

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:Governing Body Workshop and Regular Meeting

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Time of Meeting:6:30 p.m.

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The Workshop and Regular Meeting of the Governing Body was called to order by Council President Erik at 6:30 p.m.

Adequate Notice Statement

Mayor Dale was not present and Council President Erik 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 Workshop Meeting was advertised in the Herald News in its issue of December 27, 2020 and January 11, 2021; a copy was provided to the Record and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

Council President Erik led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present:Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir, Warren Gross, David Marsden

Absent:Mayor Michele Dale

Also Present:Township Administrator William Senande, Township Attorney Ed Pasternack

Agenda No. III

Reading of or Approval of Unapproved Minutes

June 9, 2021 Workshop/Regular Meeting Minutes
June 9, 2021 Executive Session Meeting Minutes

Moved:Lichtenberg

Seconded:Chazukow

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:None

Motion carried:

Agenda No. IV

Meetings

Council President Erik noted the future meeting schedule:

August 11, 2021 Workshop and Regular Meeting
September 8, 2021 Workshop Meeting
September 22, 2021 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations

Vulnerable Population Outreach Update – Coordinator Dave Pardave spoke about a handbook he had composed specifically for West Milford based on another handbook, to help with the outreach program. He has been working with the Wanaque Salvation Army, getting training with assistance programs like food pantries, rental and prescription drug assistance, clothing, as well as seasonal assistance such as Thanksgiving and Christmas. West Milford is currently 68% vaccinated and pushing to get to the 70% issued by the State.

Eagle Scout Award – Ryan Cooper was introduced by the Council President Erik and congratulated. Councilman Goodsir presented a plaque. Ryan Cooper’s project was to build two steel dugouts on Dygos field to protect from sun and rain. As a baseball player that is where he learned leadership lessons and wanted to give back. Future plans are Seton Hall and a Criminal Justice Degree in hopes of becoming an FBI Officer. West Milford has the highest number of Eagle Scouts in the Nation. Rich Bauer donated all the steel for the project.

West Milford Heritage Committee & Museum –Robert Baily is a volunteer at the West Milford Museum and mentioned the museum could use more volunteers. The Museum often hosts special events; one

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being held August 7, at 2 p.m. a group called Contraband will be performing with instruments that date back to the Civil War time period, September 25th at 2 p.m. there will be an outdoor concert with the Enslow's. Refreshments will be served.

West Milford CERT – Community Emergency Response Team–Councilman Goodsir indicated that his was the first family in West Milford to contract Covid. The idea of CERT was formed to take care of people who perhaps were unable to take care of themselves in Covid times, say a parent or both go into the hospital who would take care of the children in the family? It started off with getting food out to quarantined families and developed from there with Training taking place last September. Councilman Chazukow and Councilman Marsden are also part of the CERT team.

Steve Kyle CERT Team Manager gave a history of CERT which became a national program in 1993 and now operates in all 50 States with its own specifics for each community and the culture of preparedness. Hethanked the Mayor, the Township and the OEM. It is best to prepare ourselves and be trained for our community prior to disasters.

Megan Vandelinda, a 16 year West Milford resident and 7 year member of the West Milford Community Fire Company spoke about the members of the team. They had 1065 hours of training in 10 months, there are currently 29 members on the team. She listed the types of training and qualifications of the team. Requirements are set by the State. Her goal is to get as much certified training as possible in order to best provide for the community and bridge gaps to surrounding communities. Police Department “Night Out” will take place on August 3, 2021, and there will be fire extinguisher simulation demonstrations done at ALF on October 9, 2021 this year. September 26, 2021 Company #4 will be running a training drill taking place at the High School. Those wishing to contact the CERT Team may do so through Facebook or email; westmilfordcertteam@gmail.com

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

1.	Cell Towers on Township Property: Administrator Senande indicated that when a cell tower company seeks to place a cell tower on a property, there will be a priority for the tower to go onto a municipality owned property if there is one adjacent to the property before asking to place a cell tower on private property. The Council gave consensus to move forward.
2.	Maintenance of Greenwood Lake: Administrator Senande explained that the State is responsible for maintaining the property and we are asking the State to take care of it instead of us doing it, with money from our municipality. Councilwoman Lichtenberg made a motion to have the draft of this discussion item become Resolution 2021-288. There was a vote to have it become a resolution Motion to adopt Resolution 2021-288 (Full Resolution- see page 46) ----- Moved: Lichtenberg Seconded: Chazukow Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden Voted Nay: None Motion carried. -----
3.	Brown’s Point: The Township has had a lease there for 51 years. Administrator Senande wants to cancel the lease there are no programs being run there and it is still a public park. Discussion by the Council that the tax payers should not have to Maintain State property. Councilman Chazukow was concerned if lease cancelled, what would be the impact on the historical disc golf course that is there. Administrator Senande said that if we were to want to change anything besides mowing the lawn and regular maintenance we would have to ask the State’s permission anyway. Motion to adopt the draft as Resolution 2021-289 (Full Resolution see page 47) ----- Moved: Erik Seconded: Marsden Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden Voted Nay: None Motion carried. -----
4.	Time to Abate Zoning Violations: Administrator Senande indicated that there is no clear time frame presently and it needs to be defined. The Committee reviewing the subject

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	has suggested 20 day period to abate a Zoning violation, and if it is not abated there will be a summons issued. The Council gave consensus and Administrator Senande will prepare an ordinance for the next meeting.
5.	License Fee for Cannabis Businesses: Township attorney Edward Pasternak indicated that for liquor licenses the fee was \$2500 and then there was a \$1000 renewal fee, perhaps with the cannabis there would be a fee per acre, for example, \$35 an acre, using an acreage model. The Planning Board has raised the issue about the costs that the Township would be incurring for police and the numbers need to be considered. The number of licenses will be limited by the Zoning. Once the second reading of the Ordinance takes place (tonight) and is adopted other details will follow. State laws will need to be followed. Councilman Chazukow is in favor of limiting the license fees and is in favor of a reduced rate for woman, minority, Veteran owned and micro-grown businesses but also would like numbers to justify the cost of a license. Administrator Senande indicated there would also be enforcement costs incurred in order to fine people who do not go through the proper channels. Attorney Pasternak indicated he would work with the Administrator and come up with a base suggestion and it can be discussed from that point. Council gave consensus
6.	Consumption of Cannabis: There was discussion if it should be treated like cigarettes or vaping, so not in public parks or whether it should be treated more like alcohol with no public consumption, walking down the street. Councilman Chazukow is leaning on the smoking side. There is a distinction between recreational and medical marijuana Discussion about bundling with alcohol. Can someone smoke on a public sidewalk? We can address issues later. Attorney Pasternak indicated that he would not "lump" this ordinance in with the fee schedule ordinance. Councilwoman Liichtenberg is in favor of treating it like alcohol is treated. It was agreed to proceed one step at a time.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 – 026 ~

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

WHEREAS, on March 3, 2021, the Township Council adopted Ordinance 2021-12 which amended Chapter 460 of the Township Code entitled "Soil Removal and Soil Fill"; and

WHEREAS, upon review of the Ordinance by the Township Attorney and the Township Engineer, several areas of concern relating to soil movement were not adequately addressed; and

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

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

Section 1. Chapter 460 Soil Removal and Soil Fill

§ 460-1 Purpose and findings.

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

All operations performed pursuant to this Chapter shall be in compliance with the applicable state laws and regulations related to A-901 licenses, specifically N.J.S.A. 13:1E-126 *et seq.* and N.J.A.C. 7:26.

§ 460-2 Definitions.

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

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ACCEPTABLE SOIL/FILL – Non-decomposable, inert solids such as soil, fill, subsoil, topsoil, sand, clay, loam, gravel, humus, rock, concrete, brick, glass, and/or clay or ceramic products, free of construction/demolition debris, garbage, refuse, or sludge and not containing concentration of one or more contaminants that exceed New Jersey Department of Environmental Protection Residential Direct Contact Soil Remediation Standards or Non-Residential Direct Contact Soil Remediation Standards, whichever is more stringent, as set forth in N.J.A.C. 7:26D, Remediation Standards.

APPLICANT – The property owner/developer requesting a soil permit as provided for in this Chapter.

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

CONSTRUCTION/DEMOLITION DEBRIS – Mixed waste building material and rubble resulting from construction, remodeling repair, and demolition operations on houses, commercial buildings, pavements and other structures that includes, but is not limited to, treated and untreated wood scrap, tree parts, tree stumps and brush, plaster and wallboard, roofing materials, corrugated cardboard and miscellaneous paper, ferrous and nonferrous metal, non-asbestos building insulation, plastic scrap, carpets and padding, and other miscellaneous materials.

CONTAMINATED PROPERTY – Any property, including but not limited to structures, sediment, soil and water that contains a contaminant which is present at such levels or concentration as to require action pursuant to any federal or state statutes or regulations.

CONTAMINATED SOIL/FILL – Any soil containing contaminants exceeding the current requirements for the most stringent concentrations between the Non-Residential and Residential Direct Contact Soil Remediation Standards pursuant to N.J.A.C. 7:26D, Remediation Standards.

DREDGED MATERIAL – Sediments removed from under a body of water such as, but not limited to, a bay, harbor, lake, stream and river, removed during a dredging operation or otherwise that are displaced or removed to another location.

FARM – Qualified commercial farms or farmland assessed properties.

FILL – Material placed at a location for the purpose of filling low areas, changing the contours of an area, stabilizing existing grades and/or raising the grade of an area. Fill usually consists of soil, but may also include non-water-soluble, non-decomposable, inert solids such as rock, gravel, brick, block, and/or clay or any combination thereof.

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

MINOR SOIL PERMIT – A permit for the movement of more than 100 cubic yards of soil but less than 500 cubic yards of soil. The volume of fill shall be cumulative for the property in the case of multiple permits in any 3 year period.

PERMIT – A soil permit.

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

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

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

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

TOWNSHIP – The Township of West Milford.

§ 460-3 Permit required.

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

Any person seeking a permit pursuant to this Chapter shall be required to provide proof of compliance with the statutory A-901 licensing requirements.

§ 460-4 Exceptions and exemptions.

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- A. The provisions of this chapter shall not apply to excavations for building foundations, septic tanks or sanitary installations, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Department of Health as required by law.
- B. Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the Soil Conservation Program of the Hudson, Essex and Passaic Soil Conservation District of the United States, Department of Agriculture National Resource Conservation Service, or for which lands an approved farm plan has been established by said agency. All soil moving and removal operations and fill operations in and upon such lands shall be performed in accordance with said approved plan and provided further that a copy of said approved plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- C. A separate soil permit under this chapter shall not be required for individual lot development plans approved pursuant to Chapter 110-4, Site Plan Review for Detached Single-Family Dwellings, or subdivisions and/or site plans approved pursuant to Chapter **470**, Subdivision of Land and Site Plan Review, of the Land Development Ordinance:
 - (1) By the Planning Board;
 - (2) By the Board of Adjustment;
 - (3) By the Township Engineer; or
 - (4) Administrative review and approval.
- D. Nothing in this chapter shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- E. The provisions of this chapter shall not apply to the storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards provided that the outdoor storage of materials on said property has previously been established and does not require site plan approval pursuant to this chapter.
- F. This chapter does not regulate the movement and placement of soil fill directly related to agricultural uses on farm properties within the Township and does not supersede any rights granted under the Right to Farm Act.

§ 460-5 Application for permit.

- A. Application for a minor soil removal or soil fill permit shall be filed with the Township Engineer, who shall issue the permit based upon substantial compliance with the provisions of §§ **460-10** and **460-12** of this chapter; provided, however, that the Township Engineer shall have the authority to deny a permit if he determines that the removal or fill would be detrimental to the health, welfare or safety of the general public. The denial shall be in writing setting forth reasons for same. Any party denied a permit shall have the right to an appeal as set forth in N.J.S.A. 40:55D-70(a).
- B. Application for a major soil removal or soil fill permit shall be filed with the Township Planning Board and shall be accompanied by a fee prescribed in § **460-8**. Five copies of the application shall be submitted on forms prescribed by the Township Planning Board and supplied by the Secretary to the Board. The application shall set forth the following:
 - (1) Name and address of the applicant.
 - (2) Name and address of the owner, if other than the applicant.
 - (3) The description and location of the land in question, including the tax map block and lot numbers.
 - (4) The purpose or reason for moving, filling, or removal of the soil.
 - (5) The nature and quantity, in cubic yards, of soil to be removed or filled.
 - (6) The place to which the soil is to be removed or placed.
 - (7) The proposed date of completion of the soil removal or fill.
 - (8) The name and address of the person having direct charge or supervision over the soil removal, filling operation movement operation.
 - (9) Supporting documentation as required to adequately address and comply with the purpose and the provisions of this chapter.
 - (10) An approved soil conservation permit.
 - (11) Environmental and community impact statement in conformance with § **470-17**, Environmental and community impact statement, of the Land Development Ordinance.
 - (12) Proof of compliance with statutory A-901 licensing requirements.
- C. The application for a permit pursuant to either (A) or (B) above shall be accompanied by the ACCEPTABLE SOIL/FILL MATERIAL CERTIFICATION FORM found at §460-26, to be completed as follows:

***By the soil/fill material supplier**

Part 1: The date the form is completed, the soil/fill supplier's name, title, company name, address, telephone number, and email contact information.

Part 2: The site name(s), address(es), and block/lot of the property(ies) supplying the soil/fill material.

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- Brief history of the source property (ies), including current or past use of the property.
- Answers to questions 1 through 3.
- A date soil/fill material was subject to analytical testing.
- Analytical data shall include documentation consistent with the Township's requirements.
- Certification (signature) from the soil/fill supplier that the soil/fill being imported meets the definition of acceptable soil/fill.

*By the person receiving or placing acceptable soil/fill material
Part 3: The date the form is completed, the name, title, company name, address, telephone number, and email contact information.

The address of the location where soil/fill placement will be.

Answers to questions 1 through 5.

Certification (signature) from the person receiving or placing the soil/fill material.

§ 460-6 Referral.

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

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

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

§ 460-8 Permit fees; inspections.

- A. The fees for a minor or major soil removal or soil fill permit are set forth in Chapter 414, Fees, Land Development.
- B. Inspections. On an annual basis or upon request, the Township Engineer may require the submission of a topographic map and quantity estimates prepared by a professional engineer or land surveyor, or any other method approved by the Township Engineer, on behalf of the application and at the applicant's expense, in order to determine the quantity of soil removed, filled or moved. For a major soil permit should the original quantity estimates be exceeded at any time, the fee shall be increased accordingly and the matter will be reviewed by the Township Planning Board, which shall have the discretion to award credit for any fee paid as to any increase noted due to exceeding the original quantity estimate.

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

- A. In addition to the application forms submitted to the Township Planning Board, the applicant shall submit reports and maps as required which will address the following points:
 - (1) Procedures and measures that will be taken by the applicant to ensure that noise and dust problems will be held to a minimum.
 - (2) Procedures and measures that will be taken by the applicant to assure lateral support of remaining soil and the prevention of erosion, floods and siltation of watercourses during the active life of the operation and after the soil removal operation ceases.
 - (3) Procedures and measures that will be taken by the applicant that will protect adjoining

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

§ 460-10 Standards governing the issuance of permits.

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

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

§ 460-11 Bond requirements.

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

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

- A. The soil removal, fill operations, and movement operations shall be so conducted that there shall be no sharp declivities pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris and graded to conform to the finished contour lines and grades as required and shown on the approved plan.
- B. The developer or excavator shall not remove or move from the premises or take away the top layer of arable soil for a depth of four inches, but such top layer of soil shall be set aside on the premises and shall be respread over the premises when the rest of the soil has been removed in conformity with the contour lines approved by the Township Planning Board.
- C. The grading of slopes shall not exceed the maximum allowable grades permitted by the most current revised *The Standards for Soil Erosion and Sediment Control in New Jersey*. Benching, as may be required by the Township Engineer, shall be provided for by the applicant. Grading of slopes in quarry operations shall be as determined by the Township Engineer.

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- D. On weekdays, work shall commence no sooner than 7:00 a.m. and shall end no later than 7:00 p.m. except that on weekends, work shall commence no sooner than 8:00 a.m. and shall end not later than 7:00 p.m.
- E. A one-hundred-foot buffer shall be retained from each property line wherein the soil operation is adjacent to developed residential uses. A fifty-foot buffer shall be retained from each property line in all other areas. When compliance with buffer requirements is impracticable because of the physical configuration of the property of preexisting uses, the distance requirements may be waived upon the recommendation of the Township Engineer if:
 - (1) Natural screening is to be preserved by the applicant.
 - (2) Additional screening of fencing as may be required by the Township Engineer shall be provided by the applicant.
- F. Dust is to be controlled by water or calcium chloride or as may be directed by the Township Engineer.
- G. Noise shall be controlled as per Chapter **226**, Noise, of the Township Code.
- H. Sedimentation ponds shall be installed and maintained as may be required by the Township Engineer.
- I. Restoration will include replacing topsoil, seeding, fertilizing, mulch and crown vetch on slopes as may be directed by the Township Engineer or Township Planning Board.
 - (1) The applicant shall file an as-built plan and restoration plan with the Township Engineer or Township Planning Board upon completion of soil removal, fill, and movement operations containing and complying with all requirements of this chapter. Upon completion of any operation delineated on the approved plan, said area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the Township Engineer or Township Planning Board.
 - (2) The pit shall be left in a condition without holes and completely stabilized.
 - (3) No trash, junk or debris may be stored in any area, and no safety hazards will be permitted, either during or after completion of operations.
- J. Soil removal, fill operations and movement operations shall be allowed only in zoning districts where such an operation is a permitted use or on a site that has been the subject of a use variance approval.
- K. All new site plans and all new soil removal, fill operations or movement operations must show and install soil erosion controls, including:
 - (1) Stone blanket for wheel cleaning to be 30 feet in length and consist of 2 1/2 inches stone and be 12 inches in depth.
 - (2) Stockpile and land disturbance controls shall be installed and shown on all new site plans and consist of fabric fence or hay bales staked in place.
 - (3) For new site plans, soil erosion controls shall be in place prior to commencement of any soil removal, fill, or movement operations.
 - (4) With respect to open bed inspections, stone beds must be in place prior to any excavation of the site.
 - (5) All disturbed lands must be stabilized prior to a certificate of occupancy for new site plans or 30 days, whichever occurs first, unless an extension is approved in writing by the Township Engineer.

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

The Township Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of this chapter. He shall, from time to time, upon his own initiative, or whenever directed by the Township Administrator, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of this chapter. The Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.

§ 460-14 Enforcement

- A. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter and to issue summonses to any person importing soil without a permit.
- B. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter with respect to persons importing soil with a permit. The Township Engineer, or other designated official, shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and this chapter. The Township Engineer, or other designated official, shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.
- C. After notice and an opportunity to be heard before the Township Engineer, or other designated official, the permit of any person may be revoked or suspended for such period as may be determined for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a minimum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense. In addition to the penalties set forth above, the Township shall have the right, but not the obligation, to pursue injunctive relief in the Superior Court of New Jersey, Passaic County,

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including but not limited to requiring the removal of any soil imported without a permit, testing to ensure no presence of contaminated soil, and site restoration.

§ 460-15 Use of streets for soil transportation.

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

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

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

§ 460-17 Violations and penalties.

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

§ 460-18 Other permits.

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

§ 460-19 Preexisting soil removal and movement operations.

- A. Soil removal, fill and movement operations are of such public concern that its control is deemed necessary for the protection of the environment, public health, welfare and safety. The Township Council deems it necessary that all existing soil removal, fill and movement operations within the Township of West Milford must comply with the provisions of this chapter.
- B. Requirements of § **460-9** for supporting documentation of applications for a soil removal or fill permit should be waived by the Township Planning Board for the review of existing soil removal, fill and movement operations.
- C. The Township Planning Board, in the interest of the protection of the health, safety or welfare of the public, may require that existing soil removal, fill and movement operations comply with all of the provisions of this chapter.

§ 460-20 Regulation of operation

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

§ 460-21 Deposit of soil on adjoining property or public roads

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

§ 460-22 Compliance with other standards and terms of permit

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

§ 460-23 Nuisances and unsafe conditions

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

§ 460-24 Storage limitations

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

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§ 460-25 Expiration

- A. Upon issuance of an approved Minor Soil Permit, the permit shall expire six months after the start of work or one year after the approval, whichever is later.
- B. All Major Soil Permits shall expire three years after the date of approval. The applicant shall submit to the Planning Board a status report annually on the anniversary date of the approval. Determinations and approvals made by the Planning Board may supersede the expiration date noted previously.

§ 460-26 ACCEPTABLE SOIL/FILL MATERIAL CERTIFICATION FORM

Instructions: The supplier shall make the acceptability determination at the site of soil/fill origin and will complete Parts 1 and 2 of this form. Part 3 will be completed by the person receiving the material to be used as acceptable soil/fill material.

Part 1: Supplier of soil/fill material information

Date:

Name (print):

Title:

Company Name:

Street Address:

City:State:Zip:

Phone #:Email Address:

Part 2: Source of acceptable soil/fill material site information

Source Site Name:

Past Site Name(s) if known:

Street Address:

Block:Lot:

City:State:Zip:

Brief history of the source property, including all property uses:

1. Has the source property ever been known or suspected to be contaminated?

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2. Do historical operations at the property reflect or suggest the potential for radiological contaminants?

3. Are there naturally occurring radiological materials known or suspected at the source property?

Date soil/fill material was subject to analytical testing (provide copies):

Justification for not providing test results:

CERTIFICATION

I, the undersigned, certify under penalty of law, that the information provided in Parts 1 and 2 of this form is true to the best of my knowledge and that the soil/fill material meets the definition of acceptable soil/fill as identified in Chapter 460. I also certify, based upon visual inspection, that the soil material does not contain solid waste, and free liquid other than water, obvious signs of staining or discoloration, and that it will not create a public nuisance such as, but not limited to, odors.

Signature:

Part 3: Person receiving or placing acceptable soil/fill material

Date:

Name (print):

Title:

Company Name:

Street Address:

City: State: Zip:

Phone #: Email Address:

Physical address of soil/fill placement:

Block: Lot:

City: State: Zip:

1. Purpose for importing soil/fill:

2. Quantity, in cubic yards, of acceptable soil/fill material to be imported or placed:

3. Anticipated date of placement:

4. Anticipated date of final grading:

5. Anticipated date of securing the deposited fill (seeding, Macadam, etc.):

CERTIFICATION

I, the undersigned, certify under penalty of law, that the information provided above is true and correct to the best of my knowledge, information and belief. I also certify, based upon visual inspection, that the soil material does not contain solid waste, and free liquid other than water,

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obvious signs of staining or discoloration, and that it will not create a public nuisance such as, but not limited to, odors.

Signature: _____

Section 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

Section 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

Introduced: June 9, 2021
Adopted: July 14, 2021
Effective Date: August 3, 2021

Agenda No. IX 2

~ Ordinance 2021 – 026 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND REGULATING THE USE OF ICE RETARDANT SYSTEMS AT GREENWOOD LAKE - AMENDED

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

Section 1. The Revised General Ordinances of the Township of West Milford are hereby amended and supplemented with a new Chapter 159 entitled “Use of Ice Retardant Systems at Greenwood Lake”, which shall read in its entirety as follows:

Chapter 159: Use of Ice Retardant Systems at Greenwood Lake

§159.1. Purpose.

It is the intent of this Chapter to regulate the installation and use of the ice retardant systems on Greenwood Lake properties within the Township of West Milford for the protection of persons and property and to provide for the public health, safety and welfare of the Township of West Milford and its inhabitants.

§159.2. Definitions.

As used in this Chapter the following terms shall have the meanings indicated:

AFFECTED AREA OF ICE:

The area of water body or ice surface disturbed by the operation of an ice retardant system. Said disturbed or affected area includes open water, weakened ice (excessively cracked), thin ice (less than four inches in depth) and area where adjacent ice is covered by a film of water.

ICE RETARDANT SYSTEM:

A mechanical devise(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

OWNER or OPERATOR:

The owner of record of a tract of land according to the tax rolls of the Township of West Milford or any person occupying said premises or utilizing the property.

PERSON:

Any individual, association or individuals, corporation or partnership.

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PIERHEAD LINE:

A line running parallel to the bulkhead line and extending not more than 40 feet from said bulkhead line beyond which no dock, pier, marina, or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

PROTECTED STRUCTURE:

Any lakefront or within-lake structure which the ice retardant system is designed to protect. Such protected structures include but are not limited to docks, piers, bulkheads, catwalks, seawalls and boathouses.

§159.3. Authorization for Use; compliance required.

Utilization of ice retardant systems is hereby authorized within the municipal limits of the Township of West Milford from November 1 of each year through April 15 of the following year for Greenwood Lake.

§159.4 Operation Requirements.

- A. The affected area of ice, under normal operating conditions, shall not extend to within 10 feet of a side property line. Said requirements may be waived if the owner and/or operator of the ice retardant system obtains written permission from the adjacent property owner.
- B. Unless the ice retardant system has been designed and approved in accordance with this Chapter, no system shall be designed or operated in such a way as to prevent ingress or egress to any portion of the water body or to foreclose the formation of ice across a channel.

§159.5. Waiver of requirement.

The Township Council may, by resolution, waive the requirements of this Chapter in situations of hardship or exceptional public necessity. "Exceptional public necessity" shall include but not be limited to a necessity to maintain an open channel of water for access to island lakefront homes. In adopting the resolution, the Township Council may specify requirements as to markings and lighting. Such requirements can include but are not limited to requiring buoys to be placed in the frozen water body to clearly mark the approach, requiring nighttime illumination or fishing lights to indicate that open water is present, limiting the size of the affected ice area to the minimal levels of insurance requirements.

§159.6. Enforcement, violations and penalties.

- A. The Construction Official and/or another municipal official designated by the Township Administrator are hereby designated as the enforcement officers under the terms of this Chapter for the use of an ice retardant system that is inconsistent with the provisions set forth in this Chapter.
- B. A violation of the terms of this Chapter, including the operational requirements, shall be punishable by a fine of not less than \$250.00, nor more than \$2,000, or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder

§159.7. Liability.

Compliance and/or noncompliance with the requirements of this Chapter shall not preclude any civil action for damages arising from injuries incurred through the operation of an ice retardant system.

§159.8. Signage.

Residents using ice retardant systems shall post three 18" x 24" weather-resistant signs at their own cost. The signs shall read "Danger-Thin Ice" and they shall be posted along the shoreline, two at each of the property lines and one on the dock on the end furthest from the property. The signs will be made available by the Township in order to ensure uniformity. The cost of the signs to property owners is to be the actual cost of the signs rounded up to the nearest dollar.

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, 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: June 9, 2021
Adopted: July 14, 2021
Effective Date: August 3, 2021

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This Ordinance was introduced on June 9, 2021 and the Notice of Public Hearing was published in the Herald News on June 15, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Paul Zirillo of 26 Rocky Point Road in Hewitt spoke as a representative of the Greenwood Lake Commission. One suggestion from feedback he had received was to put more responsibility on the people who are on the ice, perhaps have them stay 100' away from the shoreline. The buoys could end up being debris in the lake, and how would a property owner manage to get the buoy or cone out there. Mr. Zirillo is unsure how the lights would work. Perhaps the signage should be bigger and weather resistant, he suggested 18" by 24". Instead of danger thin ice consider "and open water." Another suggestion was to put a sign at the end of a dock if the person has a dock.

Seeing no one else Councilman Goodsir made a motion to close the public portion. All were in favor.

Motion to adopt amended Ordinance 2021-026 to include larger 18" by 24" signs.

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

Agenda No. IX 3

~ Ordinance 2021 – 027 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY REPEALING PART I ADMINISTRATIVE LEGISLATION CHAPTER 15 ARTICLE XII DEPARTMENT OF COMMUNITY SERVICES AND RECREATION §15-68 DIVISION OF PARK MAINTENANCE SERVICES AND §15-69 DIVISION OF RECREATION BUILDING MAINTENANCE AND AMENDING ARTICLE XI DEPARTMENT OF PUBLIC WORKS §15-58 TO ADD A NEW ARTICLE §15-58(C) ENTITLED "PARK MAINTENANCE SERVICES" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the current Township Code contains §15-68 "Division of Park Maintenance Services" which provides that within the Department of Community Services and Recreation there shall be a division called "Park Maintenance Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members who will maintain all park facilities; and

WHEREAS, the current Township Code also contains a §15-69 "Division of Recreation Building Maintenance" which provides that within the Department of Community Services and Recreation there shall be a division called "Recreation Building Maintenance," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members who provide daily maintenance and repairs to recreation buildings as well as provide support to programs offered in those facilities; and

WHEREAS, the Township Administration has reviewed the Code, and recommended changes to streamline the Code and promote the efficient operation of Parks Maintenance Services and Recreation Building Maintenance; and

WHEREAS, in the interest of operational efficiency, §15-68 "Park Maintenance Services" and §15-69 "Recreation Building Maintenance," shall be repealed in its entirety and a new article §15-58(C), herein entitled "Park Maintenance Services" shall be created, under the supervision of Department of Public Works, the Director of Public Works, and the Division of Public Property; and

WHEREAS, the Township Council has also reviewed the current Code, and determined that it is necessary to update and amend the Code.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I Administrative Legislation Chapter 15 Article XII Department of Community Services and Recreation, §15-68 Division of Park Maintenance Services is hereby repealed in its entirety; and

NOW THEREFORE BE FURTHER ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I Administrative Legislation Chapter 15 Article XII Department of Community Services and Recreation, §15-69 Division of Recreation Building Maintenance, is hereby repealed in its entirety; and

NOW THEREFORE BE IT FURTHER ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that a new Article §15-58 (C) entitled "PARK MAINTENANCE SERVICES" of the Code of the Township of West Milford be and is hereby adopted to read as follows:

Section 1.

§15-58 Division of Public Property.
Within the Department of Public Works there shall be a Division of Public Property. Under the direction and supervision of the Director of Public Works, the Division of Public Property shall:

- A. Operate, maintain and repair Township-owned buildings and properties and provide custodial and janitorial services therefor.
- B. Control the care, use and disposition of motor vehicles and automotive equipment, and shall:

(1) Operate or supervise the operation of a garage or garages, road depots, and other convenient places for the storage, servicing, repair and maintenance of Township-owned motor vehicles and equipment.

(2) Supervise any work done by contract for the storage, repair, servicing and maintenance of Township-owned motor vehicles or equipment.

(3) Control the maintenance of motor vehicles or equipment owned by the Township by maintaining individual vehicle records of mileage, costs of operation and maintenance and replacement schedules.
- C. Conduct Park Maintenance Services and operate, support, maintain and repair all park facilities.

Section 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

Section 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

Introduced: June 9, 2021
Adopted: July 14, 2021
Effective Date: August 3, 2021

This Ordinance was introduced on June 9, 2021 and the Notice of Public Hearing was published in the Herald News on June 15, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2021-027

Moved:

Lichtenberg

Seconded:

Marsden

Voted Aye:

Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:

None

Motion carried.

Agenda No. IX 4

~ Ordinance 2021 - 028 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY REPEALING PART I ADMINISTRATIVE LEGISLATION CHAPTER 15 ADMINISTRATION OF GOVERNMENT ARTICLE X DEPARTMENT OF HEALTH §15-55 DIVISION OF ANIMAL CONTROL AND AMENDING PART I ADMINISTRATIVE LEGISLATION CHAPTER 15 ADMINISTRATION OF GOVERNMENT ARTICLE IX DEPARTMENT OF PUBLIC SAFETY TO CREATE ARTICLE §15-50.1 TO BE ENTITLED “DIVISION OF ANIMAL CONTROL” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD - AMENDED

WHEREAS, the current Township Code contains § 15-55 "Division of Animal Control" which is under the authority of the Township Health Officer within the Department of Health; and

WHEREAS, the Township Administration has reviewed the Code, and recommends that due to the subject matter and daily function of the Division of Animal Control, such oversight and control is more

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appropriately placed within the Department of Public Safety, and under the authority of the Director of Public Safety; and

WHEREAS, the Township Administration has reviewed the Code, and recommended this change, in an effort to streamline the Code and to promote the efficient operation of the Division of Animal Control; and

WHEREAS, in the interest of operational efficiency, § 15-55 "Division of Animal Control" shall be repealed in its entirety, and a new article, § 15-50.1, to be entitled "Division of Animal Control" shall be created under the supervision of the Director of Public Safety; and

WHEREAS, the Township Council has also reviewed the current Code, and determined that it is necessary to update and amend the Code.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Administration of Government, Article X, Department of Health, §15-55 "Division of Animal Control" is hereby repealed in its entirety; and

NOW THEREFORE BE FURTHER ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Administration of Government, Article IX, Department of Public Safety, be amended to create a new Article §15-50.1, entitled "Division of Animal Control" of the Code of the Township of West Milford, and is hereby adopted to read as follows:

Section 1.

§ 15-50.1 Division of Animal Control.

Within the Department of Public Safety, there shall be a Division of Animal Control, the head of which shall be the Animal Control Officer, who shall be appointed by the Council, for a term of one year, commencing with January 1 of the year in which such appointment is to be effective, and until the Animal Control Officer's successor is appointed and qualified. The Animal Control Officer shall receive such compensation as shall be provided by ordinance. This Division shall perform all the duties and have such powers as provided by general law, charter and code for animal control officers. The Animal Control Officer shall act as the dog warden of the Township. This Division, in conjunction with the Division of Health, shall cooperate in any program which relates to animals, dogs and cats in accordance with general law, ordinances, code and state regulations.

Section 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

Section 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

Introduced: June 9, 2021
Adopted: July 14, 2021
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This Ordinance was introduced on June 9, 2021 and the Notice of Public Hearing was published in the Herald News on June 15, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2021-028

Clarification was made by Administrator Senande that Ordinance 2021-028 simply moves Animal Control from the Health Department to the Police Department.

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

Agenda No. IX 5

~ Ordinance 2021 - 028 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE CHAPTER 500 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD TO PERMIT THE CULTIVATION, MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL AND DELIVERY OF CANNABIS WITHIN THE TOWNSHIP- AMENDED

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

WHEREAS, the Act establishes six marketplace classes of licensed businesses, 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 on 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 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 authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an

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ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

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

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

Section 1.

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

§ 500-191 Definitions.

Cannabis

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 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 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

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 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 [Grower] Cultivator license
- B. Class 2 Cannabis [Processor] 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 includes 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.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

Microbusiness

A person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than 10 employees;
2. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
3. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire and process each month, in the case of a cannabis [processor] manufacturer, no more than 1,000 pounds of usable cannabis [in dried form];
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof.

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.

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

A. Cannabis Cultivator, Manufacturer, Wholesaler and Distributors shall be a conditional use in all industrial zones (Office Research, Limited Manufacturing and Industrial and Special Economic District) and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Lot Area: The minimum lot area shall be one (1) acre.
- (3) Setback: The minimum front yard setback shall be 50 feet or the minimum zone standard, whichever is greater.
- (4) Buildings: All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors.
- (5) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.
- (6) Signage: Signs shall be limited to the address, name of the company and emergency contact information located on one (1) ground sign not to exceed 24 square feet
- (7) State License: The facility must have a valid license to operate from the State of New Jersey.
- (8) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

§ 500-193 Cannabis Retailer

A. Cannabis Retailer shall be a conditional use in all commercial and retail zones (Lake Commercial, Neighborhood Commercial, Highway Commercial, Community Commercial, Village Commercial and Office Transition) and subject to the following:

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- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Location: Cannabis Retailers shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis Retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Retailers shall submit a safety and security plan and emergency services access plan.
- (6) Accessibility: Any Cannabis Retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (7) Hours of Operation for Cannabis Retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (8) Interior Security: Cannabis Retailers interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (9) Exterior Loitering and Security: People shall not be permitted to congregate outside of a Cannabis Retailer, loiter or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (10) Product Consumption. No products shall be permitted to be consumed on-site.
- (11) State License: The facility must have a valid license to operate from the State of New Jersey.
- (12) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

§ 500-194 Cannabis Delivery

A. Cannabis Delivery shall be a conditional use in all commercial and retail zones (Lake Commercial, Neighborhood Commercial, Highway Commercial, Community Commercial, Village Commercial and Office Transition) and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Location: Cannabis Delivery shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis Delivery services shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Delivery services shall submit a safety and security plan and emergency services access plan.
- (6) Interior Security: Cannabis Delivery services interiors shall provide a secure location for storage of products.
- (7) Exterior Loitering and Security: Customers shall not be permitted to pick up products from a Cannabis Delivery service.
- (8) Product Consumption. No products shall be permitted to be consumed on-site.
- (9) State License: The facility must have a valid license to operate from the State of New Jersey.
- (10) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

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

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

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

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

Introduced: June 9, 2021
Adopted: July 14, 2021
Effective Date: August 3, 2021

This Ordinance was introduced on June 9, 2021 and the Notice of Public Hearing was published in the Herald News on June 15, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

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Motion to adopt Ordinance 2021-029

Councilman Chazukow mentioned the Planning Board's request for defined hours of operation for retail establishments and suggested 9:00 a.m. to 10:00 p.m. Consensus was to adopt with the time specific amendment.

Moved:Lichtenberg

Seconded:Chazukow

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:None

Motion carried.

Agenda No. X

Public Comments

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

Renee Alessio -- 39 Hillcrest Drive, Hewitt honored the memory of Passaic County Open Space Coordinator Kathleen Caren who passed about a year ago. The County will be re-naming the Butler Reservoir in Apshawa Preserve after her. July 4th Ruth Adams passed away, she was an environmental activist and will be greatly missed. Ms. Alessio commented that she was surprised at the last meeting that the Mayor was adamant that there was no new report being done and that the Attorney was uninformed about the most recent draft of the Environmental Assessment which as the Township should have had access to. She sent copies to Fred Semrau and to the Administrator's office. She expressed that she is trying to help and does not desire to fight with the Council. Ms. Alessio indicated that after a recent OPRA request she found no correspondence between the Township and the regulatory agencies that would be associated with the gas company/compression station. In the latest Environmental Impact Statement she found no mention of a pipe that is 65 years old. She still has concerns and would like help in the situation and cooperate with the Council.

Robert Bailey -25 Maple Shade Road in Hewitt. Wanted clarification regarding Animal Control and also was concerned that he had not received his cat license renewal.

Margaret Wood -324 Germantown Road, West Milford, spoke about global warming and read excerpts from a paper done by PNAS If you are leaking 3.42% of your sources of methane gas it is worse than coal. Gas companies are underreporting the emissions. Ms. Wood noted record high temperatures, said that we cannot continue to use these types of fuels and submitted the paper she had been quoting.

Paul Zarrillo – 26 Rocky Point Road, Hewitt wanted to thank the Administrator and the Director of the DPW and the staff for keeping the weed harvester going this summer and taking care of the lake. Also wanted to thank Mr. Stires at the DPW regarding a boat that had sunk off of Fox Island and the crew was out removing it the very next day.

Bob Nicholson – 20 Hyde Road, stated he had received 3 cat licenses and that they were being sent out. Mr. Nicholson expressed concerns with trees along La Rue Road and Echo Lake Road and was wondering if the Township or County could do something and also the County has stopped spraying poison but have they stopped cutting the grass as well?

Richard Randazzo – Wooley Road, still has concerns with the noise ordinance and doesn't understand why the homeowner is mentioned in the ordinance. The noise ordinance should be simple, no commercial construction on Sunday or on a national holiday.

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

Agenda No. XI

Council Comments

Councilman Goodsir has concerns about the number of trees down in the woods and would like to be able to have people be able to get the firewood out. A fire during drought would be very dangerous. Historically, they let people get wood out but someone had died and it was no longer allowed.

Councilwoman Erik stated that there were wash outs along Echo Lake Road that were going to be fixed and the County is mowing, when it is not raining.

Administrator Senande indicated that Animal Control was just being moved from the Health Officer to the Police Chief and that it was now being handled as a public safety matter rather than a health matter. The Clerk's office handles the licensing of pets.

Councilwoman Lichtenberg confirmed that she had received her cat license renewal forms.

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Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Ordinance 2021 – 030 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER §15 ADMINISTRATION OF GOVERNMENT ARTICLE XXIII SENIOR CITIZENS COMMITTEE (ADVISORY) OF THE REVISED GENERAL ORDINANCES

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

§15 Administration of Government

Section 1. Article XXIII Senior Citizens Committee (Advisory) Section §15-102. Established members terms, §15-104 Organization, officers and §5-105 Meetings is authorized to amend the following:

§ 15-104. Organization; officers.

The Committee shall elect a Chairperson and a Vice Chairperson at its organizational meeting in JanuaryJuly.

§ 15-105. Meetings.

The Committee shall hold regular monthly meetings at the same time and day of each month in the Town Hall or as set in its organizational meeting in JanuaryJuly. Special meetings may be called in accordance with rules adopted by the Committee. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

Section 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

Section 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

Introduced: July 14, 2021

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 11, 2021. Notice of this public hearing shall be published in the Herald News on or about July 20,, 2021.

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

Agenda No. XII 2

~ Ordinance 2021 – 031 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO REPURPOSE FUNDS FROM THE RESERVE FOR CAPITAL

WHEREAS, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2012 budget process for truck vaults and radar units; and

WHEREAS, the funds are no longer needed for the purpose for which they were originally budgeted for; and

WHEREAS, the projects could be funded by the issuance of bonds if it were not being permanently funded by the capital funds on hand; and

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WHEREAS, this ordinance shall repurpose \$8,000 from the Reserve for Capital Purchases.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$8,000 be repurposed as follows:

Dump Truck	\$8,000
TOTAL	\$8,000

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

Introduced: July 14, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 11, 2021. Notice of this public hearing shall be published in the Herald News on or about July 20,, 2021.

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

Agenda No. XII 3

~ Ordinance 2021 – 032 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$40,000 FROM RESERVE FOR CAPITAL PURCHASES

WHEREAS, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2018 budget process; and

WHEREAS, when said funds are not expended in the year in which they are appropriated an ordinance is required to reserve those funds for their intended purpose; and

WHEREAS, the projects could be funded by the issuance of bonds it if were not being permanently funded by the capital funds on hand; and

WHEREAS, this ordinance shall appropriate \$40,000 from the Reserve for Capital Purchases.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$40,000 be appropriated as follows:

Snow Equipment	\$36,000
Office Furniture/Equipment	\$4,000
TOTAL	\$40,000

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

Introduced: July 14, 2021
Adopted:
Effective Date

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 11, 2021. Notice of this public hearing shall be published in the Herald News on or about July 20,, 2021.

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

Council President Erik asked to move resolutions 2021-245 through 2021-273

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Agenda No. XII 4

~ Resolution 2021 – 245 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2022

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for cultural events for residents of all ages and abilities; and

WHEREAS, the Passaic County Cultural and Heritage Council has grant monies available that may be used to assist the Township in realizing this goal; and

WHEREAS, the West Milford Recreation Department has developed a series of cultural programs more commonly known as the "Summer Concert Series" that could benefit from these funds; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submittal of a Passaic County Cultural and Heritage Grant in the amount of \$2,000.00 with a cash match of \$1,000.00 and an in-kind match of \$2,000.00 for the purpose of planning, scheduling and conducting several cultural events in the Township during 2022 and;

BE IT FURTHER RESOLVED that the Mayor or the Township Administrator be authorized and directed to arrange for the acceptance of said grant.

Adopted: July 14, 2021

Agenda No. XII 5

~ Resolution 2021 – 246 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH GRANT MODIFICATION FOR THE COVID-19 VACCINATION SUPPLEMENTAL FUNDING PROGRAM 2022/2023

WHEREAS, the New Jersey Department of Health, Office of Local Public Health has made grant modification funding available to the Township of West Milford's Grant application for the COVID-19 Vaccination Supplemental funding program; and

WHEREAS, the award in the amount of \$50,000 is contingent upon the fully executed award signed by the Department's Approval Officer and the availability of funds; and.

WHEREAS, the award will be effective for the grant period July 1, 2021 through June 30, 2022; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds; and

WHEREAS, in accordance with the legal provisions of such grant, the Department of Health will provide funds when a fully executed Notice of Grant Award has been processed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the submittal and acceptance of a grant application entitled COVID-19 Vaccination Supplemental funding program to the New Jersey Department of Health for funding in the amount of \$50,000.00.

Adopted: July 14, 2021

Agenda No. XII 6

~ Resolution 2021 – 247 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2021 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN GRANT

WHEREAS, statistics show that there are increased incidences of impaired driving during the Labor Day 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

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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 & monitoring thereby providing for overall public safety during the Labor Day 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 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant from August 20, 2021 through September 6, 2021 in the amount of \$6,000.00.

Adopted: July 14, 2021

Agenda No. XII 7

~ Resolution 2021 – 248 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING THE GRANT FROM PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR NOSENZO POND PARK PHASE 4 SEPTIC SYSTEM, POTABLE WELL AND RESTROOMS IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, on February 19, 2020, the Township Council of West Milford approved the submission of a Passaic County Open Space, Farmland and Historic Preservation Trust Fund grant application for Nosenzo Pond Park Phase 4 Septic System, Potable Well and Restrooms; and

WHEREAS, the Passaic County Board of County Commissioners is vested with managing the property, finances and affairs of the County and governing the Open Space, Farmland, and Historic Preservation Trust Fund; and

WHEREAS, the requested \$180,000.00 application resulted in a \$180,000.00 award approved by Passaic County Board County Commissioners Resolution No. R2021-0446.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally accept the \$180,000.00 grant received for the above stated project.

Approved: July 14, 2021

Agenda No. XII 8

~ Resolution 2021 – 249 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A 2021 BODY-WORN CAMERA GRANT

WHEREAS, the Chief of Police recommends that the Township Police Department implement a body-worn camera program; and

WHEREAS, law enforcement agencies across the United States and throughout the world are using body-worn cameras as a promising apparatus to improve evidentiary outcomes, and heighten the safety of, and improve interactions between officers and the public; and

WHEREAS, the Body-Worn Camera Grant Program is designed to provide law enforcement agencies with funding for the purchase of body-worn cameras, ancillary accessories and storage; and

WHEREAS, the Township Police Department wishes to purchase 58 body-worn cameras with these grant funds; and

WHEREAS, the Township Police Department has an obligation to keep our community safe.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the acceptance of a 2021 Body-Worn Camera Grant from the SFY21 Body-Worn Camera Grant Program in the amount of \$118,240.00.

Adopted: July 14, 2021

Agenda No. XII 9

~ Resolution 2021 – 250 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A MONTH-TO-MONTH AGREEMENT EXTENSION WITH ATLANTIC COAST FIBERS LLC FOR THE MARKETING OF RECYCLABLES

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WHEREAS, the Township Council of West Milford awarded a contract to Atlantic Coast Fibers, LLC, for the period of January 1, 2021 through June 30, 2021 by Resolution 2020-379 adopted December 16, 2020; and

WHEREAS, said contract expired on June 30, 2021, and Atlantic Coast Fibers, LLC has agreed to a month-to-month extension with a retroactive effective date of July 1; and

WHEREAS, there remains a need for the continued operation of the recycling program; and

WHEREAS, Atlantic Coast Fibers, LLC, has satisfactorily worked with the Township as the Marketing of Recyclables vendor; and

WHEREAS, Atlantic Coast Fibers, LLC has agreed to provide Marketing of Recyclables services on a month-to-month basis until such time as requested proposals for Marketing of Recyclables have been received and a contract has been awarded; and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Township to enter into such an agreement due to its emergent nature which could ultimately affect the public health, safety or welfare of the citizens of the Township of West Milford.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute a month-to-month extension to the agreement effective July 1, 2021 with Atlantic Coast Fibers, LLC for the Marketing of Recyclables
2. This extension will continue until such time that a new contract has been awarded.
3. This resolution shall serve as an Addendum to the agreement with Atlantic Coast Fibers, LLC to provide Marketing of Recyclables in accordance with all the terms and conditions of the agreement executed on December 9, 2019.
4. This resolution shall be available for public inspection in the office of the Municipal Clerk.

Adopted: July 14, 2021

Agenda No. XII 10

~ Resolution 2021 – 251 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT FOR ANIMAL CONTROL SERVICES TO TYCO ANIMAL CONTROL SERVICES

WHEREAS, the existing Animal Control Officer resigned from the Township effective May 31, 2021; and

WHEREAS, the Township of West Milford Police Department needs Certified Animal Control Officers to provide animal control services to the Township; and

WHEREAS, the Township of West Milford Police Department is seeking to outsource animal control services with Tyco Animal Control Service which requires a Request for Proposal and the appropriate time for advertising; and

WHEREAS, Tyco Animal Control Service shall provide emergency services in the interim for a month-to-month period for a cost of \$6,500.00 monthly, Monday through Friday 8:00 a.m. to 7:00 p.m.; and

WHEREAS, a call shall be deemed an emergency between the hours of 7:00 p.m. and 8:00 a.m. and will be charged an additional \$60.00 per call.

WHEREAS, the Chief Financial Officer has certified as the availability of funds and encumbrances for this purchase shall come from account number 01-201-20-161-450; and

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

1. The Mayor and Township Council hereby approve the actions of the Administrator and Chief to award a month-to-month emergency contract until a contract is awarded based on the RFP to Tyco Animal Control Service, 1 Stouts Lane, Ho-Ho-Kus, NJ 07423 in an amount not to exceed \$10,000.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute an emergency month-to-month contract with service in accordance to the emergency proposal of services from Tyco Animal Control Service for animal control services to the Township.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

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This Resolution will take effect immediately.

Adopted: July 14, 2021

Agenda No. XII 11

~ Resolution 2021 – 252 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDERS TO INNOVATIONAL CONSTRUCTION & DESIGN, INC. FOR THE RENOVATIONS AND ALTERATIONS TO EXISTING TOILET ROOM MUNICIPAL BUILDING #1 PROJECT FOR AN OVERALL INCREASE NOT TO EXCEED \$8,000

WHEREAS, the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey authorized the award of a competitive bidding construction contract for the Renovations and Alterations to an Existing Toilet Room in Municipal Building #1 (Town Hall) on May 5, 2021, by Resolution 2021-183; and

WHEREAS, existing, unforeseen conditions related to the renovation and alterations to the toilet room require additional work not shown on the contract documents; and

WHEREAS, the contractor, Innovational Construction & Design, Inc., has provided Change Orders #1 and #2 for construction of a lentil and replacement of automated fixtures; and

WHEREAS, the design architect has reviewed the proposed and is accepting of the required work; and

WHEREAS, due to the unforeseen conditions of the Town Hall building it is recommended to increase the contract amount to accommodate potential future additional change orders; and

WHEREAS, the Township Administrator has approved the work to continue without delay to the contract and project for this Housing and Urban Development Community Development Block Grant project for A.D.A. improvements; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this change order, said funds to be paid from account no. 02-213-41-749-000.

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 Township Administrator is hereby authorized to exceed the original contract award of \$27,000.00 to Innovational Construction and Design, Inc., 216 Broadway, Keyport, NJ 07235 by an amount not to exceed \$8,000.00.
2. The Township’s Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: July 14, 2021

Agenda No. XII 12

~ Resolution 2021 – 253 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO FERRIERO ENGINEERING, INC. FOR THE NOSENZO POND PARK PHASE 4 PROJECT

WHEREAS, the Township of West Milford has received a grant from the Passaic County Open Space and Farmland Preservation Trust Fund for construction of the Nosenzo Pond Park Phase 4 project; and

WHEREAS, the Township Council has previously matched the funding with a capital appropriation as required by the grant agreement; and

WHEREAS, a proposal was requested and received from Ferriero Engineering, Inc. for plan preparation and construction management; and

WHEREAS, the Engineering Division has reviewed said proposal and recommends the award of a professional services contract to Ferriero Engineering, Inc. to provide these services; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services, said funds to be encumbered from account numbered 04-215-55-833-005; and

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, NJ 07930, for professional engineering services for Nosenzo Pond Park Phase 4 in an amount not to exceed \$18,000.00.
2. This contract is awarded 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 \$18,000.00, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: July 14, 2021

Agenda No. XII 13

~ Resolution 2021 – 254 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PAVING MATERIALS FROM TILCON NEW YORK, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #5 (PAVING MATERIALS) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$25,000

WHEREAS, the Township of West Milford by virtue of Resolution 2021-119 awarded a contract to Tilcon New York, Inc. for the purchase paving materials; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional paving materials; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 01-201-26-290-361.

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 an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #5 (Paving Materials) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of additional paving materials thereby increasing the not to exceed amount from \$30,000.00 to \$55,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: July 14, 2021

Agenda No. XII 14

~ Resolution 2021 – 255 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED STONE FROM EASTERN CONCRETE MATERIALS, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #9 (CRUSHED STONE AND SAND) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$40,000.00

WHEREAS, the Township of West Milford by virtue of Resolution 2021-115 awarded a contract to Eastern Concrete Materials, Inc. for the purchase of crushed stone; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional crushed stone; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 01-201-26-290-360.

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 an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #9 (Crushed Stone and Sand) to Eastern Concrete Materials, Inc., 250 Pehle Ave., Suite 503, Saddle Brook, NJ 07663 for the

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- purchase of additional crushed stone thereby increasing the not to exceed amount from \$20,000.00 to \$60,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
 3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: July 14, 2021

Agenda No. XII 15

~ Resolution 2021 – 256 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) 2022 INTERNATIONAL CV515 SFA CHASSIS THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #060920-NVS FROM ALLEGIANCE TRUCKS

WHEREAS, the Township of West Milford became a member of Sourcewell (formerly the National Joint Powers Alliance-NJPA) by virtue of Resolution 2014-354 adopted November 12, 2014; and

WHEREAS, the Township wishes to purchase Two (2) 2022 International CV515 SFA Chassis from Allegiance Trucks, 525 W. Linden Ave., Linden, NJ 07036; and

WHEREAS, the Township's Director of Public Works has provided a recommendation for this purchase through Sourcewell Contract No. 060920-NVS to Allegiance Trucks; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from Account # C 04-215-55-834-005; and

WHEREAS, the total amount of the contract shall not exceed \$134,662.00

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 Township Council hereby authorizes the Township's Director of Public Works to purchase Two (2) 2022 International CV515 SFA Chassis, in an amount not to exceed \$134,662.00, through Sourcewell Contract No. 060920-NVS from Allegiance Trucks.
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: July 14, 2021

Agenda No. XII 16

~ Resolution 2021 – 257 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR DISPOSAL/RECYCLING OF MUNICIPAL ROAD CLEAN-UP MATERIALS (STREET SWEEPINGS) TO DEER CARCASS REMOVAL SERVICES, LLC THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #49 (DISPOSAL/RECYCLING OF MUNICIPAL ROAD CLEAN-UP MATERIALS) IN AN AMOUNT NOT TO EXCEED \$50,000.00

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCoOp); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #49, Disposal/Recycling of Municipal Road Clean-up Materials to Deer Carcass Removal Services, LLC.,

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township has the need to dispose/recycle approximately 5,175 tons of Municipal Road Clean-up Materials (Street Sweepings); and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford utilize the services of Deer Carcass Removal Services LLC., for the removal of Municipal Road Clean-up Materials (Street Sweepings) of approximately 1,175 tons of material through the use of Morris County Cooperative Pricing Council Contract #49 in an amount not to exceed \$50,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-303;

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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 an expenditure of funds through the Morris County Cooperative Pricing Council, contract #49, to Deer Carcass Removal Services, LLC, PO Box 328, Cream Ridge, NJ 08514 for the Disposal/Recycling of Municipal Road Clean-up Materials (approximately 1,175 tons) in an amount not to exceed \$50,000.00 for this service.
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: July 14, 2021

Agenda No. XII 17

~ Resolution 2021 – 258 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) DUMP BODIES MODEL MTE-ZEE THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #080144-MTE FROM CLIFFSIDE BODY CORP.

WHEREAS, the Township of West Milford became a member of Sourcewell (formerly the National Joint Powers Alliance-NJPA) by virtue of Resolution 2014-354 adopted November 12, 2014; and

WHEREAS, the Township wishes to purchase Two (2) Dump Bodies, Model MTE-Zee from Cliffside Body Corp, 130 Broad Ave., Fairview, NJ 07022; and

WHEREAS, the Township's Director of Public Works has provided a recommendation for this purchase through Sourcewell Contract No. 080144-MTE to Cliffside Body Corp.; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from Account # C 04-215-55-834-005; and

WHEREAS, the total amount of the contract shall not exceed \$57,108.00

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 Township Council hereby authorizes the Township's Director of Public Works to purchase Two (2) Dump Bodies, Model MTE-Zee, in an amount not to exceed \$57,108.00, through Sourcewell Contract No. 080144-MTE from Cliffside Body Corp.
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: July 14, 2021

Agenda No. XII 18

~ Resolution 2021 – 259 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) USED UMI AQUATIC WEED HARVESTER AND TRAILER FROM AQUATIC TECHNOLOGIES.

WHEREAS, the Township of West Milford is in need of an additional weed harvesting machine; and

WHEREAS, Aquatic Technologies has a used UMI Aquatic Weed Harvester and trailer for sale and has submitted a contract for the purchase of this machine in "as is" condition in the amount of \$10,000.00; and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase one (1) UMI Aquatic Weed Harvester and trailer in an amount not to exceed \$10,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-408;

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:

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1. The Township Council hereby authorizes an expenditure of funds for the purchase of one (1) UMI Aquatic Weed Harvester and trailer from Aquatic Technologies Inc., PO Box 769, Branchville, NJ 07826 in an amount not to exceed \$10,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: July 14, 2021

Agenda No. XII 19

~ Resolution 2021 – 260 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO USE THE SERVICES OF TREE KING AS A VENDOR THAT HOLDS A CO-OP CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) 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 of West Milford pursuant to N.J.S.A. 40A:11-12 (a) and N.J.A.C. 5:34-7.29 (c) may, by this resolution and a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property or Cooperative Pricing contract; and

WHEREAS, the Township 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 \$17,500.00 and that the purchase shall warrant use of State contract, cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the Morris County Co-Op contract for tree removal services awarded to Tree King which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor to comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of material shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer; 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 the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 14, 2021

Agenda No. XII 20

~ Resolution 2021 – 261 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES OF PORT A JOHN RENTALS FROM NOAH'S ARK PORT-A-JON IN ACCORDANCE WITH THE TOWNSHIP PURCHASING POLICY AND THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford 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 use of State contract, cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need for portable toilet rentals needed for locations around the Township including Brown's Point, Wallisch Property, Bubbling Springs and athletic fields; and

WHEREAS, the rental of portable toilets for the various Township locations will exceed the \$17,500 and should not exceed the bid threshold of \$44,000, and;

WHEREAS, Noah's Ark Port a Jon will comply with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that Noah's Ark Port a John's will not make any reportable contributions through the remainder of the year; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of materials shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that rentals of portable toilets from Noah's Ark Port a Jon is hereby authorized and approved provided that the required 3 quotes per request be obtained and total purchases not to exceed \$44,000.

Adopted: July 14, 2021

Agenda No. XII 21

~ Resolution 2021 – 262 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE FROM COBAN TECHNOLOGIES, INC. AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) 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 of West Milford pursuant to N.J.S.A. 40A:11-12 (a) and N.J.A.C. 5:34-7.29 (c) may, by this resolution and a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property or Cooperative Pricing contract; and

WHEREAS, the Township 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 \$17,500.00 and that the purchase shall warrant use of State contract, cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for Body-Worn cameras awarded to COBAN Technologies, Inc. which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor has complied with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of material shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 14, 2021

Agenda No. XII 22

~ Resolution 2021 – 263 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE FROM CUSTOM BANDAG-WHARTON AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) 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 of West Milford pursuant to N.J.S.A. 40A:11-12 (a) and N.J.A.C. 5:34-7.29 (c) may, by this resolution and a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property or Cooperative Pricing contract; and

WHEREAS, the Township 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 \$17,500.00 and that the purchase shall warrant use of State contract, cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for purchase of tires awarded to Custom Bandag-Wharton which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor to comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of material shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 14, 2021

Agenda No. XII 23

~ Resolution 2021 – 264 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

WHEREAS, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on **September 8, 2021 at 2:00 pm** or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and

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responsive bidder deemed to be in the best interests of the Township.

12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.

The resolution shall take effect immediately.

Adopted: July 14, 2021

Agenda No. XII 24

~ Resolution 2021 – 265 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION BODY WORN CAMERAS GRANT

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2021 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2021 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:
Body Worn Cameras Grant;

\$118,204.00

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
Body Worn Cameras Grant;
Local Match

\$118,204.00
\$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: July 14, 2021

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2021 – 266 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION COVID-19 VACCINATION SUPPLEMENTAL FUNDING PROGRAM 2022/2023

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2021 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2021 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

COVID-19 Vaccination Supplemental Funding Program 2022/2023; \$50,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

General Appropriations

(A) Operations – Excluded from CAPS

Public and Private Programs Offset by Revenue

COVID-19 Vaccination Supplemental Funding Program 2022/2023; \$50,000.00

Local Match \$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: July 14, 2021

Agenda No. XII 26

~ Resolution 2021 – 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION – NOSENZO POND PARK (OPEN SPACE)

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2021 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2021 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

County Open Space, Farmland and Historic Preservation Trust Fund; \$180,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
County Open Space, Farmland and Historic Preservation Trust Fund;	\$180,000.00
Local Match	\$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: July 14, 2021

Agenda No. XII 27

~ Resolution 2021 – 268 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION - CLEAN COMMUNITIES GRANT

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount,

WHEREAS, the Township of West Milford wishes to amend its 2021 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2021 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:	
Public and Private Revenues Off-Set with Appropriations:	
Clean Communities Grant;	\$71,251.60

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
Clean Communities Grant;	\$71,251.60
Local Match	\$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: July 14, 2021

Agenda No. XII 28

~ Resolution 2021 – 269 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZATING THE CANCELLATION OF FUNDED AND UNFUNDED GENERAL CAPITAL APPROPRIATION BALANCES

WHEREAS, the Township previously adopted Bond Ordinances for the purpose of funding various capital projects and improvements of the Township; and

WHEREAS, the projects have been completed and appropriation balances remain open and unexpended; and

WHEREAS, the Township now desires to cancel such appropriations;

ARTICLE IORDINANC E NO.	PROJECT DESCRIPTION	ARTICLE IIFUND ED	UNFUNDED
2006-17	Mobile Report Software	\$686.94	
2007-18	Farrell Field Upgrades	\$2,791.32	
2009-17	Athletic Field Upgrade Farrell Field	\$1,090.75	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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2015-08	Fire Fighting Equipment		\$558.97
2016-03	Video Storage/DVD Burner	\$3,883.40	
2016-08	Replace Fire Equipment		\$398.42
2016-08	Replace Fire Pump Engine #2 Comm Fire		6,025.00
2017-06	Trailer for Large Equipment		\$1,450.00
2017-06	Fire Truck		\$6,874.00
2018-04	Reservoir Road		\$128.06
2018-07	Bleachers		\$15,750.00
2020-07	Dump Truck		\$108.08
2021-14	Fire Truck Co 2		\$134.00
Reserve	Police Equipment	\$1,264.09	
Reserve	First Aid Equipment	\$3,913.00	
Reserve	Office Equipment/Furniture	\$203.70	
Reserve	Radar Units	\$1,213.08	
Reserve	Truck Vaults for SUV's	\$348.06	
TOTAL		\$15,394.34	\$31,426.53

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that the appropriation amounts associated with these Capital Projects under each of these Bond Ordinances are hereby cancelled.

Adopted: July 14, 2021

Agenda No. XII 29

~ Resolution 2021 – 270 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PARTICIPATION IN THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021

WHEREAS, THE American Rescue Plan of 2021 (P.L.117-2) was signed into law by President Biden on March 11, 2021, the latest in a series of Coronavirus Disease 2019 (COVID-19) related relief and economic stimulus legislation; and

WHEREAS; of the \$130.2 billion allotted for local governments, the Township of West Milford has been allocated \$2,756,027.71 that will be provided in two tranches, with 50% provided beginning May 2021 and the balance delivered approximately 12 months later, and

WHEREAS, the funds may only be used to cover costs incurred between March 3, 2021 and December 31, 2024, any funds not expended by December 31, 2026 must be returned; and

WHEREAS, these funds may be used for purposes, including, but not limited to the following:

- Replacing lost public sector revenue, using this funding to provide government services to the extent of the deduction in revenue experienced due to the pandemic;
- Supporting public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare and certain public health and safety staff;
- Addressing negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries and the public sector;
- Providing premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Investing in water, sewer and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure and to expend access to broadband internet.

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 participation in the Coronavirus State and Local Fiscal Recovery Funds and the receipt of \$2,756,027.71 in funding is in the best interest of the public.

BE IT FURTHER RESOLVED that the Township Administrator, Chief Financial Officer and their respective designees are hereby authorized and directed to sign and file, or cause to be filed, on behalf of the Township, the Request for Funding, together with any such other documents, as may be necessary to effectuate the filing for the receipt of money from the Coronavirus State and Local Fiscal Recovery Funds.

Adopted: July 14, 2021

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Agenda No. XII 30

~ Resolution 2021 – 271 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2021-2022 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2021-2022 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, the Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1.

The submitted applications are complete in all respects.
2.

The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3.

The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners as active licenses with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Acting Township Clerk is directed to issue the license certificates for the Mayor and Township Council of the Township of West Milford.

LICENSEE	CONDITIONS
OLD SCHOOL PUB LLC t/a Old School Pub 551 Warwick Turnpike, Hewitt, NJ 07421 1615-33-004-007	Premises outlined on the drawings submitted at transfer of license, which excludes the use of the basement as a storage area for alcoholic beverages to be continued. Occupancy loads must be adhered to. Exits are not to be blocked

Adopted: July 14, 2021

Agenda No. XII 31

~ Resolution 2021 – 272 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2021- 2022 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption License for the 2021- 2022 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, these licenses have received a Tax Clearance Certificate and if applicable a Special Ruling for the 2021-2022 year; and

WHEREAS, the Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1.

The submitted application is complete in all respects.
2.

The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.

WHEREAS, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

1.

Inactive/Pocket Licenses must submit a 12-page Place-to-Place Transfer application with detailed sketch of proposed site and a Police Investigation Request to the Township Clerk’s Office and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting this license.
2.

Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.
3.

Licensee must submit applicable pages 1, 2, and 11 of the 12-page application to the Township Clerk’s Office with date of activation prior to activation or opening this license.

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4. A Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Clerk’s Office prior to opening.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold the license certificate for the Mayor and Township Council of the Township of West Milford.

LICENSEE	1. CONDITIONS
NONNA NINA LLC 15 Colony Drive, Monroe, NY 10950 165-33-017-009	Conditions stated above in resolution

Adopted: July 14, 2021

Agenda No. XII 32

~ Resolution 2021 – 273 ~

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

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2021 license year; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2021 Licenses as listed below:

License No.	1. 2021 SOLICITOR LICENSE
2021-01 thru 08	2. Aptive Environmental LLC

Adopted: July 14, 2021

There was some discussion and clarification. Body cameras have become a requirement and the ordinance will provide cameras for the entire police squad. The additional money for the bathroom renovation is still under the \$35,000 County funded grant maximum and will not come from tax payer money. There has been an increase in the amount of paving and it is covered under last year’s capital budget. The weed harvester is a smaller harvester and will be used for upper Mountain Laurel Lake, Lower Bubbling Spring and possibly Belcher’s Creek. Areas are treated with chemicals as well.

Moved:Lichtenberg

Seconded:Chazukow

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:None

Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2021 – 274 ~

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) 2021-275 – Refund Other Liens
 - b) 2021-276 – Refund of Police Escrow Refund
 - c) 2021-277 – Cancel Outstanding Checks
 - d) 2021-278 – Petty Cash Library
 - e) 2021-279 – Petty Cash Vehicle Registration
 - f) 2021-280 – Petty Cash Police Administration
 - g) 2021-281 – Refund Recreation Fees
 - h) 2021-282 – Refund of Overpayments
 - i) 2021-283 – Reinstatement of Taxes
 - j) 2021-284 – Refund of Tax Lien Premium

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k) 2021-285 – Refund Other Liens

Adopted: July 14, 2021

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

Seconded: Chazukow

Agenda No. XIII a

~ Resolution 2021 – 275 ~

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
17-0019	10/10/2017	02601-010	\$1,175.28	DSHC ENTERPRISES LLC P.O.BOX 524 PLAINSBORO, NJ 08536
19-0026	10/15/2019	03601-001	\$128,864.03	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0085	10/15/2019	11102-006.03	\$401,821.99	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0090	10/15/2019	12309-008	\$40,731.98	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE 50 SOUTH 16 ST STE 2050 PHILADELPHIA, PA 19102
20-0008	10/13/2020	01205-001	\$1,499.34	KAREDA LLC 502 ANTEBELLUM LN MOUNT PLEASANT, SC 29464
20-0045	10/13/2020	07207-006	\$35,999.72	US BANK CUST FOR PRO CAP 8 50 SOUTH 16TH ST; STE 2050 PHILADELPHIA, PA 19102
19-0043	10/15/2019	07401-027	\$249,937.28	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 07154
TOTAL			\$860,029.62	

Adopted: July 14, 2021

Agenda No. XIII b

~ Resolution 2021 – 276 ~

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:

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Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
17-0019	10/10/2017	02601-010	\$1,175.28	DSHC ENTERPRISES LLC P.O.BOX 524 PLAINSBORO, NJ 08536
19-0026	10/15/2019	03601-001	\$128,864.03	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0085	10/15/2019	11102-006.03	\$401,821.99	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0090	10/15/2019	12309-008	\$40,731.98	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE 50 SOUTH 16 ST STE 2050 PHILADELPHIA;, PA 19102
20-0008	10/13/2020	01205-001	\$1,499.34	KAREDA LLC 502 ANTEBELLUM LN MOUNT PLEASANT, SC 29464
20-0045	10/13/2020	07207-006	\$35,999.72	US BANK CUST FOR PRO CAP 8 50 SOUTH 16TH ST; STE 2050 PHILADELPHIA;, PA 19102
19-0043	10/15/2019	07401-027	\$249,937.28	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 07154
TOTAL			\$860,029.62	

Adopted: July 14, 2021

Agenda No. XIII c

~ Resolution 2021 – 277 ~

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

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford Payroll account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
8/13/2020	24927	\$175.00
8/13/2020	25041	22.50
9/17/2020	25181	1,180.79
9/17/2020	25246	1,070.00
9/17/2020	25257	1,069.38
10/22/2020	25505	216.90
	TOTAL	\$3,734.57

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

Adopted: July 14, 2021

Agenda No. XIII d

~ Resolution 2021 – 278 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN CUSTODIAN OF PETTY CASH FUND FOR THE LIBRARY

WHEREAS, Ricardo Pino was custodian of the Library Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Council of the Township of West Milford is changing custodians to Timothy Domick; and

WHEREAS, Timothy Domick is bonded in the amount of \$50,000 by virtue of a surety bond.

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NOW THEREFORE, BE IT RESOLVED, that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: July 14, 2021

Agenda No. XIII e

~ Resolution 2021 – 279 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN CUSTODIAN OF PETTY CASH FUND FOR VEHICLE REGISTRATION

WHEREAS, Judy Manning was custodian of the Motor Vehicle Registration Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Council of the Township of West Milford is changing custodians to Allison J. Zeltner; and

WHEREAS, Allison J. Zeltner is bonded in the amount of \$50,000 by virtue of a surety bond.

NOW THEREFORE, BE IT RESOLVED, that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: July 14, 2021

Agenda No. XIII f

~ Resolution 2021 – 280 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN CUSTODIAN OF PETTY CASH FUND FOR POLICE ADMINISTRATION

WHEREAS, Nichole Hanrahan was custodian of the Police Administration Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Council of the Township of West Milford is changing custodians to Sherry Zbrzeski; and

WHEREAS, Sherry Zbrzeski is bonded in the amount of \$50,000 by virtue of a surety bond.

NOW THEREFORE, BE IT RESOLVED, that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: July 14, 2021

Agenda No. XIII g

~ Resolution 2021 – 281 ~

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:

DAY CAMP			
\$741.00	Kenya Massey-Rodriguez 37 Greendale Drive Oak Ridge, NJ 07438	\$819.00	Michele Boschen 21 A 3 rd Ave. West Milford, NJ 07480
\$570.00	Svetlana Belozerova 51 Alpine Ridge Road West Milford, NJ 07480	\$242.50	Pauline DeLoughery 28 Vreeland Road West Milford, NJ 07480
\$140.00	Heather Becker 456 Lake Shore Drive Hewitt, NJ 07421		
LIFEGUARD CLASS			
\$305.00	Luisa Mora	\$150.00	Sara Gonzalez

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	18 Lincoln Ave. West Milford, NJ 07480		11 Glen Drive West Milford, NJ 07480
\$170.00	Ann Niechwadowicz 100 Wooley Road West Milford, NJ 07480		
SWIM TEAM			
\$340.00	Michelle Freire 68 Morsetown Road West Milford, NJ 07480		
SENIOR ACTIVITIES			
\$20.00	Marilyn Epstein 41 High Crest Drive West Milford, NJ 07480	\$30.00	Ofelia Callioni 121 Richmond Road West Milford, NJ 07480
BUBBLING MEMBERSHIP			
\$45.00	Diane Baum 9117 Richmond Road West Milford, NJ 07480		
WOMAN'S VOLLEYBALL			
\$162.00	Tammie Profitko 68 Ridge Road Oak Ridge, NJ 07438	\$162.00	Sciuto Arms 16 Milford Lane West Milford, NJ 07480

Adopted: July 14, 2021

Agenda No. XIII h

~ Resolution 2021 – 282 ~

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

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

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

- REASON:
1. Incorrect Payment

2. Duplicate Payment

3. Senior Citizen

4. Veteran Deduction

5. Homestead Rebate

6. Tax Appeal County Board

7. Tax Appeal State Tax Court

8. 100% Disabled Veteran

9. Replacement Check

Block/Lot	Name	Amount	Year	Reason
12303-003	Corelogic Attn: Recoveries - Billy Gray P.O. Box 9205 Coppell, TX 75019	\$2,491.05	2020	1

Adopted: July 14, 2021

Agenda No. XIII i

~ Resolution 2021 – 283 ~

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

BLOCK/LOT	NAME	AMOUNT	YEAR
02018-001	Kareda LLC	\$932.42	2021
01907-004	Tassev Karrismir	\$760.54	2021
10901-018	The Money Store (Corelogic)	\$5,074.00	2021
Total		\$6,766.96	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2021 – 284 ~

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

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

WHEREAS, The Bankruptcy Court paid off the lien and the lien holder is entitled to the premium paid.

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. Refund Tax Lien Premium

Block/Lot	Name	Amount	Reason
07604-003 Cert# 14-0055	Christiana Trust As Custodian 2020 Howell Mill Rd. NW Suite C-513 Atlanta, GA 30318	\$43,200.00	1
Total		\$43,200.00	

Adopted: July 14, 2021

Agenda No. XIII k

~ Resolution 2021 – 285 ~

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/Quar- ter	Reimbursement Amount	Pay to Lien Holder
21-0043	10/13/2020	06902-021	\$31,147.47	US BANK CUST FOR PRO CAP 8 50 SOUTH 16TH ST; STE 2050 PHILADELPHIA, PA 19102
TOTAL			\$31,147.47	

Adopted: July 14, 2021

Agenda No. XIV

Approval of Expenditures

~ Resolution 2021 – 286 ~

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	\$986,191.37
3	Reserve Account	4,970.63
2	Grants	78,587.40
6	Refunds	910,573.17
1	General Ledger	13,311.00

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26	Refuse	435,682.64
4	Capital	77,266.56
19	Animal Control	9,817.92
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	13,319.48
19	Scala Trust	0.00
16	Development Escrow	5,512.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$2,535,232.67
Less Refund Resolution		-910,573.17
Actual Bills List		\$1,624,659.50
Other Payments		
Payroll		\$526,852.37
Enterprise :Lease		28,850.80
Animal Health Diagnostic Lab		500.00
WMBOE		4,913,377.00
Depository Trust Co.		65,362.50
Total Expenditures		\$7,159,602.17

Adopted: July 14, 2021

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

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Administrator Senande – 93 Weaver Road, originally on Resolution 2019-352, is a Township property that is for sale. Two oil tanks have been removed and the demolition has been done and the Township will be selling it as soon as possible.

Councilman Marsden – No report.

Councilwoman Erik – No report. Bob Nicholson will be playing at the Vreeland Store Thursday night.

Councilman Chazukow – Recap on the Heritage Committee special events. Musical Interludes at the West Milford Museum. August 7, 2021 Contraband will perform and September 25, 2021 the Enslow's will perform. There will be a suggested donation and the concerts begin at 2 p.m. The West Milford Museum is open every Saturday from 1-4 p.m. Other events are in the works. The Precision Dance Studio is having their grand re-opening on Sunday August 1, 2021 from 11:00 to 2:30 p.m. and will be hosting a Princess Dance Party. It is free.

Councilwoman Lichtenberg – National Night Out is Tuesday August 3 at Bubbling Springs at 6:30 p.m. Friends of Wallisch Homestead has yoga on Wednesdays at 7 outside if the weather permits and will be having a corn hole tournament August 28, 2021 at 1:00 p.m., rain date August 29, teams of two and anyone interested may sign up on the FriendsOfWallisch.org website. September 18th they will be having their 2nd Annual Music Festival. There will be a book sale in the barn from September 23 through the 26th. July 26th is the next Friends of the Library concert featuring an Irish fiddler. The next concert at Bubbling Springs will be July 27, 2021 featuring Jimmy the Barber's Rock-A-Holics. Homebound vaccines are available on Wednesdays and Fridays by calling 973-881-4396. A short email Covid update was read from the Passaic County Hope One Program. The West Milford Animal Shelter will be having a Tricky Tray Sunday August 8, 2021 at 1 p.m.

Councilman Goodsir – The Elks will be having their steak dinner again, they do that the last Friday of every month and Veterans are given a free dinner at the Elks on the first Friday of every month. As the Recreation liaison he reported that there are a lot of events going on. Flyers are available.

Councilman Gross – Has resumed work with the Trails Map of West Milford. The EDC had some questions and he is working with them. He is compiling a list of brick and mortar businesses for their directory.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Mr. Pasternak – Indicated the Mayor has been dealing with a fair number of customer/resident complaints concerning Altice, USA and that the Township has been granted participant status before The Board of Public Utilities. The Township has reviewed a number of responses to requests made and have asserted to the BPU that they are all deficient and have requested an independent expert be appointed at Altice’s cost to provide that transparent data and force them to live up to their settlement agreement.

Agenda No. XVI

Appointments and Resignations

~ Resolution 2021 – 287 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Economic Development Commission:

Name	Position	Date Tendered
Anthony Cetrulo	Economic Development Commission Citizen Member Term expires 12/31/21	June 26, 2021

Adopted: July 14, 2021

The Council wished to accept a resignation tendered.

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

~ Resolution 2021 – 288 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY IMPLORING THE STATE OF NEW JERSEY TO PROPERLTLY MAINTAIN GREENWOOD LAKE

- WHEREAS, the State of New Jersey owns and is responsible for the maintenance of the southern portion of Greenwood Lake; and
- WHEREAS, Greenwood Lake is an invaluable natural resource that serves as an integral part of the water supply system for the northern portion of the State and is also utilized by many State residents for various recreational activities; and
- WHEREAS, the State does not allocate the necessary resources to ensure that the Lake is free of hazardous weeds and algae that hinder the enjoyment of the Lake; and
- WHEREAS, the Township of West Milford regularly incurs a significant financial burden ensuring the safety of those enjoying the Lake as a result of the State’s failure to maintain the lake; and
- WHEREAS, the Township of West Milford utilizes its own equipment and staff to remove weeds remove weeds from the lake; and
- WHEREAS, the Township of West Milford has assumed the responsibility of disposing the weeds that are regularly collected from the State-owned property; and
- WHEREAS, local property taxes should not be used to maintain State-owned property; and
- WHEREAS, the Township of West Milford is willing to enter into a contract with the State for the removal of weeds from Greenwood Lake if the State is willing to reimburse the Township for the costs incurred; and
- WHEREAS, the Township of West Milford has consulted with its representative on the Greenwood Lake Commission concerning this resolution; and
- WHEREAS, the Township of West Milford will be in contact with all property owners adjacent to Greenwood Lake in order to help ensure their concerns with the maintenance of Greenwood Lake are communicated to the State; and
- WHEREAS, the Township of West Milford will seek the support and assistance of local and statewide community and environmental organizations in imploring the State to act.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED that Mayor Michele Dale and the Township Council implore the State to allocate sufficient resources to ensure that Greenwood Lake can continue to supply safe drinking water and be used for various recreational activities.

BE IT FURTHER RESOLVED that the Township of West Milford will not allocate resources for the removal of weeds on Greenwood Lake beyond the current year.

BE IT FURTHER RESOLVED that the Township Administrator is directed to contact all property owners adjacent to Greenwood Lake in order to help ensure their concerns with the maintenance of Greenwood Lake are communicated to the State.

BE IT FURTHER RESOLVED that the Township Administrator is directed to contact local and statewide community and environmental organizations in order to garner their support and assistance in imploring the State of allocate the resources necessary to properly maintain Greenwood Lake.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Governor, Greenwood Lake Commission and our local representatives in the State Legislature.

Adopted: July 14, 2021

Moved:Lichtenberg

Seconded:Chazukow

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:None

Motion carried:

~ Resolution 2021 – 289 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CANCELING LEASE OF BROWN’S POINT

WHEREAS, the State of New Jersey owns Brown’s Point in West Milford; and

WHEREAS, Brown’s Point is the only a public land adjacent to Greenwood Lake in New Jersey; and

WHEREAS Brown’s Point is a public park enjoyed by many residents of the State for recreational purposes; and

WHEREAS, the Township of West Milford entered into a lease to utilize and maintain Brown’s Point on January 3, 1980; and

WHEREAS, the Township of West Milford has had the financial burden of maintaining the park for more than four (4) decades; and

WHEREAS, local property taxes should not be utilized to maintain State-owned property; and

WHEREAS the Township has consulted with its representative on the Greenwood Lake Commission concerning this resolution.

NOW, THEREFORE, BE IT RESOLVED that Mayor Michele Dale and the Township Council cancel its lease with the State of Brown’s Point.

BE IT FURTHER RESOLVED that the Township of West Milford implores the State to allocate sufficient resources to properly maintain Brown’s Point.

BE IT FURTHER RESOLVED that the appropriate individuals within the State’s Department of Environmental Protection shall be properly advised of this action.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Governor, Greenwood Lake Commission and our local representatives in the State Legislature.

Adopted: July 14, 2021

Moved:Erik

Seconded:Marsden

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden

Voted Nay:None

Motion carried:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:39 p.m.

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

Approved: August 11, 2021

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP ADMINISTRATOR/CLERK