
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 1 of 51

The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 5:30 p.m.

Adequate Notice Statement

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issue of January 10, 2023, and March 21, 2023 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, Matthew Conlon, David Marsden

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande,
Township Attorney Ed Pasternak (Arrived at 5:42 p.m.)
Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

March 15, 2023 Regular Meeting Minutes
March 15, 2023 Executive Session Meeting Minutes

Motion by Councilwoman Erik. Seconded by Councilman Marsden

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

Agenda No. IV

Meetings

May 3, 2023 Regular Meeting
May 17, 2023 Regular Meeting
June 14, 2023 Regular Meeting

Agenda No. V

Proclamation

Child Abuse Prevention and Awareness Month –Mayor Dale read the proclamation supporting April as Child Abuse Prevention Month.

Agenda No. VI

Presentations

None.

At this time, Mayor Dale asked that Michael Joy, Volunteer of the Year for 2022 come up to the podium to be honored. Mayor Dale thanked Michael Joy and proceeded to read a bio that highlighted some of his voluntary service. He is a lifetime resident of West Milford and has dedicated his time to the community and helping those in need. Mr. Joy joined Search and Rescue, an organization designed to assist lost or injured hikers. During super storm Sandy he manned the phones for OEM and went to homes to check on and assist those homebound. He also drives for the West Milford First Aid Squad and joined CERT when it was organized. Michael is a thoughtful and caring man who is always ready to help no matter the situation. He's a great role model for his family, including his kids and grandchildren and they are all very proud. Mayor Dale presented him with a plaque.

James Rogers was the recipient of the Mary B. Haase Lifetime Achievement Award for 2022. A West Milford resident for 45 years, Jim is a retired Superintendent of Schools in the Morris County School District. Jim is a former member of the Beautification & Recycling Committee and Health Advisory Board and currently is a trustee for the Library Board, Liaison for the Lakes Committee, Economic Development Committee, Greenway Committee, Planning Board and Master Plan Committee member. He has never

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 2 of 51

failed to volunteer his time and expertise. He's done a plethora of things, from preparing planning documents for ordinances to collecting water samples for data from various water bodies. As a result of his efforts, there have been many changes and improvements in the Township that are of benefit now and will be for years to come. Mayor Dale indicated that due to the many, many hours he has donated and contributed to the community and various organizations throughout his lifetime, he is truly deserving of this award. He was presented with a plaque.

Jim Rogers indicated that he was very appreciative and overwhelmed to have received the honor. He thanked mentors from the past, Doug Ott, Marilyn Lichtenberg and others who have served the community and indicated that it has been a wonderful 45 years in our beautiful community that he cherishes. He thanked the Mayor and the selection committee.

There were several volunteer groups in attendance and the following groups each explained the purpose of their individual groups and what they do as well as some upcoming events. Sustainable West Milford dba Nature Connection of West Milford; Friends of Wallisch Homestead; West Milford Animal Shelter; National Day of Prayer Task Force; Cable TV77 Commission; West Milford Fire Department; West Milford Rotary Club; and Woman's Club of West Milford.

There was a quick break at 6:34 p.m. and the meeting resumed at 6:50 p.m.

Agenda No. VII

Executive Session

Agenda No. VII 1

~ Resolution 2023 –155 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 19th day of April 2023 that:

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

Adopted: April 19, 2023

Motion to go begin executive session.

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

Executive session began at 6:52 p.m.
Executive session ended and the regular meeting reconvened at 7:14 p.m.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 3 of 51

Agenda No. VIII

Discussion Items / Official Communications

Table with 1 row and 2 columns. Column 1: 1. Column 2: Ordinance 2023-008 – Amending Chapter 152 “Fire Prevention” Adding New Section “Rapid Entry System” – Amended. Fire Marshall Mike Moscatello was available to answer questions and indicated that the Council was familiar with the amendments and it would probably only effect a handful of existing buildings. There was consensus to place Ordinance 2023-008 on tonight’s agenda for introduction.

Motion to introduce Ordinance 2023-008

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

Agenda No. XI

Action Items – Finance Matters

Agenda No. XI 1

~ Ordinance 2023 –011 ~

ORDINANCE TO EXCEED THE CALENDAR YEAR 2023 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 2.50% 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 2023 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 1.00% increase in the budget for said year, amounting to \$277,445.25 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 2023 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 \$971,058.38, and that the CY 2023 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

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: April 19, 2023
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: April 19, 2023
 Time of Meeting: 5:30 p.m.
 Minute Page No: Page 4 of 51

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 17, 2023. Notice of this public hearing shall be published in the Herald News on or about April 25, 2023.

Motion to introduce Ordinance 2023-011

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

Agenda No. XI 2

~ Ordinance 2023 -012 ~

BOND ORDINANCE APPROPRIATING \$4,557,500 AND AUTHORIZING THE ISSUANCE OF \$3,899,000 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 \$4,557,500 including the aggregate sum of \$196,160 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 \$462,340 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, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$4,557,500 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 \$3,899,000 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 \$3,899,000 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:

IMPROVEMENT OR PURPOSE	APPROPRIATION & ESTIMATED COST	EST. MAXIMUM AMOUNT OF BONDS & NOTES
(a) Improvement of Clinton Road in and by the Township from Passaic County Bridge #177 to Stephens Road 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 \$865,000 appropriation hereby made therefor being inclusive of the amount of \$462,340 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	\$865,000	\$383,400

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 April 19, 2023
 5:30 p.m.
 Page 5 of 51

(b) Acquisition by purchase of new and additional fire-fighting equipment for use by volunteer Fire Company #4 of the Township for the preservation of life and property in the Township, including one (1) tanker truck, 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	1,000,000	952,300
(c) 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, Algonquian Way for its entire length, Appletree Lane for its entire length, Burlington Drive for its entire length, Clermont Road for its entire length, Crawford Street for its entire length, Daretown Road for its entire length, Dover Road for its entire length, Elberon Road for its entire length, Fox Court for its entire length, Grandview Lane for its entire length, Hillside Lane for its entire length, Lake Shore Drive (South) from Longhouse Drive to Fanwood Court, Newton Drive for its entire length, Orbit Road for its entire length, Ormond Road for its entire length, Raven Court for its entire length, Ryan Court for its entire length, Stanley Street for its entire length, Teo Terrace for its entire length, Torne Mountain Road for its entire length, Truro Road South for its entire length, Truro Road West for its entire length, Valleyview Lane for its entire length, Weedon Drive for its entire length and Yorkshire Avenue for its entire length,, 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	1,550,000	1,476,100
(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including without limitation, one (1) generator for use at the Recreation Center of the Township and one (1) utility tractor with flail for use by the Department of Public Works 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	332,500	316,600
(e) Substantial reconditioning of an ambulance for use by the volunteer West Milford First Aid Squad, including 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	235,000	223,000
(f) Improvement of municipally-owned properties and facilities in and by the Township including initial design and study costs associated with cleaning the stream near Bradrick Lane to alleviate flooding, removal of and installation of new underground fuel storage tanks, and installation of a septic tank at Town Hall, together with for all the aforesaid all landscaping, engineering, designs, site work, 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	575,000	547,600
Totals	\$4,557,500	\$3,899,000

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 10.81 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 \$3,899,000, 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 \$400,000 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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 6 of 51

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 \$462,340 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, the acting chief financial officer or the 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.

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: April 19, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 17, 2023. Notice of this public hearing shall be published in the Herald News on or about April 25, 2023.

Motion to introduce Ordinance 2023-012

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

Mayor Dale asked to move Resolution 2023 - 156 through 2023 - 158

Township CFO Ellen Mageean gave some budgetary details. These are difficult times due to inflation being so high and that made the budget a challenge. Parts are expensive and the cost of salt has gone up by 54% since 2021. We received money from the American Rescue Plan and used half last year 1.3 million dollars and we will use the second half this year. Some things that were included in the budget were \$10,000 for West Milford Channel 77 cameras, and we also spent \$13,000 on trail maps. The solid waste budget had an increase of 2% of the levy. Disposal of comingle items has skyrocketed. This year to date we have spent \$36,000 and last year for this same time period we had spent \$5,700.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 7 of 51

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING READING OF THE MUNICIPAL BUDGET BY TITLE

WHEREAS, pursuant to the Local Budget Law N.J.S.A. 40A:4-1 et seq., all provisions for the introduction and public hearing of the 2023 Municipal Budget for the Township of West Milford have been met; and

WHEREAS, the budget is available for inspection in the office of the Township Clerk, posted on the municipal website, and published in accordance with the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the 2023 Municipal Budget and Solid Waste Budget shall be read by title.

Adopted: April 19, 2023

Agenda No. XI 4

~ Resolution 2023 -157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2023 MUNICIPAL BUDGET AND THE 2023 SOLID WASTE BUDGET

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Township of West Milford, County of Passaic for the Fiscal year 2023.

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

Be it Further Resolved, that said Budget be published in the Herald News in the issue of April 25, 2023.

The Governing Body of the Township of West Milford does hereby approve the following as the budget for the year 2023:

Table with columns for Ayes, Nays, Absent, and Abstained, listing names like Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Township of West Milford, County of Passaic, on April 19, 2023.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 17, 2023 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

SOLID WASTE COLLECTION DISTRICT RESOLUTION

Section 1.

Municipal Budget of the Township of West Milford, County of Passaic for the Fiscal year 2023.

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

Be it Further Resolved, that said Budget be published in the Herald News in the issue of April 25, 2023.

The Governing Body of the Township of West Milford does hereby approve the following as the budget for the year 2023:

Table with columns for Ayes, Nays, Absent, and Abstained, listing names like Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Township of West Milford, County of Passaic, on April 19, 2023.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 17, 2023 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

Adopted: April 19, 2023

Agenda No. XI 5

~ Resolution 2023 -158 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 9 of 51

Jeffrey Devor indicated that the parents should have been consulted before the program was cut, as it impacts a lot of kids. He stressed the importance of learning how to swim. Some kids don't want to participate in other sports, they want to swim. He is disappointed with the Council and will be voting in response.

Tracy Goodman indicated that to say that the parents were blind sighted would be an understatement. She was surprised to learn that the swim team goes back for 30 years. The swim team helps boys and girls make friends, which is a great thing when kids transition to middle school. The lake and swim team are her son's happy place and he is devastated. She is hopeful that the conversation can continue.

April Kleiner, a Kinnelon resident, indicated her son was one on the swim team. In Kinnelon if you don't live in a lake community you are not allowed to participate. West Milford is unique in that Bubbling Springs welcomes children from outside the area. Other leagues around have practice schedules that are not only inconvenient but prohibitive. She indicated that the cancellation of the swim team has been in the works for months. She went over the timeline for quotes given for repairs as well as other quotes for equipment to be purchased including a slide for \$3,000 and a high speed inflator. She questioned the newer quotes for dock replacement and repairs, since they happened after the March 15, 2023 meeting. If there was any suspicion that there would be no docks or a swim team parents should have been notified.

Mayor Dale called upon Rich Poplaski to address the public and read a speech thanking all the hometown heroes as well as a host of neighboring fire companies and others who participated and contributed during last week's wildfire on Kanouse Mountain. Various Forestry entities, the Rehab Canteen Unit, DPW, OES and Fire Departments worked extremely well together. There were no injuries, loss of life of personal animals, structural losses and no deaths during the incident. There were about 100 horses and farm animals evacuated from the Echo Lake Stables successfully in about an hour's time. There were many businesses that donated goods as well. Leftover supplies were divided amongst the fire departments as needed and the rest was given to local food pantries. Heartfelt thanks were expressed.

Mayor Dale indicated that letters would be sent to all the entities that contributed and donated during the incident and thanked those keeping track of the list of contributors during the hectic time.

Matthew Kane, a 30 year resident of West Milford, has been involved with the swim team since 2007. He realizes finances play a part but he is disheartened by the dissolution of the swim team. Some kids try swimming because they don't like other sports. He has coached a lot of kids who are now lifeguards. He has worked for recreation since he was 16 years old. He's a proud employee of West Milford and in his travels he hears about the politics in West Milford and would like to see the relationship improve with better communication. He would be willing to help anyway he can.

Unnamed child – has been on the swim team since she was 5. She enjoys the competitive meets, support and fun the swim team provided and is disheartened that the swim team has been cancelled.

Unnamed child – is upset that swim team has been cancelled, always looked forward to it and would like to be able to participate again.

Seeing no one else wishing to speak, Councilman Conlon made a motion to close the public portion. Seconded by Councilman Goodsir.

Agenda No. X

Council Comments

Mayor Dale indicated that there was a meeting scheduled for Friday with parent representatives from the swim team. She reminded the public that swim lessons were not going away, though in her opinion that is a parental responsibility and not a governmental one. It does not fall on deaf ears and it was not just a monetary decision. Mayor Dale thanked those in attendance for expressing their passion in a respectful way.

Councilman Conlon thanked all the firefighters and neighboring companies who helped out, residents and businesses who donated, without whom there could be less homes in West Milford this week. They should all be commended. Councilman Conlon will be at the swim team meeting as well.

Councilman Marsden indicated that there were 125 people fighting the fire on the mountain and the terrain is such that it is difficult to even walk upon, let alone fight a fire.

Councilman Chazukow made the point that the swim team had not been traded for inflatables and the upcoming meeting would probably be the most productive way of handling the situation. The comments made by those concerned are not being dismissed.

Agenda No. XII

Unfinished Business, Final Passage of Ordinances

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: April 19, 2023
 Time of Meeting: 5:30 p.m.
 Minute Page No: Page 10 of 51

Agenda No. XII 1

~ Ordinance 2023 – 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

MAYOR AND COUNCIL

JOB TITLE	MINIMUM	MAXIMUM
Township Mayor	\$5,348.00	\$16,000.00
Township Council	\$7,000.00	\$7,000.00

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Township Administrator	\$45,000.00	\$180,000.00
Director of Community Services and Recreation	\$45,000.00	\$140,000.00
Director of Finance	\$45,000.00	\$140,000.00
Director of Public Safety/Chief of Police	\$45,000.00	\$180,000.00
Director of Public Works	\$45,000.00	\$140,000.00
Court Administrator	\$45,000.00	\$140,000.00
Township Clerk	\$10,000.00	\$140,000.00
Director of Health/Health Officer	\$10,000.00	\$140,000.00
Construction Official	\$45,000.00	\$140,000.00

DIVISION HEADS

JOB TITLE	MINIMUM	MAXIMUM
Fire Marshall	\$45,000.00	\$75,000.00
Deputy Township Clerk	\$45,000.00	\$110,000.00
Network Administrator	\$35,000.00	\$110,000.00
Tax Assessor	\$50,000.00	\$140,000.00
Tax Collector	\$50,000.00	\$95,000.00

CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

JOB TITLE	MINIMUM	MAXIMUM
Judge	\$25,000.00	\$55,500.00
Prosecutor	\$20,000.00	\$44,000.00
Data Processing Technician	\$35,000.00	\$65,000.00
Secretary, Board/Commission	\$2,400	\$60,000.00

STIPENDS

JOB TITLE	MINIMUM	MAXIMUM
Deputy Registrar	\$3,000.00	\$6,000.00
Alternate Deputy Registrar	\$1,000.00	\$3,000.00
Emergency Management Coordinator	\$2,000.00	\$10,000.00
Deputy Emergency Management Coordinator	\$3,000.00	\$3,000.00
Fire Commissioner	\$3,000.00	\$6,500.00
Deputy Fire Commissioner	\$1,500.00	\$5,000.00
Qualified Purchasing Agent (QPA)	\$5,000.00	\$5,000.00
Telecommunications Systems Analyst	\$2,500.00	\$5,500.00
Veteran Officer	\$500.00	\$1,500.00

1. The aforelisted Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 12 of 51

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

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

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

Introduced: March 15, 2023
Adopted: April 19, 2023
Effective Date: May 9, 2023

This Ordinance was introduced on March 15, 2023 and the Notice of Public Hearing was published in the Herald News on March 21, 2023. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one wishing to speak, Councilman Conlon made a motion to close the public portion. Seconded by Councilman Goodsir.

Motion to adopt Ordinance 2023-009.

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

Agenda No. XII 3

~ Ordinance 2023 – 010 ~

**ORDINANCE AMENDING PART II, GENERAL LEGISLATION AS CHAPTER 214 ENTITLED
MESSAGE PARLORS AND AMENDING SECTION 214-3**

WHEREAS, the Township of West Milford adopted the ordinance addressing standards for massage parlors and their operation within the Township for the health, welfare and benefit of the general public; and

WHEREAS, the Governing Body wishes to further clarify the application requirements regarding fingerprinting, history check and submitting a lease for the property location.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that the following code section be amended and to read as follows:

SECTION 1. Chapter 214 Massage, Bodywork and Somatic Therapy

§ 214-3 Application for establishment license; requirements.

- G.** Upon filing a completed application with the Township Clerk's Office, the Township Clerk shall direct the applicant to get fingerprinted. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.
- H.** Fingerprints will be forwarded to the Police Department.
- I.** Upon the subsequent criminal history check, the Police Department shall notify the Township Clerk's Office of those results. The Township Clerk shall then notify the applicant of said results.
- J.** The submitted application must be accompanied by a copy of the signed lease for the property location where the proposed massage establishment will be in operation. The applicant must be listed as the lessee on the lease.

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 13 of 51

Introduced: March 15, 2023
Adopted: April 19, 2023
Effective Date: May 9, 2023

This Ordinance was introduced on March 15, 2023 and the Notice of Public Hearing was published in the Herald News on March 21, 2023. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one wishing to speak, Councilman Conlon made a motion to close the public portion. Seconded by Councilwoman Erik.

Councilman Chazukow has spoken to professionals in this field and the wording of massage parlors has a negative connotation. It makes it sound like a brothel.

Mayor Dale said there was a lack of clarification with what was depicted in the newspaper and that was not the intention when drafting this ordinance. Perhaps if the newspaper revisits the story, clarification can be made so no businesses experience ill effects.

Motion to adopt Ordinance 2023-010.

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

Agenda No. XIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XIII 1

~ Ordinance 2023 – 013 ~

ORDINANCE TO REPEAL CHAPTER 158 AND TO ADOPT A NEW CHAPTER 158 FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of West Milford and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Township of West Milford was accepted for participation in the National Flood Insurance Program on January 16, 1981 and the Township Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Township of West Milford is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township of West Milford is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Township of West Milford is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of West Milford that the following floodplain management regulations are hereby adopted.

SECTION 1. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Repeal Chapter 158 and replace with Chapter 158 Titled “Flood Damage Prevention”.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 14 of 51

Chapter 158: FLOOD DAMAGE PREVENTION

ARTICLE I SCOPE AND ADMINISTRATION

§ 158.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Township of West Milford (hereinafter "these regulations").

§ 158.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Article II of these regulations.

§ 158.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels and shorelines;
- D. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.
- J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

§ 158.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of West Milford administer and enforce the State building codes, the Township Council of the Township of West Milford does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

§ 158.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring

materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 158.26 of this ordinance.

§ 158.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

§ 158.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§ 158.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 15 of 51

safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine of not more than \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

§ 158.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

§ 158.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

ARTICLE II APPLICABILITY

§ 158.10 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement

of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

§ 158.11 Establishment of Flood Hazard Areas. The Township of West Milford was accepted for participation in the National Flood Insurance Program on January 16, 1984.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the West Milford Town Hall Emergency Management Office 1480 Union Valley Road, West Milford, New Jersey 07480.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- A. **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)" dated April 17, 2020 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 158.11(A) whose effective dates are September 28, 2007 and April 17, 2020 are hereby adopted by reference.

Table 158.11(A)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
-------------	----------------	--------	-------------	----------------	--------

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 April 19, 2023
 5:30 p.m.
 Page 16 of 51

34031C0015	9/28/2007	F	34031C0107	9/28/2007	F
34031C0016	9/28/2007	F	34031C0110	4/17/2020	G
34031C0017	9/28/2007	F	34031C0111	4/17/2020	G
34031C0018	9/28/2007	F	34031C0112	4/17/2020	G
34031C0019	9/28/2007	F	34031C0116	4/17/2020	G
34031C0028	9/28/2007	F	34031C0117	9/28/2007	F
34031C0036	9/28/2007	F	34031C0118	4/17/2020	G
34031C0037	9/28/2007	F	34031C0119	4/17/2020	G
34031C0038	9/28/2007	F	34031C0126	9/28/2007	F
34031C0039	4/17/2020	G	34031C0127	9/28/2007	F
34031C0041	9/28/2007	F	34031C0128	4/17/2020	G
34031C0042	9/28/2007	F	34031C0129	4/17/2020	G
34031C0043	4/17/2020	G	34031C0131	9/28/2007	F
34031C0084	9/28/2007	F	34031C0136	9/28/2007	F
34031C0092	4/17/2020	G	34031C0138	4/17/2020	G
34031C0105	9/28/2007	F			

B. **Federal Best Available Information.** The Township of West Milford shall utilize Federal flood information that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 158.11(B)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

C. **Other Best Available Data.** The Township of West Milford shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of West Milford. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Sections 158.11(A) and 158.11(B) above. This information shall be used for floodplain regulation purposes only.

D. **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Article IX, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 158.11(C) List of State Studied Waters

Name of Studied Water	File Name	MAP Number
Pequannock River	G0000075p	04P
Burnt Meadow Brook	J0000032p	50
West Brook	J0000036p	46
Pequannock River	J0000082p	43
Pequannock River	J0000083p	42
West Brook	J0000085p	41
West Brook Branch 7	J0000085p	41
Posts Brook Branch 4	J0000086p	40
West Brook	J0000086p	40
Posts Brook Branch 3	J0000087p	38
Posts Brook	J0000087p	38
Posts Brook	J0000088p	37
Belcher Creek Branch #2	J0000089p	36
Morsetown Brook	J0000090p	35

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 April 19, 2023
 5:30 p.m.
 Page 17 of 51

Name of Studied Water	File Name	MAP Number
Morsetown Brook	J0000091p	34
Morsetown Brook	J0000092p	33
Morsetown Brook	J0000092p	33
Belcher Creek Branch 1	J0000093p	32
Morsetown Brook	J0000093p	32
Green Brook	J0000094p	31
Belcher Creek Branch 1	J0000094p	31
Green Brook	J0000095p	30
Cooley Brook	J0000096p	29
Belcher Creek	J0000097p	28
Belcher Creek	J0000098p	27
Long House Creek	J0000099p	26
Long House Creek	J0000099p	26
Greenwood Lake	J0000099p	26
Long House Creek	J0000100p	25
Pequannock River, Cold Spring Brook	BDALE002	2 of 4
Belcher Creek, Belcher Creek Branch #1	J0000001	12
Belcher Creek	J0000002	11
Greenwood Lake	J0000003	10
Greenwood Lake	J0000004	9
Greenwood Lake	J0000005	8
Long House Creek	J0000006	7
Long House Creek	J0000007	6
Long House Creek	J0000008	5
Long House Creek	J0000009	4
Long House Creek	J0000010	3
Burnt Meadow Brook, Branch #5	J0000056	26
West Brook	J0000059	23
Wanaque River	J0000061	21
Pequannock River	J0000101	24
Pequannock River	J0000102	23
West Brook, Branch #7	J0000103	22
Post Brook, West Brook	J0000104	21
Post Brook Branch #3	J0000105	20
Post Brook & Branches 3 & 4	J0000106	19
Morsetown Brook	J0000107	18
Morsetown Brook	J0000108	17
Cooley Brook, Green Brook	J0000109	16
Belcher Creek	J0000110	15
Belcher Creek, Belcher Creek Branch #2	J0000111	14
Belcher Creek	J0000112	13
Pequannock River	R0000076	Plate 1
Pequannock River	R0000077	Plate 2
Pequannock River	R0000078	Plate 3
Pequannock River	R0000079	Plate 4
Pequannock River	R0000080	Plate 5
Tributary NO. 5-1 to The Rockaway River	R0000095	Plate 20

§ 158.12 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 158.11, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 18 of 51

by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 158.11, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in 158.11(A) and 158.11(B) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - (1) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - (2) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Sections 158.35 & 158.36.
- C. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- E. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1-foot freeboard in accordance with ASCE 24.

ARTICLE III DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

§ 158.13 Floodplain Administrator Designation. The Zoning/Code Enforcement Officer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 158.14 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article VII of these regulations.

§ 158.15 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§ 158.16 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article II of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 158.26 of these regulations.
- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Article VII of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations,

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 19 of 51

flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with Article VI of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Article VII of these regulations.
- M. Cite violations in accordance with Article VIII of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of West Milford have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 158.11.

§ 158.17 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

§ 158.18 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

§ 158.19 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
- C. It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 158.11 and 158.12 respectively. This information shall be provided to the Construction Official and documented according to Section 158.27.

§ 158.20 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

§ 158.21 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

§ 158.22 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 20 of 51

by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

§ 158.22.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

§ 158.23 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

§ 158.23.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

§ 158.24 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer that demonstrates that the proposed alteration will not increase the potential for flood damage.

§ 158.25 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

§ 158.26 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A.** Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B.** Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 158.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C.** Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D.** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 5 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10-year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- E.** Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 21 of 51

when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

§ 158.27 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

§ 158.28 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

ARTICLE IV PERMITS

§ 158.29 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

§ 158.30 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in Article V of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

§ 158.31 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

§ 158.32 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§ 158.33 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 22 of 51

a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

ARTICLE V SITE PLANS AND CONSTRUCTION DOCUMENTS

§ 158.34 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- A.** Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- B.** Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 158.35.
- C.** Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 158.35(C) of these regulations.
- D.** Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- E.** Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F.** Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- G.** Extent of any proposed alteration of sand dunes.
- H.** Existing and proposed alignment of any proposed alteration of a watercourse.
- I.** Flood proofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.
- J.** The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

§ 158.35 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- A.** Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- B.** Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- C.** Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

§ 158.36 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 23 of 51

- A.** For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 158.37 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B.** For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C.** For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 158.37 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D.** For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- E.** For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

§ 158.37 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI INSPECTIONS

§ 158.38 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

§ 158.39 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

§ 158.40 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- A. Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 158.74 shall be submitted to the Construction Official on an Elevation Certificate.
- B. Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 158.74 shall be submitted to the Construction Official on an Elevation Certificate.
- C. Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 158.74.
- D. Final inspection.** Prior to the final inspection, certification of the elevation required in Section 158.74 shall be submitted to the Construction Official on an Elevation Certificate.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
April 19, 2023
5:30 p.m.
Page 24 of 51

§ 158.41 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

ARTICLE VII VARIANCES

§ 158.42 General. The Zoning Board of Adjustment shall hear and decide requests for variances. The Zoning Board of Adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 158.46, the conditions of issuance set forth in Section 158.47, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Zoning Board of Adjustment has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

§ 158.43 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

§ 158.44 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

§ 158.45 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 158.36(A) of these regulations.

§ 158.46 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

§ 158.47 Conditions for issuance. Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 25 of 51

- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

ARTICLE VIII VIOLATIONS

§ 158.48 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

§ 158.49 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

§ 158.50 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

§ 158.51 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine of not more than \$2,000.00 be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

ARTICLE IX DEFINITIONS

§ 158.52 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

§ 158.53 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 26 of 51

accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or flood proofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-flood proof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-flood proofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 27 of 51

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- A.** It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- B.** It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- A.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (A) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B.** The collapse or subsidence of land along the shore of a lake or other body of water as a result of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 28 of 51

erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for flood proofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed flood proofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Article VII of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Zoning Board of Adjustments requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 29 of 51

preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- A.** Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C.** Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D.** Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- A.** Prior to January 31, 1980; or
- B.** On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 30 of 51

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

REPETITIVE LOSS – any flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 31 of 51

RESIDENTIAL – Pursuant to the ASCE 24:

- A.** Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- B.** Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- C.** institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The Start of Construction is as follows:

- A.** **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA),** this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- B.** For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
- C.** Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.
- D.** For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- E.** For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 5 year period, the cumulative cost of which equals or exceeds 50 percent of

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 32 of 51

the market value of the structure before the "start of construction" of the improvement. The period of accumulation includes the first improvement or repair of each structure that is permanent. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term also includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Flood proofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet flood proofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

ARTICLE X SUBDIVISIONS AND OTHER DEVELOPMENTS

§ 158.54 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

§ 158.55 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

ARTICLE XI SITE IMPROVEMENT

§ 158.56 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 158.36(A) of these regulations that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 158.36(A) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 158.74 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 33 of 51

§ 158.56.1 Prohibited in floodways. The following are prohibited activities:

- A. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- B. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

§ 158.57 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

§ 158.58 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

§ 158.59 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

§ 158.60 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§ 158.61 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

§ 158.62 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

ARTICLE XII MANUFACTURED HOMES

§ 158.63 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

§ 158.64 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 158.74.

§ 158.65 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

§ 158.66 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

§ 158.67 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 158.74

§ 158.68 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 158.74 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 158.74, the systems and equipment shall be permitted

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 34 of 51

to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XIII RECREATIONAL VEHICLES

§ 158.69 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

§ 158.70 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

§ 158.71 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 158.74 for habitable buildings and Section 158.65 for foundations.

ARTICLE XIV TANKS

§ 158.72 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

ARTICLE XV OTHER DEVELOPMENT AND BUILDING WORK

§ 158.73 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A.** Be located and constructed to minimize flood damage;
- B.** Meet the limitations of Section 158.36(A) of this ordinance when located in a regulated floodway;
- C.** Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 158.12;
- D.** Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E.** Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 158.12 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - (1) Specifically allowed below the Local Design Flood Elevation; and
 - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F.** Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G.** Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

§ 158.74 Requirements for Habitable Buildings and Structures.

- A.** Construction and Elevation in A Zones not including Coastal A Zones.
 - (1) No portion of a building is located within a V Zone.
 - (2) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - (3) All new construction and substantial improvement of any habitable building (as defined in Article IX) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 158.12, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - (4) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 158.12, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (b) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - [1] Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - [2] Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 35 of 51

- that individual in a Flood proofing Certificate, and is confirmed by an Elevation Certificate.
- (5) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
- (a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 158.74(A)(4)(b) are met;
 - (c) Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - (d) Have openings documented on an Elevation Certificate; and
 - (e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - [1] The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - [2] The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - [3] The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

§ 158.75 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§ 158.76 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 158.36(A) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Article VII of this ordinance.

§ 158.77 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 158.36(A) of these regulations and N.J.A.C. 7:13.

§ 158.78 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 158.36(A) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 158.79 Roads and watercourse crossings.

- A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- B. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 158.36(A) of these regulations.

ARTICLE XVI TEMPORARY STRUCTURES AND TEMPORARY STORAGE

§ 158.80 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

§ 158.81 Temporary storage. Temporary storage includes storage of goods and materials for a

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 36 of 51

period of less than 180 days. Stored materials shall not include hazardous materials.

§ 158.82 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 158.36(A) of these regulations.

ARTICLE XVII UTILITY AND MISCELLANEOUS GROUP U

§ 158.83 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

§ 158.84 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 158.12.

§ 158.85 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 158.12 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 158.86 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 158.74 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

§ 158.87 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 158.12.

§ 158.88 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 158.12.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

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

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

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

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

Introduced: April 19, 2023

Adopted:

Effective:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 37 of 51

Motion to introduce Ordinance 2023-013.

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

Mayor Dale asked to move Resolution 2023-159 through Resolution 2023-173

Agenda No. XIII 2

~ Resolution 2023 – 159 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A LEASE / PURCHASE AGREEMENT TO SON-RISE DOCUMENT SOLUTIONS FOR ONE COPYSTAR CS-2554CI COLOR DIGITAL SYSTEM MACHINE

WHEREAS, the Township of West Milford Community Service & Recreation needs to replace the existing copy machine; and

WHEREAS, the Township of West Milford will take ownership of said equipment after the expiration of the sixty (60) month lease period for no additional cost; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease/ Purchase agreement, said funds are to be encumbered from account number 01-201-28-372-431.

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 Mayor and Township Council hereby authorizes the Director of Community Services & Recreation to execute a Lease/Purchase Agreement not to exceed \$10,590.00 at a rate of \$176.50 per month for sixty (60) months in an amount not to exceed \$2,118.00 annually with Son- Rise Document Solutions, 615 Westfield Avenue West, Roselle Park, NJ 07204.
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: April 19, 2023

Agenda No. XIII 3

~ Resolution 2023 – 160 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A ONE YEAR EXTENSION TO THE AGREEMENT WITH ULTRA-SAFE SECURITY SYSTEMS INC. FOR MONITORING OF THE FIRE ALARM, CARBON MONOXIDE DETECTORS AND/OR BURGLARY SYSTEMS

WHEREAS, by virtue of Resolution 2018-113 the Township of West Milford entered into an agreement with Ultra-Safe Security Systems, Inc. for the monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems; and

WHEREAS, said Resolution authorized the execution of an agreement with Ultra-Safe Security Systems, Inc., for a period of May 2018 through May 2019, at which time the Township may, by written notice, renew for additional one (1) year periods; and

WHEREAS, Ultra-Safe Security Systems, Inc., has satisfactorily worked with the Township for the monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems; and

WHEREAS, the Director of Public Works has recommended a one year extension of the agreement with Ultra-Safe Security Systems, Inc. for the period from June 2023 through May 2024; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account 01-201-20-161-450;

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a one year extension to the agreement with Ultra-Safe Security Systems, Inc., 79 Timber Lane East, Newfoundland, NJ 07435 for the period of June 2023 through May 2024 for the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 38 of 51

- monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems in an amount not to exceed \$7,740.00.
2. This extension will expire on May 31, 2024.
 3. The Township's Chief Financial Officer has certified the availability of funds for same.
 4. This resolution shall serve as an addendum to the Agreement with Ultra-Safe Security Systems, Inc. for alarm system monitoring as stated above.

Adopted: April 19, 2023

Agenda No. XIII 4

~ Resolution 2023 – 161 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PRINCETON HYDRO, LLC TO CONTINUE THE WEST MILFORD TOWNSHIP WATERSHED MANAGEMENT PROGRAM (PHASE 2)

WHEREAS, the Township of West Milford is located entirely within the Highlands Preservation Area with many water bodies, some of which are utilized for recreation; and

WHEREAS, the private West Milford Lakes Committee requested a study for the Township's waterways to analyze pollution sources in order to target possible implementation solutions to protect these resources in 2020; and

WHEREAS, Princeton Hydro, LLC was awarded a professional services contract in 2021 for Phase 1 for said watershed management program to be funded in phases; and

WHEREAS, the New Jersey Highlands Council approved, by Resolution 2020-16, Regional Master Plan Conformance Funding to the Township of West Milford in an amount not to exceed \$200,000.00 for Phase 1 and Resolution 2021-23, Regional Master Plan Conformance Funding to the Township of West Milford in an amount not to exceed \$86,250.00 for Phase 2; and

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

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4 in an amount not to exceed \$86,250.00 from account #02-213-41-734-006.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Princeton Hydro, LLC., 35 Clark Street, Suite 200, PO Box 3689, Trenton, NJ 08629 for professional services for the West Milford Township Watershed Management Program - Phase 2 in an amount not to exceed \$86,250.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
3. The total fee authorized for this contract shall not exceed \$86,250.00 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 19, 2023

Agenda No. XIII 5

~ Resolution 2023 – 162 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A GRANT APPLICATION SUBMISSION TO PASSAIC COUNTY HISTORIC TRUST REGRANT PROGRAM BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE WALLISCH HOMESTEAD TIMBER BARN STABILIZATION PROJECT

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 39 of 51

WHEREAS, the Passaic County Historic Trust Regrant Program awards grants to local non-profit organizations; and

WHEREAS, the Friends of Wallisch Homestead (FOWH) desires to further the public interest by obtaining funding in the amount of \$50,000 from the Passaic County Historic Trust Regrant Program for the Wallisch Homestead Timber Barn Stabilization Project.

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 FOWH be and hereby are authorized to make application, provided all required information and documents as required and correspond as necessary, for a grant to the Passaic County Historic Trust Regrant Program.
2. That the FOWH are hereby authorized to execute a grant agreement and any amendment thereof with the Passaic County Historic Trust Regrant Program for the Wallisch Homestead Timber Barn Stabilization Project.
3. That if the funds provided by the Passaic County Historic Trust Regrant Program are less than the total project cost of \$50,000, the applicant has the balance of funding necessary to complete the project or the applicant will decline the grant.
4. That the applicant agrees to comply with all applicable federal, state, county, and local laws, rules, and regulations in its performance of the project.
5. That this Resolution shall take effect immediately.

**2023 Passaic County Historic Trust Regrant Program grant for
Wallisch Homestead Timber Barn Stabilization Project**

TOTAL PROJECT GRANT REQUEST	\$50,000
------------------------------------	-----------------

Adopted: April 19, 2023

Agenda No. XIII 6

~ Resolution 2023 – 163 ~

**RESOLUTION AUTHORIZING THE SUBMISSION OF A FUNDING REQUEST TO THE HIGHLANDS
WATER PROTECTION AND PLANNING COUNCIL FOR THE WALLISCH HOMESTEAD HISTORIC
PRESERVATION PLAN**

WHEREAS, the Highlands Water Protection and Planning Council (Highlands Council) makes funding available to municipalities within the Highlands Region to encourage a comprehensive regional approach to implementing the 2004 Highlands Water Protection Act; and

WHEREAS, the Friends of Wallisch Homestead has requested \$30,500 in funding from the Wallisch Homestead Historic Preservation Plan per the Barton Ross & Partners, LLC proposal dated April 1, 2023-Rev.; and

WHEREAS, the proposed scope of work includes, but is not limited to the following:

1. Identification and prioritization of recommendations for future restoration and/or stabilization projects, particularly its exterior;
2. Provide a planning tool for the Township's upkeep and long-term preservation;
3. Address the specific needs and long-term objectives of the project, including how the buildings are maintained, its current uses, and its proposed uses;
4. Provide comments on the use of the Wallisch Homestead Historic Preservation Plan itself for fundraising and grants;
5. Provide recommendations for involving the larger community; and
6. Recommend other opportunities for public education of the buildings.

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

WHEREAS, Wallisch Homestead Historic Preservation Plan helps to advance the objectives of the 2004 Highlands Water Protection Act; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township is authorized to seek \$30,500 in funding from the Highlands Council for the Wallisch Homestead Historic Preservation Plan.

Adopted: April 19, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 40 of 51

Agenda No. XIII 7

~ Resolution 2023 – 164 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A FISCAL YEAR (FY) 2023 MISSING AND UNIDENTIFIED HUMAN REMAINS (MUHR) PROGRAM

WHEREAS, the West Milford Detective Bureau has been investigating two “cold case” deaths from the 1980’s, which involve two separate unidentified individuals. Both Detective Fantasia and Detective Snook have worked tirelessly on these cases, and are nearing resolve; and

WHEREAS, technological advancements have progressed so much that with grant funding, the West Milford Detective Bureau would be able to exhume the grave(s) to perform DNA testing in order to attempt to locate a DNA match (family members) through the Combined DNA Index System (CODIS) eligible profiles; and

WHEREAS, Missing and Unidentified Human Remains (MUHR) awards can provide “up to six” eligible Counties and/or Local Government anywhere from \$50,000 - \$500,000, with no local match or “buy-in”; and

WHEREAS, funding through MUHR would greatly impact this investigation and help facilitate the approximate four-decade old unknown remains back to their families.

NOW THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Milford hereby authorizes the submission of a 2023 Missing and Unidentified Human Remains (MUHR) Program which can award “up to six” Counties and/or Local Government with \$50,000 - \$500,000 in funding, over thirty-six (36 month) award period.

Adopted: April 19, 2023

Agenda No. XIII 8

~ Resolution 2023 – 165 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LANDS AND PROPERTIES FROM THE TOWNSHIP AUCTION OF APRIL 12, 2023

WHEREAS, on April 12, 2023, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution 2023-140; and

WHEREAS, the Township Clerk reports that the schedule below outlines the bidders and their respective proposals to purchase said lands and recommends that the Township Council accept these bids.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the proposals set forth in the schedule below are hereby accepted and incorporated herein.

BE IT FURTHER RESOLVED, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution 2023-140.

This Resolution shall be effective immediately.

Adopted: April 19, 2023

Block	Lot	Buyer Address	Bid Amount
2311	7	20 Gladstone Road	\$7,000.00
2311	21	Hewitt, NJ 07421	
2405	20	307 Ridge Road West Milford, NJ 07480	\$2,550.00
2703	3	7 Vineland Road Hewitt, NJ 07421	\$4,600.00
11902	3	29 Algonquin Way West Milford, NJ 07480	\$2,500.00
13910	1	1021 Union Valley Road West Milford, NJ 07480	\$3,400.00
13911	1	1021 Union Valley Road West Milford, NJ 07480	\$700.00

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 41 of 51

Block	Lot	Buyer Address	Bid Amount
13912	1	1021 Union Valley Road West Milford, NJ 07480	\$4,700.00

Agenda No. XIII 9

~ Resolution 2023 – 166 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PUBLIC SALE OF MUNICIPALITY OWNED PERSONAL PROPERTY AT A PUBLIC AUCTION TO BE HELD ONLINE AT MUNICIBID.COM PURSUANT TO N.J.S.A 12A:2-328 SALE BY AUCTION AND N.J.S.A. 19:9-2.6 SALE OF SURPLUS PROPERTY

WHEREAS, pursuant to the provisions of N.J.S.A. 12A:2-328 AND N.J.S.A. 19:9-2.6, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-21: and

WHEREAS, N.J.S.A. 19:9-2.6 and the Division of Local Government Services' Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

WHEREAS, The Township has secured the services of Muncibid.com to organize and conduct all aspects of the Surplus Vehicle and Equipment Auction; and

WHEREAS, prior to commencement of such sale, Muncibid.com shall confirm that the Township Administrator & Department of Public Works is apprised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned property as indicated on Attachment A on file in the office of the Township Clerk on an online auction website entitled www.municibid.com,

BE IT FURTHER RESOLVED, that the terms and conditions entered into between Muncibid.com and the Township of West Milford are available at www.municibid.com and in the office of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice will be published in the official newspaper in accordance with the requirements for same.

Adopted: April 19, 2023

Agenda No. XIII 10

~ Resolution 2023 – 167 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING A FUTURE NEW JERSEY DEPARTMENT OF TRANSPORTATION ROCKFALL MITIGATION PROJECT ALONG NEW JERSEY STATE HIGHWAY ROUTE 23

WHEREAS, the New Jersey Department of Transportation ("NJDOT") has identified a potential future project along specified areas along the New Jersey State Highway Route 23 corridor within the Township of West Milford for rockfall mitigation; and

WHEREAS, a Local Officials briefing on January 20, 2023 introduced the project to various local officials of the Township; and

WHEREAS, the NJDOT indicated that the project is only in the Concept Development Phase at this time but will move to the next phase with support from the municipality; and

WHEREAS, the NJDOT has identified the next step of the conceptual project is a Resolution of Support by the Township of West Milford to support the further evaluation of the Route 23 Rockfall Mitigation Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford formally support a New Jersey Department of Transportation Rockfall Mitigation project

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 42 of 51

along specified areas along the New Jersey State Highway Route 23 corridor within the Township of West Milford.

Adopted: April 19, 2023

Agenda No. XIII 11

~ Resolution 2023 – 168 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF SPOT 23 LLC'S CANNABIS BUSINESS

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

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

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

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

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

WHEREAS, the Township of West Milford supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Community Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-193, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, Spot 23 LLC has expressed interest in siting such a retail cannabis dispensary at 2915 Route 23, Newfoundland, NJ (Block 15804, Lot 15); and

WHEREAS, the proposed location is within the Township's Community Commercial Zone; and

WHEREAS, the Township of West Milford has not imposed any limits on the number of retail cannabis dispensary that may operate in the Community Commercial Zone.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Cannabis Community Commercial Zone by Spot 23 LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

Adopted: April 19, 2023

Agenda No. XIII 13

~ Resolution 2023 – 170 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A 2023 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 awarded grant funds to the West Milford Police Department; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 43 of 51

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 acceptance of a 2023 Distracted Driving Crackdown Grant, "You Drive, You Text, You Pay," from April 1, 2023 through April 30, 2023 in the amount of \$7,000.00.

Adopted: April 19, 2023

Agenda No. XIII 14

~ Resolution 2023 – 171 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO THE ADOPTION OF THE 2023 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 has received the 2023 Distracted Driving Crackdown. U Drive. U Text. U Pay. Grant in the amount of \$7,000.00; and

WHEREAS, the amount of the grant should be added to the 2023 temporary budget; and,

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

1. The Township Council hereby authorizes the amendment of the 2023 temporary budget with an addition of emergency temporary appropriations in the amount of \$7,000.00 by a 2/3 vote of the Governing Body.
2. The Township's 2023 adopted budget shall include these receivables and appropriations.

Adopted: April 19, 2023

Agenda No. XIII 15

~ Resolution 2023 – 172 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING IN REM FORECLOSURE OF THE TAX SALE CERTIFICATES SHOWN ON THE ATTACHED TAX FORECLOSURE LIST IN-REM #39

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Township Council for the Township of West Milford, in the County of Passaic, a municipality of the State of New Jersey, is the holder of certain Tax Sale Certificates covering the lands and premises situated in the Township of West Milford for the amounts, including subsequent liens as shown on the Tax Foreclosure List In-rem #39, Schedules 1 through 16 hereto annexed and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of the Township Council of the Township of West Milford as follows:

1. That it is hereby determined to foreclose, In Rem, those tax sale certificates appearing on the attached Tax Foreclosure List In-Rem #39.
2. That the tax collector or its designee is hereby authorized and directed to foreclose the tax sale certificates appearing on the attached tax foreclosure list by summary proceedings provided by statute.
3. That the Township Clerk shall certify a true and accurate copy of this resolution to be made a part of such action instituted for the purpose of foreclosing the aforesaid tax sale certificates.
4. This resolution shall take effect immediately.

Adopted: April 19, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 April 19, 2023
 5:30 p.m.
 Page 44 of 51

Schedule	Description of Land as Appears on Tax Duplicate and Certificate	Certificate Number	Date of Tax Sale	Date of Recording Book and Page	Amount of Sale	Amount of Tax Liens Accruing Subsequent to Tax Sale, Interest and Cost	Amount Required to Redeem as of April 19, 2023	Name of Owner as Appears on Last Tax Duplicate
1	01001-017 BANKER RD	21-0002	10/12/2021	Book: M17556 Page: 211	323.38	908.56	1,231.94	ISOLDI AUDELLA
2	01611-001 JENKINS RD	21-0005	10/12/2021	Book: M17556 Page: 259	495.46	4,365.85	4,861.31	OSSO, FRED
3	01611-023 BAYONNE DR	21-0006	10/12/2021	Book: M17556 Page: 256	105.09	433.50	538.39	OSSO, FRED
4	02302-03 92 RIVERSIDE RD	20-0019	10/13/2020	Book: M16580 Page: 201	3,138.44	12,310.58	15,449.02	COMERCIALIZADORA ARGUHE INC ET
5	02305-012 KINGSLAND RD	21-0009	10/12/2021	Book: M17556 Page: 139	436.48	996.00	1,432.48	COLEMAN, GEORGE C/O G.A. LAM
6	01001-026 BANKER RD	22-0001	10/11/2022	Book: M18268 Page: 267	334.31	548.05	882.36	NELIS, GEORGE
7	02713-011 GREENWICH RD	21-0015	10/12/2021	Book: M17556 Page: 142	314.06	876.60	1,190.66	MEAKEM, CINDY
8	03503-030 COOLEY LN	21-0019	10/12/2021	Book: M17556 Page: 145	105.17	423.77	528.94	PJETROVIC, RASIM
9	03503-037 23 COOLEY LN	21-0020	10/12/2021	Book: M17556 Page: 148	2,142.96	10,085.97	12,228.93	SHARKEY, JOHN & LILLIAN
10	05011-003 WESTBROOD RD	21-0026	10/12/2021	Book: M17556 Page: 151	2,195.77	6,007.02	8,202.79	SCHWARTZ, JAMES
11	06604-024 LOUIS AVE	21-0035	10/12/2021	Book: M17556 Page: 154	401.25	911.93	1,313.18	KALINICK, MICHAEL & HELEN
12	07001-009 EDGE CUMB RD	21-0037	10/12/2021	Book: M17556 Page: 187	925.19	4,506.20	5,431.39	BARTILUCCI, G & LAWRENCE, D
13	01207-013 CARMEL RD	22-0003	10/11/2022	Book: M18268 Page: 270	237.79	521.20	758.99	DARMOHRAJ, PETER JR.
14	13808-009 MAYFLOWER AVE	21-0054	10-12/2021	Book: M17556 Page: 208	2,783.86	7,367.37	10,151.23	PRYOR, POLK CAROLYN ETALS C/O HORN
15	15803-009 28 OAKRIDGE RD	18-0052	10/09/2018	Book: M15271 Page: 144	5,344.58	39,276.74	44,621.32	KIMBLE PROPERTIES LLC
16	02303-006 RIVERSIDE RD	22-0005	10/11/2022	Book: M18268 Page: 273	324.62	531.09	855.71	ENGLEHARDT, GEORGE JR & LORRAIN
17	16004-004 JEFFERSON ST	12-0145	03-27-2012	Book: M11952 Page: 238	823.69	9,926.46	10,750.15	MASIH HOSAM & MAKICH JOY
18	03013-013 LAKESIDE RD	22-0009	10/11/2022	Book: M18268 Page: 276	145.04	280.99	426.03	US BANK TRUST C/O HUDSON HOME MTG
19	11001-001 MARY ST	22-0030	10/11/2022	Book: M18268 Page: 282	398.24	523.66	921.90	LARSEN, JOHN R
20	12208-027 POPLAR GROVE TR	22-0032	10/11/2022	Book: M18268 Page: 285	233.69	510.18	743.87	GOLDSTEIN, BENJAMIN R

The amount to redeem is subject to subsequent taxes, interest, fees and costs in the foreclosure of the tax sale certificate the amount due continues to accrue until redeemed. Contact the Tax Collector's Office for date of redemption.

Agenda No. XIII 16

~ Resolution 2023 – 173 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY RESCINDING RESOLUTION 2023-084 IN ITS ENTIRETY

WHEREAS, the Township Council adopted Resolution 2023-084 on February 8, 2023 for the authorization to purchase equipment for Nosenzo Park playground that included a 50 foot Zip Venture, Volta Inclusive Spinner, plastic borders, 125 yards of new wood fiber; and

WHEREAS, Resolution 2023-084 is hereby rescinded as the playground equipment cannot be installed at the necessary playground location, as this area will be part of the septic for the new Senior/Community Center at Nosenzo Pond Park; and

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 Resolution 2023-084 adopted February 8, 2023 is hereby rescinded and the contract awarded to Ben Shaffer Recreation BC-BID-21-24 using Co-op #11-BECCP, in a total amount not to exceed \$48,1879.79 is voided.

Adopted: April 19, 2023

Motion by Councilwoman Erik to move Resolutions 2023-159 through 2023-173. Seconded by Councilman Conlon.

The motion was then amended by Councilwoman Erik to Resolutions 2023-159 through 2023-173 EXCLUDING Resolution 2023-169. The Council gave consensus.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 45 of 51

Motion to move Resolutions 2023-159 through 2023-173 EXCLUDING Resolution 2023-169.

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

Agenda No. XIII 12

~ Resolution 2023 – 169 ~

DEFEATED

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF CANABHANG LLC'S CANNABIS BUSINESS

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

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

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

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

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

WHEREAS, the Township of West Milford supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Community Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-193, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, Canabhang LLC has expressed interest in siting such a retail cannabis dispensary at 24 Marshall Hill Road, West Milford, NJ (Block 5701, Lot 7); and

WHEREAS, the proposed location is within the Township's Community Commercial Zone; and

WHEREAS, the Township of West Milford has not imposed any limits on the number of retail cannabis dispensary that may operate in the Community Commercial Zone.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Cannabis Community Commercial Zone by Canabhang LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

DEFEATED: April 19, 2023

Councilwoman Erik indicated that the business owner had not followed the rules from the start and she would be voting no.

Motion to move Resolution 2023-169.

Moved: Erik Seconded: Conlon
Voted Aye: None
Voted Nay: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Motion DENIED:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Governing Body Regular Meeting
 April 19, 2023
 5:30 p.m.
 Page 46 of 51

Agenda No. XIV

Consent Agenda

~ Resolution 2023 – 174 ~

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) **2023-175** – Recreation Refund
- b) **2023-176** – Cancel Outstanding Check
- c) **2023-177** – Cancellation of Taxes
- d) **2023-178** – Refund Other Liens
- e) **2023-179** – Other Lien Amend 2023-152
- f) **2023-180** – Reinstatement of Taxes
- g) **2023-181** – Refund of Overpayments

Adopted: April 19, 2023

Agenda No. XIV a

~ Resolution 2023 – 175 ~

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:

BEGINNER COUNTRY LINE DANCE			
\$30.00	4118 Richmond Road West Milford, NJ 07480		
SOCCER SQUIRTS			
\$150.00	393 Maxim Drive Andover, NJ 07821		
SPRING SOCCER			
\$65.00	59 Center Street West Milford, NJ 07480	\$90.00	65 Vreeland Road West Milford, NJ 07480
LIFEGUARD RECERTIFICATION CLASS			
\$200.00	10 Commanche Lane Hewitt, NJ 07421		
INDOOR SOCCER			
\$40.00	65 Ponderosa Place Hewitt, NJ 07421		
AFTER SCHOOL ART CLUB			
\$125.00	21 Spinnler Drive West Milford, NJ 07480		
COOKING – JR KIDS			
\$35.00	52 Northwood Drive West Milford, NJ 07480		
COOKING – ADULTS			
\$50.00	328 Ridge Road West Milford, NJ 07480		
AFTERNOON ACTIVE AGERS			
\$25.00	2 Tangerine Court West Milford, NJ 07480		
YOGA SCULPT			
\$45.00	74 Allison Ave. Newfoundland, NJ 07435		

Adopted: April 19, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 47 of 51

Agenda No. XIV b

~ Resolution 2023 – 176 ~

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

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford claims warrant check has been outstanding for a period in excess of three months.

Table with 3 columns: DATE, CHECK #, AMOUNT. Row 1: 7/14/22, 30617, \$45.00. Row 2: TOTAL, \$ 45.00.

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

Adopted: April 19, 2023

Agenda No. XIV c

~ Resolution 2023 – 177 ~

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
3. Veteran/Surviving Spouse of Veteran Deduction
4. Senior Citizen/Disabled/Surviving Spouse Deduction

Table with 4 columns: Block/Lot, Amount, Year, Reason. Row 1: 05504-004.10, \$909.43, 2022, 1.

Adopted: April 19, 2023

Agenda No. XIV d

~ Resolution 2023 – 178 ~

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:

Table with 5 columns: Certificate No., Certificate Date, Block/Lot/Qual, Reimbursement Amount, Pay to Lien Holder. Row 1: 21-0001, 10/12/2021, 00905-018, \$123,815.74, EVOLVE BANK & TRUST 6000 POPLAR AVE; SUITE 300 MEMPHIS, TN 38119. Row 2: TOTAL, \$123,815.74.

Adopted: April 19, 2023

Agenda No. XIV e

~ Resolution 2023 – 179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2023-152 "REFUND OF OVERPAYMENT" ADOPTED ON MARCH 15, 2023 FOR THE REFUND OF OTHER LIENS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: April 19, 2023
 Time of Meeting: 5:30 p.m.
 Minute Page No: Page 48 of 51

WHEREAS, upon recommendation of the collector of taxes that Resolution 2023-152 be amended to cancel the check to CHRISTIANA T C/F CE1/FIRSTRUST on Block 04301, Lot 009 for the redeemed certificate #20-0037 in the total amount of \$77,648.17 and reissue to CHRISTIANA TRUST AS CUSTODIAN on Block 16302, Lot 013 for the redeemed certificate #22-0037 in the total amount of \$65,673.29.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized to cancel check #32394 for CHRISTIANA T C/F CE1/FIRSTRUST in the amount of \$77,648.17 and reissue a check to CHRISTIANA TRUST AS CUSTODIAN as listed below:

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
20-0037	10/13/2020	04301-009	\$77,648.17	CHRISTIANA T C/F CE1/FIRSTRUST PO BOX 5024 PHILADELPHIA, PA 19111
22-0037	10/11/2022	16302-013	\$65,673.29	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
TOTALS			\$65,673.29	

This resolution shall take effect immediately.

Adopted: April 19, 2023

Agenda No. XIV f

~ Resolution 2023 – 180 ~

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

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

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

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

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

BLOCK/LOT	NAME	AMOUNT	INT	YEAR	REASON
05305-006	Deon Otto	\$4,589.00	\$24.41	2023	2
00601-016	Nat Giancola	\$2,269.00	\$25.12	2023	2
09501-043	Paul Baham	\$439.35	\$60.65	2022	2
Total:		\$7,297.35	\$110.18		

Adopted: April 19, 2023

Agenda No. XIV g

~ Resolution 2023 – 181 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: April 19, 2023
 Time of Meeting: 5:30 p.m.
 Minute Page No: Page 49 of 51

Block/Lot	Name	Amount	Year	Reason
05504-004.10	1 Richmond Road; Unit 410 West Milford, NJ 07480	\$909.43	2022	8
09501-019.07	62 Leslie Drive West Milford, NJ 07480	\$250.00	2022	4
Total		\$1,159.43		

Adopted: April 19, 2023

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

Agenda No. XV

Approval of Expenditures

~ Resolution 2023 – 182 ~

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	\$685,273.50
3	Reserve Account	59,926.79
2	Grants	13,367.50
6	Refunds	191,523.46
1	General Ledger	14,835.00
26	Refuse	263,740.92
4	Capital	3,400.27
19	Animal Control	7,436.28
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	16,019.04
19	Scala Trust	0.00
16	Development Escrow	13,355.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	211.00
Total		\$1,269,088.76
Less Refund Resolution		-191,523.46
Actual Bills List		\$1,077,565.30
Other Payments:		
Payroll		596,081.53
Payroll		573,258.75
Nextgen Solutions		38,451.50
Payroll		546,685.47
Pitney Bowes Reserves		14,000.00
Enterprise Lease payment		25,575.86
Treasurer, State of NJ		4,291.13
BOE		5,001,253.00
Total Expenditures		\$7,877,162.54

Adopted: April 19, 2023

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 50 of 51

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

Agenda No. XVI

Reports of Mayor, Council Members, Administrator, and Attorney

Mayor Dale – Expressed gratitude once again, for all the people who helped and volunteered at such a trying time and is very proud of our Town.

Councilwoman Erik – The National Day of Prayer is May 4, 2023 and she explained some of the history behind it. Prayer services will be held at noon at Veterans Park, the second service will be at 4 p.m. at the Board of Ed and the third will take place at 7 p.m. at Macopin Middle School. People can contact the Beautification Committee and adopt a road, a spot, a sign and a drain. If we can get 10% of the storm drains adopted we can receive more funds in the Clean Community Grant. If you choose to adopt a drain you would need to keep it free of detritus and be sure to look in it to make sure there is no blockage. If the drain is filled, call DPW and they will come out and fix it. Anyone wishing to adopt can contact the Beautification Committee for the form. There will be a Beautification Committee picnic Saturday at Bubbling Springs complete with prizes.

Councilman Chazukow – Thanked the fire departments and all the participating agencies who assisted with the historic fire, and was impressed with how well the job was done. The EDC is still moving forward with the map project. The feasibility study is very detailed.

Councilwoman Lichtenberg – For those unable to participate in the clean up on Saturday, people can obtain shirts and bags from the recycling department 973-728-2724 and go out on Sunday or the week after, just let them know so they can pick up the bags. A citizen member will be appointed tonight to the Municipal Alliance Committee, but one opening stills remains after that appointment. There is a new Recovery Rehab Center in West Milford and the 24 hour phone number is 855-434-8060. Councilwoman Lichtenberg is also at Town Hall every Friday from 10 to noon and can be reached by calling 973-248-5437.

Councilman Goodsir – The Department of Recreation is looking for women who would like to participate in the adult softball league. Saturday June 24th the Recreation Department will be hosting a pickleball tournament at the Nosenzo Park location. There will be a boating safety class on May 20th and there are a few spots still open. The class provides the knowledge needed to acquire a NJ Boating Safety certificate. The fireworks display will be held on June 30th at the High School, with a rain date of July 1st. The Bubbling Springs Concert series will be starting up at the gazebo and is free to the public every Thursday night. Pequannock Feed will be having a pet adoption this Saturday at 85 Marshall Hill Road with food trucks and a craft fair from 11-5 p.m. The Trout Derby will be held May 6.

Councilman Conlon – Wanted to thank the Police Department as well as the fire departments. The road closures were an added difficulty and were constantly changing. He thanked the First Aid Squads, the Search and Rescue Team, the CERT team, OEM, Mike Moscatello and all the other volunteer organizations. The Mayor and Council members are all extremely available and anyone wishing to get in touch with him email conlon@westmilford.org.

Councilman Marsden – Pointed out that Volunteer of the Year, Mike Joy was pulling double duty volunteering for the CERT team and also Search and Rescue. Those who have applied for a pistol permit and have not received the permit most likely, it is not the fault of the Town. There has been an email issue at the State level. People can check with the police station and they will ensure that the State has received the necessary information.

Administrator Senande – No report.

Attorney Pasternak – No report.

Agenda No. XVII

Appointments and Resignations

Councilwoman Lichtenberg wished to appoint Dustin Baarck to the Municipal Alliance. Councilwoman Erik seconded. Councilwoman Erik moved to close and confirm the nomination.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 19, 2023
Time of Meeting: 5:30 p.m.
Minute Page No: Page 51 of 51

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

Agenda No. XIX

Adjournment

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

The meeting adjourned at 9:15 p.m.

Approved: May 3, 2023

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK