

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
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Agenda No. VIII

Discussion Items / Official Communications

Table with 2 rows and 2 columns. Row 1: 1. High Crest Lake - Stop Sign Mayor Dale said that the Engineering Department had conducted a study and made a recommendation. Councilwoman Lichtenberg felt it was simple and the Council could move forward with the recommendation. A suggested change was made from "Southwest" to "Northwest" and agreed upon under "movement prohibited." Row 2: 2. Highlander Drive - Left Hand Turn The turn would be prohibited from 7:00-7:30 a.m. from the exit area of Macopin School Driveway going onto Highlander Drive to alleviate the traffic back up in the drop off area. The consensus was to move forward.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 - 035 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 420 LAND USE PROCEDURES, CHAPTER 470 SUBDIVISION OF LAND AND SITE PLAN REVIEW, ADDING A NEW SECTION TO CHAPTER 500-XX EXCEPTIONS AND SUPPLEMENTAL REGULATIONS TO BULK AND AREA REQUIREMENTS AND AMENDING CHAPTER 500-68 FENCES, WALLS AND SIGHT TRIANGLES

WHEREAS, the Township Code contains development standards for properties within the residential; zones throughout the Township; and

WHEREAS, a review of the Township Code demonstrates a need to change and to reduce variances on residential lots for a variety of setback encroachments and accessory structures are necessary; and

WHEREAS, the Township Council has determined that it is necessary to amend the Code to establish such changes and address issues which have become code enforcement issues; and

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapters 420 "Land Use Procedures", Chapter 470 "Subdivision of Land and Site Plan Review, Chapter 500-92 "Exceptions and Supplemental Regulations to Bulk and Area Requirements" and Chapter 500-68 "Fences, Walls and Sight Triangles shall be amended to read as follows:

SECTION 1. §420 "Land Use Procedures", Section 420-6 "Definitions" adding definitions for clarity on items that were previously undefined.

§420-6 Definitions

ACCESSORY BUILDING, STRUCTURE, OR USE

A building, structure or use which is customarily associated with but is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. An accessory building or structure attached to the principal building shall comply in all respects with the requirements applicable to the principal building, except for decks, which must follow standards set forth in § 500-92.

AWNING or CANOPY

A roof-like cover that projects from the wall of a principal or accessory building for the purpose of shielding a doorway or window from the elements. Awnings may be either fixed or retractable.

CARPORT

A permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles or other personal vehicles.

ENCROACH

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback.

ENCROACHMENT

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into the setback.

GAZEBO

An accessory building consisting of a detached, covered, freestanding, open-air structure not exceeding 200 square feet.

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MINOR ACCESSORY STRUCTURE

Accessory structures which are detached from the principal building, non-habitable by humans, livestock, or household pets, and under 100 square feet. Minor accessory structures are subject to § 500-92 Exceptions and supplemental regulations to bulk and area requirements. Coops, stables, and livestock shelters are subject to § 500-66 Accessory buildings and § 500-90 Farm Animals.

PATIO, TERRACE

A level, landscaped, and/or surfaced area directly adjacent to a principal building and not covered by a permanent roof.

PORCH

A roofed, open area, which may be screened, attached to, or part of a building, and with direct access to or from it.

PORTICO

An open-sided structure attached to a building supported by columns.

PERGOLA

A structure of parallel colonnades, or columns, supporting an open roof of crossing rafters or trelliswork.

OVERHANG

The part of a roof or wall that extends beyond the façade of a lower wall.

ROOF

The outside top covering of a building.

STORAGE PERIOD

The period of time during which a shipping container or temporary structure has been stored on a property.

TEMPORARY STRUCTURE

A structure that is erected or placed without any foundation or footings and is not in place for more than 180 days total in one calendar year. Structures in place for more than 180 days total in one calendar year are considered regulated structures that must adhere to § 500 Zoning and must obtain appropriate permits. Temporary structures must adhere to accessory structure setbacks.

TENT

A structure, enclosure, or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole or poles.

SECTION 2. Chapter §470 "Subdivision of Land and Site Plan Review" with updates below to the Bulk Variance Checklists Attachment 7 For Additions or Accessory Structures and Attachment 8 For New Homes to read as follows:

§470 Attachment 7 Bulk Variance Checklist (For Additions or Accessory Structures)

Item 1. Completed bulk variance application form, including the variances being requested and copy of zoning permit denial from Zoning Officer.

§470 Attachment 8 Bulk Variance Checklist (New Homes)

Item 1. Completed bulk variance application form, including the variances being requested and copy of zoning permit denial from Zoning Officer.

SECTION 3. Chapter §470-44 "Zoning Permits" paragraph B to read as follows:

- B. Waiver of Zoning Permit Application for Interior Renovations and Window Replacements. For interior renovations within existing building that do not change the number of bedrooms, dwelling units or kitchen(s), the applicant may first submit to the Building Department, where the Construction Official, or the Construction Official's appointed Designee, will determine whether a Zoning Permit Application is necessary for the proposed project.

SECTION 4. Chapter 500 "Zoning", Article IX General Provisions and Design Standards, adding a new section under 500-92 to read as follows:

§500-XX Exceptions and supplemental regulations to bulk and area requirements.

- A. Building elements. Building elements which are permitted encroachments into setback requirements include but are not limited to, overhangs or porticos, awnings, steps, porches, balconies, bay and box windows, fireplaces or chimneys, and heating or air-conditioning units provided that no encroachment is more than half the total distance of the required setback.
- B. Setback exemptions. Patios/terraces, fences of any height and structures less than one foot in height are exempt from setbacks requirements; however, all structures including fences should be set at least one foot off of the property line.

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- C. Minor accessory structures. Minor accessory structures are permitted to encroach into side and rear property setbacks subject to the following limitations:
a. Minor accessory structures may be located within the side yard and rear yard setbacks provided that a minimum of five feet is maintained for clear access between the minor accessory structure and any other structure or property line.
b. Minor accessory structures shall be limited to a maximum height of 12 feet.
c. Minor accessory structures shall count towards the total accessory building coverage.
D. Decks.
a. Decks attached to the principal building shall be permitted to encroach into principal building side and rear yard setbacks provided that no encroachment is more than half the total distance of the required setback.
b. Decks detached from the principal building shall be permitted to encroach into accessory building side and rear yard setbacks provided that no encroachment is more than half the total distance of the required setback.
c. No deck shall cover more than 50% of the rear yard or 50% of either side yard.

SECTION 5. Chapter 500 "Zoning", Article IX General Provisions and Design Standards", Chapter §500-68 Fences, walls and sight triangles to streamline the process of retaining walls in some instances to read as follows:

Chapter §500-68 Fences, walls and sight triangles

- A. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms or where necessary for the keeping of farm animals as provided in §500-90 and except further that fences permitted for commercial and industrial uses may be topped by a barbed wire protective barrier. Moreover, notwithstanding any other provisions of this section, retaining walls which are under four feet in height, part of a larger project certified by an engineer, or on a site plan approved by the Township Engineer do not require a separate Zoning or Building Permit Application. Retaining walls over four feet in height require both a zoning and building permit application. Any Township review of the submitted request shall consider the safety and aesthetic aspects of the proposed retaining wall.

SECTION 6. 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 7. 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 8. 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 9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 10. This Ordinance may be renumbered for codification purposes.

Introduced: September 22, 2021
Adopted: October 20, 2021
Effective Date: October 30, 2021

This Ordinance was introduced on September 22, 2021 and Notice of Public Hearing was published in the Herald News on September 28, 2021. The Governing Body will open the meeting to the public to speak on this ordinance only.

Seeing no one else wanted to speak, Councilwoman Erik moved to close the public portion. Seconded by Councilwoman Lichtenberg. All were in favor.

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

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WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” N.J.S.A. 24:6I-31 et seq. (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes the following six marketplace classes of business licenses to be issued by the State of New Jersey Cannabis Regulatory Commission for the legal operation of cannabis establishments and other types of cannabis marketplace activity in the State, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the licensed cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of license “cannabis establishments” (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors and cannabis delivery services allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishments, cannabis distributors and cannabis delivery services, except that the time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the “Commission”); and

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, also authorizes municipalities to establish certain civil penalties for violations of any ordinance or regulations governing cannabis establishments, distributors or delivery services that may operate in a municipality, as well as to their location, manner and times of operation; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishments, cannabis distributors, and the principal premises of a cannabis delivery service from anywhere in the municipality, but not the actual delivery of cannabis items and related supplies by a licensed cannabis delivery service operating outside the boundaries of the municipality; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, also stipulates that any municipal ordinance, regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, provides that a municipality’s failure to adopt such ordinances within 180 days, shall result in any cannabis cultivator, manufacturer, wholesaler, distributor or delivery service to be deemed a permitted use in all industrial zones of the municipality for an initial period of five years, first beginning on August 22, 2021; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, also provides that a municipality’s failure to adopt such ordinances within 180 days shall result in a cannabis retailer being authorized to operate in all commercial/retail zones in a municipality as a conditional use, subject to meeting certain conditions of the Township, or receiving a variance from one or more of those conditions in accordance with the “Municipal Land Use Law,” P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.) for a period of five years, five years, first beginning on August 22, 2021; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a municipality’s failure to enact local ordinances, regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but such ordinances would be prospective only and would be inapplicable to any cannabis establishments, cannabis distributors and cannabis delivery services already operating within the municipality; and

WHEREAS, section 33 of the Act, (PL. 2021, c. 16 §33, N.J.S.A. 24:6I-46) and section 34 of the Act, (P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7) deems certain pre-existing State licensed

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alternative treatment centers to concurrently hold certain class(es) of the above-referenced cannabis establishment license(s), which enables such pre-existing alternative treatment centers to simultaneously operate a licensed cannabis establishment so long as a municipality first approves same by municipal endorsement or through a local licensing procedure; and

WHEREAS, section 31c of the Act, N.J.S.A. 24:6I-45c, authorizes municipalities to impose a separate local licensing or endorsement requirement as part of its restrictions on the number of cannabis establishments, distributors or delivery services; and

WHEREAS, section 40 of the Act, N.J.S.A. 40:48I-1, authorizes municipalities to adopt ordinances imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located in the municipality on receipts from the sale of cannabis to other cultivators, sales between cannabis establishments, and any combination thereof, and sets forth the limits for same; and

WHEREAS, the Township of West Milford has specifically allowed cultivation (Cannabis Cultivator License Class 1), manufacturing (Cannabis Manufacturer License Class 2), wholesaler (Cannabis Wholesaler License Class 3), distribution (Cannabis Cultivator License Class 4), retailer (Cannabis Retailer License Class 5) and delivery (Cannabis Deliver License Class 6) under the Act, subject to municipal regulation where appropriate in the Township; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that a new Code section and Article shall be created, as follows:

SECTION 1. ARTICLE _____, MEDICAL AND RECREATIONAL CANNABIS ACTIVITY

Title: MEDICAL AND RECREATIONAL CANNABIS ACTIVITY"

§ 500-194 Definitions.

"Alternative treatment center" and "Pre-existing Alternative treatment center" Shall mean an organization issued a permit, conditional permit, and/or a vertically integrated permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, C. 307 (C. 24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary or clinical registrant prior to February 22, 2021; and includes any alternative treatment center deemed pursuant to section 7 of the "Jake Honig Compassionate Use Medical Cannabis Act" (C. 24:26I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit and/or any alternative treatment center deemed to concurrently hold any one or more class(es) of Cannabis Licensed Marketplace license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7.

"Designated Caregiver" Shall mean and refer to a "Designated Caregiver" as defined under the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, C. 307 (C. 24:6I-1 et al.).

Cannabis Shall mean all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

"Cannabis Consumption Area" Shall mean and refer to a "Cannabis Consumption Area" as defined under P.L. 2021, c. 16 §3, N.J.S.A. 24:6I-33, of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act".

"Cannabis Cultivator" Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis Delivery Service" Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the

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cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

“Cannabis Distributor”

Shall mean any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis Establishment”

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer or a cannabis distributor.

“Cannabis Item”

Any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.).

“Cannabis Manufacturer”

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis Retailer”

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis Wholesaler”

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

“Cannabis Licensed Marketplace”

A license issued under relevant State law including a license that is designated as either a:

- A. Class 1 Cannabis Cultivator license
- B. Class 2 Cannabis Manufacturer license
- C. Class 3 Cannabis Wholesaler license
- D. Class 4 Cannabis Distributor license
- E. Class 5 Cannabis Retailer license
- F. Class 6 Cannabis Delivery license

The term shall also include a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

The term shall also include any activity related to cannabis cultivation, cannabis manufacturing, cannabis wholesale, cannabis distribution cannabis retail and/or cannabis delivery service by a pre-existing alternative treatment center deemed to concurrently hold any one or more class(es) of the above-listed cannabis license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act, amending N.J.S.A. 24:6I-7; but shall not include the pre-existing alternative treatment’s activities related to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing and/or medical cannabis dispensing by a pre-existing medical cannabis alternative treatment center pursuant to a license or conditional licensed issued by the State of New Jersey pursuant to the “Jake Honing Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

“Consumption”

Shall mean the act of ingesting, inhaling, or otherwise introducing medical cannabis items and/or cannabis items into the human body.

“Delivery”

Shall mean the transportation of cannabis items and related supplies to a consumer.

“Delivery”

Shall also mean the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or

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otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“Indoor Public Place”

Shall mean a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c. 136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c. 492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

“Institutional Caregiver”

Shall mean and refer to an “Institutional Caregiver” as defined under the “Jake Honing Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.).

“Licensee”

Shall mean a person or entity that holds a license issued under P.L. 2021, c. 16 (C.24:6I-31 et al.) including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor License, a Class 5 Cannabis Retailer License, a Class 6 Cannabis Delivery license, and also includes: a person or entity that holds a conditional license for a designated class; a person or entity holding a pre-existing Medical Cannabis Cultivator License, pre-existing alternative treatment center permit first issued by the State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the “Jake Honing Compassionate Use Medical Cannabis Act” (P.L. 2009, c. 307, N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.) prior to February 22, 2021, and approved by the Township to hold a concurrent municipal license to operate as a Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and/or Class 4 Cannabis Distributor in accordance with the provisions hereinafter and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, (Amending N.J.S.A. 24:6I-7) of the Act; and/or any other person or entity holding a local annual cannabis license issued by the Township pursuant to this Code.

“Manufacture”

Means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

“Medical Cannabis”

Means cannabis dispensed to registered qualifying patients or their designated or institutional care giver(s) pursuant to the “Jake Honing Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.). “Medical cannabis” does not include any cannabis or cannabis item that is cultivated, manufactured, produced, processed, distributed, delivered, sold and/or resold for the ultimate purpose of recreational consumption by persons that are not registered qualifying patients.

“Personal Use” and/or “Recreational Use”

Means the purchase, sale, possession, and/or consumption of cannabis items by person(s) who are not a Registered Qualifying Patient under the “Jake Honing Compassionate Use Medical Cannabis Act” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

“Premises” or “licensed premises”

Means the following areas of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

“Public Place”

Shall mean any place to which the public has access that is not privately owned, including but not limited to any property owned by the Township of West Milford, County of Passaic, and or any other government subdivision of the State of New Jersey situated within the geographic boundaries of the Township; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool,

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shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

“Registered Qualifying Patient” or “Qualifying Patient” or “Patient”
Shall mean and refer to a Qualifying Patient or Patient registered under the “Jake Honing Compassionate Use Medical Cannabis Act.” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

“Veteran”
As applicable to this section, to receive any discount, “veteran” shall mean any person who presents a DD Form 214 reflecting they have received an honorable characterization of service, and as to any corporate entity, shall mean when such corporate entity is more than 50% owned by such veterans, as defined above.

“Wholesale Trade”
Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

§ 500-195 Purposes and Application.

- A. This Chapter has been adopted by the Mayor and Township Council of the Township of West Milford for the following purposes:
- (1) To protect the public health, safety, and general welfare of the residents of the Township of West Milford by establishing strict limits and regulations on the lawful sale and use of legal cannabis.
 - (2) To regulate the operation of licensed cannabis establishments to protect against the unlawful operation and use of cannabis and marijuana.
 - (3) To establish certain conditions and limitations on the number of cannabis licenses authorized to be issued within the Township of West Milford.
 - (4) To establish regulations on the time, location and manner of licensed cannabis establishments and activities.
 - (5) To prohibit the operation of any cannabis establishments and other cannabis marketplace activities within the Township unless strictly in conformance with State and local laws.
 - (6) To establish limitations on the number and types of cannabis establishment licenses and cannabis marketplace activities.
 - (7) To establish local regulations as to the time, location, and manner of cannabis establishments and cannabis marketplace operations and activities in accordance with State law.
- B. Applicability. The provisions herein shall apply to all licensees, persons, organizations and businesses operating and/or seeking to operate as any class of licensed cannabis establishment pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L. 2021, c. 16, N.J.S.A. 24:6I-31, et seq., including any pre-existing alternative treatment center deemed to concurrently hold any class(es) of cannabis marketplace license(s) pursuant to P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46 and P.L. 2021, c.16 §34 (amending N.J.S.A. 24:6I-7) of the Act.

§ 500-196 Prohibitions on Cannabis Establishments, Retail, Consumption Areas, and Cannabis Delivery Service Premises.

- A. Pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), Licenses for Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distribution, Class 5 Cannabis Retailer and Class 6 Cannabis Delivery shall be allowed within the geographic boundaries of the Township of West Milford.
- B. Nothing herein shall be construed to prohibit the delivery of cannabis items and related supplies within the Township of West Milford by a New Jersey licensed Class 6 Cannabis Delivery Service to a consumer of 21 years of age or older for personal use from the licensed premises of a Class 6 Cannabis Delivery Service, located outside the geographic boundaries of the Township.
- C. Nothing herein shall prohibit a pre-existing alternative treatment center to operate at a location separate from a pre-existing licensed location.

§ 500-197 Numerical Limit on Local Cannabis Licenses and Class Types of Cannabis Establishment Permitted.

- A. The following number and type of municipal cannabis establishment licenses, otherwise known as a “local annual cannabis license” are hereby authorized to be available for issuance by the Township of West Milford on an annual basis pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L. 2021, c. 16, (N.J.S.A. 24:6I-31, et seq.) first commencing August 22, 2021:
- (1) Ten (10) Class 1 Cannabis Cultivator licenses to be issued to initial licensees, with not more than two (2) of such licenses as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to cultivate medical cannabis from a location previously approved by the Township and actively licensed by the State of New Jersey,

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Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.

- (2) Ten (10) Class 2 Cannabis Manufacturer licenses to initial licensees, with not more than two (2) of such licenses as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to manufacture, package and/or process medical cannabis, and selling such medical cannabis to other manufacturers, wholesalers or retailers, but not directly to consumers, from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40- 12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.
- (3) Ten (10) Class 3 Cannabis Wholesaler licenses to initial licensees, with not more than two (2) of such licenses as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to purchase, store, sell or otherwise transfer and/or transport medical cannabis items for the purpose of resale to other medical cannabis wholesalers or dispensaries, but not directly to consumers, from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021;
- (4) Ten (10) Class 4 Cannabis Distributor licenses to initial licensees, with not more than to (2) of such licenses as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to transport in bulk medical cannabis from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.
- (5) Ten (10) Class 5 Cannabis Retailer licenses for locations at which cannabis items and related supplies are sold to consumers.
- (6) Ten (10) Class 6 Cannabis Delivery licenses for businesses providing courier services for consumer purchases.
- B. Except for the number and classification types of the municipal licenses listed hereinabove, no additional licenses or license types shall be issued or otherwise made available by the Township except by formal adoption of an ordinance.
- C. Any person, organization and/or business, including a licensed cannabis establishment of limited class type operating outside the scope of a license, found to engage in the cultivation, manufacturing, wholesale, bulk transport and/or retail sale of cannabis items without first having a valid license issued by the Township shall be subject to a civil fine and penalty as set forth herein below.
- D. Any person, organization and/or business found to operate a delivery service from any premises within the geographic boundaries of the Town shall be subject to a civil fine and penalty as set forth herein below.

§ 500-198 Municipal Licensure Requirements.

- A. Prior to commencing the cultivation of cannabis and/or engaging in cannabis manufacturing activities, cannabis wholesale activities and/or cannabis distribution activities, any person, business, organization, including a pre-existing alternative treatment seeking to concurrently operate, shall first apply for and secure from the Township of West Milford an annual local Class 1 Cannabis Cultivator license, annual local Class 2 Cannabis Manufacturer license, annual local Class 3 Cannabis Wholesaler license, annual local Class 4 Cannabis Distributor license, annual local Class 5 Cannabis Retailer license or annual local Class 6 Cannabis Delivery license, or any combination thereof.
- B. The Township of West Milford, through its Municipal Clerk, shall begin accepting applications for any class of annual local cannabis license 15 days following final passage of this ordinance. The initial local annual license shall be valid until December 31, 2022. Thereafter, the period of each annual local cannabis establishment license shall commence January 1, and expire on December 31 of the calendar year.
- C. The licensee of an alternate treatment center authorized cannabis establishment shall be required to maintain a valid alternative treatment center permit from the State of New Jersey,

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- Cannabis Regulatory Commission for each applicable class of concurrently held local annual cannabis license as a condition of holding a local annual cannabis license.
- D. By no later than December 1 of the license year, all licensees shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a cannabis establishment within the Township of West Milford.
 - E. All local cannabis establishments' licenses shall be conditional, and shall remain subject to all laws and regulations of the Township of West Milford and the State of New Jersey. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal by the Township of West Milford.
 - F. The initial application fee for each local cannabis establishment license shall be \$2,500 and the renewal application fee shall be \$1,500. An escrow shall be established for administrative and professional fees and costs relating to the application and oversight during the term.
 - G. There shall be a \$500 discount available for veterans as to the initial application fee, and to any subsequent renewals. Veteran status shall be determined by the Township Council and as delegated to the designated representative.
 - H. There shall be a \$500 discount available for a microbusiness as to the initial application fee, and as to any subsequent renewals.
 - I. All local cannabis establishment licenses shall be non-transferrable. All local cannabis establishment licenses shall be specific to the property location authorized and approved by the Township and shall not otherwise be considered a "pocket license." Nothing herein shall prevent a pre-existing alternative treatment center to operate at a location separate from a pre-existing licensed location.
 - J. All local cannabis establishments shall be subject to unannounced inspections by a designated representative of the Township. Access shall be permitted by the designated representative.

§ 500-199 Local Cannabis Transfer and User Taxes.

- A. Pursuant to section 40 of the Act, N.J.S.A. 40:481-1a(1), the following transfer taxes are hereby established on all cannabis establishments operating within the Township of West Milford as the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
 - (1) 2% on the gross receipts from each sale of all cannabis and cannabis items by any cannabis cultivator to any other cannabis cultivator;
 - (2) 2% on the gross receipts from each sale by a cannabis manufacturer;
 - (3) 1 % on the gross receipts from each sale by a cannabis wholesaler; and
 - (4) 2% on the gross receipts from each sale of cannabis and/or cannabis items from any cannabis establishment to another cannabis establishment.
- B. Pursuant to section 40 of the Act, N.J.S.A. 40:481-1a(2), the following user taxes are hereby established on all concurrent license holders operating within the Township of West Milford, which shall be in addition to any other tax imposed by law as the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
 - (1) 2% of the receipts from each sale by a cannabis cultivator;
 - (2) 2% of the receipts from each sale by a cannabis manufacturer;
 - (3) 1% of the receipts from each sale by a cannabis wholesaler; and
 - (4) 2% of the receipts from each sale by a cannabis retailer.
- C. The above provisions as to the user and transfer taxation of any cannabis marketplace activities shall not apply to that portion of any business activities conducted by a concurrent licensee with respect to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing, medical cannabis distribution and/or the dispensing of medical cannabis items. Such user and transfer taxation amounts shall be governed by a contractual agreement with the licensed medical cannabis facility.

§ 500-200 Odor Mitigation and Control.

- A. All cannabis establishments, including licensed pre-existing alternative treatment centers, shall provide fully integrated air treatment systems, with sufficient odor absorbing ventilation and exhaust systems such that any odor generated within the confines of the premises shall not unreasonably interfere with the enjoyment of life or property outside the boundaries of the establishment's property, in accordance with NJDEP regulations and guidance.
- B. All medical cannabis establishments and cannabis establishments shall be required to retain a qualified environmental consultant approved by the Township, who shall be available to promptly respond to the site in the event of an incident or adverse event within a reasonable period of time not to exceed 12 hours.
- C. All medical cannabis establishments and cannabis establishments shall be required to monitor all activities for odors on a daily basis; shall maintain and produce written records of all odor monitoring, investigations, air quality studies and adverse events.
- D. All records as to odor monitoring, investigations, air quality studies and adverse events shall be produced to the Township upon request.

§ 500-201 Corporate Designee Contact.

All medical cannabis establishments and cannabis establishments operating within the Township of West Milford shall be required to designate a corporate representative of the business who shall be available 24 hours daily to serve as the primary person of contact for the establishment, and shall have full authority to make decisions on behalf of the establishment in the event of an emergency. The establishment shall provide the up-to-date direct telephone and email contact information for the corporate designee to the Township Police Department and the Township Administrator and shall assure

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Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Mayor Dale asked to move resolutions 2021-383 through 2021-393

Agenda No. XII 1

~ Resolution 2021 – 383 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF PASSAIC FOR FUELING SERVICES

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C.40A:65-1 et seq. local units may enter into shared services agreements with other local units; and

WHEREAS, the Township of West Milford, as a local unit, wishes to enter into Shared Services Agreement with Passaic County to fuel certain vehicles at Township facilities.

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 Mayor and the Township Clerk be and are hereby authorized to enter into an agreement effective December 1, 2020 through November 30, 2022 with the County of Passaic and invoiced at the current rate of fuel plus a 10% ten percent administrative fee.
2. The Passaic County Officials will provide the West Milford DPW Director with a list of County employees and list of vehicles that will be the subject to this subject.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
4. A copy of this resolution to be sent to the Division of Local Government Services.

Adopted: October 20, 2021

Agenda No. XII 2

~ Resolution 2021 – 384 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO RIVERVIEW PAVING, INC. FOR THE 2021 TOWNSHIP ROAD RESURFACING PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on October 8, 2021 at 10:00 am for the resurfacing of sections of Canistear Road (Henderson Road to the Township line), Gould Road (Macopin Road to Sherwood Court) and Morsetown Road (Cahill Cross Road to House #260) as per the bid specifications; and

WHEREAS, the Township of West Milford received six (6) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division and the Township Attorney; and

WHEREAS, the bid received from the low bidder, Riverview Paving, Inc., has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 04-215-55-834-004; and

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 Township Council hereby awards a contract to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, NJ 07840 for the 2021 Township Road Resurfacing project in an amount not to exceed \$531,657.81.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Riverview Paving, Inc. in accordance with its bid for said resurfacing of sections of Canistear Road, Gould Road and Morsetown Road in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: October 20, 2021

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Agenda No. XII 3

~ Resolution 2021 – 385 ~

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

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

WHEREAS, the leasing of such vehicles may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

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

WHEREAS, the Township will take delivery in December, 2021, with the first lease payment of \$36,398.62 being made 1 month after commencement of the lease; and

WHEREAS, the annual total for two (2) lease payments is \$69,141.44, to be encumbered from account 01-201-26-290-230; and

WHEREAS, funds will be budgeted in the next 3-5 years based on the terms of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease Two (2) 2022 Ram Dump Trucks as described above through Sourcewell National Cooperative Contract #060618-EFM through Enterprise Fleet Management, 1550 Route 23 North, Suite 101, Wayne, NJ 07470.

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: October 20, 2021

Agenda No. XII 4

~ Resolution 2021 – 386 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF A NEW CAMERA SYSTEM IN THE POLICE DEPARTMENT IN ACCORDANCE WITH THE TOWNSHIP’S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase or purchases in excess of the former bid threshold of \$17,500.00 and that the purchases shall warrant use of State contract, Cooperative Pricing contract or a minimum of three quotations; and

WHEREAS, the existing camera system inside the Police Department needs to be replaced; and

WHEREAS, the Police Department requires the purchase and installation of a new camera system which expense shall exceed the \$17,500.00 threshold; and

WHEREAS, three (3) quotes were solicited and three (3) quotes were received and Atlantic Communications was the lowest quote at \$22,491.87; and

WHEREAS, the above referenced vendor shall comply with State Pay-to-Play regulations by completing and submitting a Business entity Disclosure Certification; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 01-201-25-240-202; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute a purchase order to Atlantic Communications, 664 Route 15 South, Lake

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Hopatcong, NJ 07849 in an amount not to exceed \$22,491.87 for the purchase and installation of a new camera system in the Police Department.

Adopted: October 20, 2021

Agenda No. XII 5

~ Resolution 2021 – 387 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FOR FIRE FIGHTER PHYSICALS IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES

WHEREAS, the Township Council of the Township of West Milford did adopt ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and they did subsequently adopt resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold to \$36,000; and

WHEREAS, as a condition to the increase in the bid threshold, the Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500 and that the purchase shall warrant a minimum of three quotations; and

WHEREAS, the Township Council has received a recommendation from the Department of Fire to contract for fire fighter physicals which expense shall exceed the aggregate quote threshold of \$17,500; and

WHEREAS, the Township has been doing physicals for members of the Fire Department since 2011 due to OSHA regulations and NIOSH recommendation; and

WHEREAS, three (3) quotes were solicited with one (1) non-responsive and two (2) quotes received and Nassau NDI Diagnostics was the lowest quote; and

WHEREAS, the Department of Fire recommends Nassau Diagnostics for Class A physicals examinations for \$150 each; and

WHEREAS, the Township's Qualified Purchasing Agent is aware of the recommendation, and confirms that Nassau NDI Diagnostics is the vendor for physicals and the purchase is in compliance with the New Jersey Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 01-201-25-266-553.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the appropriate Township officials be and are hereby authorized to execute future purchases to Nassau NDI Diagnostics, P.O. Box 1206, Center Moriches, NY 11934, in an amount not to exceed \$30,000 for the 2021 calendar year.

Adopted: October 20, 2021

Agenda No. XII 6

~ Resolution 2021 – 388 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND UPDATING THE PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH INCORPORATES THE EMPLOYEE HANDBOOK THEREIN AND APPROVING THE UPDATED DRUG AND ALCOHOL POLICIES FOR CDL HOLDERS AND SAFETY SENSITIVE EMPLOYEES

WHEREAS, the Township of West Milford is a member of the New Jersey Municipal Excess Liabilities Fund; and

WHEREAS, the MEL distributed a model personnel policies and procedures manual and model drug policy encouraging its members to update their policies and procedures; and

WHEREAS, the Township of West Milford seeks to update its Personnel Policies and Procedures Manual and its Drug Policy to conform to the MEL's standards.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic that the Township of West Milford Personnel Policies and Procedures Manual and the Township of West Milford Drug Policy has been updated; and

BE IT FURTHER RESOLVED that a copy of the updated Township of West Milford Personnel Policies and Procedures Manual is on file with the Clerk's office; and

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BE IT FURTHER RESOLVED that a copy of the updated Township of West Milford Drug Policy is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the updated Personnel Policies and Procedures Manual and Drug Policy will be forwarded to the Township Administrator for distribution to all Township employees.

This Resolution shall take effect immediately.

Adopted: October 20, 2021

Agenda No. XII 7

~ Resolution 2021 – 389 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO ALTER AN EXISTING INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM (ISSDS) ON LOTS 1 & 3 IN BLOCK 6401 AT 1590-1610 UNION VALLEY ROAD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM, DISCHARGE TO GROUNDWATER (NJPDES-DWG) AUTHORIZATION NUMBER NJG0173908

WHEREAS, Kingwood Flex, LLC is the owner of the Belcher Run Shopping Center at 1590-1610 Union Valley Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as Lots 1&3 in Block 6401; and

WHEREAS, the aggregate peak daily wastewater design flow for the use(s) on the property exceeds 2,000 gpd; and

WHEREAS, the construction, alteration or repair of an ISSDS designed to treat and dispose of wastewater flows in excess of 2,000 gpd is regulated by the NJDEP NJPDES program; and

WHEREAS, Kingwood Flex, LLC has submitted a request to the Township of West Milford for Consent to File a TWA with the NJDEP to alter the existing ISSDS on the property; and

WHEREAS, the Township Engineer has reviewed the request and has determined that the ISSDS is regulated by the NJDEP, conforms with the requirements of all municipal ordinances pertaining to the proposed disposal system, but certain aspects of the soil testing and ISSDS design do not conform to the minimum standards set forth in the "Standards for Individual Subsurface Sewage Disposal Systems" at N.J.A.C. 7:9A; and

WHEREAS, a permit to alter the existing wastewater treatment and disposal systems must be authorized by the NJDEP through the TWA application process; and

WHEREAS, submittal of a TWA application to the NJDEP requires the municipality to, by way of Resolution, consent to the project; and

WHEREAS, the Township Engineer recommends to the Mayor and Township Council that it in fact consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application with respect to septic alterations as submitted for the Belcher Run Shopping Center facility located on lots 1&3 in block 6401 in the Township of West Milford.

Adopted: October 20, 2021

Agenda No. XII 8

~ Resolution 2021 – 390 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF SOULFLORA INC. CANNABIS BUSINESS

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

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WHEREAS, the Mayor and Township Council of the Township of West Milford find that Cannabis Cultivation is a viable and valuable commercial enterprise that should be promoted within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford has adopted an Ordinance, allowing pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), Licenses for Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distribution, Class 5 Cannabis Retailer and Class 6 Cannabis Delivery; and

WHEREAS, SoulFlora Inc. requests the support of the governing body of the Township of West Milford, in expectation of their planned cannabis business, having secured a location within the Township of West Milford, and having received Zoning Board approval with conditions (on file in the Clerk's Office); and

WHEREAS, SoulFlora Inc. has also retained the services of Sapphire Risk Advisory Group, to assist in designing a security program as to a dispensary in the Township of West Milford (on file in the Clerk's Office); and

WHEREAS, the Mayor and Township Council of the Township of West Milford supports SoulFlora Inc. in this endeavor and their expected cannabis business.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that it does hereby establish the below:

- 1) The Township of West Milford supports SoulFlora Inc. and their planned cannabis business, located within the Township of West Milford at Block 14605, Lot 4.04, and having Zoning Board approval with conditions.
2) A copy of this resolution and its attachments shall be available to the public within the Office of the Municipal Clerk, Township of West Milford.

This Resolution shall take effect immediately.

Adopted: October 20, 2021

Agenda No. XII 9

~ Resolution 2021 - 391 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2021 YEAR-END HOLIDAY DRIVE SOBER OR GET PULLED OVER GRANT

WHEREAS, statistics show that there are increased incidences of impaired driving during the holiday season; and

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

WHEREAS, the Division of Highway Traffic Safety has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased DWI enforcement and monitoring thereby providing for overall public safety during the Year-End Holiday season; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford Hereby authorizes the submission of a 2021 Year-End Holiday Drive Sober or Get Pulled Over grant from December 12, 2021 through January 1, 2022 in the amount of \$3,600.00.

Adopted: October 20, 2021

Agenda No. XII 10

~ Resolution 2021 - 392 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, High Crest Lake Lodge, Inc. ("Association") is a private lake association in West Milford; and

WHEREAS, the Association is the operator of a dam located on High Crest Lake which dam has been determined, based upon engineering investigations to be in need of repair, improvement and rehabilitation; and

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

WHEREAS, the Association has secured an initial State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan in the amount of \$575,000.00 for which the Township has signed a loan agreement as Co-Borrower; and

WHEREAS, the initial loan of \$575,000.00 doesn't fully cover the expected cost of the required dam repairs and an additional \$1,250,000.00 is estimated to be required in order to fully cover the expected cost; and

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

WHEREAS, the Township determines that the repair, improvement and rehabilitation of the High Crest Lake dam and execution of the DEP Loans are in the best interests of the residents of the Township; and

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

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

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford that the Township does hereby endorse the application of a DEP loan to effectuate dam repairs at the High Crest Lake Dam in the Township of West Milford.

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

1. Upon DEP approval and upon the Association's agreement to, and execution of, an acceptable Co-Borrower Agreement, the Mayor and Township Clerk are authorized to execute the DEP Loan Agreement as the Co-Borrower for a loan in an amount of not more than \$1,250,000.00 and to execute any amendments thereto.
2. In the event the Township executes the DEP Loan as a Co-Borrower, the Township of West Milford agrees to complete the dam restoration project as set forth in the DEP Loan and to reimburse the State in accordance with the terms and conditions of the DEP Loan in the event of a default on the part of the Association.
3. The Township of West Milford agrees to comply with all applicable deferral, State, and municipal laws, rules and regulations in its performance pursuant to the DEP Loan.

Adopted: October 20, 2021

Agenda No. XII 11

~ Resolution 2021 – 393 ~

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

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

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

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

License No.	2022 RECYCLING CENTER -JUNK YARD – JUNK SHOP
2022-01	2022 RECYCLING CENTER LICENSE SkyTop Recycling Inc. – Peter Downes

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2022-01	2022 JUNK YARD LICENSE Mountain Top Auto, Inc. – John Kardanow
2022-02	2022 JUNK YARD LICENSE AC3 LLC - Albert Christmann II
2022-01	2022 JUNK SHOP LICENSE Mountain Top Auto Inc. – John Kardanow

Adopted: October 20, 2021

Councilman Marsden asked what would become of the old cameras and Mr. Senande indicated there are only three cameras and they are antiquated, in all likelihood they will get thrown away.

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

Agenda No. XIII

Consent Agenda

~ Resolution 2021 – 394 ~

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

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

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

Resolutions:

- a) **2021-395** – Cancel Tax Lien Premium
- b) **2021-396** – Cancellation of Taxes
- c) **2021-397** – Refund of Overpayment
- d) **2021-398** – Reinstatement of Taxes
- e) **2021-399** – Refund of Other Liens
- f) **2021-400** – Refund Right-of-Way Bond Fee
- g) **2021-401** – Refund Fire Permit Fees

Adopted: October 20, 2021

Agenda No. XIII a

~ Resolution 2021 – 395 ~

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

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

WHEREAS, the lien was not redeemed within five years form the date of sale the lien holder is not entitled to the premium

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. Cancel Tax Lien Premium

Block/Lot	Lien Certificate	Premium Amount	Reason
02706-005	15-0028	\$5,000.00	1
06504-014	15-0053	\$37,200.00	1
Total		\$42,200.00	

Adopted: October 20, 2021

Agenda No. XIII b

~ Resolution 2021 – 396 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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

Block/Lot	Name	Amount	Year	Reason
08601-001	Michael Moore	\$250.00	2021	3
15301-005	Robert J Roon	\$250.00	2019	3
		\$250.00	2020	
		\$250.00	2021	
02605-015	George Carter	\$3,987.93	2021	1
		\$3,560.00	2022	
Total		\$8,547.93		

Adopted: October 20, 2021

Agenda No. XIII c

~ Resolution 2021 – 397 ~

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

Block/Lot	Name	Amount	Year	Reason
15301-005	Robert J Roon 19 Rabbit Run Dr Newfoundland, NJ 07435	\$500.00	2019/2020	4
02605-015	George Carter 32 Point Breeze Dr Hewitt, NJ 07421	\$2,202.40	2021	8
Total		\$2,702.40		

Adopted: October 20th, 2021

Agenda No. XIII d

~ Resolution 2021 – 398 ~

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

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

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

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

REASON: INSUFFICIENT FUNDS

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>INT</u>	<u>YEAR</u>
04001-008	Barbara Selick	\$650.00		2021

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04301-045	Fred Salo	\$3,698.89		2021
07104-006	Giovanni Macaluso	\$2,860.00	\$39.52	2021
00601-013	Ismail Reine	\$4,484.34		2021
01603-009	Estela Robert	\$2,750.00	\$43.13	2021
15701-007	Carol Christopher	\$3,592.66		2021
07104-006	Giovanni Macaluso	\$2,860.00	\$39.52	2021
GRAND TOTAL		\$22,018.06		

Adopted: October 20, 2021

Agenda No. XIII e

~ Resolution 2021 – 399 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
20-0036	10/13/2021	04301-008	\$226.82	711Flip LLC 1831 Route 52 Fishkill, NJ 12542
20-0037	10/13/2020	04301-009	\$77,648.17	Christiana C/F CE1/Firsttrust P.O. Box 5021 Philadelphia, PA 19111
TOTAL			\$77,874.99	

Adopted: October 20, 2021

Agenda No. XIII f

~ Resolution 2021 – 400 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RIGHT-OF-WAY BOND FEE

BE IT RESOLVED, that the following street opening bond fee upon the recommendation of the Township Engineering Department be refunded:

Receipt No.	Refund Amount	Refund to	Street Excavation Project Permit No.
562191	\$463.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-09
762187	\$28,000.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-10
562191	\$900.00	Passaic County Water Commission 1525 Main Avenue Clifton, NJ 07011	2020-16

Adopted: October 20, 2021

Agenda No. XIII g

~ Resolution 2021 – 401 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF FIRE PREVENTION PERMIT FEES

BE IT RESOLVED that the following Fire Prevention permit fees upon the report of the Fire Marshal be refunded:

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Agenda No. X

Public Comments

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

Robert Nolan – 1 Winding Way, had concerns about the financial disclosure forms that members on the Council and various Boards are required to submit. In 2020 some were not filed and as of September 2021 others weren't filed. It is a State law that they be filed and he believes it should be the responsibility of the Administrator to ensure they are filed. One of the disclosure forms was filed on September 27th and it revealed that a Council Member had a business interest in Hemp Heaven LLC. He feels the Council is rushing Cannabis Ordinances through. In an effort to bring up the subject with the Township Attorney, he sent a letter to the Township address and did not get a letter back from the Township Attorney but did receive a letter from the Administrator regarding an ethics complaint. He clarified that he did not file an ethics complaint, but rather had asked that the matter be looked into to make sure there was no conflict of interest. As a former member of the Council and as a member of the Planning Board he knows a bit about conflicts of interest.

Tom Napiorski – 45 Alpine Court, referenced Hanover and Alpine roads paving project. He has questions about the budget and timelines for the project. In February of next year it will be five years since he first met with Township Engineer Eric Miller. He was told at that time that it would take about two years for the process to take place. He gave a timeline of the progress that was initially made and stated that all the requirements of the road improvement and assessment program have been met. Progress stopped as no action was taken by the Township for about one and a half years. In June of 2019 the Council voted to formally accept the roads as Township Roads. However, progress has once again ceased. In October of 2016 the Council voted to only maintain the roads to emergency vehicle access standards. Mr. Napiorski thanked Bob Reider for all that he has done for the project and asked that the Council allow him the time and help he needs to complete the project. He thanked Ed Steins. He wanted to know the budgeting of monies, the completed design, and the starting date for the project. Mr. Napiorski was a contractor for 47 years and there was always a schedule for his jobs. He asked that the project please get done.

Bob Nicholson – Stockholm, West Milford, reminded everyone that they do not have to physically attend the Council meetings and that you could watch Channel 77 live on television or visit the website and watch at your convenience, current or past meetings are available.

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

Agenda No. XI

Council Comments

Councilman Chazukow thanked Bob Nicholson for the service that is provided through Channel 77. Regarding the roads, it is not unreasonable to ask for a schedule. Mr. Senande had an update. The bid should be going out in the spring and it should be completed in the summer or fall of next year. Last year a million dollars was put toward that budget and another half million should be included in next year's capital budget. According to the Tax Assessor the road assessment has a maximum of about \$10,000.00 per household. Councilman Chazukow indicated that the Governing Body has the ability to make decisions outright but that they do listen to and value the input from the various Boards. He thanked Mr. Nolan for bringing the Financial Disclosure Statements to everyone's attention. In regard to ethics, Councilman Chazukow is not a fan of politics and seeks to provide ethics and morals in an arena that can lack them. His company is not small. He has been forthcoming the entire time, informing the Township Attorney of his business and his activities. He has been a legalization advocate for years. He founded Hemp Heaven years ago. Hemp is quite different from cannabis. Councilman Chazukow produced a shirt made from organic hemp with plant based dyes to show what exactly he sells. Mayor Dale thanked Councilman Chazukow for being up front from the beginning. He had made her aware of his position from the start.

Councilman Goodsir indicated that Tom Napiorski is a well respected man.

Councilwoman Lichtenberg thanked Bob Nicholson for mentioning TV Channel 77 and for all they do.

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Councilman Gross – The hiking trail map is still moving forward and the EDC will be getting a copy next week. Also beware because it is scam season. If it sounds too good to be true, hang up. They are slick so don't fall for it.

Councilman Marsden – Recently contacted higher ups at Hackensack Meridian and conversation has begun with regard to getting a cancer center in town.

Councilwoman Erik – No report.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Chazukow – Congratulations to SoulFlora, Cannabis is a valuable industry, welcome to West Milford and good luck.

Councilwoman Lichtenberg – On October 30, there will be a free rabies clinic for dogs at the DPW from 9 a.m. -12 p.m. There will be another BOE strategic planning meeting at the Macopin School on October 27 at 7 p.m. and residents should attend, show interest and give input. December 1 there will be a third meeting for the BOE strategic plan. On Saturday October 30, the West Milford School District is hosting their annual Spooktacular and Trunk or Treat from 5-8. A portion of the proceeds will go to first responders. The Lion’s Club will be collecting coats until November 19, there is a drop off at the Jewelry Repair Center, 1614 Union Valley Road. If you have any questions the phone number is 201-906-9513. The West Milford Rotary is sponsoring Flags for Our Hero’s to commemorate Veteran’s Day. November 6- 27 the flags will be displayed at Bubbling Springs Park, please consider sponsoring a flag. Donations may be dropped off at the State Farm Insurance building 1489 Union Valley Road.

Councilman Goodsir –The Trout Derby was October 16 at the Westbrook Teen Center and it was a success. Thank you to the DPW and the Recreation Department for help with the cleanup. Thank you to Demarco’s for the pizza and the Elks for cooking hot dogs and hamburgers. He also thanked his son Daniel for always helping out. The Chuck Eninger Soup Kitchen is progressing. They are waiting on certificates, and then they will be collecting money and hopefully by next year they will be able to distribute from various churches on Saturdays. The CERT Team will be participating at the Trunk or Treat at the Macopin School. Big Erik’s Food Truck will also be there selling food. The Elks does food baskets for Thanksgiving and Christmas, please donate food items, non-perishable and later on even a ham or a turkey. December 18 at noon will be the Wreaths Across America event at Cedar Crest, the Presbyterian Church and then to St. Joseph’s Church. Call Councilman Goodsir at 973-769-5632 with any questions. Banners for Veterans was discussed. Mr. Senande has found a company that does the banners, there are about 4 municipalities in New Jersey that participate, and locations are being identified for the project.

Mayor Dale - Mentioned the Chamber of Commerce Murder Mystery event October 28 at Jimmy Geez. Mayor Dale thanked Hanna’s House of Dance for opening up a business in West Milford. Dollar Tree will be renovating and eventually moving into the Belcher’s Run Shopping Center where currently there are empty store fronts. The property has been purchased. There will be a Blood Drive at Apsawa Fire house on October 23, from 9-2 p. m. Mayor Dale congratulated Momentos Restaurant for 25 years of business in West Milford. There will be a ribbon cutting for Jennifer Perrillo Photography at 1811 Union Valley Road on November 7 at 10 a.m. Town Hall will be open for early voting, October 23 through October 31, on Election Day people need to go to their regular polling locations. We are looking into getting a liaison for the Lakes Bill. Currently there isn’t one and Mayor Dale has reached out to the Governor’s representative to get one. Ten million dollars has been funded to the State of New Jersey and now we must apply for grants. Mayor Dale asked if anyone had experience writing grants and wanted to partner with the municipality, it would be helpful and greatly appreciated.

Administrator Senande – No report.

Mr. Pasternak – No report.

Agenda No. XVI

Appointments and Resignations

Councilwoman Lichtenberg made a nomination to appoint Amanda Bendett to the Health Board Advisory Committee.

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

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 7:22 p.m.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Approved:

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK