
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 5, 2020
Time of Meeting: 6:30 pm
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The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale.

Adequate Notice Statement

Mayor Dale read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of November 11, 2019 and January 5, 2020; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Andrena Pegel, Marilyn Lichtenberg, Kevin Goodsir, Warren Gross, Patricia Gerst, Mayor Michele Dale
Absent: None
Also Present: Township Administrator/Clerk William Senande, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

January 6, 2020 Reorganization Meeting
January 6, 2020 Workshop Meeting
January 15, 2020 Regular Meeting

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
Voted Nay: None
Motion Carried:

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

February 19, 2020 Regular Meeting
March 4, 2020 Workshop Meeting
March 18, 2020 Regular Meeting

Mayor Dale noted she will announce the presentation first and then move to executive session.

Agenda No. VI

Presentations

2019 USATF Throwing Athlete of the Year for New Jersey, Bryce Leslie – Mayor Dale presented a certificate of recognition to Bryce Leslie. Bryce's Coach spoke about Bryce's accomplishments. Councilwoman Pegel asked if the coach can speak to the residents about the program. She mentioned that she would love to see the program grow because she knows a lot of young children that expressed interest in track and field. Brian Leslie provided a background on the Track and Field program. Mayor Dale noted that Brian is now on the Recreation Advisory Committee.

Agenda No. VII

Proclamations

None

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Agenda No. V

Executive Session

~ Resolution 2020 – 087 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 5th day of February, 2020 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 - Attorney-Client Privilege - Newark Watershed Litigation
 - Attorney-Client Privilege – Board of Education
 - () 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: February 5, 2020

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

The Governing Body went into executive session at 6:40 p.m.
The Governing Body returned to the public meeting at 7:21 p.m. with all present as before.

Agenda No. VIII

Discussion Items

1.	Discussion: 2020 Capital Budget: Mr. Casey noted this is a continuation of the discussion from last week. The Department Heads will provide further detail on the items they are requesting. Ed Steines, Director of Public Works, provided an update on the department's equipment and explained his capital requests. Mayor Dale noted that last year, Ed's crew removed over 1,000 trees. She expressed that the investment they made in that equipment in 2016 saved the municipality over one million dollars. Eric Miller, Supervising Engineering Aide, spoke about two State aid projects and grants. Mr. Casey said Eric has been extremely successful getting the State aid. Mr. Miller explained the guard rail program. He expressed that the Township is falling badly behind on road resurfacing. He explained as a municipality they have to decide on what a reasonable amount of mileage per year would be. He spoke about the issues on Bradrick Lane and noted that the residents asked for help. He explained how the tax maps get scanned using a really expensive software. Mr. Casey noted the biggest cost of the revaluation is updating the tax maps. Mr. Miller provided an update on the High Crest and Stowaway bridges. Mr. Casey explained how both bridges would be funded in the budget. Mr. Casey noted that once the Township owns the roads on both sides, the Township will take ownership of the Stowaway bridge. Mr. Miller explained the storm hardening request. Mayor Dale read a letter from Mr. Eric Miller and noted that he is officially retiring from the Township. His last day of employment will be April 1, 2020. Acting Police Chief, James DeVore, spoke about his two capital item requests; license readers and video recording. Ed Steines, Fire Commissioner, noted the Township has recently been denied two grant requests for the air packs. They will reapply again and they have a backup plan in case they get denied for a second time.
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	Mr. Casey noted that there are Occupational Safety and Health Standards (OSHA) requirements for the air packs. Mr. Steines said they do maintenance on the air packs but they are 15 years old and exceeded their lifespan. Mr. Casey said the other items for the Fire Departments are routine items. He noted that they are still waiting for further information from the First Aid Squad in reference to one item. At the next meeting, he will introduce the budget to the Governing Body. The plan is to start making final decisions on the capital budget in the beginning of March.
2.	Discussion: 2020 Financial Status: Mr. Casey provided an overview using the same charts he has used in the past. He said the Township is in the best shape financially it has been in ten years. He reviewed the budget revenues and year end statement. Mr. Casey noted the assessed valuation has not changed in the past ten years. Overall, there is no new growth in the community and compounding that value is the equalized value. The biggest issue facing the Township is that it is in the Highlands and the Township is trapped. The biggest project the Township needs is some type of economic generation and that supersedes any other project. The opportunities are extremely limited because of the environmental restrictions imposed on the Township from the State. He explained unanticipated municipal revenues; they are not in the budget because they do not know what they are going to be. Mr. Casey provided an overview of surplus regeneration. He noted that there is nothing unusual that he is concerned with and the Township is healthy financially.
3.	Discussion: Ballfield Dedication: Mayor Dale noted that she will move this discussion item to the end because there was a lot of people in the audience that wanted to speak.

Agenda No. IX

Public Comments

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

Tom Napiorski, 45 Alpine Court – Thanked Eric Miller for his service to the Township. He considers it an honor to have known him and work with him on the road project.

Richard Randazzo, 278 Wooley Road – Spoke about the rice notice on the previous Administrator. He said she lost her job because she wouldn't do something unethical for a former councilperson. He expressed his feelings on the budget, school budget, short term rentals and gun sanctuary resolution.

Mayor Dale noted that the Governing Body will take a five minute recess to allow the group in the audience to get prepared to speak.

Frank Angiulli, 8 Tom Lane – Expressed his concerns about Orange and Rockland installing six new utility polls in his neighborhood.

Kelly Solloway, 68 Pinecrest Trail – Spoke about what Orange and Rockland plans to do in her neighborhood. She said Orange and Rockland wants to run lines on her private road that the residents maintain and if they bring in all their big equipment they are going to tear up the roads.

James, 74 Pinecrest Trail – Said he understands what Orange and Rockland plans to do but the residents were not informed. He said if they are going to do this, they should do it right. He expressed that he does not have faith that Orange and Rockland will do this properly; they didn't even notify the residents.

Bob Hugg, 69 Pinecrest Trail – Noted that he would like to give his 5 minutes to Mike Chazukow.

Mike Chazukow, 67 Pinecrest Trail – Mentioned that he does not want his road paved, he likes the nature and that was what attracted the residents to live there. He expressed his concerns about what Orange and Rockland plan to do. He said no one in the neighborhood approves of the ill-conceived plan from Orange and Rockland. He explained that a tree crew just showed up one day on Mr. Angiulli's property looking to cut down trees. As customers of Orange and Rockland, they want to participate in the process. He said they are here tonight to request that the Council send a letter to Orange and Rockland to reevaluate the project.

Mayor Dale – Said she asked Orange and Rockland to go back and look at alternate solutions to what they proposed and they did agree to do that. She expressed that there may need to be a compromise because there is no easement. She suggested waiting to hear the response from Orange and Rockland. The Township does not have jurisdiction with public utilities. She noted that JCP&L was at the Council meeting, not Orange and Rockland. She will ask Mr. Semrau and Eric Miller to get involved and review the proposed plans from Orange and Rockland. The Council is very aware of the residents concerns. They will react on the resident's behalf and refer back to the residents with the response from Orange and Rockland.

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Joe Chapman, Owner, Oak Ridge Collision – Proposed an update for the local town towing charges. The rates have not been changed in over 12 years and he would like to discuss options in doing that. He expressed that the ordinance needs to be revisited. He provided a list of the State tow rates.

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

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

Agenda No. X

Council Comments

Councilwoman Erik – Spoke about the issues with Orange and Rockland and Pinecrest Trail.

Councilwoman Pegel – Requested that the Council review the tow ordinance.

Mayor Dale – Noted that the Attorney and Administrator will review the tow ordinance.

Agenda No. VIII

Discussion Items cont.

3.	<p>Discussion: Ballfield Dedication: Mayor Dale provided a list of employees that served 40 plus years. It was suggested to her that they recognize every employee that served 40 years with the municipality. Councilwoman Erik said the list is a legacy and they should honor every employee on that list. They can call the field Legacy Field and list all the employees that served 40 plus years. It's easier to make a plaque and add the names. Councilwoman Pegel mentioned that there are other fields they can use. Councilman Goodsir suggested calling it Legacy Field, placing Paul's name on top stating what he did in Parks and Recreation because he was the "rec guy". Councilman Goodsir made a motion to name the field Legacy Field with Paul's name at the top and listing the other employees and the department they work/worked in below, seconded by Councilwoman Lichtenberg.</p> <p>----- Moved: Goodsir Seconded: Lichtenberg Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst Voted Nay: None Motion Carried: -----</p> <p>Councilwoman Gerst asked if there is anything displayed for Alfred Stewart. Mayor Dale suggested indicating on the plaque at the field that he died in the line of duty.</p>
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Agenda No. XI

Action Items

Agenda No. XI 1

~ Ordinance 2020 – 002 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES AMENDED

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

SECTION 1. Chapter 135 "Fees and Costs", §135-5. Department of Planning and Building; construction fees is amended as follows:

The Planning and Building Department is authorized to charge the following fees:

A. Construction permit fees. The fee for a construction permit shall be the sum of the sub code fees listed in the following subsections and shall be paid before the permit is issued:

- (1) Building sub code fees.
 - (a) Fees for new construction shall be based on the volume of the structure. The new construction fee shall be in the amount of \$0.036 per cubic foot of volume with a minimum of \$1,500.
 - [1] Use Group U shall be a minimum fee of \$100.

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- (2) Residential utility sheds over 200 square feet shall be \$0.036 per cubic foot of volume with a minimum fee of \$100.00
- [3] Use Groups U, S1, S2 for agricultural use as defined under N.J.A.C.5:23-3.2(d) shall be a minimum fee of \$100 and \$0.035 per cubic foot of volume.
- [4] Use Group S1 and S2 for commercial; and Use Group F1 and F2 shall be charged \$0.026 per cubic foot of volume with a minimum fee of \$250.
- [5] Residential roof R-3/R-5: flat fee of \$70. All other Use groups: Fee will be calculated at \$30 per \$1,000 of estimated cost of work with a minimum fee of \$70.00.
- [6] Residential siding R-3/R-5: flat fee of \$70. All other Use groups: Fee will be calculated at \$30 per \$1,000 of estimated cost of work with a minimum fee of \$70.00.
- (b) For renovations, alterations, solar panel mounting/attachment, radon remediation systems and repairs or minor work as defined: \$30 per \$1,000 of estimated cost of the work, provided that the minimum fee shall be \$70.
- (c) Additions for all use groups: \$0.036 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150.
- (d) For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.
- (e) Swimming pools shall be flat fee of \$100 for above ground and \$200 for in-ground pools.
- (f) For residential elevators, dumbwaiters or hoists shall be \$70.
- (g) For structures of temporary uses: \$70 for a period up to 90 days.
- (h) Asbestos abatement: a flat fee of \$70.
- (i) Lead hazard: a flat fee of \$70.
- (j) Application for variation: \$150.
- (k) Retaining wall permits: \$30 per \$1,000 of estimated cost, provided that the minimum fee shall be \$70.
- (l) Annual construction permits.
 - [1] The annual fee to be charged for an annual construction permit shall be a flat fee based upon the number of maintenance workers employed by a facility, and who are primarily engaged in work that is governed by a sub code. Managers, engineers and clerical personnel shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Permits may be issued for building protection, electrical and plumbing sub codes.
 - [2] Prior to the issuance of an annual construction permit, a training registration fee of \$100 per sub code shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (form F-170). Fees shall be made payable to "Treasurer, State of New Jersey."
 - [a] One to 25 maintenance workers: \$425 per worker.
 - [b] For each additional worker over 25: \$165 per worker.
 - [c] Training registration: \$100 per worker.
- (m) Demolition permit fee.
 - [1] The fee for a permit for demolition of a building, structure or in ground pool shall be \$100 for all use groups.
 - [2] Demolition of all flammable or combustible storage tanks residential shall be \$80.
 - [3] Demolition of all flammable or combustible storage tanks commercial shall be \$200.
- (n) The fee for a permit to construct a sign shall be \$2 per square foot of the surface area of the sign, provided that the minimum fee shall be \$70. In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.
- (o) Certificate of occupancy fees.
 - [1] Certificate of continual occupancy: \$200 (upon request only). The fee for a letter requesting that no certificate of continual occupancy is required: \$20.
 - [2] Certificate of occupancy granted pursuant to change of use: \$100.
 - [3] Certificate of occupancy: \$100.
 - [4] Certificate of occupancy for asbestos abatement: \$100.
 - [5] Temporary certificate of occupancy. There shall be no fee for the first issuance of a temporary certificate of occupancy, provided that a certificate of occupancy fee was paid. Each renewal after the first issuance shall be a fee of \$30.00.
- (2) Plumbing sub code fees.
 - (a) The fee shall be in the amount of \$30 per fixture, piece of equipment or appliance connected to the gas piping or oil piping system including condensate pumps and lines.

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- (b) The fee shall be \$80 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers, active solar systems, sewer pumps and interceptors and water treatment systems/UV systems. There shall be no inspection fee charged for gas service entrances.
- (c) The minimum plumbing sub code fee shall be \$70.
- (3) Electrical sub code fees.
 - (a) Electrical fixtures and devices:
 - [1] Receptacles and fixtures:
 - [a] First 25 fixtures: \$70.
 - [b] Each additional 25 will be \$30.
 - (b) Each motor or electrical device greater than one HP and less than or equal to 10 HP and for transformers and generators greater than 1 KW and less than or equal to 10 KW: fee is \$30 each.
 - (c) Each motor or electrical device greater than 10 HP and less than or equal to 50 HP for each service panel, service entrance or subpanel less than or equal to 200 amperes and for all transformers and generators greater than 11 KW and less than or equal to 45 KW and for each utility load management devices: the fee is \$70.
 - (d) Each motor or electrical device greater than 50 HP and less than or equal to 100 HP for each service panel, service entrance or subpanel greater than 200 amperes and less than or equal to 1,000 amperes and for each transformer or generator greater than 45 KW and less than or equal to 112 KW: fee is \$130 each.
 - (e) Each motor or electrical device greater than 100 HP, for each service panel, service entrance or subpanel greater than 1,000 amperes and for each transformer or generator greater than 112 KW: fee is \$600.
 - (f) The fee for the annual electrical inspection of swimming pools, spas or hot tubs shall be \$70.
 - (g) Each pool bonding inspection shall be a flat fee of \$70.
 - (h) The minimum electrical sub code fee shall be \$70.
- (4) Fire sub code fees.
 - (a) Alarm/supervisory/signaling (smoke, heat, pulls, water/flow):
 - [1] One to six: \$70.
 - [2] Each additional five: \$20.
 - (b) Fire suppression system. For the installation of either a wet or dry suppression system:
 - [1] One to 20 sprinkler heads: \$80.
 - [2] Twenty-one to 100 sprinkler heads: \$140.
 - [3] One hundred one to 200 sprinkler heads: \$260.
 - [4] Two hundred one to 400 sprinkler heads: \$640.
 - [5] Four hundred one to 1,000 sprinkler heads: \$950.
 - [6] One thousand one and over sprinkler heads: \$1,200.
 - (c) Standpipe: \$200.
 - (d) Pre-engineered systems.
 - [1] Wet chemical: \$125.
 - [2] Dry chemical: \$125.
 - [3] CO2 suppression: \$125.
 - [4] Foam suppression: \$125.
 - [5] FM 200 suppression: \$125.
 - (e) Commercial hood exhaust system: \$100.
 - (f) Smoke control system: \$70.
 - (g) Gas and oil-fired appliance which is not connected to a plumbing system: \$80.
 - (h) Central air-conditioning unit or ducts: \$70.
 - (i) Incinerators: \$500.
 - (j) Crematoriums: \$500.
 - (k) The fees for the issuance of a permit for a flammable or combustible storage tank installation shall be as follows:
 - [1] One to 1,000 gallons: \$80.
 - [2] One thousand one to 3,000 gallons: \$200.
 - [3] Three thousand one to 5,000 gallons: \$300.
 - [4] Five thousand one and over gallons: \$400.
 - (l) The fee for each solid-fuel-burning appliance such as a fireplace, woodstove or pellet stove shall be \$80.
 - (m) The fee for a chimney liner shall be \$80.00 per liner.
 - (n) The fee for the removal/abandonment of all residential flammable/combustible storage tanks shall be \$80 per tank.
 - (o) The fee for commercial tank removal/abandonment under 2,001 gallons shall be \$200 per tank.
 - (p) The minimum fire sub code fee shall be \$70.

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- (5) Mechanical Inspection fees. When the Mechanical Inspector Technical Section is used in lieu of a Plumbing and Fire sub code for one and two family dwellings, the Mechanical inspector fee shall be as follows:
- (a) Water Heaters: \$30 each
 - (b) Hot Water/Steam Boilers: \$80 each
 - (c) Hot Air Furnace: \$80 each
 - (d) LPG Tank installation: \$80 per tank
 - (e) Residential oil tank installation under 2,001 gallons: \$80 per tank
 - (f) Fuel oil piping or Gas piping: \$30 each
 - (g) LP/Gas fired Fireplace or Gas log set: \$80 each
 - (h) Chimney Liner: \$80 each
 - (i) Central Air Conditioning or Mini-Split system: \$70 each
 - (j) Condensate Pumps/Lines: \$30 each
 - (k) Backflow Preventers: \$80 each
 - (l) The minimum Mechanical Inspector fee shall be \$70.
- (6) Change of contractors shall be \$70 per sub code.
- (7) Elevator sub code fees. To be reviewed and processed by DCA.
- B. Plan review fee. The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
- C. Surcharge fee for new construction.
- (1) Collection of State of New Jersey training fees. In order to provide for the training and certification and technical support programs required by the act, and enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the Township. Said fee shall be accounted for and forwarded to the Bureau of Housing Inspection in the manner herein provided.
 - (2) Fees. This fee shall be in the amount of \$0.00371 per cubic foot volume of new construction and \$1.90 per \$1,000.00 of estimated cost of work for alterations. Volume shall be computed in accordance with N.J.A.C.5:23-2.28.
 - (3) Remitting and reporting.
 - (a) The Township shall remit such fees to the Bureau on a quarterly basis, in accordance with N.J.A.C. 5:23-4.19, ending March, June, September and December.
 - (b) A monthly report is transmitted to the Department of Community Affairs.
- D. Renewal of building permit fee. Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work as per UCC 5:23-2.16(b). Whenever it shall become necessary for the renewal of a building permit, then and in such case. The fee shall be computed as per the fee schedule currently in effect at the time of permit renewal.
- (1) Editor's Note: See §110-6 Fees waived for improvements to promote accessibility, for waiver of certain fees for construction, reconstruction, alteration or improvements designed to promote accessibility by disabled persons.

All other sections of this Chapter shall remain unchanged.

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: February 5, 2020

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for February 19, 2020. Notice of this public hearing shall be published in the Herald News on or about February 10, 2020.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
Voted Nay: None
Motion Carried:

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Agenda No. XI 2

~ Ordinance 2020 – 003 ~

ORDINANCE TO REVISE CHAPTER 158, FLOOD DAMAGE PREVENTION, OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF WEST MILFORD, PASSAIC COUNTY TO CONFORM WITH THE REQUIREMENTS OF THE STATE OF NEW JERSEY AND THE FEDERAL GOVERNMENT GOVERNING FLOODPLAIN MANAGEMENT

WHEREAS the State of New Jersey, Department of Environmental Protection, has established revised floodplain mapping for the Township of West Milford and new requirements and process to be followed for any development in an identified floodplain or adjacent area; and

WHEREAS the Township of West Milford is required to revise the previously adopted floodplain mapping and regulations to conform to new state and federal requirements.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of West Milford, County of Passaic, New Jersey that Chapter 158, Flood Damage Prevention, is hereby revised to read as follows:

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety and general welfare of its citizenry. Therefore, the Township Council of the Township of West Milford of Passaic County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of West Milford of Passaic County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging and other development which may increase flood damage; and
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

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**SECTION 2.0
DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

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

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

Appeal — A request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

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

Best Available Flood Hazard Data Elevation — The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters

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

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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

Flood Design Class – An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

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

Floodproofing Certificate – Certification by an engineer or architect to certify a floodproofing design for a non-residential building.

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

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

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

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

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map— The draft version of the FIRM released for public comment before finalization and adoption.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation — the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

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This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of West Milford of Passaic County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of West Milford of Passaic County Community No. 340411, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Passaic County, New Jersey (All Jurisdictions)" dated April 17, 2020
- b) "Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)" as shown on Index and panels 34031C0010F, 34031C0015F, 34031C0016F, 34031C0017F, 34031C0018F, 34031C0019F, 34031C0028F, 34031C0029F, 34031C0036F, 34031C0037F, 34031C0038F, 34031C0039G, 34031C0041F, 34031C0042F, 34031C0043G, 34031C0084F, 34031C0092G, 34031C0105F, 34031C0107F, 34031C0110G, 34031C0111G, 34031C0112G, 34031C0116G, 34031C0117F, 34031C0118G, 34031C0119G, 34031C0126G, 34031C0127G, 34031C0128G, 34031C0129G, 34031C0131F, 34031C0136F, 34031C0138G whose effective date is April 17, 2020
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at West Milford Engineering Office, 30 Lycosky Drive, West Milford NJ 07480.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the penalties imposed in Chapter 1, Article III, General Penalty, of the Township Code; and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of West Milford of Passaic County from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of West Milford of Passaic County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 4.0
ADMINISTRATION**

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

The Township of West Milford of shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2.

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Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e) Any forms, plans, or information required pursuant to any applicable FEMA publication.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- d) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding;
- e) Review all permit applications to determine whether development complies with all applicable FEMA Publications;
- f) Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements;

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record on a Floodproofing Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum);
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

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- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.3-7 REPORT CHANGES IN FLOODING CONDITIONS

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

4.4 VARIANCE PROCEDURE**4.4-1 APPEAL BOARD**

- a) The Planning Board as established by Mayor and Township Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Law Division Passaic County, as provided in Court Rule 4:69.
- d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Zoning Officer shall maintain the records of all appeal actions, including technical information, the justification for their issuance and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:

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- i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION**

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

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5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:

- a) For A or AE zones:
 - i. base flood elevation (published FIS/FIRM) plus one (1) foot;
 - ii. the best available flood hazard data elevation plus one (1) foot;
 - iii. as required by ASCE/SEI 24-14, Table 2-1, or
 - iv. as required by N.J.A.C. 7:13-3.
- b) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- c) Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either:

- a) Elevated at or above the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot,
 - c. as required by ASCE/SEI 24-14, Table 2-1, or
 - d. as required by N.J.A.C 7:13-3.
 - ii. For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
 - iii. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

or

- b) Be floodproofed so that below the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot,
 - c. as required by ASCE/SEI 24-14, Table 6-1, or
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
 - ii. The structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.
 - v. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,

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- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot, or
 - c. as required by ASCE/SEI 24-14, Table 2-1,
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
- v. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.
- c) All recreational vehicles located within an area of special flood hazard shall either:
 - i. Be on site for fewer than 180 consecutive days,
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet the requirements of sections 4.1 and 5.2-3 a) and b) above.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7.0
ENACTMENT**

7.01 ADOPTION

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

This ordinance may be renumbered for codification purposes

Introduced: February 5, 2020
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for February 19, 2020. Notice of this public hearing shall be published in the Herald News on or about February 10, 2020.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
Voted Nay: None
Motion Carried:

Mayor Dale asked to move resolutions 2020-088 through 2020-099.

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Agenda No. XI 3

~ Resolution 2020 – 088~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF CLINTON ROAD BETWEEN PASSAIC COUNTY BRIDGE #175 AND PASSAIC COUNTY BRIDGE #177 AND FOR THE ACCEPTANCE OF NJDOT GRANT FUNDING

WHEREAS, by Resolution 2019-201 adopted on July 10, 2019, the Township Council of the Township of West Milford approved the submission of an NJDOT grant application to fund a portion of the milling and resurfacing of Clinton Road between Passaic County Bridge #175 and Passaic County Bridge #177 (0.8 miles) under the 2020 Municipal Aid Program; and

WHEREAS, the requested \$300,000.009 application resulted in a \$215,000.00 award approved by the NJDOT Commissioner; and

WHEREAS, a local capital budget request, for \$190,000.00 has been submitted by the Engineering Division to fund the balance of the preliminary construction cost estimate; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford does formally accept the grant of \$190,000.00 received for the milling and resurfacing of Clinton Road between Passaic County Bridge #175 and Passaic County Bridge #177 project; and

BE IT FURTHER RESOLVED that the Mayor Township Council acknowledge that a contract for construction must be executed no later than November 21, 2021, as per the grant term requirements established by the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Acting Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: February 5, 2020

Agenda No. XI 4

~ Resolution 2020 – 089 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF RIDGE ROAD BETWEEN UNION VALLEY ROAD AND CAHILL CROSS ROAD AND FOR THE ACCEPTANCE OF NJDOT GRANT FUNDING

WHEREAS, by Resolution 2018-258 adopted on October 3, 2018, the Township Council of the Township of West Milford approved the submission of an NJDOT grant application to fund a portion of the milling and resurfacing of Ridge Road between Union Valley Road and Cahill Cross Road (1.18 miles) under the 2019 Municipal Aid program; and

WHEREAS, the requested \$300,000.00 application resulted in a \$290,000.00 award approved by the NJDOT Commissioner; and

WHEREAS, a local capital budget request for \$160,000.00 has been submitted by the Engineering Division to fund the balance of the preliminary construction cost estimate: and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford does formally accept the grant of \$290,000.00 received for the milling and resurfacing of Ridge Road between Union Valley Road and Cahill Cross Road project; and

BE IT FURTHER RESOLVED that the Mayor and Township Council acknowledge that a contract for construction must be executed no later than March 25, 2021, as per the grant term requirements established by the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Acting Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: February 5, 2020

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Agenda No. XI 5

~ Resolution 2020 – 090 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH CIVICPLUS LLC FOR CIVICCLERK PACKAGE

WHEREAS, the Township has a need to obtain CivicClerk a standard software package designed to streamline the meeting agenda process of the Township Governing Body; and

WHEREAS, CivicPlus, LLC has submitted a proposal for CivicClerk in the amount of \$5,425.00; and

WHEREAS, CivicPlus, LLC will complete both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit CivicPlus, LLC from making any reportable contributions through the term of the contract.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection.

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

1. The Mayor and Acting Township Clerk be and are hereby authorized to execute a Professional Services contract with CivicPlus of 302 South 4th Street, Suite 500, Manhattan, Kansas 66502 for CivicClerk Standard Package
2. The Chief Financial Officer has certified the availability of funds for these services, said funds to be encumbered from 01-201-20-120-433 in an amount not to exceed \$5,425.00 without prior written consent from the Township Council.
3. CivicPlus, LLC shall begin the CivicClerk Standard Package as soon as practicable after the execution of the Professional Services contract.
4. This contract is awarded without competitive bidding as Professional Services pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
5. That a 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: February 5, 2020

Agenda No. XI 6

~ Resolution 2020 – 091 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH ROBERT F. CASEY OF THE CANNING GROUP, LLC FOR TRANSITION ASSISTANCE, BUDGET PREPARATION AND ADOPTION ASSISTANCE AND MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$16,000.00

WHEREAS, Robert Casey of The Canning Group LLC has served as a consultant to the Township in the Office of Administration in various capacities since December 2013 and more particularly as Interim Administrator for the past 8 months; and

WHEREAS, the Township Council has determined that there is a need to continue his involvement for the next 3 months on the average of 10 hours per week and then for 3 months on the average of 5 hours per week for transition assistance to the Township Administrator and Recreation Director, for budget preparation and adoption assistance, and for resolution of several ongoing issues in which Mr Casey has been heavily involved during the past 8 months for a total of 200 man hours; and

WHEREAS, The Canning Group, LLC has completed both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit The Canning Group, LLC from making any reportable contributions through the term of the contract; and

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WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the CFO has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-20-161-200.

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

1. The Mayor and Acting Township Clerk be and are hereby authorized to execute a Professional Services Contract with The Canning Group, LLC of 45 S. Park Place #183, Morristown, NJ 07960 for the assignment of Robert F. Casey to provide transition assistance, budget preparation / adoption assistance and management services at a rate of \$80.00 per hour during the next six months at a maximum cost of \$16,000.00.
2. The CFO has certified to the availability of funds for these services.
3. This contract is awarded without competitive bidding as "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: February 5, 2020

Agenda No. XI 7

~ Resolution 2020 – 092 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FERRIERO ENGINEERING INC. FOR ENGINEERING AND SURVEY SERVICES: BUBBLING SPRINGS BALLFIELD RESTORATION

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

WHEREAS, Ferriero Engineering, Inc. has submitted a proposal for engineering survey, design and plan preparation for the softball field at Bubbling Springs (Block 9001 Lot 13) regrading and environmental permitting due to a soil erosion condition; and

WHEREAS, Ferriero Engineering, Inc. will provide licensed professional engineer services as sought by the Township of West Milford in an amount not to exceed \$23,000.00 as per their proposal for Bubbling Springs Ballfield Restoration; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering Inc. has completed and submitted 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 the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from account 04-215-55-830-003.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Acting Township Clerk to enter into a contract with Ferriero Engineering, Inc. in an amount not to exceed \$23,000.00 for engineering and survey services: Bubbling Springs Ballfield Restoration.

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: February 5, 2020

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~ Resolution 2020 – 093 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE LAND CONSERVANCY OF NEW JERSEY TO UPDATE THE OPEN SPACE AND RECREATION PLAN IN AN AMOUNT NOT TO EXCEED \$14,000.00

WHEREAS, the Township of West Milford recognizes the need for an updated Open Space and Recreation Plan for the Township; and

WHEREAS, The Land Conservancy of New Jersey has provided a proposal for the provision of such services on June 25, 2019; and

WHEREAS, the Township wishes to retain The Land Conservancy of New Jersey for the purpose of updating the Open Space and Recreation Plan in accordance with their proposal of June 25, 2019; and

WHEREAS, the total amount of the contract shall not exceed \$14,000.00; and

WHEREAS, funds are available for this purpose through the Township's Open Space Trust Fund; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for professional services without competitive bid and the contract itself must be made available for public inspection.

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Acting Township Clerk to execute an agreement with The Land Conservancy of New Jersey with offices located at 19 Boonton Avenue, Boonton, NJ 07005 as open space preservation consultant to update the Open Space and Recreation Plan in an amount not to exceed \$14,000.00.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$14,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to the Chief Finance Officer and The Land Conservancy of New Jersey, 19 Boonton Avenue, Boonton, NJ 07005, for their information and guidance.

Adopted: February 5, 2020

Agenda No. XI 9

~ Resolution 2020 – 094 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE VOZZA AGENCY INC. TO SERVE AS RISK MANAGER CONSULTANT AND HEALTH BENEFITS CONSULTANT FOR THE TOWNSHIP

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of West Milford, have recommended The Vozza Agency Inc. as Risk Manager and Health Benefits Consultant; and

WHEREAS, the Mayor and Township Council have received qualification statements for Risk Manager and Health Benefits Consultant; and

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WHEREAS, The Vozza Agency Inc. has submitted qualification statements in connection with the above referenced request for qualification statements; and

WHEREAS, The Vozza Agency, Inc. has submitted a Business Disclosure Certification which certifies that they have not made any reportable contribution to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year and that the contract will prohibit the firm of The Vozza Agency, Inc. from making any reportable contributions through the term of the agreement; and

WHEREAS, the Township of West Milford is a member town of the North Jersey Municipal Employee Benefits Fund (hereinafter referred to as the HIF) and a member town of the Morris County Municipal Joint Insurance Fund (MJIF); and

WHEREAS, recognizing that members may have existing relationship with a licensed broker/consultant, the member may appoint, subject to approval of the Fund, another firm to perform the portion of the professional consulting services normally provided by the HIF and MJIF to the member municipality; and

WHEREAS, the Executive Committee of the HIF determines annually the fee payable to Producers based on the municipality's assessment which expenditure is calculated at a rate of \$4.79 per employee per month for Health Benefits Consultant; and

WHEREAS, Compensation for the provision of the Risk Manager services rendered shall be at (5%) of the municipality's assessment as promulgated by the Morris County Municipal Joint Insurance Fund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford does hereby appoint The Vozza Agency, Inc. as its Risk Manager Consultant to represent and oversee the Township's participation in the MJIF and its Health Benefits Consultant and requests that the Fund (HIF/MJIF) authorize a sub-contract with The Vozza Agency, Inc. as follows:

1. The Mayor and Acting Township Clerk be and are hereby authorized and directed to execute a Risk Manager and Health Benefits Consultant agreement with The Vozza Agency, Inc. with offices located at One Depot Square, PO Box 100 Park Ridge, NJ 07656 for a term January 16, 2020 to December 31, 2020.
2. Notice of this action shall be published once in the Township's official newspaper as required by law according to N.J.S.A. 40A:11-5(1)(a)(i).
3. This resolution and contracts shall be available in the office of the Township Clerk.

Adopted: February 5, 2020

Agenda No. XI 10

~ Resolution 2020 – 095 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2019-162 TO INCREASE CONTRACT VALUE WITH MARGARET MCVEIGH AS A HEARING OFFICER FOR AN OVERALL INCREASE NOT TO EXCEED \$419.17

WHEREAS, by virtue of Resolution 2019-162 adopted May 22, 2019 the Township Council did appoint Judge Mary McVeigh of DeMarco & DeMarco as a Hearing Officer; and

WHEREAS, Resolution 2019-162 and the related agreement did authorize services in an amount not to exceed \$5,000.00; and

WHEREAS, the Interim Township Administrator has been advised that the Hearings were longer than expected that necessitates an amendment in an additional amount not to exceed \$419.17; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-203-20-161-450; and

WHEREAS, that a notice of this action shall be published in accordance with law, and said notice to provide that the originally awarded contract and this resolution serving as the Addendum to the agreement are available for public inspection in the

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 they do hereby authorize the Interim Township Administrator to approve an amendment of \$419.17 to Judge Margaret Mary McVeigh for Hearing Officer which amount is in excess of the approved agreement amount of \$419.17 bringing the contract total to an amount not to exceed \$5,410.17

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Adopted: February 5, 2020

Agenda No. XI 11

~ Resolution 2020 – 096 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FORECLOSURE OF TAX SALE CERTIFICATE NO. 15-0038, BLOCK 3907, LOT 1.01, GREENWOOD LAKE TURNPIKE, WEST MILFORD, NEW JERSEY

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Municipal Council for the Township of West Milford, in the County of Passaic, a municipality of the State of New Jersey, that the Township of West Milford is the holder of a certain Tax Sale Certificate, No. 15-0038, from the tax sale on October 30, 2015 covering the lands and premises situated in the Township of West Milford shown on the Tax Maps as Block 3907, Lot 1.01, Greenwood Lake Turnpike, in the amount of \$4,067.09 as of October 30, 2015 the date of the tax sale herein, not including subsequent liens, municipal charges which are made a part hereof; and

WHEREAS, this tax sale certificate appears as Schedule 11 on the Foreclosure List No. 34, attached to Resolution 2018-337 approved to be foreclosed In Rem; and

WHEREAS, subsequent title searches in preparation of the foreclosure In Rem reveals a federal tax lien pursuant to the Internal Revenue Code, filed by the United States of America, against the assessed owner, PFA Realty Limited Liability Company regarding an interest in the subject property. The federal tax lien was issued on September 7, 2018; and

WHEREAS, Pursuant to N.J.S.A.54:5-87, in order to debar and foreclose a lien held by the United States of America or any agency or instrumentality thereof, a tax lien held by the municipality must be foreclosed in the same manner as a mortgage and final judgment shall provide for issuance of a writ of execution to the Sheriff, Passaic County, for a judicial sale; and

WHEREAS, by virtue of the aforesaid statute and Rules of Court the federal tax lien imposed upon Block 3907, Lot 1.01 will require a municipality holding a tax sale certificate to conduct its foreclosure by the "In Personam Process", and

WHEREAS, the Township of West Milford Tax Collector has requested that the municipal council authorize foreclosure to debar and discharge the federal tax liens provided by statute.

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

1. That Stuart B. Klepesch, Esq is hereby authorized and directed on behalf of the Township to foreclose Tax Sale Certificate No.15-0038 as provided by N.J.S.A. 54:5-104.87 and the Rules of Court to bar and foreclosure all rights of interest, inclusive of that of the Unites States of America as to any federal tax lien held by the United States of America or any agency or any instrumentality thereof.
2. That compensation for special counsel legal fee in the foreclosure of said certificate shall be in at the certificate fixed amount of \$1,200.00 and that said services and the funds dedicated herein is pursuant to Contract No. 25679 and Resolution 2018-337 pertaining to Foreclosure List No. 35 and the appointment of the aforesaid counsel for which these services are professional and expertise awarded without competitive bid and is a "Professional Service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law.
3. That the Acting Township Clerk shall certify this resolution which shall be made a part of any such action instituted by the Township through its delegated officers, officials, or designated counsel for the purpose of foreclosing the aforesaid tax sale certificate.

Adopted: February 5, 2020

Agenda No. XI 12

~ Resolution 2020 – 097 ~

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.

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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
19-0079	10/15/2019	09706-013	\$4,449.91	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
TOTAL			\$4,449.91	

Adopted: February 5, 2020

Agenda No. XI 13

~ Resolution 2020 – 098 ~

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

Vinyasa Yoga		
Diane Grunthal	\$60.00	Diane Grunthal 39F Lexington Lane West Milford, NJ 07480
Gold Field Hockey Academy		
Sofia Bettridge	\$190.00	Carolyn Ricciardi 35 Hancock Drive West Milford, NJ 07480

Adopted: February 5, 2020

Agenda No. XI 14

~ Resolution 2020 – 099 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2020

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2020 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 2020 Licenses as listed below:

License No.	2020 CLOTHING BIN LICENSE
2020-14	John G. Wyse – National Badge of Honor UGL Ambulance Corp Building

Adopted: February 5, 2020

 Moved: Erik Seconded: Lichtenberg
 Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
 Voted Nay: None
 Motion Carried:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XII

Approval of Expenditures

~ Resolution 2020 – 100 ~

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	\$389,869.00
3	Reserve Account	386,202.67
2	Grants	8,889.97
6	Refunds	5,199.91
1	General Ledger	5,320,426.49
26	Refuse	66,625.95
4	Capital	354,237.95
19	Animal Control	43.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	34,225.38
19	Scala Trust	0.00
16	Development Escrow	1,280.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$6,567,000.82
Less Refund Resolution		-5,199.91
Actual Bills List		\$6,561,800.91
Other Payments		
Payroll		548,927.92
Petty Cash		900.00
Total Expenditures		\$7,111,628.83

Adopted: February 5, 2020

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
Voted Nay: None
Motion Carried:

Agenda No. XIII

Reports of Administrator, Mayor and Council Members

Mayor Dale – Thanked Passaic County and the DPW; they were finally able to remediate the dead trees on Macopin Road. She provided an update on the remaining work that needs to be done. On February 7th, she will be meeting Mr. Lane, Owner of the A&P Shopping Plaza, to get progress on the new market that will be opening. She explained that the Greenwood Lake Commission needs support from the Council to get a grant submitted to Princeton Hydro. Mayor Dale noted there was a letter in the Council's packets and with the Council's approval, she will send it. The Council gave consensus.

Councilwoman Lichtenberg – Provided updates on the Boards and Committees she serves on. She noted that she is resigning from the Health Advisory Board.

Councilwoman Lichtenberg made a motion to appoint Justin DiMaio to the Health Advisory Board, seconded by Councilwoman Erik.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: February 5, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 26 of 26

Moved: Lichtenberg Seconded: Erik
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst
Voted Nay: None
Motion Carried:

Councilman Goodsir – Thanked Councilman Gross and Acting Captain Sommerville for donating fish for the Trout Derby. He spoke about an upcoming event at the Elks.

Councilman Gross – Noted that he is working on a gun sanctuary resolution and when it’s finished, with the Mayor’s permission, he would like Acting Chief DeVore to review it. He asked to display the Ten Commandments of Civility in Town Hall. The Council agreed to review it first and then decide.

Councilwoman Gerst – No report.

Councilwoman Erik – Spoke about the NJDEP Algae Bloom meeting she attended with Councilwoman Lichtenberg. She invited the DEP to West Milford to do a presentation. She announced an event at the Living Word Church.

Councilwoman Pegel – Reminded everyone that the speed limit on Union Valley Road by Crescent Park is now 35 mph.

Administrator Senande – Provided an update on the Morsetown Road project.

Mr. Semrau – Provided an update on the Newark Watershed appeal. He explained that employees began the employment practices training. He noted that they are still working on addressing the lake and beach closures.

Agenda No. XIV

Appointments and Resignations

None

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 10:08 p.m.

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

Approved: February 19, 2020

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK