

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: May 1, 2024
Time of Meeting: 6:30 p.m.
Minute Page No: Page 2 of 23

WHEREAS, the Cannabis Regulatory Commission has issued the Annual Class 5 Retailer license to the application listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2024 License as listed below:

Table with 2 columns: License No. and CANNABIS LICENSE - CLASS 5 RETAILER. License No. 2024-05, CANNABIS LICENSE - CLASS 5 RETAILER Doobiez, LLC, 1612 Union Valley Road, West Milford, NJ 07480, State License Number: RE000047

Adopted: May 1, 2024

A motion was made by Councilwoman Erik to move Resolution 2024-205. Seconded by Councilman Chazukow.

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

Agenda No. XI

Unfinished Business, Final Passage of Ordinances

Agenda No. XI 1

~ Ordinance 2024 - 014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC AMENDING CHAPTER 135 FEES & COSTS SECTION 135-7 FINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township Council wishes to amend the Township Code to the following;

§ 135-7 Finance.

- A. Nonsufficient funds (returned checks): \$20.
B. Redemption certificate: \$25.
C. Tax assessment: (1) Duplicate bills: \$5.
D. There is hereby established a fee for the use of credit cards for the payment of taxes, interest, penalties and municipal charges or other fees and charged by the Township of West Milford, which shall equal a percentage fee on the amount of payment charged as set by a financial institution chosen by the Township to process said credit card payments. Said percentage fee shall not exceed, in any event, 3% of the total amount of the payment.
E. Request for redemption calculation; third and subsequent request in a calendar year: \$50 per request.
F. Lien redemption calculation: \$50.

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All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.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, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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

Introduced: April 3, 2024
Adopted: May 1, 2024
Effective Date: May 21, 2024

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This Ordinance was introduced on April 3, 2024 and Notice of the public hearing was published in the Herald News on April 9, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2024-014.

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

Agenda No. XI 2

~ Ordinance 2024 – 015 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 ZONING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP AMENDING SECTION 500-12 AREA AND YARD REQUIREMENTS TO CLARIFY REQUIREMENTS

WHEREAS, the Mayor and Township Council determined that the provisions relating to area and bulk requirements for properties with or without central sewerage or water facilities is unclear because the regulations only apply to properties that have both central water and central sewer or individual septic and individual well, not properties that have central sewer and individual well or central water and individual septic; and

WHEREAS, the Mayor and Township Council wish to clarify the ordinance provisions for properties that have central sewerage and/or water facilities versus those that have individual sewerage and water facilities; and

WHEREAS, the Mayor and Township Council have determined that clarifying the ordinance would be beneficial to the general welfare of the community; and

NOW THEREFORE, 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. Chapter 500 “Zoning” Section 12 “Area and yard requirements” is amended to read as follows:

§ 500-12 Area and yard requirements.

- A Properties with both individual septic system and individual well facilities or substantially similar facilities as determined by the Township Zoning Officer.
- B. Properties serviced by central sewerage facilities, central water facilities, properties located within a wastewater management service area or substantially similar facilities as determined by the Township Zoning Officer.

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: April 3, 2024
Adopted: May 1, 2024
Effective Date: May 21, 2024

This Ordinance was introduced on April 3, 2024 and Notice of the public hearing was published in the Herald News on April 9, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Motion to move Ordinance 2024-015.

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

Agenda No. XI 3

~ Ordinance 2024 – 016 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 371 “TREE REMOVAL” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford is located entirely within the Highlands Preservation Area and considered an existing Tier A municipality under the enhanced regulations of the Tier A Municipal Stormwater General Permit (R9) by the New Jersey Department of Environmental Protection according to N.J.A.C. – 7:14A, Municipal Stormwater General Permit; and

WHEREAS, the enhanced regulations require municipal review and update to certain existing ordinances to maintain compliance, including regulations for tree removal; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in the public interest and required by the NJDEP regulations.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 371 Tree Removal of the Township of West Milford shall be amended as follows:

SECTION 1. Chapter 371 “Tree Removal” is amended to read as follows:

§ 371-1 Findings; purpose.

The purpose of this chapter is to protect and preserve the forests and neighborhood trees of West Milford from indiscriminate destruction, disturbance or removal, to provide protection of the streams and lakes from damage caused by tree loss, and to provide for the protection of water quality. The Township Council does herein decide and find that the uncontrolled destruction, removal and cutting of trees upon lots and tracts within the Township has resulted in creating increased municipal costs for drainage control and has further caused increased soil erosion and stream pollution, decreased the fertility of soil, increased dust which has further deteriorated property values and has further rendered land unfit and unsuitable for its most appropriate uses and has caused deterioration in the value of improved and unimproved real estate within the Township with a resulting adverse effect upon the health, safety and general well-being of the inhabitants. The aforesaid findings have caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the Township.

§ 371-2 Regulation of tree removal; compliance required.

It has been determined, therefore, that no person shall cut or remove any tree upon any lands within the Township, unless such action accomplishes a useful purpose and is done in accordance with the regulations and provisions of this chapter.

§ 371-3 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this ordinance demonstrates a different meaning. All definitions herein contained shall be considered in conformance with those set forth in the Zoning Ordinance of the Township of West Milford, N.J., 1969, and as amended, and as in Chapter 500 of the Code of the Township of West Milford, with the following additions:

- A. Applicant - refers to any person, organization or entity who applies for approval to remove trees regulated under this ordinance.
- B. Diameter – means the diameter of the trunk of a tree measured at a point four and a half feet above ground level from the uphill side of the tree (Diameter Breast Height, “DBH”). If there is uncertainty as to the measurement of the diameter of a tree, the diameter shall be conclusively presumed to be the circumference of the tree in inches divided by 3.1416 and rounded to the nearest inch. In the event a tree is removed, the diameter shall be that of the remaining stump if less than four and one-half feet remain. In the event a tree contains more than one trunk at less than four and one-half feet above the ground, the diameter of each trunk shall be summed together to determine the diameter of the tree.

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- C. Immature Tree – Shall mean any tree having a diameter less than six inches. Further, an immature tree shall not meet the definition of “Tree”.
- D. Forest Management Plan – means a plan which establishes best conservation and management practices and has been reviewed and approved by the NJDEP New Jersey Forest Service. Nothing in this chapter is intended to conflict with or supersede the provisions of an approved Forest Management Plan if work is within compliance of the approved plan.
- E. Nuisance Tree – refers to any tree, or limb thereof, that has an infectious or insect- inflicted disease; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures or threatens public health, safety and welfare; negatively impacts municipal, private or semi-private infrastructure systems; or negatively impacts municipal, private or semi-private stormwater systems.
- F. Rare, Historic or Tree of Significance – any tree that is recognized by the municipal governing body, the State, or a local historical organization as being of significance due to its age, size, unique value, rarity, or its aesthetic, ecological or historic value.
- G. Replacement Tree – A tree proposed as a replacement for a qualified tree removed under a permit.
- H. Township Forester – The duly designated representative or duly appointed officer of the Township given the authority to enforce the provisions of this chapter. If absent, the Zoning Officer, Township Engineer, Construction Official, Director of Planning or their authorized agent(s) may perform the administrative duties as it pertains for permit processing.
- I. Tree – Any living coniferous or deciduous tree having a trunk of a diameter greater than ~~(four)~~ or equal to six (6) inches. Nothing in this chapter is intended to conflict with or supersede the provisions of the Soil Erosion and Sediment Control Act of the State of New Jersey, Chapter 251 of the Public Laws of New Jersey. See N.J.S.A. 4:24-39 et seq.
- J. Tree Removal – means to kill or cause irreparable damage that leads to the decline and/or death of a tree. Removal does not include responsible pruning and tree maintenance. When applicable, removal of trees shall be governed by a variety of New Jersey Department of Environmental Protection regulations, including those that are promulgated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38).

§ 371-4 Permit required.

- A. Application. Any person desiring to destroy, cut or remove any such tree which is not accepted under terms of subsection 371-3 and 371-8 shall apply to the Township forester for a permit to remove such tree(s). Permits shall be required for removal of more than five (5) trees per acre per calendar year, not to exceed fifteen (15) trees per lot annually. Lot area shall be rounded up to one (1) acre for lots less than 1.000 acre and subsequently rounded up to the nearest one-fifth (0.2) acre for the purposes of calculating tree removal quantity at a rate of one (1) tree per one-fifth (0.2) acre thereafter. A separate application shall be required for each lot.
- B. Information.
 - 1. The applicant shall identify by block and lot the land upon which the tree(s) is located and shall disclose the name and address of the owner, tenant or duly authorized agent of such owner or tenant, the entity performing tree removal with contact information, and the applicant shall also identify by copy of a survey or other means the location of the tree(s) sought to be cut, removed or destroyed. At the discretion of the Township Forester, an inspection of the site where a removal of trees is proposed may be conducted prior to and/or after the removal is completed. Prior to an inspection, the Township Forester shall have the right to request the trees proposed for removal be marked in a temporary manner for identification.
 - 2. A tree removal permit, if required, shall be obtained prior to the approval of all minor and major subdivisions, site plans, building applications and certificates of occupancy on a map which shall include the following:
 - a. Area of tract or parcel of land.
 - b. *(General)* location of wooded areas and trees to be removed.
 - c. Exact location of rare or historic trees as defined by Section 371-3.
 - d. General topographic conditions of site as derived from USGS map of the West Milford area or current topographic survey.
 - e. Manner or method of tree removal
 - f. Person(s) to perform the removal, with contact information when applicable
 - g. Reason for removal
 - h. Total quantity of trees on the property, if required by the Township Forester
 - i. Estimated start and completion date
 - 3. When applicable per Section 371-9, a tree remediation or restoration plan, to identify the specific location where trees will be planted to mitigate the proposed removal of trees in accordance with the requirements of this chapter. Species of replacement trees shall be noted on the plan.

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§ 371-5 Fees.

Upon application for a permit, the applicant shall pay to the Township the fees set forth in Chapter 135, Fees and Costs.

§ 371-6 Criteria for determination of permitted tree removal.

As a basis for determining permitted tree removal, the duly appointed officer shall give due consideration to the following:

- A. For purposes of tree removal on a lot with an approved, single-family residential dwelling. The lands covered by each application shall be inspected by the Township Forester who shall review the application and land and consider issuance of a permit. Considerations of permit issuance include but are not limited to future land development, existing and resultant drainage patterns, and governance of other regulatory agents. The Township Forester shall have the authority to affix reasonable conditions to the approval of a permit required by this chapter.
- B. For the purposes of commercial and/or silviculture lumbering in accordance with the following restrictions:
 1. The lumbering company or individual owner of the property in question shall file with the Township a forest management plan approved by the New Jersey Department of Environmental Protection, Bureau of Forestry, or other professional forester. Any deviation taken from this plan shall be considered a violation of this chapter.
 2. In no case shall more than 30% of the total number of trees be removed from the entire tract.
 3. No fee(s) shall be incurred for work in accordance with an approved plan.
- C. For purposes of tree removal on a lot other than with an approved, single-family residential dwelling or for commercial and/or silviculture lumbering. The applicant shall confirm no violation of prior land development approvals, if any. The Township Forester shall review an application, inspect the lands covered by said application and consider issuance of a permit with coordination with other municipal officials, if warranted. The Township Forester shall have the authority to affix reasonable conditions of approval of a permit required by this chapter, including but not limited to municipal board approval and/or exceptions.
- D. No permit shall be issued for any of the following conditions, except with prior documented approval from the governing regulatory agent(s) if applicable:
 1. Trees located on any portion of a lot having a slope greater than 20%, excluding when approved, permitted provisions are constructed to prevent uncontrolled erosion and provide soil stabilization as much as practical. Slope shall be determined by available topographic survey records or on-site slope averaging of the area.
 2. Trees located in an environmentally regulated area as defined and identified by NJDEP, including but not limited to wetlands, wetland transition areas, flood zones, and riparian zones.
 3. Trees located on a vacant lot without an approved forest management plan, approved future land improvement plan / permit(s), or similar approval permitting the removal of specified tree(s).
 4. Where removal of said trees would exceed fifteen (15) trees per lot annually, excluding those excepted as defined in §371-8.

§ 371-7 Issuance of permit.

- A. If the applicant as defined in § 371-4 discloses that no more than five trees per acre per calendar year in excess of the size referred to aforesaid in this chapter are to be removed, cut or destroyed, or have been cut, removed or destroyed from the lot or tract of land identified in the application, then no permit shall be required.
- B. If the applicant as defined in §371-4 satisfies the conditions listed aforesaid in this chapter, the Township Forester may issue a permit for the removal of identified tree(s).

§ 371-8 Exceptions.

Excepted from this chapter shall be:

- A. Any tree growing on property being used as a nursery, garden center, Christmas tree plantation or orchard.
- B.. Any tree growing on land actually being used for a sanitary landfill operation or for surface mining, or on land approved for such use by the Township or applicable agencies.
- C. Any tree growing in a public right-of-way, private right-of-way, drainage or utility easement, as designated on the West Milford Township Tax Map or property survey performed by a New Jersey professional land surveyor.
- D. Any tree located on a tract or parcel of land with an existing and approved, single-family residential dwelling to be cut for personal use as firewood by the owner of such property. Not more than five trees per acre shall be cut in any one calendar year as calculated in §371-4, and in no case shall more than 30% of the total number of trees located on such property be removed.
- E. Any tree infected, dead or diseased as a result of natural causes, or other tree that is deemed a nuisance tree.
- F. Any tree cut or removed in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, or other professional forester, and filed with and approved by the Township Forester duly appointed by the Township.
- G. Any tree located on or within 50 feet of a proposed or existing residential structure.

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- H. Any tree located on or within 20 feet of a proposed or existing well, septic system and associated components, groundwater recharge provision or permitted and approved accessory structure.
- I. Any tree located within 15 feet of an approved existing or proposed residential driveway.
- J. Any tree located within 15 feet of an approved existing or proposed paved area(s), or equivalent impervious surface.
- K. Any tree located within 15 feet of an approved existing or approved proposed off-street parking area.
- L. Any tree located near utility lines or substations, provided that the reason for the tree removal is related to public safety purposes.

§ 371-9 Tree Replacement and Remediation.

- A. For the purposes of permitted tree removal. Tree(s) requiring permit issuance shall be replaced at a rate of one (1) tree per removed tree as defined in this chapter.
 - 1. The species shall be of non-invasive type and suitable as per the current United States Department of Agriculture Plant Hardiness Zone Map. Alternatives, as recommended by a licensed tree expert, approved forester or NJ licensed engineer, can be considered by the Township Forester.
 - 2. Tree planting location shall be shown on the provided copy of a lot survey as part of the application.
 - 3. Replacement trees shall be planted with the wire basket, burlap and twine removed and be located in an area to promote optimal tree growth.
 - 4. Replacement trees shall be planted within six (6) months of the date of removal and/or completion of proposed work.
 - 5. Replacement trees shall be monitored for a period of no less than two years to ensure their survival and be replaced as needed.
 - 6. Replacement trees shall have a diameter no less than 2.5”.
- B. For the purposes of remediation as a result of unapproved removal. Any person who damages, removes or destroys trees without complying with this chapter shall be required to remediate said noncompliance by replacement of such tree(s).
 - 1. Tree(s) shall be replaced at a rate of one (1) replacement tree per each twelve (12) inches of diameter of determined removed tree, rounded up to the nearest twelve-inch increment.
 - 2. Replacement trees shall be of nursery grade quality, balled and burlapped and planted on the site where the violation occurred in locations and with species approved by the Township Forester and shall have a diameter no less than 2.5”.
 - 3. Replacement species include: red maple, sugar maple, red oak, white oak, chestnut oak, scarlet oak, pin oak, black oak, hickory, American birch, yellow birch, black birch, dogwood, yellow poplar, black locust, red cherry, sweet gum and weeping willow. Alternatives may be considered at the discretion of the Township Forester.
 - 4. In the event that the Township Forester determines all or some of the replacement trees are inappropriate where the violation occurred, the Township Forester may approve an alternate location either on the subject property or off of the site on property owned by the Township of West Milford.
 - 5. The obligation of this section may be enforced by a civil action in any court of competent jurisdiction and shall not affect the liability of the violator for the fines and penalties set forth in subsection §371-13.
 - 6. The violator will be subject to a two-year cash bond amount, in an amount determined by the Township Forester or other municipal official, to ensure the restoration and remediation of the violation as set forth in subsection §371-5. The base amount shall be \$500 plus applicable cost estimates for remediation action.

§ 371-10 Unique and irreplaceable trees.

No person shall cut, remove or destroy upon any lands within the Township any tree considered to be unique and irreplaceable by reason of age, historical associations, or botanical rarity as determined by the Township Forester.

§ 371-11 Right of appeal.

[Amended 9-1-2004 by Ord. No. 2004-6]

The applicant shall have the right to appeal the decision of the Township Forester to the Township Administrator within 10 days of receipt of such decision. The appeal shall be by written notice to appeal. The Township Administrator shall proceed to hear such appeal upon notice to the applicant within 30 days after the filing of such notice of appeal. The Township Administrator may, in his discretion and upon complete review of the application, and after hearing the testimony of the Township Forester and the applicant, reverse, modify or affirm the aforesaid decision.

§ 371-12 Enforcing officer and enforcement.

- A. Enforcing Officer. The enforcement of the provisions of this chapter shall be designated to the Township Forester or other duly designated individual(s) as directed by the Township Administrator. The Township Forester, Township Engineer, Zoning Officer, Construction Official,

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WHEREAS, the enhanced regulations require municipal review and update to certain existing ordinances to maintain compliance, including regulations for tree removal; and

WHEREAS, the existing Chapter 135 Fees and Costs Section 38 Tree Removal requires amendment in coordination with the amendment to the Tree Removal ordinance; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in association with the proposed amendment of the Tree Removal chapter of the Code and in the public interest and required by the NJDEP regulations.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 135 Fees and Costs Section 38 Tree Removal of the Township of West Milford shall be amended as follows:

SECTION 1. Chapter 135 “Tree Removal”, Section 38 “Tree Removal” is amended to read as follows:

§ 135-38 Tree removal.

In accordance with Chapter 371, Tree Removal, upon application for a permit, the applicant shall pay to the Township the following fees:

- A. Filing Fee: \$25
- B. Inspection Fee:
 - a. Applications consisting of one acre or less: \$50
 - b. Applications consisting of greater than one acre but less than five acres: \$100
 - c. Applications consisting of five acres or greater: \$100 plus \$20 for each additional acre beyond five acres, rounded to the nearest acre
 - d. There is no maximum inspection fee
- C. Replacement Plan Review Fee:
 - a. For any application consisting of one acre or less: \$25
 - b. For each additional acre: \$25

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 or 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 and upon the posting of appropriate signs.

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

Introduced April 3, 2024
Adopted: May 1, 2024
Effective Date: May 21, 2024

This Ordinance was introduced on April 3, 2024 and Notice of the public hearing was published in the Herald News on April 9, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2024-017.

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

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Agenda No. X

Public Comments

Bob Nicholson – Indicated that the illegal cannabis businesses had been mentioned in the past. The newspaper printed that the Bud Bus owner was charged with deceptive business practices, money laundering and drug offenses according to the Warren County prosecutor. The advertising on the big purple bus said 100% legal business. At the Board of Education meeting the budget was passed and there was an increase. Apparently only 6 people attended the meeting. Mr. Nicholson doesn't understand why more people are not upset with the school budget increase, when the meeting room was filled with people protesting a full-time Mayor position that would not cost any tax payers anything.

Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion. Seconded by Councilman Goodsir. All were in favor.

Agenda No. XI

Council Comments

Councilman Goodsir thanked Mr. Nicholson for performing for the Veterans recently at the Elks Lodge.

Councilman Conlon indicated that it is a matter of fact that the Governing Body has no role in the Board of Education's spending. The budget has a cap of 2%. Regardless of the posts on social media, we only have control over our portion of the tax levy. A zero percent increase is expected for the new budget soon to be approved as well.

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2024 – 020 ~

BOND ORDINANCE APPROPRIATING \$5,873,000 AND AUTHORIZING THE ISSUANCE OF \$5,130,000 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD IN THE COUNTY OF PASSAIC NEW JERSEY

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

Section 1 The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as otherwise set forth herein, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$5,873,000 including the aggregate sum of \$265,960 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$477,040 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$5,873,000 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$5,130,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$5,130,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

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IMPROVEMENT OR PURPOSE	APPROPRIATION & ESTIMATE COST	EST. MAX. AMOUNT OF BONDS & NOTES
(a) Improvement of Maple Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$945,000 appropriation hereby made therefor being inclusive of the amount of \$477,040 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	\$945,000	\$444,562
(b) Acquisition by purchase of new and additional vehicular equipment for use by Police Department of the Township, including four (4) utility vehicles, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	238,000	226,100
(c) Improvement of various roads in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), including, without limitation, Cleveland Drive for its entire length, Deborah Lane for its entire length, Grant Avenue for its entire length, Green Terrace Way from Street #70 to its terminus, Hiawatha Pass for its entire length, Hunter Boulevard for its entire length, Inez Court for its entire length, Lancaster Lane for its entire length, Lozier Court for its entire length, McKinley Place at Cleveland Drive, Mohawk Trail from Hiawatha Pass to Cherokee Way, Moore Road for its entire length (the portion in the Township), Ponderosa Place for its entire length, Pontiac Court for its entire length, Walker Avenue for its entire length and Warwick Turnpike from Clinton Road to Lake Shore Drive North and the First Aid Building Parking Lot, together with all sidewalks, curbing, crack sealing, guide rail installation, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, said appropriation being exclusive of prior appropriations therefor in the amount of \$50,000 for the First Aid Building Parking Lot	1,565,000	1,490,588
(d) Acquisition by purchase and installation, as necessary, of new and additional radio and communication equipment for use by various Departments of the Township, together with all appurtenances, attachments, equipment and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, said appropriation being exclusive of prior appropriations and grants therefor in the amount of \$5,405,000	2,000,000	1,900,000
(e) Substantial reconditioning of an ambulance for use by the volunteer West Milford First Aid Squad, including all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	255,000	242,250
(f) Improvement of municipally-owned properties and facilities in and by the Township including the bathrooms at Bubbling Springs Park by the construction of access facilities for the handicapped and the diesel exhaust removal systems at Fire Company Nos. 3 and 6 by the upgrade thereof, together with for all the aforesaid all landscaping, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, said appropriation being exclusive of prior appropriations and grants therefor in the amount of \$158,212	165,000	156,750
(g) Acquisition by purchase of new and additional vehicular equipment including two (2) mason dump trucks for use by the Department of Public Works of the Township (said vehicles each having a gross vehicle weight in excess of 15,000 pounds), together with all attachments, appurtenances, accessories and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	210,000	199,500
(h) Acquisition by purchase of new and additional heavy equipment including one (1) street sweeper for use by the DPW of the Township, together with all attachments, appurtenances, accessories and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications	495,000	470,250

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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therefor on file or to be filed in the office of the Township Clerk and hereby approved		
Totals	<u>\$5,873,000</u>	<u>\$5,130,000</u>

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

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

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.15 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$5,130,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, \$50,000 of such costs allocable to costs of issuance have been included in the improvement described in Section 3(f) of this bond ordinance).

Section 5. The funds from time to time received by the Township on account of the \$477,040 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (a) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

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

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

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

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

Introduced: May 1, 2024

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Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 15, 2024. Notice of the public hearing shall be published in the Herald News on or about May 7, 2024.

Motion to move Ordinance 2024-020

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

Agenda No. XII 2

~ Ordinance 2024 – 021 ~

**ORDINANCE CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE,
CONFIDENTIAL AND UNAFFILIATED EMPLOYEES**

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 15 entitled Administration of Government of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officer(s) and Employee(s) here below stated shall be classified by job title with the corresponding pay ranges:

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Deputy Township Administrator	\$45,000.00	\$145,000.00

1. The aforesaid Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: May 1, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 15, 2024. Notice of the public hearing shall be published in the Herald News on or about May 7, 2024.

Councilman Chazukow indicated that there are a lot of empty seats in the meeting room tonight and people seem to show up when there is something that they don't like, but they should also show up when they want to be supportive of something so that the Council knows what the people want.

Motion to move Ordinance 2024-021

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Agenda No. XII 3

~ Ordinance 2024 – 022 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR PART TIME AND SEASONAL EMPLOYEES

BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007 the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges **effective May 20, 2024**:

TEMPORARY, PART TIME AND SEASONAL EMPLOYEES

JOB TITLE	WAGE RATE
Recreation Attendant (includes coffeehouse monitors, volley ball referees, program assistants)	\$ 11.90 <u>14.00</u> - \$ 2535.00 per hour
Substitute Lake Director	\$15.00 - \$ 3040.00 per hour
Recreation Aide (includes, concession/gate monitors, seasonal maintenance workers, program specialist)	\$ 11.90 <u>14.00</u> - \$ 2030.00 per hour
Swim Instructor	\$ 11.90 <u>14.00</u> - \$ 2030.00 per hour
Head Swim Instructor/Swim Team Coordinator	\$15.00 - \$ 3040.00 per hour
Lifeguard/Head Lifeguard	\$ 1114.90 <u>00</u> - \$ 2025.00 per hour
Day Camp Director	\$ 1214.00 - \$ 2530.00 per hour
Day Camp Counselor	\$ 11.90 <u>14.00</u> - \$ 20.25 <u>00</u> per hour
Day Camp Nurse	\$28.75 - \$ 3545.00 per hour
Seasonal Omni Bus	\$ 1214.00 - \$ 2835.00 per hour
Programs for the Disabled:	
Summer Aide	\$8.50 - \$12.00 per hour
Aide	\$9.50 - \$17.00 per hour
Teacher	\$15.00 - \$20.00 per hour
Recreation Program Instructor	\$20.00 - \$75.00 per hour
Building Service Worker (Monitor)	\$ 1314.00 - \$ 2030.00 per hour

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistency.

This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: May 1, 2024
 Adopted:
 Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 15, 2024. Notice of the public hearing shall be published in the Herald News on or about May 7, 2024.

Motion to move Ordinance 2024-022

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

Mayor Dale asked to move Resolutions 2024-192 through 2024-196 and Resolutions 2024-202 through 2024-204.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilman Conlon indicated that he would be abstaining on Resolution 2024-194 and Resolution 2024-203.

Councilwoman Erik questioned the position of hearing officer and Administrator Senande indicated for a disciplinary hearing we need someone to sit as a hearing officer.

Agenda No. XII 4

~ Resolution 2024 – 192 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LANDS AND PROPERTIES FROM THE TOWNSHIP AUCTION OF APRIL 17, 2024

WHEREAS, on April 17, 2024, the Township of West Milford conducted the sale of municipal properties no longer needed by the Township in accordance with Resolution 2024-118; and

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

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

BE IT FURTHER RESOLVED, that the terms of such acceptance will be set forth in the Contracts of Sale to be prepared by the Township Attorney as set forth in Resolution 2024-118.

This Resolution shall be effective immediately.

Block	Lot	Buyer Address	Bid Amount
1804	3	5 Iselin Road, Hewitt, NJ 07421	\$1,500
2304	2	47 Gladstone Road, Hewitt, NJ 07421	\$1,250
3701	1.02	29 Laurel Avenue, Hewitt, NJ 07421	\$500
4701	52	14 Bianca Court, Warwick, NY 10990	\$4,800
6502	9	27 Rutgers Avenue, West Milford, NJ 07480	\$4,100
12001	17	1614-0 Union Valley Road, Suite 178, West Milford, NJ 07480	\$2,400
12001	18	1614-0 Union Valley Road, Suite 178, West Milford, NJ 07480	\$1,100
407	4	45 Melrose Avenue, Hewitt, NJ 07421	\$6,100
2018	7	PO Box 457, Hewitt, NJ 07421	\$30,000
11002	10	125 Broadway, West Milford, NJ 07480	\$16,100
17302 411	6 1	79 Larchmont Drive, Hewitt, NJ 07421	\$32,600

Adopted: May 1, 2024

Agenda No. XII 5

~ Resolution 2024 – 193 ~

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

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

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

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

WHEREAS, the Director of Public Works has recommended a one year extension of the agreement with Ultra-Safe Security Systems, Inc. for the period from June 2024 through May 2025; and

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

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a one year extension to the agreement with Ultra-Safe Security Systems, Inc., 79 Timber Lane East, Newfoundland, NJ 07435 for the period of June 2024 through May 2025 for the monitoring and inspection of the fire alarm, carbon monoxide detectors and/or burglary systems in an amount not to exceed \$9,840.00.
2. This extension will expire on May 31, 2025.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution shall serve as an addendum to the Agreement with Ultra-Safe Security Systems, Inc. for alarm system monitoring as stated above.

Adopted: May 1, 2024

Agenda No. XII 6

~ Resolution 2024 – 194 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION 2024-074 IN ITS ENTIRETY

WHEREAS, Resolution 2024-074 adopted on January 17, 2024 was found to have an incorrect dollar amount; and

WHEREAS, Resolution 2024-103 was adopted on February 14, 2024 reflecting the correct dollar amount.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township Police Department, Resolution 2024-074 adopted January 17, 2024 is hereby rescinded in its entirety.

Adopted: May 1, 2024

Agenda No. XII 7

~ Resolution 2024 – 195 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO ALTER AN EXISTING INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM (ISSDS) ON LOT 6 IN BLOCK 14108, OTHERWISE KNOWN AS 131 GERMANTOWN ROAD, IN THE TOWNSHIP OF WEST MILFORD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM, DISCHARGE TO GROUNDWATER (NJPDES-DWG) AUTHORIZATION NUMBER NJG0134554

WHEREAS, YMCA of Montclair is the owner of the property at 131 Germantown Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as Lot 6 in Block 14108; and

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

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

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

WHEREAS, the Township Engineer has reviewed the request and has determined that the ISSDS is regulated by the NJDEP, conforms with the requirements of all municipal ordinances pertaining to the proposed disposal system; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application with respect to septic alterations as submitted for the YMCA of Montclair located on Lot 6 in Block 14108 in the Township of West Milford.

Adopted: May 1, 2024

Agenda No. XII 8

~ Resolution 2024 – 196 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF POCKET PLENARY RETAIL CONSUMPTION LICENSE 1615-33-010-005 FROM PLAZA BAR & LIQUORS INC. TO CHIDO LLC WITH NO SITED LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2023-2024 Plenary Retail Consumption License 1615-33-010-005 presently held by Plaza Bar & Liquors Inc. to Chido LLC as a pocket/inactive license with no sited location; and

WHEREAS, the Mayor and Township Council have 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 Mayor and Township Council have determined the following:

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.
3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, the pocket/inactive license maybe transferred or sited with the following conditions:

1. To site the pocket/inactive license licensee must submit a 12-page Place-to-Place transfer application with detailed sketch of proposed site, fee and a Police Investigation Request For to the Township Clerk Office.
2. Prior to activating or operating the pocket/inactive license inspections of premises must be made and satisfactory recommendation must be received in the Township Clerks Office from the Police, Health, Fire, Building and Zoning Departments.
3. Prior to opening business operations a Health Department Retail Food Establishment License must be acquired with satisfactory recommendations received from Health prior to opening.
4. Applicant for the transfer must apply for building permits and have inspections in order to activate.
5. Licensee must file with Fire Bureau ownership and occupancy information prior to operating the license with inspections by the Fire Marshall for full compliance with the NJ Uniform Fire Code prior to opening or occupying a building.

NOW THEREFORE, BE IT RESOLVED that the transfer application is hereby approved by the Mayor and Township Council of the Township of West Milford and the Township Clerk is directed to endorse the transfer and hold the license certificate until conditions referenced above are satisfied for activation at a sited location.

Adopted: May 1, 2024

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~ Resolution 2024 – 202 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A STATE AND LOCAL FAIR MARKET VALUE LEASE / PURCHASE AGREEMENT TO MUNICIPAL CAPITAL FINANCE FOR ONE SAVIN IM C3010 MULTIFUNCTION COPIER

WHEREAS, the Township of West Milford Department of Public Works, Recycling Division and Engineering Division need to replace the existing shared copy machine; and

WHEREAS, the Township of West Milford will take ownership of one (1) Savin IM C3010 multifunction copier after the expiration of the sixty (60) month lease period for no additional cost; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this Lease / Purchase agreement, said funds are to be encumbered from account number 01-201-20-161-498.

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

1. The Township Council hereby authorizes the Township Administrator to execute a lease / purchase agreement not to exceed \$7,014.00 at a rate of \$116.90 per month for sixty months in an amount not to exceed \$1,402.80 annually, with Municipal Capital Finance, 4600 Broadway, Allentown, PA 18104.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 1, 2024

Agenda No. XII 10

~ Resolution 2024 – 203 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF TWO VEHICLES FROM THE PASSAIC COUNTY PROSECUTOR'S OFFICE FOR POLICE USE

WHEREAS, the Passaic County Prosecutor's Office is no longer in need of two particular police vehicles; and

WHEREAS, the Passaic County Prosecutor's Office has offered to donate two vehicles to the Township of West Milford for police use; and

WHEREAS, the Township of West Milford Police Department has a need for such vehicles for police purposes; and

WHEREAS the Chief of Police has recommended that the Township accept this donation and assume title to same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that it be and hereby authorizes the Chief of Police to accept the donation of two (2) 2016 Ford Taurus sedans.

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford, County of Passaic and State of New Jersey further authorizes the West Milford Police Department to sign and process all requisite motor vehicle paperwork to transfer title from the County of Passaic to the Township of West Milford.

BE IT FURTHER RESOLVED that the Chief of Police and Township Administrator communicates to the Passaic County Prosecutor's Office of the Township's appreciation for the donation of the two vehicles for police use.

Adopted: May 1, 2024

Agenda No. XII 11

~ Resolution 2024 – 204 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO SCOTT HECK TO SERVE AS TOWNSHIP OF WEST MILFORD HEARING OFFICER

WHEREAS, pursuant to New Jersey Civil Service rules and regulations, any employee served with a Preliminary Notice of Disciplinary Action seeking major discipline and/or discipline which meets certain other requirements, shall be entitled to a departmental hearing before the appointing authority; and

WHEREAS, pursuant to the West Milford Township Code §15-18 the Administrator shall act as hearing officer in proceedings conducted under the civil service laws and for which no outside hearing officer is retained; and

WHEREAS, it is in the best interest of the Township to appoint an outside hearing officer authorized to serve as hearing officer on a case by case basis for the Township of West Milford for the calendar year 2024; and

WHEREAS Scott Heck currently serves as the Borough Manager/Director of Public Works and Hearing Officer for the Borough of Ringwood; and

WHEREAS, Scott Heck has the requisite knowledge and experience to serve as Hearing Officer for the Township of West Milford; and

WHEREAS, it is in the best interest of the Township of West Milford to appoint Scott Heck as Hearing Officer for the Township of West Milford to serve in said capacity on a case-by-case basis for 2024.

NOW THEREFORE BE IT RESOLVED, by the Township of West Milford that Scott Heck is hereby appointed as Township Hearing Officer to serve on any matters assigned on a case-by-case basis.

Adopted: May 1, 2024

Motion by Councilman Conlon to move Resolutions 2024-192 through 2024-196 and Resolutions 2024-202 through 2024-204. Seconded by Councilman Goodsir.

Moved: Conlon Seconded: Goodsir
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Abstain: Conlon only on Resolutions 2024-194 and 2024-203
Voted Nay:
Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2024 – 197 ~

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) **2024-198** – Refund Recreation Fees
b) **2024-199** – Refund Over Payments
c) **2024-200** – Amend 2024-146 Reinstatement of Taxes

Adopted: May 1, 2024

Agenda No. XIII a

~ Resolution 2024 – 198 ~

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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BE IT RESOLVED that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

LEGO CAMP			
\$135.00	23 Starlight Road West Milford, NJ 07480		
SENIOR CLASSES			
\$55.00	49 Pinecliff Lake Drive West Milford, NJ 07480		
GOLD FIELD HOCKEY			
\$200.00	7 2 nd Avenue West Milford, NJ 07480		
PICKLEBALL TOURNAMENT			
\$80.00	1038 Westbrook Road West Milford, NJ 07480	\$40.00	38 Camelot Drive West Milford, NJ 07480
\$40.00	519 Warwick Tpke Hewitt, NJ 07421	\$40.00	89 Goldfinch Lane Hewitt, NJ 07421
FISHING DERBY			
\$15.00	166 Germantown Road West Milford, NJ 07480		
DAY CAMP			
\$267.00	11 Weeden Drive West Milford, NJ 07480		
SOCCER SQUIRTS			
\$154.00	118 Papscoe Road Hewitt, NJ 07421		

Adopted: May 1, 2024

Agenda No. XIII b

~ Resolution 2024 – 199 ~

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

WHEREAS, there appears on the tax records an overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment resulting from a misapplied payment sent to the Tax Collector’s office instead of the Zoning Officer.

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

- REASON:**
- | | |
|----------------------|-------------------------------|
| 1. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Replacement Check |
| 5. Homestead Rebate | 10. Bank/Mortgage Co. |

Block/Lot	Name	Amount	Year	Reason
05714-005	West Milford Zoning Officer 1480 Union Valley Road West Milford, NJ 07480	\$480.00	2024	1

Adopted: May 1, 2024

Agenda No. XIII c

~ Resolution 2024 – 200 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2024-146 AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, Resolution 2024-146 adopted March 20, 2024 reinstated taxes for Block 13910, Lot 1 in the amount of \$164.24, Block 13911, Lot 1 in the amount of \$158.23, and Block 13912, Lot 2 in the amount of \$168.24 incorrectly; and

WHEREAS, the Collector of Taxes recommends the correction of the reinstatement of the taxes on Block 13910, Lot 1 to \$164.00, Block 13911, Lot 1 to \$158.00 and Block 13912, Lot 2 to \$168.00.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to properly apply the reinstatement of taxes to the below Block 13910, Lot 1; Block 13911, Lot 1 and Block 13912, Lot 2.

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

BLOCK/LOT	INT	AMOUNT	YEAR	REASON
13910-001	\$.24	\$164.00	2024	2
13911-001	\$.23	\$158.00	2024	2
13912-002	\$.24	\$168.00	2024	2

Adopted: May 1, 2024

Motion to move Resolutions 2024-197 through 2024-200.

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

Agenda No. XIV

Approval of Expenditures

~ Resolution No. 2024 – 201 ~

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	\$82,377.34
3	Reserve Account	3,912.90
2	Grants	22,094.71
6	Refunds	1,506.00
1	General Ledger	5,356,906.92
26	Refuse	200,205.00
4	Capital	90,366.70
19	Animal Control	0.00
19	Heritage Trust	98.00
19	Open Space Trust	0.00
19	Trust	15,608.39
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	62.00
Total		\$5,773,137.96
	Less Refund Resolution	-1,506.00
	Actual Bills List	\$5,771,631.96
	Other Payments:	
	Payroll	\$652,270.13
	Total Expenditures	\$6,423,902.09

Adopted: May 1, 2024

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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BE IT RESOLVED by the Township Council of the Township of West Milford on the 1st day of May 2024 that:

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

Adopted: May 1, 2024

Motion to move Resolution 2024-191 and go into Executive Session. The time was 7:06 p.m.

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

The meeting reconvened at 7:30 p.m. Agenda No. XVIII

Adjournment

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

The meeting adjourned at 7:30 p.m.

Approved: May 15, 2024

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK