: Erik, Chazukow, Lichtenberg, Gross, Marsden
Voted Nay: Goodsir
Motion carried:

Mayor Dale asked to move resolutions 2021-100 through 2021-102 including resolution 2021-104.

Agenda No. XII 10

~ Resolution 2021 – 100 ~

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 \$15,000.00

WHEREAS, the Township is in need of professional pyrotechnics handler services for the 2021 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 \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services and shall come from 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

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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 \$15,000.00.
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 \$15,000.00 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: March 3, 2021

Agenda No. XII 11

~ Resolution 2021 – 101 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE AND INSTALLATION OF AUTOMATIC DOORS FROM AMERICAN MOBILE GLASS IN ACCORDANCE WITH THE STATES (DCA) EMERGENCY PURCHASING PROCEDURES RESULTING FROM THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY VIA EXECUTIVE ORDER IN RESPONSE TO THE CORONAVIRUS OUTBREAK

WHEREAS, on March 9, 2020 the Governor of the State of New Jersey declared that a public health emergency and a state of emergency exists due to the Corona virus (Covid-19); and

WHEREAS, by virtue of Executive Order #103 the Governor authorized the Emergency Management Coordinator to procure any goods or services needed to protect the health and safety of employees and the public and to prevent the spread of the virus; and

WHEREAS, the Emergency Management Coordinator is requesting the purchase and installation of automatic doors at the Municipal building from American Mobile Glass to protect the health and safety of Township employees and the public and allow for the continuation of Municipal operations. This is in direct response to the Governor's declaration of a state of emergency in response to the corona virus outbreak; and

WHEREAS, the Township Council has received a recommendation from the Emergency Management Coordinator indicating the need to replace the existing doors in the police station with automatic doors to allow for hands free entry to prevent the spread of the virus; and

WHEREAS, the Emergency Management Coordinator will make every effort to obtain multiple quotes or to utilize State or Co-Op contracts for all purchases when practicable; and

WHEREAS, the above purchase is being made in compliance with the directive of the Department of Community Affairs (DCA) for emergency procurement of goods or services where an emergency affecting the public health or safety requires such emergency purchases; and

WHEREAS, this purchase shall be made pursuant to N.J.S.A. 40A:11-6 (local public contracts law) and N.J.S.A 19:44A-20.12 emergency exemption to Pay-to-Play regulations in response to the coronavirus outbreak. Funding for the goods or services are certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor in an amount not to exceed \$15,000.00

Adopted: March 3, 2021

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~ Resolution 2021 – 102 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF AN ADDITIONAL 3500 TONS OF ROCK SALT FROM ATLANTIC SALT, INC.

WHEREAS, the Township of West Milford by virtue of Resolution 2020-287 awarded a contract to Atlantic Salt, Inc. for the purchase of rock salt; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional 3500 tons of rock salt (if needed) to allow for continued deicing of roadways for the 2021 winter season; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 01-201-26-294-363 (\$177,000.00).

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

1. The Township Council hereby authorizes an expenditure of funds for the purchase of an additional 3500 tons of rock salt (if needed) from Atlantic Salt, Inc. in an amount not to exceed \$177,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This Resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: March 3, 2021

Agenda No. XII 13

~ Resolution 2021 – 104 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF A TAX APPEAL INVOLVING THE PROPERTY AT BLOCK 10201, LOTS 1, 3, & 3 QFARM, AND BLOCK 10202, LOT 10.

WHEREAS, an appeal of the real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
MESITA ENTERPRISES, INC.	10201	1	MAPLE RD
MESITA ENTERPRISES, INC.	10201	3	261 MAPLE RD
MESITA ENTERPRISES, INC.	10201	3 QFARM	MAPLE RD
MESITA ENTERPRISES, INC.	10202	10	MAPLE ROAD

; and

WHEREAS, the Tax Assessor, Appraiser and Township Attorney are of the opinion that it is in the best interest of the Township to settle this appeal.

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

1. The settlement of the following tax appeal filed at the Tax Court of New Jersey is hereby authorized as follows:

YEAR	ORIGINAL FARMLAND ASSESSMENT	ROLLBACK ASSESSMENT	PROPOSED ASSESSMENT
Block 10201, Lot 1 – Maple Road			
2017	\$4,000	\$125,900	\$4,000
2018	\$4,000	\$125,900	\$4,000
2019	\$4,000	\$129,800	\$129,800
2020	\$4,000	\$129,800	\$129,800
Block 10201, Lot 3 – 261 Maple Road			
2017	\$242,200	\$252,600	\$242,200
2018	\$242,200	\$252,600	\$242,200
2019	\$242,200	\$326,500	\$326,500
2020	\$242,200	\$326,500	\$326,500

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Block 10201, Lot 3, QFARM – Maple Road			
2017	\$13,600	\$4,700	\$13,600
2018	\$13,600	\$4,700	\$13,600
2019	\$13,600	\$4,700	\$4,700
2020	\$13,600	\$4,700	\$4,700
Block 10202, Lot 10 – Maple Road			
2017	\$4,300	\$146,100	\$4,300
2018	\$4,300	\$146,100	\$4,300
2019	\$4,300	\$150,300	\$150,300
2020	\$4,300	\$150,300	\$150,300

2. No refund shall be due from the Township resulting from this settlement.
3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
4. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.
5. This Resolution shall take effect immediately.

Adopted: March 3, 2021

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

 Agenda No. XIII

Consent Agenda

None

 Agenda No. XIV

Approval of Expenditures

~ Resolution 2021 – 103 ~

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	\$240,024.63
3	Reserve Account	118,606.07
2	Grants	1,812.70
6	Refunds	0.00
1	General Ledger	189.00
26	Refuse	178,000.00
4	Capital	35,375.75
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	23,617.12
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		\$597,625.27
	Less Refund Resolution	0.00

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Actual Bills List	\$597,625.27
Other Payments	
Payroll	\$546,363.49
Treasurer, State of NJ	100.00
Hudson, Essex, Passaic Soil Conservation	1,125.00
Total Expenditures	\$1,145,213.76

Adopted: March 3, 2021

Moved: Erik 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 Gross – Provided an update on the proposed Township map and brochure.

Councilman Marsden – Said he will revisit the ice retardant ordinance with Mr. Zarrillo.

Councilwoman Erik – No report.

Councilman Chazukow – Spoke about the cannabis bill. Mentioned that he's had several conversations with entrepreneurs that would like to open a cannabis business in West Milford.

Councilwoman Lichtenberg – Noted various events and the dates and times. She attended a virtual meeting sponsored by the Health Advisory Board and the Highlands Family Success Center regarding the Covid-19 vaccine.

Councilman Goodsir – Said he received inquiries about how senior citizens without computers can register for the vaccine.

Discussion:

Mayor Dale said the State set up a phone number for senior citizens to register for the vaccine. She asked Administrator Senande to put the phone number on the Township website. Administrator Senande mentioned that the Township applied for a grant through the County for an employee to reach out to the community especially the senior citizens. He noted that the employee has already started. The employee will be in West Milford twice a week and his job is to get people tested and vaccinated. Councilwoman Lichtenberg noted a local phone number that the senior citizens should call in reference to the vaccine.

Councilman Goodsir said he received several inquiries about unemployment issues. He expressed that there are people that haven't received any money and they have not worked in months. He said it is not fair to the people who are struggling. He expressed that they need to do something about the unemployment to help the people. Mayor Dale said she has referred people to the Governor's Representative. Mayor Dale suggested a resolution and/or sending a message to the Governor's Office. She will follow up with the Governor's Rep and copy the Council on the email.

Mayor Dale – Read a letter from Senator Joe Pennacchio to Governor Phil Murphy about cutting school funding. She urged the residents to write to the Governor and legislators if they are not happy with the State significantly cutting school funding. She said the Board of Public Utilities (PBU) agreed to have a hearing regarding the services from Optimum/Altice. She and Mr. Semrau will attend the hearing. She said there was a letter sent out to residents from JCP&L regarding the change of energy services. They are researching the letter to see if it's legitimate. She thanked the Board of Education and Maple Road School for allowing her to participate in the Read Across America Program. She provided information on Volunteer Night.

Administrator Senande – No report.

Mr. Semrau – No report.

Agenda No. XVI

Appointments and Resignations

Mayor Dale asked the Council to accept the resignation of Tim Dalton from the Environmental Commission.

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

Mayor Dale appointed Janet Little to the Environmental Commission to replace Mr. Dalton.

Janet Little, Environmental Commission

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

Councilwoman Erik said that Mr. Dalton is seeking to join the WM77 TV Commission. She asked the Council to review the Commission's by-laws at the next Council meeting because they would like to increase the amount of members allowed to serve on the Commission.

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:02 p.m.

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

Approved: March 24, 2021

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK