

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE MARCH 1, 2017
REGULARLY SCHEDULED WORKSHOP MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford
Passaic County, New Jersey

~ Ordinance 2017 – 001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND CORRECTING CHAPTER 226, "NOISE", OF THE REVISED GENERAL ORDINANCES

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

WHEREAS, the originally submitted ordinance lacks or alters definitions in the areas of Emergency Work and Real Property Line; there are section citation errors to N.J.A.C. 7:29 in the text, and Table IV is missing, the following amendments are hereby made:

§226-1. Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including,

but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§226-2. Applicability.

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§226-3. Declaration of findings and Policy.

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, **WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and, **WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Township of West Milford.

§226-4. Noise control officers.

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- (D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and to the definition of "real property line" as contained herein.
- (E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b) 2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§226-6. Restricted uses and activities.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

- H. Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.
- 1) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
 - 2) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
 - 3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
 - 4) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§226-7 Enforcement; violations and penalties.

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
 - 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 - 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
 - 1. Mitigating or any other extenuating circumstances;
 - 2. The timely implementation by the violator of measures which lead to compliance;

3. The conduct of the violator; and
 4. The compliance history of the violator.
- (J) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (K) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (L) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

Introduced: February 1, 2017
Adopted: February 15, 2017
Effective Date: March 7, 2017

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Antoinette Battaglia, Township Clerk

By: _____
Bettina Bieri, Mayor

NOISE

226 Attachment 1

Township of West Milford

Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III. (A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

(B) Impulsive Sound
 Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
 MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
 WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
 MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
 WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility or non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
	Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VIII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI (B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2017 - 006 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
JERSEY TO FUND 2017 CAPITAL PROJECTS**

-ORDINANCE TO FOLLOW-

Introduced: March 1, 2017

Adopted:

Effective Date:

ATTEST

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Antoinette Battaglia, Township Clerk

By: _____
Bettina Bieri, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 194 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO D'ONOFRIO & SON INC. FOR THE MAINTENANCE OF BALLFIELDS AND OTHER SITES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 17, 2017 at 10:00 a.m. for Maintenance of Ball Fields and Other Sites as per the Bid Specifications; and

WHEREAS, the Township of West Milford received four (4) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Community Services & Recreation and the Township Attorney; and

WHEREAS, the bid received from the lowest bidder Cody's Mow Mow Lawn Service, LLC is not complete as the Bid Bond was not signed by a representative of Cody's Mow Mow Lawn Service LLC and in compliance with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law and the specifications; and

WHEREAS, the bid received from the second lowest bidder D'Onofrio & Son Inc. has submitted all mandatory documents and is a qualified bidder and is in compliance with the provisions of N.J.S.A. 40A:11-23.5, Local Public Contract Law and the specifications; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 01-201-28-375-450.

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

1. The Township Council hereby awards a contract to D'Onofrio & Son Inc. Landscaping, 47 Van Ness Terrace, Maplewood, NJ 07040 for Maintenance of Ballfields and Other Sites in an amount not to exceed \$41,250.00 for one year.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with D'Onofrio & Son Inc. Landscaping in accordance with its bid for said maintenance of ballfields and other sites in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2017 - 195 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO A COOPERATIVE CONTRACTING AGREEMENT WITH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION (HCESC)

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing Systems and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services"; and

WHEREAS, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, the Cooperative Pricing Systems is authorized by N.J.S.A. 40A:11-11 and has been approved by the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.A.C. 5:34-7.1 et seq., and

WHEREAS, the Township of West Milford desires to be a Participating Member hereinafter referred to as the "Member" in a "recognized cooperative purchasing organization" known as Hunterdon County Educational Services Commission (HCESC); and

WHEREAS, on March 1, 2017 the governing body of the Township of West Milford, County of Passaic, State of New Jersey duly considered participation in a Cooperative pricing System for the provision and performance of goods and services; and

NOW, THEREFORE, BE IT RESOLVED this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED the Township Council pursuant to the provisions of N.J.A.C. 5:34-7.1 et seq. and N.J.S.A. 40A:11-11(5) hereby authorizes the Mayor and Clerk to execute a Cooperative Pricing Agreement with the "Lead Agency" Hunterdon County Educational Services Commission for the purchase of work, materials and supplies on behalf of the Township of West Milford.

BE IT FURTHER RESOLVED, the Township of West Milford does hereby stipulate and agree that it desires to be a Registered Member of HCESC with contract purchasing benefits in accordance with terms and conditions of the applicable agreement, and that HCESC hereby grants said Membership to the Township of West Milford.

This Resolution shall take effect immediately upon final passage.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 - 196 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING POLICIES AND PROCEDURES FOR THE OPERATION OF A PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) TELEVISION CHANNEL TO BE USED BY THE WEST MILFORD PEG TELEVISION COMMISSION

WHEREAS, the Township Council of the Township of West Milford did establish a West Milford PEG Television Commission by virtue of Ordinance 2015-014 adopted on October 21, 2015 and codified in the Township Code under Chapter A520; and

WHEREAS, by virtue of Resolution 2015-349 the Township Council did adopt a policies and procedures manual to provide for the efficient and uniform operation of Channel 77, a dedicated PEG channel to be operated by the West Milford PEG Television Commission on November 11, 2015; and

WHEREAS, the Commission has prepared amendments to the policies and procedures manual to address sponsorship on WM77 and to provide guidelines for volunteers associated with the Commission and did seek Council approval for said amendments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the WM 77 PEG Policies and Procedures are hereby amended in accordance with the recommendations made by the West Milford PEG Television Commission.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 197 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FILING OF AN APPLICATION BY THE ENVIRONMENTAL COMMISSION FOR A 2017 ANJEC OPEN SPACE STEWARDSHIP GRANT IN THE AMOUNT OF \$1500 FOR A PROJECT ENTITLED NORVIN GREEN NORTH TRAILS IMPROVEMENT PROJECT

WHEREAS, the West Milford Environmental Commission is proposing a collaborative project with the New York-New Jersey Trail Conference entitled NORVIN GREEN NORTH TRAILS IMPROVEMENT PROJECT, with funding available in the amount of \$1,500. through a 2017 ANJEC Open Space Stewardship Grant; and

WHEREAS, this grant project includes redesigning trails, recruiting volunteer labor to re-blaze the trails, and actively promoting the trail network that will attract more hikers to the West Milford section of the Norvin Green State Forest; and

WHEREAS, the purpose of the grant is to advance local open space stewardship and help raise the profile of the environmental commission in the community through publicity and public participation or collaboration with local groups on the project; and

WHEREAS, no cash match is required to apply for the grant, with a minimum of 80 hours of volunteer labor provided by the New York-New Jersey Trail Conference, the Environmental Commission, and other local community groups, with two thirds of the grant paid to the commission initially, and one third of the balance paid when the project is completed; and

WHEREAS, the expansion and improvement of the trails in the northern section of the Norvin Green State Forest will encourage visitors to West Milford Township, promoting local ecotourism, and will help to encourage recreational opportunities with interconnecting trails.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford hereby authorizes the Environmental Commission to submit a 2017 ANJEC Open Space Stewardship Grant, with no cash match, in the amount of \$1,500. as follows:

Grant amount: \$1,500.

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

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 - 198 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SUBMITTAL AND ACCEPTANCE OF A GRANT APPLICATION BY THE MUNICIPAL ALLIANCE COMMITTEE (CASA) FOR SCHOOL AND COMMUNITY BASED DRUG AND ALCOHOL PREVENTION PROGRAMS

WHEREAS, in March 1989, the Governor's Council on Alcoholism and Drug Abuse was established to coordinate all State Departments' efforts with regard to the planning and provision of prevention, education, treatment, research and evaluation serviced for, and public awareness of, alcoholism and drug abuse; and

WHEREAS, in addition the legislation created an Alliance to Prevent Alcoholism and Drug Abuse, comprised of all the communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse by providing funds to member municipal communities to support appropriate county and municipal based alcohol and drug abuse education and public awareness activities; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic County, for the grant administration of the 2017-2018 alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$22,440.00 from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$5,610.00 which is assumed by CASA, and an in-kind match of \$16,830.00; and

BE IT FURTHER RESOLVED that the Municipal Alliance Chairperson and Mayor or the Township Administrator be authorized to execute the proposed application.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

Resolution 2017 –199

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A 2017 DISTRACTED DRIVING CRACKDOWN GRANT

WHEREAS, distracted driving is a dangerous epidemic on America's roadways; and

WHEREAS, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes.

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

WHEREAS, the National Highway Traffic Safety Administration has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased special enforcement patrols targeting distracted drivers.

WHEREAS, April is National Distracted Driver Month, which is a time to remain New Jersey motorists of the states distracting driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on cell phone use (hand held or hands free) by novice drivers; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submission and acceptance of a 2017 Distracted Driving Crackdown, U Drive. U Text. U Pay, from April 1 – 21, 2017 to reduce the number of motor vehicle fatalities in the state.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 200 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2017 BUDGET PER N.J.S.A.. 40A:4-20

WHEREAS, Local Budge Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

WHEREAS, the Township of West Milford Council would like to introduce a capital ordinance and need to raise the 5% down payment for said Ordinance and other obligatory expenses that exceed the temporary budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford by a 2/3 vote, that the following temporary budget appropriation be made and that a certified copy of the resolution be transmitted to the Chie Financial Officer for their records:

Appropriation	Acct Number	2017 Temporary Budget
Capital Improvement Fund	01-201-44-900-200	\$125,000
Mass Trans Current	01-201-30-432-200	10,000
Insurance	01-201-23-210-200	2,200
Utilities, Gas	01-201-31-446-200	15,000
Treasurer, O.E.	01-201-20-130-200	5,900
Retirement Contingent	01-201-38-485-110	53,800
Total		\$211,900

Adopted: March 1, 2017

Adopted this 1st day of March,
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 201 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2017

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2017 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 2017 Licenses as listed below and;

License No.	2017 CLOTHING BINS
2017-30	GSW Inc. / Amvets Bearfort Plaza 1 bin 1618 Union Valley Road

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 - 202 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Planning Department the following Escrow monies be refunded:

Name & Address	Application No.	Amount of Escrow	Amount Refunded
James Champion 129 Doremus Road Oak Ridge, NJ 07438	16-288-56-705-021	\$950.00	\$404.30

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2017 – 203 ~

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:

Rec Indoor Soccer		
Jake	\$55.00	Bob Weyant 12 Park Lane West Milford, NJ 07480
Rec Indoor Soccer		
Anthony Wisnieski	\$45.00	Michelle Manna 60 Edgecumb Road West Milford, NJ 07480

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2016- 204 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF A DUPLICATE TAX SALE CERTIFICATE NO. 011-019 ON BLOCK 2009, LOT 2

WHEREAS, on April 19, 2011 the Township of West Milford conducted a tax sale of the property at Block 2009, Lot 2, known as Kinswood Road, consisting of an unimproved parcel assessed in the name of a George D. Wilson; and

WHEREAS, the Township of West Milford purchased the tax sale at the sale designated therein as Certificate No. 11-019 which was recorded in the office of the Passaic County Clerk on May 10, 2011 in Book M11473 at Page 225; and

WHEREAS, through the office of the Tax Collector, Township of West Milford, tax sale certificate No. 11-019 was assigned on October 24, 2011 to William Ryan and Deborah Ryan, husband and wife, with residence at 11 Kinswood Road, West Milford, New Jersey, for the sum of \$136.45; and

WHEREAS, the aforesaid Assignment was recorded in the office of the Passaic County Clerk on December 13, 2011 in Book AS349 at Page 136; and

WHEREAS, at the time of recording the Assignment of Tax Sale the assignee, William Ryan and Deborah Ryan inadvertently re-recorded tax sale certificate No. 11-019 on December 13, 2011 and in the process executed that portion of the certificate that represented the authorization of its cancellation; and

WHEREAS, the assignee, William Ryan and Deborah Ryan preparing to commence the foreclosure of tax sale certificate No. 11-019 realized that notwithstanding the Assignment of Tax Sale Certificate the underlying tax sale certificate No. 11-019 is reflected on the county recording records as cancelled and the assignee is unable to foreclose the tax sale certificate it was assigned; and

WHEREAS, the assignee, William Ryan and Deborah Ryan continue to pay taxes for Block 2009, Lot 2 and that this unimproved parcel is adjacent to the residence of the assignee;

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

BE FURTHER RESOLVED, that in pursuance to availing William Ryan and Deborah Ryan, the assignee of the October 24, 2011 Assignment of Tax Sale Certificate the effect of the assignment of tax sale certificate No.11-019, the tax collector is authorized to issue a duplicate tax sale certificate No. 011-019 and deliver same to the assignee, herein, William Ryan and Deborah Ryan, and it is;

BE FURTHER RESOLVED, that the tax collector shall reflect on the tax duplicate record maintained in that office the issuance of a duplicate tax sale certificate No. 011-019 to William Ryan and Deborah Ryan, and it is

BE FURTHER RESOLVED, that the recording expense for the duplicate tax sale certificate No. 011-019 shall be the responsibility of the assignee or holder of the duplicate tax sale certificate No. 011-019.

I hereby certify that the above Resolution was adopted unanimously on the date, time and place aforesaid and that same remains in full force and effect.

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2017 - 205~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	172,072.59
3	Reserve Account	38,525.41
2	Grants	0.00
6	Refunds	504.30
1	General Ledger	160.00
26	Refuse	132,085.52
4	Capital	136,885.10
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	3,366.87
19	COAH	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$483,599.79
	\$Less Refund Resolution	-504.30
	Actual Bills List	\$483,095.49
	Other Pyts.	
	Payroll	552,552.88
	Total Expenditures	\$1,035,648.37

Adopted: March 1, 2017

Adopted this 1st day of March, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk